



# ANNUAL REPORT 2024

**65** YEARS  
IACHR



**OAS** | More rights  
for more people







OEA/Ser.L/V/II.

Doc. 39 rev. 2

March 26, 2025

Original: Spanish

# Annual Report of the Inter-American Commission on Human Rights 2024

GENERAL SECRETARIAT  
ORGANIZATION OF AMERICAN STATES  
WASHINGTON, D.C



**OAS Cataloging-in-Publication Data**

Inter-American Commission on Human Rights.

Annual Report of the Inter-American Commission on Human Rights, 2024: Approved by the Inter-American Commission on Human Rights on March 26, 2025 / Inter-American Commission on Human Rights.

v. ; cm. (OAS. Official records; OEA/Ser.L/V/II)

ISBN 978-0-8270-7974-8 (v. 1)

ISBN 978-0-8270-7975-5 (v.2)

ISBN 978-0-8270-7976-2 (v.3)

1. Human Rights--America--Periodicals. 2. Civil rights--America--Periodicals. 3. Freedom of Speech--America. 4. I. Title. II. Series. III. Annual Report of the Office of the Special Rapporteur for Freedom of Expression, 2024 (v. 2). IV. Annual Report of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA), VIII, 2024 (v.3).

OEA/Ser.L/V/II.doc. 39/25



## **INTER-AMERICAN COMMISSION ON HUMAN RIGHTS**

### **MEMBERS**

Roberta Clarke

Carlos Bernal Pulido

José Luis Caballero Ochoa

Edgar Stuardo Ralón Orellana

Arif Bulkan

Andrea Pochak

Gloria Monique de Mees

\*\*\*\*\*

Executive Secretary: Tania Reneaum Panszi

Chief of Staff: Patricia Colchero

Assistant Executive Secretary for Monitoring, Promotion and Technical Cooperation on Human Rights: María Claudia Pulido

Assistant Executive Secretary for the Case and Petition System: Jorge Meza Flores



Approved by the Inter-American Commission on Human Rights on March 26, 2025  
(revised on May 19, 2025).



# ANNUAL REPORT OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS 2024

## TABLE OF CONTENTS

### Volume I

#### INTRODUCTION

A.	Progress Achieved	5
B.	Universalization of the inter-American human rights system	14
C.	Origin, legal basis, structure, purposes and mandates	17
D.	Structure of the Executive Secretariat	20

#### CHAPTER I                      ACTIVITIES OF THE IACHR IN 2024

A.	IACHR Strategic Plan 2023 - 2027	21
B.	Sessions of the IACHR held in 2024	23
C.	Approved Resolutions	27
D.	Communication activities in 2024	27
E.	The Social Participation Agenda	51
F.	Technical Cooperation	53
G.	Relations with member states and political bodies of the OAS	59
H.	Activities of the IACHR with other regional and universal human rights bodies	63
I.	Follow-up activities on recommendations and impact	69

#### CHAPTER II                      THE SYSTEM OF PETITIONS AND CASES, FRIENDLY SETTLEMENTS AND PRECAUTIONARY MEASURES

A.	Introduction	83
B.	Petitions and Cases	83
1.	Initial Study or Review	84
2.	Admissibility and Merits	85
3.	Archiving	83
4.	Portfolio meetings and information for member states	112
5.	Hearings on contentious cases	113
6.	Cases in transition	113



C.	Advances and challenges on negotiation and Implementation of Friendly Settlement Agreements	115
1.	Introduction	115
2.	Relevant Results on Negotiation and Implementation of Friendly Settlement Agreements	116
3.	Activities carried out to promote Friendly Settlements in 2024	147
4.	Status of compliance with reports on Friendly Settlement Agreements, approved pursuant to Article 49 of the American Convention on Human Rights	149
5.	Good practices in implementing Friendly Settlement Agreements observed in 2024	186
6.	Challenges and setbacks in implementing Friendly Settlement Agreements observed in 2023	187
D.	Cases before the Inter-American Court of Human Rights	189
1.	Submission of contentious cases	189
2.	Requests for an Advisory Opinion	254
3.	Submission of written observations in pending cases and cases of supervision of compliance with the sentence	254
4.	Appearance and participation in public and private hearings	254
E.	Status of compliance with IACHR recommendations issued in the merits reports published under Article 51 of the American Convention on Human Rights or Article 47 of the IACHR Rules of Procedure	255
1.	The mandate to follow up on the recommendations of the Inter-American Commission	255
2.	Follow-up	256
3.	Methodology for following up on recommendations: actions carried out in the year 2024	256
4.	Categories of analysis	259
5.	Status of compliance with the merits reports published under Article 51 of the American Convention on Human Rights or Article 47 of the Rules of Procedure of the Inter-American Commission	260
6.	Activities carried out in the follow-up process in 2024	268
7.	Relevant Results	270
F.	Precautionary Measures	276
1.	Introduction	276
2.	Requests for precautionary measures	277
3.	Follow-up of precautionary measures in force	279
4.	Resolutions adopted	294
5.	Provisional Measures	342
6.	Dissemination and transparency	344



G.	Annual statistics most representative of the Commission's work	346
<b>CHAPTER III</b>	<b>ACTIVITIES OF THEMATIC AND COUNTRY RAPORTEURS AND PROMOTION AND TRAINING ACTIVITIES</b>	
I.	Activities of the Thematic and Country Rapporteurships	389
A.	IACHR observation and monitoring activities in 2024	391
A.	<i>In loco</i> visits	391
B.	Working, promotional and technical cooperation visits	394
C.	Press Releases	404
D.	Requests for Information	415
E.	Published reports, studies and compendiums	422
II.	Promotion and training activities	423
A.	Promotional activities	425
B.	Training activities	429
C.	Other promotion and training activities related to special procedures, thematic rapporteurships and follow-up of recommendations	407
<b>CHAPTER IV</b>	<b>HUMAN RIGHTS DEVELOPMENTS IN THE REGION</b>	
A.	Overview of the Human Rights situation by country	475
B.	Special Reports	
	Cuba	649
	Nicaragua	697
	Venezuela	741
<b>CHAPTER V</b>	<b>FOLLOW-UP OF RECOMMENDATIONS ISSUED BY THE IACHR IN ITS COUNTRY OR THEMATIC REPORTS</b>	
	Brazil	801
	El Salvador	951
	México	1047
	Perú	1143
<b>CHAPTER VI</b>	<b>INSTITUTIONAL DEVELOPMENT</b>	
I.	IACHR Structure and Staff	1197
A.	Consultants, Interns, Trainees, Scholarship Holders and Associates	1199



B.	Collectively developed work environment plan in the process of implementation	1201
II.	Financial resources and budget execution	1202
III.	Planning, fund mobilization and project management	1209
A.	Projects Implemented in 2024	1209
B.	Proposals submitted	1211
IV.	Technology advances	1213

## **Volume II     Annex**

- [Inter-American Standards Concerning Freedom of Religion or Belief](#) (available in Spanish)
- [Social Cohesion: The Challenge to Consolidate Democracy in Bolivia](#) (available in Spanish)
- [Situation of Human Rights in Honduras](#) (available in Spanish)
- [Compendium on integral reparation with a gender perspective in transitional justice contexts](#)
- [Preliminary Observations of On-Site Visit to Colombia](#) (available in Spanish)
- [Preliminary Observations of On-Site Visit to Guatemala](#)
- [State of Emergency and Human Rights in El Salvador](#)
- [Follow-up report on recommendations on the rights of people deprived of their freedom in Guatemala, Honduras, and El Salvador](#) (available in Spanish)
- [First Inter-American SIMORE report on measures reported by Honduras](#) (available in Spanish)
- [Report of the Office of the Special Rapporteur for Freedom of Expression](#)
- [Report of the Special Rapporteur on Economic, Social, Cultural, and Environmental Rights \(ESCERSR\)](#)



## INTRODUCTION

1. The Inter-American Commission on Human Rights (IACHR), in compliance with its mandates and the provisions of Article 59 of its Rules of Procedure, presents its Annual Report, which compiles the work carried out comprehensively through its mechanisms and the most relevant results achieved by this principal body of the Organization of American States (OAS), from January 1 to December 31, 2024.

2. Like other regions, the Americas and the Caribbean face old and new challenges to democratic institutions and the rule of law. These include persistent structural discrimination against historically marginalized and exploited population groups, authoritarianism, restrictions on civil society activism, and even challenges to approaches to reparations, truth and justice for historical and egregious human rights violations.

3. The power and influence of organized criminal groups, with access to weapons, affect political processes, distort economies, threaten the land and livelihoods of communities, as well as the lives and safety of individuals. Governance institutions are overwhelmed, can be co-opted through corrupt practices and undermined by economic inequalities.

4. Disinformation and hate speech spread in the media and social networks contribute to extreme political polarization and affect consensus-building processes, which are essential for the guarantee and respect of human rights for all people.

5. Climate change is having a disproportionate impact on the small island developing states of the Caribbean, whose economies are severely affected by the increasing frequency and ferocity of hurricanes. Climate change increases inequalities between countries.

6. However, this is a region that faced dictatorships and civil wars during the 1970s and 1980s and built strong democracies during the 1990s and 2000s. States have strengthened their capacities and understanding of their commitments to uphold human rights, seeking fairer and more egalitarian societies.

7. Thanks to the decision of the Member States to strengthen the capacities of the principal bodies of the Inter-American Human Rights System, increasing their budgets, and to the commitment and dedication of the Commissioners, as well as the staff of its Executive Secretariat, led by Executive Secretary Tania Reneaum Panszi, the IACHR has been able to consolidate and strengthen its presence in the region through the attainment of outstanding achievements and results.

8. During 2024, the IACHR continued to implement its 2023-2027 Strategic Plan, which is developed through nine objectives and 34 strategic programs, with which it seeks to achieve substantive changes in the greater enjoyment of all human rights by all persons in the hemisphere -the Commission's ultimate goal- and to make an essential contribution to the inter-American public interest. As reported in this Annual Report, the IACHR has made significant progress in meeting the goals and objectives defined in this Strategic Plan.

9. Particularly noteworthy are the achievements in terms of overcoming the procedural backlog and offering the users of the Inter-American Human Rights System a more rapid and efficient response. Among other results detailed in Chapter II of this Annual Report are the initial study of 80.54% of the 2,883 petitions received, the approval of 133 admissibility reports (74 on admissibility and 59 on inadmissibility) and 121 reports on the merits, and the referral of 26 cases to the jurisdiction of the Inter-American Court of Human Rights.

10. Also, in relation to the system of petitions and cases, there was a significant boost in the use and follow-up of cases in friendly settlements, with the signing of 19 new agreements and the homologation of



another 13. Likewise, progress was made with the total fulfillment of 11 friendly settlement agreements and the implementation of measures in another 67.

11. Through the work of the petition and case system, the IACHR deepened and consolidated its jurisprudence, reinforcing the predictability and definition of clearer human rights standards, and achieving reparations for victims of human rights violations.

12. As part of the commitments of the Strategic Plan, the Commission made progress in the implementation of the prioritization policy approved in December 2023 through Resolution 4/23, to adequately and clearly manage pending matters, with a view to addressing the issues that so merit it in a more timely manner. During 2024, while continuing to advance chronologically in the study of matters, priority was given to those related to serious human rights violations, without prejudice to the other categories established in Resolution 4/23, which have allowed the IACHR to pronounce itself on situations that are circumstantial, structural and related to the inter-American public order. At the same time, priority has been given to urgent cases, such as those related to the international return of children and adolescents, and the possible imposition of the death penalty.

13. Regarding the precautionary measures mechanism, the Commission was able to guarantee at least one supervisory action in 100% of the precautionary measures in force, as well as to ensure that the reports sent by the parties are transferred in 100% of its portfolio of precautionary measures in force at least once a year. It also analyzed 94.83% of the 1,412 requests for precautionary measures received in the same year, granting and/or extending 77 precautionary measures through 73 resolutions, providing protection to more than 7,430 individuals and identifiable groups or collectives. The IACHR adopted 10 follow-up resolutions with respect to 11 precautionary measures in force and decided to completely lift 28 precautionary measures in force and partially lift one precautionary measure in force. It submitted one new request for provisional measures and two requests for extensions to the Inter-American Court of Human Rights.

14. It is worth highlighting the progress made in 2024 in the implementation of GAIA, the new central system for the processing of petitions, cases and precautionary measures. This software streamlines the Commission's internal processes. Thanks to GAIA, the IACHR has been able to take significant steps towards a more modern and efficient inter-American justice system.

15. The Commission continued to strengthen its work with the member states of the region in order to reinforce coordination in the measures it has adopted to overcome the procedural backlog. It held 17 meetings to review portfolios of petitions, cases, precautionary measures, friendly settlements and follow-up on recommendations related to 15 countries.

16. The IACHR continued to consolidate its timely and relevant monitoring of the human rights situation in the region by producing and enriching standards through the publication of three country reports on the human rights situation in Bolivia, Honduras and El Salvador, a compendium on "Comprehensive reparations with a gender perspective and transitional justice," and the study "Inter-American Standards on Freedom of Religion and Belief". It also issued 112 press releases and agile and timely positions in social media on relevant human rights situations in the region, and sent 88 requests for information to 35 States on human rights situations.

17. The IACHR observed the human rights situation in 12 countries by conducting two on-site visits to Colombia and Guatemala (April 15-19 and July 22-26, respectively), and 12 working, promotional and/or cooperation visits, namely: a working visit to Costa Rica from February 6 to 9; a promotional visit to Honduras from May 13 to 17; a promotional visit to Costa Rica from May 19 to 21; a working visit to Honduras from August 12 to 15; a virtual working visit to Colombia from September 3 to 11; a working visit to Chile from September 5 to 6; a working visit to Chile from September 5 to 7; a working visit to Bolivia from September 9 to 13; a working visit to Guatemala from September 12 to 16; a promotional visit to the Dominican Republic from October 1 to 5; a technical cooperation, promotion and follow-up visit to Barbados from October 8 to 11; and a technical cooperation, promotion and follow-up visit to Belize from October 15 to 18.



18. Among the innovations of the 2023-2027 Strategic Plan is the development of early warnings and preventive monitoring in the area of democratic institutions. Significant progress was made during 2024, laying the groundwork for the next phase of the project in 2025. Among the main achievements are: the methodological update and approval of reference documents, the development and implementation of technological tools, the development of the first working versions of predictive models and interpretability techniques and interfaces, and the integration and evaluation of data sources, as well as the identification of the required technological infrastructure and its compatibility with the OAS information technology rules.

19. In 2024, the IACHR continued with the implementation of the work plans of the follow-up mechanisms established with respect to Colombia, for the recommendations issued following the [working visit to the country](#) in June 2021; for [Chile](#), regarding the recommendations of the [Country Report issued in 2022](#), following the working visit to the country on the occasion of the social protests of late 2019 and early 2020, and regarding Bolivia, through the Roundtable for the Follow-up of the Implementation of the recommendations of the GIEI Bolivia ([MESEG](#)), on the recommendations issued in the [Final Report of the GIEI-Bolivia](#). With regard to the Joint Follow-up Mechanism for Colombia, the continuity of the spaces for dialogue with civil society organizations, the holding of the public hearing “Follow-up to the recommendations on the investigation of human rights violations during the national strike” during the 190th Period of Sessions, and the progress made in the preparation of the second follow-up report on the 33 recommendations included in the Mechanism’s work plan are highlighted. With regard to the Joint Follow-up Mechanism on Recommendations for Chile (MESECH), the working visit to the country between March 18 and 20 and the progress in the preparation of the first follow-up report on the recommendations in the areas of i) progress on structural, institutional and regulatory reforms (with 32 recommendations); ii) investigation (with 13 recommendations, and iii) reparations (with 4 recommendations) are noteworthy. Regarding the MESEG, in 2024, one working visit was carried out (from July 1 to 5) and progress was made in the preparation of the Second Follow-up Report on the Recommendations of the GIEI Bolivia. In addition, regarding follow-up on recommendations, the importance of the high-level visit to Peru on August 12 and 13 is underlined. During 2024, the IACHR maintained its public presence and relevance in the region. In addition to conducting the abovementioned visits, it held three sessions (189th, 190th, and 191st) in a hybrid format, for a total of 98 public hearings.

20. During 2024, the IACHR maintained its public presence and relevance in the region. In addition to conducting the aforementioned visits, it held three sessions (189th, 190th and 191st) in hybrid format, with a total of 98 public hearings.

21. It is worth emphasizing the IACHR’s sustained outreach to the Caribbean countries, within the framework of the Strategy for the Caribbean, which is implemented as part of Program 17 of the Strategic Plan 2023-2027. Meetings were held with the group of Caribbean States in the framework of the sessions, working visits to Barbados and Belize, bilateral meetings with States, and training activities for officials, civil servants and representatives of civil society organizations from Caribbean countries.

22. The Commission continued to consolidate its promotion and training activities aimed at both officials of member states and civil society organizations, students and other social sectors. In 2024, the IACHR conducted 69 training activities and 210 promotional activities on the Inter-American Human Rights System in order to increase knowledge about the system, its mechanisms and standards, as well as about priority issues and rights. These activities reached 38,238 people, of whom 4,152 received training.

23. In the area of technical cooperation, the Commission formalized its partnership with different institutions through the signing of three new inter-institutional cooperation agreements in 2024 and the implementation of existing agreements. Also noteworthy are the efforts made to strengthen ties with National Human Rights Institutions (NHRIs).

24. The IACHR continued to strengthen its presence before the political bodies of the OAS, making 27 presentations to them in 2024, thus fulfilling its conventional mandate to advise the States.



25. Also noteworthy was the participation of the States in all the activities carried out by the Commission during the year, including public hearings, consultations, training workshops, bilateral and multilateral meetings, among others. Most of the States of the region participated in the hearings held during the three sessions. The IACHR also held regular meetings with regional groups of States during its sessions.

26. In 2024, the IACHR celebrated its 65th anniversary. Two commemorative events were held, with the participation of the States of the region: the first, during the 54th Regular Session of the OAS General Assembly in Asuncion, Paraguay; and the second, during the 190th Session, in Washington, D.C.

27. The participation of civil society in the activities carried out by the IACHR is also noteworthy. Numerous civil society organizations participated in the public hearings held during the 189th, 190th, and 191st sessions. A hybrid meeting was also held with civil society during the 189th session to learn about technological information systems for monitoring democratic institutions and issuing early warnings, and a virtual meeting was held with the RegionaR network to learn about its work agenda during the 190th session. The IACHR also held meetings with civil society organizations as part of the two on-site visits and the 12 working visits it conducted. It also held periodic meetings with civil society organizations in the framework of its rapporteurships and mechanisms for follow-up on recommendations, as well as with coalitions and networks of human rights organizations in the region.

28. The participation of States and civil society is essential for the IACHR to be able to fully comply with its mandate to promote and protect human rights. The IACHR values and thanks the States and civil society for their active collaboration.

29. The IACHR maintains its conviction to strengthen its ties of collaboration and respect with other international and regional human rights organizations. Under Program 30 of the Strategic Plan 2023-2027, during 2024 it maintained a strong relationship with the United Nations system, engaging in dialogue and cooperation with the Office of the High Commissioner for Human Rights (OHCHR). Of particular note was the meeting between Commissioner José Luis Caballero and Executive Secretary Tania Reneaum Panszi with the High Commissioner for Human Rights, Volker Turk, on June 19, in Geneva, the periodic meetings with representatives of the various regional and national offices of the OHCHR and the participation of its representatives in the hearings of the 189th, 190th and 191st sessions.

30. The IACHR also continued to promote collaboration with the United Nations Human Rights Council, including the participation of the President of the IACHR, Commissioner Roberta Clarke, in the high-level segment of the 55th session of the Council (February 26) and a meeting between Executive Secretary Tania Reneaum Panszi and the President of this body, on June 18 in Geneva. The IACHR also continued its practice of sending its contributions to the Universal Periodic Review, in this case to Nicaragua, Dominica, Uruguay, Bolivia and El Salvador. It also continued to collaborate with the working groups and special procedures of the United Nations Human Rights Council. It also held a meeting of the plenary of the IACHR with the chairpersons of the treaty bodies on May 30.

31. In 2024, the IACHR carried on deepening its ties with other regional bodies in 2024. Of particular note was the visit of the African Commission on Human and Peoples' Rights to the IACHR headquarters from July 11 to 16, for the purpose of exchanging and discussing its mandates and mechanisms. Also noteworthy was the sixth inter-American human rights forum, organized jointly with the Inter-American Court of Human Rights. In addition, the IACHR hosted the annual meeting of focal points of regional human rights mechanisms on November 13 and 14.

32. The IACHR kept on increasing its efforts in the area of transparency, accountability and access to information. In this regard, it responded to more than 9,000 requests from users received through different channels and provided responses to 131 requests for access to information during 2024.

33. It is important to highlight the continuity of the Inter-American SIMORE, an online computer tool with more than 7,746 classified and systematized recommendations. In 2024, the publication of the "First



booklet on SIMORE Inter-American: Report of measures by Honduras”, the first of a collection that seeks to make visible and encourage the use of this tool, stands out.

34. As part of the strategy to disseminate the various reports, themes and rapporteurships that the Commission works on, 21 digital campaigns were carried out to disseminate standards with a total of 2,447,132 impressions and 39,709 interactions on the IACHR's social media accounts. Throughout the year, the Commission generated and published 330 press releases; these addressed priority issues in the region, containing statements on alert situations and human rights violations, as well as recognition of good practices and institutional issues relevant to the fulfillment of the IACHR's mandate.

35. The achievements of the Special Rapporteurships for Freedom of Expression (RELE) and on Economic, Social, Cultural and Environmental Rights (REDESCA) in 2024 should be highlighted, which are detailed in the respective annexed reports.

36. Mention should also be made of the continuity of the Co-Labora Program, *Construyamos nuestro espacio*, to improve the work environment and change the organizational culture. In the second year of the program, there was a reduction in the concerns expressed by the personnel, an increase in the transparency of communication, higher levels of trust between areas and collaborators, and greater openness to feedback from the leaders. The qualitative results highlighted a high level of gratitude towards these spaces for listening and reflection, consolidating a more open, collaborative and development-oriented work culture.

37. During 2024, public competitions continued to be held to fill 12 vacant positions: eight financed by the Regular Fund and four by specific funds.

38. The Commission continues to work to have an IACHR that is more transparent in its processes, more predictable in its objectives and goals, and planned and managed for concrete results. It will also continue to promote a management based on a posture of dialogue and a common disposition to solve problems, keeping in mind the interests of the victims, their families, and citizens, at the center of its attention and commitments.

39. The IACHR recognizes the inter-American human rights civil society, OAS Member States and observers, international and regional organizations, the Secretary General of the OAS, Luis Almagro and his team, as well as the team of its Executive Secretariat for all the support provided to achieve the accomplishments presented in this Annual Report. It is grateful to the States for strengthening the IACHR by maintaining the increase in the regular fund; and to the member countries, observers and donors whose voluntary contributions have been decisive in achieving the results presented: Canada, Costa Rica, Honduras, United States, Mexico, Panama, Peru, European Commission, Spain, France, Ireland, Italy, Monaco, Norway, Netherlands, Switzerland, Sweden, Arcus Foundation, the Office of the United Nations High Commissioner for Refugees (UNHCR), Ford Foundation, New Venture Fund, and Pan American Development Foundation (PADF).

40. The IACHR dedicates its work to the memory of the victims and recognizes the leading role of civil society organizations and social movements in building societies that are more fair and respectful of human rights.

## **A. Progress Achieved**

41. Pursuant to Article 59 of its Rules of Procedure, in Chapter IV.A of this report the Commission provides a descriptive overview of the human rights situation in the region, highlighting the main trends, progress, and challenges in the area of human rights based on the cross-cutting themes and topics prioritized in its Strategic Plan. Below, the Commission identifies the main progress observed in the member states in 2024. The actions referred to stand out for being aimed at promoting and protecting the human rights of individuals in accordance with the international obligations assumed by the States and contained in the American Declaration on the Rights and Duties of Man, the American Convention on Human Rights, and other inter-American instruments on the subject.



42. The IACHR annually highlights a series of measures, policies, practices, and programs adopted by States in the Americas as examples of progress and/or best practices consistent with inter-American human rights standards. The information contained in this report is taken from the overview of the human rights situation in the countries referenced, which can be consulted in detail in Chapter IV.A of this report.

43. The measures identified in this section are classified into three groups. The first refers to cross-cutting and intersectoral issues that have a multidimensional impact on human rights protection guarantees. Within this group are those actions that the States have taken to strengthen democratic institutions, engagement, access to justice, citizen security, and efforts to combat torture, forced disappearance of persons, and violence. The second group refers to measures implemented by States to protect priority populations including those in vulnerable circumstances and those who have historically been victims of discrimination. Lastly, the third group includes actions taken to strengthen public policies in a number of areas that are strategic for human rights.

44. With regard to the progress made in strengthening **democratic institutions**, the IACHR recognizes the swearing in of the elected President and Vice President of the Republic of Guatemala as an achievement for democracy and respect for the will of Guatemalans freely expressed at the ballot box. It also highlights the new government's openness to international monitoring. In particular, it notes the invitation to the IACHR to conduct an *on-site* visit in July, as well as the commitment of the highest authorities to implement its recommendations and ensure the human rights of the population.

45. In Haiti, the Commission took note of the reappointment of the Prime Minister and the President of the High-Level Transition and Constitutional Council, as well as the appointment of the members of the Provisional Electoral Council, both necessary to hold elections. In addition, the Multinational Security Support Mission (MSS) has been deployed in the country since June to restore security. In Panama, the Commission notes the high level of participation of women in the voting stations during the general elections. It also acknowledges as positive the election of Mexico's first female President. In addition, the Plurinational Constitutional Tribunal of Bolivia ratified the prohibition of indefinite reelection in the executive branch. In the Dominican Republic, the Commission welcomes the constitutional reform and the increased participation of women in positions of public office. With regard to Colombia, the IACHR considers that the State has made progress in the areas of citizen security and democratic institutions, promoting the rights of Afro-descendants and indigenous people; it has taken steps under the Development Plan to transform territories with a low state presence; and it has passed the pension reform as part of a comprehensive response to the armed conflict and violence in the country. In Suriname, the Commission highlights the passage of the reform of the Electoral Regulation Act and the decision of the Constitutional Court on guarantee deposits for political parties.

46. In the area of **anti-corruption**, the Commission highlights the approval of the Whistleblower Protection Act in Trinidad and Tobago, as well as the creation of the Special Organised Crime Unit in the Guyana Police Force. The Commission continued to monitor the possible installation of an International Commission against Corruption and Impunity in Honduras (CICIH) under the auspices of the United Nations. In Suriname, the Commission took note of the creation of an Anti-Corruption Commission and the enactment of an anti-corruption decree in 2023.

47. Regarding **access to justice**, a new Court Case Management System has been implemented in the Magistrates Courts of Barbados to modernize the justice system and reduce delays in the administration of justice. Likewise, the Commission highlights the regulatory changes to reduce the case backlog and delays in the High Court of Trinidad and Tobago. It also takes note of the laws on criminal procedure in Guyana aimed at speeding up proceedings, reducing the backlog in the courts, and lowering the number of people in pretrial detention.

48. With regard to the extension of the scope of justice services, offices of the Attorney General's Office were set up in the province of Darien, Panama, to assist individuals in migration contexts. Furthermore, three offices of the Victim Assistance Center, prosecutorial mediation centers, and working groups on violence against women were opened in the interior of Paraguay. In addition, a council was created to manage the



resources of the Union's Public Defense Fund to enable the expansion of free comprehensive legal assistance services in Brazil's interior regions. Also notable is the Support for Indigenous Victims of Crime initiative to improve the availability of, and access to, culturally safe and informed victim services in Canada.

49. With respect to measures to strengthen the **human rights institutional framework**, the Commission welcomes the passage of the Ombudsman Act in the Bahamas, the primary function of which is the advancement and protection of all human rights. It also highlights the restructuring of the Office of the Ombudsman of Belize, including the expansion of its mandate to protect and promote human rights. It also commends the Ombudsman's Office of Paraguay on its "A" status rating from the Global Alliance of National Human Rights Institutions (GANHRI). The IACHR takes note of the proposal to strengthen the legal framework of the Panamanian Ombudsman's Office in accordance with international human rights standards and the UN Paris Principles. In Peru, the National Multisectoral Human Rights Policy 2040 (PNMD) was approved in a Following participatory process; its aim is to address inequality and structural discrimination in the country. The Commission notes that in St. Kitts and Nevis an amendment was introduced to the Freedom of Information Act to allow the Ombudsman or Special Prosecutor to act as Information Commissioner; this, in an effort to increase transparency and improve operational and budgetary efficiency.

50. Regarding **citizen security**, Argentina reported on the continuation of training programs for security forces on human rights and prevention of institutional violence. In Bolivia, human rights training was provided to police, particularly on limits on the use of force under the law. In turn, the Police issued memorandum 17/2024 on ensuring the rights of LGBTI persons during police operations. With respect to Brazil, the State reported on the National Guidelines on the Use of Force by Public Security Agents. Colombia saw the entry into effect of the Public Policy and the Permanent Action Plan for dismantling criminal conduct or organizations that attack human rights defenders, members of grassroots movements, political movements, and persons involved in the implementation of the peace agreements and peace-building efforts. The State reported a decrease in the rate of homicides and other crimes against the civilian population. With respect to El Salvador, the IACHR has also noted a significant reduction in the homicide rate in that country. In addition, based on available information, it observes that in Dominica there has been a 44 percent drop in homicides over the last year, Jamaica has seen a decline in its homicide rate of around 17 percent.

51. The IACHR welcomes the creation in the United States of the Emerging Firearms Threats Task Force, which instructs federal agencies to develop and publish information on school safety protocols. In addition, the Department of Justice issued model legislation and guidelines for states to conduct more comprehensive background checks on individuals seeking to obtain firearms. In El Salvador, the Urban Centers for Welfare and Opportunities (CUBOs) have been set up to train and educate young people in areas previously under gang control, and the "Territorial Activation" program has been implemented, bringing the services of 15 state institutions closer to communities affected by gang violence.

52. Uruguay passed a law criminalizing cybercrime, including aggravating circumstances and specific protections for the most vulnerable victims. In addition, guidelines were prepared for dealing with sexual crimes against children and adolescents, as well as for incorporating a gender and sexual diversity approach.

53. With regard to **the second group** of actions for protecting priority and especially vulnerable populations, the Commission takes note of measures adopted to ensure the universal, indivisible, and interdependent nature of human rights, including the principles of equality and non-discrimination. Such measures seek to mitigate actions that may accentuate human rights violations against different individuals, groups and communities in the hemisphere.

54. With regard to **human rights defenders**, the Commission welcomes Colombia's ratification of the Escazú Agreement and its commitments to protect environmental defenders. Also noteworthy is the 85 percent increase in resources allocated to the implementation of the Program for Protection of Human Rights Defenders (PPDDH) in Brazil. In addition, the regional technical teams were expanded and a headquarters set up in Porto Seguro, Bahia, strengthening the program's coverage in the south of the state. The IACHR also



welcomes the actions aimed at strengthening the Mechanism for the Protection of Human Rights Defenders and Journalists in Mexico, including increasing its budget and staff. It also noted the identification of more than 20,000 missing persons. The approval of the Protocol for the Protection of Human Rights Defenders in Chile, which seeks to strengthen the State's response and establish protection measures for those who face risks or threats to their fundamental rights due to their work as rights defenders is also recognized. For its part, Guatemala reported having resumed the development of its Public Policy for the Protection of Human Rights Defenders. It also announced that two sections of the Specialized Criminal Investigation Division (DECI) had been given the function of investigating, advising and reporting on crimes against the lives and integrity of human rights defenders. In this regard, the IACHR recognizes Honduras' efforts to strengthen the National Protection Mechanism through human rights training for public officials.

55. In relation to the situation of **the rights of indigenous peoples** in Brazil, the IACHR highlights the actions taken to combat racial discrimination against Quilombola communities and recognize their territories. It also notes the approval by the Amnesty Commission of the Ministry of Human Rights and Citizenship—for the first time since its creation—of a request for collective reparations for serious violations of the rights of indigenous communities during the military regime (1964–1985), which included massacres, torture, and forced displacement. In addition, the State took steps to contain and remove squatters and *garimpeiros* (illegal gold miners) from the Yanomami Amazon reserve, reinforcing the protection of this indigenous territory. With respect to Canada, the Commission welcomes the launch of the Indigenous Victims of Crime Support initiative, as well as information regarding the availability of funds to improve access to justice for indigenous and “racialized” communities in British Columbia. In Colombia, a decree granted indigenous authorities powers over environmental matters within their territories. The Commission also highlights the restitution, in compliance with court orders, of at least 55,000 hectares of land to indigenous communities in the departments of La Guajira, Cauca, Valle del Cauca, Chocó, and Antioquia. Similarly, land titles were granted to seven indigenous communities in Guyana.

56. With respect to Guatemala, the Commission takes note of actions to ensure access to water, housing and education by the Guatemalan Indigenous Development Fund (FODIGUA), in addition to projects on intercultural education, sustainable agriculture, and access to potable water and health services for these communities. In addition, the Commission takes note of the curriculum designed for the Initial Training Program for Aspiring Lower Court Judges, which, among other things, prioritizes training in human rights of indigenous peoples. The Commission welcomes the creation of the National Council of Indigenous Peoples of Mexico as a participatory body enabling engagement between those peoples and the executive branch for public policy design and implementation. It also highlights the constitutional recognition of indigenous and Afro-Mexican peoples as subjects of public law, including legal personality and their own heritage, following the reform of Article 2 of the Constitution.

57. Regarding Honduras, mention should be made of the creation of the “First National Plan to Safeguard Indigenous and Afro-Honduran Languages,” which seeks, through joint actions with these communities, to revitalize and preserve their linguistic wealth. The adoption of an early warning protocol to address risks to the rights of peoples in voluntary isolation in Ecuador is also noteworthy. In addition, El Salvador has set up the Observatory of Violence against Indigenous Women, a civil society initiative run by women indigenous leaders to raise awareness and highlight cases of violence. In Suriname, the Commission welcomes the judicial decision on the State's obligation to undertake free, prior, and informed consultation with indigenous and tribal peoples before allowing economic activities in their territories.

58. With respect to **women's rights**, and in relation to the measures adopted by States to eradicate all types of violence, Brazil has defined the crime of femicide as an autonomous offense and amended regulations to ensure that priority and adequate assistance is provided by the health care systems and law enforcement to women in situations of domestic and family violence. It also launched the Plan of Action of the National Pact for the Prevention of Femicide. In Chile, regulations were adopted on prevention, punishment and eradication of gender-based violence against women that recognize such forms as vicarious, symbolic, and gynecological-obstetric violence. A follow-up mechanism was also established to ensure compliance with measures ordered in favor of the victims.



59. For its part, the IACHR welcomes the approval of the National Gender Policy 2024-2030 in Belize, which addresses different areas, including health, education, employment, prevention of gender-based violence, and female participation in decision-making positions. In Canada, the IACHR welcomes the continuation and/or adoption of new measures to ensure sexual and reproductive rights. With regard to attention to gender violence, Costa Rica has relaunched its 1125 hotline, which provides free legal, psychological, and social assistance to women. In Ecuador, the State enacted the Law of Containment, Accompaniment, and Transformative and Integral Reparation for Daughters, Sons, Mothers, Fathers and other Relatives of Victims of Femicide and other Gender-Based Violent Deaths; it also enacted the Organic Law on Equal Pay for Women and Men. As for the United States, the IACHR values the measures announced at the federal level to improve care and protection for victims of gender-based violence, through the allocation of new funds for the care of survivors; addressing violence in the digital sphere and artificial intelligence; curbs on access to weapons by aggressors, and other measures.

60. In Guatemala, the reactivation of the National Coordinator for the Prevention of Domestic Violence and Violence against Women in Guatemala and the creation of the Interagency Commission against Sexual Violence which will make decisions on prevention, comprehensive care, justice, and reparations for victims, are noteworthy. In Guyana, the IACHR highlights the increase in female representation in the judiciary. According to information provided by the State, 8 new female judges were appointed in June, bringing women's overall representation in the judicial branch to 70 percent. In addition, the Commission welcomed the enactment of the Law on Domestic Violence, which strengthens protection for victims of violence in domestic or intimate partner contexts. It also highlights the creation of the Secretariat for Women in Mexico, as well as the constitutional reform on the substantive equality of women, gender perspective, and the right of women to a life free of violence.

61. The IACHR also welcomes the approval of the Shelter Law in Honduras for women violence survivors. In El Salvador, the IACHR values the measures adopted to promote gender equality in the economic sphere, such as the reform of the Law Creating the Solidarity Fund for the Microentrepreneurial Family and the creation of the Interagency Care Commission to implement the National Policy of Co-responsibility for Care. In Panama, the IACHR highlights the criminal law reforms aimed at punishing sexual violence online, as well as the approval of the National Plan against Sexual Exploitation 2024-2028. Likewise, it highlights the approval of the law institutionalizing the National Care System and establishing the right to receive and provide care under equal conditions; the updating of the Public Policy on Equal Opportunities for Women 2024-2034; and actions to promote women's political participation. In Peru, a working group was created to strengthen attention to cases of femicide and attempted femicide at Women's Emergency Centers, as was a working group for the promotion and protection of the rights of women sex workers. In addition, a working group and pilot plan for the coordination of sectoral interventions in the area of care were set up with the aim of improving conditions for caregivers.

62. The Commission notes the recent amendments to Jamaica's Domestic Violence Act, which have broadened the categories of individuals who may apply for a protection order. The Commission also appreciates the creation of a working group on gender-based violence in St. Vincent and the Grenadines whose objective is to support coordination among providers of essential services for dealing with gender-based violence. In the same vein, Dominica has developed a National Action Plan against Domestic Violence to ensure that frontline service providers, including the police, judiciary, and civil society, are fully aware of the provisions of the updated Domestic Violence Act.

63. With respect to the Dominican Republic, the IACHR takes note of the creation of 14 Comprehensive Care Units for Victims of Domestic Violence and Sexual Crimes (UVGs) and the implementation of the National School for Equality for gender mainstreaming in the public, private, and community sectors. It also welcomes the increased representation of women in public office. Likewise, it highlights that Trinidad and Tobago launched the National Strategic Action Plan on Gender-Based Violence and Sexual Violence (2023-2027), which establishes a comprehensive framework aimed to prevent and respond to all forms of gender-based violence, as well as the Survivor Transformation and Empowerment Programme, which is designed to



provide essential life skills, educational opportunities, and business training to women who have suffered gender-based violence.

64. With respect to measures to protect the rights of people experiencing human mobility, including migrants, refugees, internally displaced persons, stateless persons, and victims of trafficking, Argentina adopted a special migration regularization regime for Venezuelan nationals. The IACHR also recognizes that Brazil approved an amendment to the Migration Law that expands legal protections, facilitating access to the labor market and education for refugees and migrants, especially those in situations of socioeconomic vulnerability. It also notes that in Chile the Second Chamber of the Supreme Court voided an expulsion order against a Venezuelan citizen with family roots in the country, setting an important precedent in the protection of the rights of migrants. In Ecuador, the granting of an immigration amnesty and the establishment of a special regularization process for Venezuelan nationals and their families are notable. The Commission also welcomes the decision of Mexico's Supreme Court ordering the creation of a registry of detained migrants.

65. Measures worth highlighting in Canada include the Temporary Foreign Worker Program (TFWP) to protect migrant workers. Furthermore, with respect to prevention of statelessness, the Ontario Superior Court of Justice declared that the first-generation limit for foreign-born individuals is unconstitutional. For its part, Colombia created the Special Permit to Stay for Legal Representatives or Guardians of Children and Adolescents for Venezuelan nationals responsible for minors with temporary protection permits issued before December 31, 2023. The IACHR also takes note of the Comprehensive Migration Policy 2024-2034 in Costa Rica and the adoption of Executive Decree 44.501, which incorporated protection against the refoulement of asylum seekers. The IACHR takes note of the presentation of the National Reintegration Plan (2024-2025) in Honduras, which incorporates actions that will allow returnees to re-establish economic, social, and psychosocial ties in order to preserve their lives and livelihoods, as well as to contribute to the sustainable development of their communities. The IACHR also notes the presentation of three community and family guides prepared by the Ministry of Social Development of Panama and welcomes the approval of the Protocol for the Identification and Care of Unaccompanied and/or Separated Children and Adolescents in mobility contexts.

66. In the area of statelessness, the Commission noted the Dominican Republic's efforts to restore the nationality of at least 26,000 persons, as well as the naturalization of another 799 persons affected by Constitutional Court ruling TC/0168/13, which resulted in hundreds of thousands of persons being the arbitrary stripped of Dominican nationality and rendered stateless those not considered nationals of another State. In Peru, a law was passed that extends the temporary coverage of the Comprehensive Health Insurance to migrants and refugees living with HIV or diagnosed with tuberculosis without the need for official residency documentation. The Commission notes the amendment the Immigration Act and the passage of the Anti-Smuggling of Migrants Bill in St. Kitts and Nevis. In Uruguay, a pilot plan was approved that will recognize *prima facie* refugee status for Venezuelan asylum seekers, prioritizing those at risk or with specific needs, such as families with children, gender violence survivors, people with disabilities, the elderly, and the economically vulnerable. The IACHR also welcomes the Trinidad and Tobago's decision to extend the work permit exemption for Venezuelan nationals.

67. With regard to **trafficking in persons**, the Commission notes that in Bolivia, the Plurinational Council against Human Trafficking and Human Smuggling reactivated the technical commission in the area of criminal prosecution for human trafficking, which seeks to strengthen coordination among council members on prevention and investigation. With respect to Canada, the Committee takes note of the entry into force of the Fighting Against Forced Labour and Child Labour in Supply Chains Act, which includes amendments to the Customs Tariff. The State of Ecuador created the Mechanism for the Detection and Referral of Cases of Trafficking in Persons for Labor Exploitation which is designed to enable labor inspectors and public servants to act in a comprehensive and coordinated manner in dealing with such cases. In the United States, the House of Representatives passed the Human Trafficking Detection Improvement Act, which is designed to provide Department of Labor personnel with tools and resources to identify, prevent and prosecute cases of exploitation. Furthermore, the Commission welcomes the steps taken in Jamaica to protect children from child



trafficking, including the establishment of a national referral mechanism to interview child victims and witnesses with a child-friendly approach to avoid re-victimization of child victims. In Guyana, the Combating of Trafficking in Persons Act 2023, which aims to comprehensively address this scourge, came into force. The Commission takes note of the signing of the Framework Collaboration Agreement between public entities of the Dominican Republic to strengthen assistance to Dominicans identified as victims of human trafficking abroad upon their return to the country. In Uruguay, the Interagency Action Guide for Trafficking and Exploitation of Persons was approved; it introduces specific procedures for effective detection and coordination between agencies in such cases.

68. With regard to the **rights of children and adolescents**, the IACHR welcomes the Child Protection Act passed in Barbados and the reestablishment of the National Child Labour Committee. In Brazil, the adoption of Laws 14.811 and 15.032 introduced measures against violence in schools and child sexual abuse, in addition to earmarking public funds for anti-child abuse policies. In Canada, the Commission takes note of the Online Harms Act, aimed at holding digital platforms liable for harmful content. The Commission welcomes the adoption of the Law on Prevention, Early Detection, and Response to Violence against Children and Adolescents in Costa Rica, which is aimed at generating measures for prevention and early detection of all forms of violence against children; it also applauds the National Policy for Children and Adolescents 2024-2036, which was drawn up with input from children and adolescents. In Chile, the new Policy on Children and Adolescents was approved, together with its Action Plan 2024-2032, prioritizing the comprehensive wellbeing of children and adolescents.

69. The IACHR takes note of the launch of the Crime Prevention Programs for children and adolescents in Guatemala and highlights the launch of the plan for the prevention and response to violence against children. The Commission welcomes the introduction of the International Measures for the Protection of Children (Hague Convention) Bill (2024) in Guyana, which aims to strengthen child safety in the country. The IACHR also hails the adoption of the law creating the National Children's Congress in Honduras. In addition, it values the amendment of Article 58 of the General Law on Tourism in Mexico, which aims to combat the sexual exploitation of children.

70. The IACHR welcomes the creation of a commission to evaluate the functioning and operation of the special protection system for children and adolescents in the Dominican Republic. Likewise, it highlights the adoption of a national education policy and the formation of multidisciplinary working groups to ensure high-quality, inclusive education in Suriname. It also notes that in Uruguay, the State enacted the Law on Guarantees for Early Childhood and Adolescence and created the Uruguay Amber Alert system to ensure a rapid community response to the abduction of minors.

71. Regarding the rights of **persons deprived of liberty**, the IACHR appreciates Mexico's efforts to guarantee the right to vote for persons in pretrial detention. For its part, Chile implemented measures under the Prison Infrastructure Master Plan with the aim of increasing the holding capacity of the system, including holding tenders for infrastructure maintenance and the construction of new facilities. In Uruguay improvements were also made in women's prison conditions, including the construction of new housing facilities and a specific unit for trans women. The Commission welcomes the approval of immigration detention center regulations in the Bahamas which establish standards for the administration of detention centers with a human-rights approach. It also highlights the implementation of a prison census of 29,000 people in Bolivia and social reintegration programs for women. The efforts in that regard in Saint Lucia, through the Community Reentry Program, are also noteworthy. As regards Guyana, the Commission takes note of efforts to improve the infrastructure of the prisons of New Amsterdam, Lusignan and Mazaruni, in order to provide better environments for the rehabilitation and security of inmates. Paraguay inaugurated the Minga Guazú penitentiary center with the aim of promoting reintegration and reducing overcrowding. The Commission welcomes "LinkUp" program in Trinidad and Tobago, a collaborative initiative between the College of Science, Technology and Applied Arts of Trinidad and Tobago (COSTAATT) Regency Recruitment and Resources Limited to support inmates' transition into society and the workforce, in which private companies have committed to supporting inmates by providing on-the-job training.



72. In the area of **combating torture**, the Commission welcomed the ratification by Honduras of the Inter-American Convention to Prevent and Punish Torture and the creation of the National Mechanism for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment, while Colombia ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Commission also welcomed the judgment of the Supreme Court of Grenada declaring corporal punishment by flogging or whipping unconstitutional.

73. As for measures to protect the **human rights of people of African descent and combat racial discrimination**, the Commission highlights the efforts of the Barbados to move forward with a reparations program linked to the era of slavery. Canada adopted the Anti-Racism Strategy 2024-2028. Brazil and Colombia made progress on a binational program on Afro-descendent Peoples of the Americas, which seeks to strengthen their role as guardians of biodiversity and promote their access to cooperation funds for projects in this area. In addition, Brazil demarcated and titled land for more than 19 Quilombola communities and promoted a reparations agenda with the Portuguese government for damages caused during the time of slavery. As part of the implementation of Law 21.151, the State of Chile enacted regulations on prior consultation for the Chilean Afro-descendant tribal people. In addition, Chile and El Salvador included a self-identification question for Afro-descendants in the Population and Housing Census. In the United States, the State of California allocated a budget of US\$12 million for reparations to address historical “harms and atrocities” against the black population. This decision marks an important milestone in recognizing and atoning for the legacy of systemic racism.

74. The State of Mexico reformed the Federal Law to Prevent and Eliminate Discrimination, identifying indigenous and Afro-Mexican peoples and communities as priority groups for affirmative action. In addition, it created the National Council of Indigenous Peoples as a body for participation, consultation, and defense of the rights of those communities, including representation by indigenous and Afro-Mexican advisors. For its part, the Peruvian Congress approved a constitutional reform recognizing Afro-Peruvian people and made progress in the implementation of the National Policy for Afro-Peruvian People 2030 (PNPA). In Uruguay, the National Plan for Racial Equity and Afro-descendants was unveiled, and the Observatory for Monitoring the Implementation of Affirmative-Action Measures for People of African Descent was created. In Honduras, the Afro-descendant Intangible Cultural Heritage Safeguarding Project was implemented, which focuses on protecting heritage and implementing countermeasures against racism and racial discrimination.

75. On the **rights of LGBTI people**, the Commission noted the judgment of Federal Criminal Court No. 1 of La Plata, Argentina that recognized the systemic nature of persecution and repression of trans women and convicted 11 people for crimes against humanity committed during the last military dictatorship in which 8 of the victims of those crimes were trans women. The Commission also took note of the first LGBTI pride march in the Bahamas. In Brazil, the Federal Supreme Court unanimously ratified the decision that the Unified Health System (SUS) should modify its platforms so that trans people can access consultations, examinations, and procedures according to their specific needs; in addition, the Committee for the Follow-up of the National Strategy to Combat Violence against LGBTQIA People was established. In Ecuador, the State set up the Interagency Panel on the Diversity Action Plan. The Commission welcomed the judgment of the High Court of Dominica declaring Sections 14 and 16 of the Sexual Offences Act, which prohibit “gross indecency” and “sodomy,” respectively, to be unconstitutional and void. The IACHR highlights the jurisprudential advances in the recognition of “transfeminicide” by the Supreme Court of Justice Mexico. The Constitutional Court of Peru ordered the rectification of the registered sex for an intersex person. The National Registry of Persons of Honduras announced the implementation of processes to allow the rectification of official documents, in accordance with the judgment of the Inter-American Court in the Vicky Hernandez case.

76. With regard to the **rights of persons with disabilities**, the Commission acknowledges Saint Lucia’s signing of the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities. Also, it welcomes the adoption of the declaration on global action for the rights of persons with disabilities deprived of their liberty for institutional strengthening, as well as the networking effort launched by a number of States in the hemisphere. This declaration calls for strengthening protection for



the rights of incarcerated persons with disabilities and the exchange of good practices, knowledge, experiences, and challenges. Progress has also been made in Costa Rica's National Survey on Disability, which includes disaggregated data and the creation of an updated registry on the situation of this population, facilitating the formulation of policies and laws. The IACHR also welcomes the creation of the National Registration System for People with Autism Spectrum Disorder, which simplifies the issuance of credentials to facilitate access to public policies for people in Brazil. Also noteworthy is the approval of Law 31781, which strengthens care for elderly persons with disabilities in situations of family neglect or at risk of social exclusion in Peru with measures to ensure their health, safety, education, work, and participation, among other rights, with an equality and non-discrimination perspective. It is also worth mentioning initiatives to strengthen access to justice for people with disabilities by Argentina's National Registry of Communication Facilitators.

77. Regarding the **rights of older persons**, the IACHR welcomes the ratification by Belize of the Inter-American Convention on Protecting the Human Rights of Older Persons. For its part, the State of Chile made progress in the implementation of its *Chile Cuida* National System of Support and Care (SNAC), which has led to the opening of 20 new community day centers for the elderly. The Commission welcomes the presentation of the public policy "For Healthy Aging" in Panama, and the enactment of Law 423 establishing free health care services in the public system for economically deprived older persons.

78. The Commission also welcomes the implementation of the *Activando Abuelos* program, led by the National Directorate for Integration of El Salvador, through which paid internships are offered to people over 60. Also positive is the constitutional recognition of the right to a universal non-contributory pension for all senior citizens and the publication of a guide to an inclusive care model in Mexico, as is the Pension Program for the Wellbeing of the Elderly, which provided pensions to more than one million people residing in indigenous or Afro-Mexican municipalities or localities. The Commission also welcomes the creation of the *Royalties for All* program by Suriname to distribute profits from the country's energy sector, with a priority on the elderly and people with disabilities.

79. Finally, with regard to the **third group of measures**, the Commission highlights measures taken to advance memory, truth and justice policies and practices in the region. One example is the enactment in Colombia of Law 2364 of 2024, which recognizes and comprehensively protects the work and rights of women and persons searching for victims of forced disappearance. Another example is the compensation provided to at least 853 victims of political violence during the dictatorship in Bolivia and the creation of the Interagency Special Review Commission to reassess more than 4,000 reparations claims. The creation of the National Institute of Historical Memory in Honduras is also welcomed, as is the announcement of the expropriation of land for the construction of memorial sites in Chile. Also noteworthy is the conviction of a former police commissioner for acts of torture during the military dictatorship in Paraguay by that country's by the Court of Criminal Appeals, as well as the creation in the National Archive of Uruguay of a section to collect, organize, and preserve documents relating to the recent past and human rights violations.

80. In Mexico, the IACHR welcomes the amendment to the General Law on Disappearances incorporating the right to memory and the designation of the basement of the headquarters of the former Federal Security Directorate, where torture and other serious human rights violations were committed between 1960 and 1990, as a memorial site. It also values the decision of the Supreme Court that determined that the application of the statute of limitations, atypicality, and non-retroactivity to the investigation of crimes against humanity committed during the so-called "dirty war" contravenes the rights to truth and access to justice. The IACHR also notes that the Mechanism for Truth and Historical Clarification (MEH), published its Final Report entitled "It was the State (1965-1990)," which recognized 8,594 victims of serious human rights violations.

81. The IACHR notes that El Salvador strengthened the Investigation Unit for Crimes Committed During the Armed Conflict, under the Attorney General's Office, which led to the identification and arrest of senior military commanders involved in different cases, including the Massacre of El Calabozo, Dutch Journalists, and the Massacre of the Universidad Centroamericana José Simeón Cañas. In that connection, the IACHR notes that in August 2024, a Salvadoran court began the trial of five members of the armed forces for



the murder of four Dutch journalists during the armed conflict in the country. In Brazil, the State reported the reinstatement of the Special Commission for Political Murders and Disappearances to search for people killed and disappeared for political reasons during the military dictatorship. The country also announced a plan to resume the search for and identification of the victims of the Araguaia guerrilla group. In Peru, the Commission welcomes the adoption of the Amended Consolidated Text of Legislative Decree 1428 on Strengthening the Missing Persons Search System and its Implementing Regulations.

82. In conclusion, the Commission observed noteworthy efforts by States to develop policies, practices, and legislative and judicial measures to advance the promotion and effective protection of the human rights of their inhabitants. It acknowledges these efforts and urges the States to continue to formulate and implement the human rights approach in public policies in response to recommendations by the bodies of the inter-American human rights system and to disseminate this approach in all State institutions and in society as a whole. The Commission places itself at the disposal of the States to provide the technical assistance required to achieve these goals.

## **B. Universalization of the Inter-American Human Rights System**

### **1. Ratification Status of Inter-American Instruments**

83. The current status of signatures and ratifications of inter-American treaties on human rights can be consulted on the web page of the Department of International Law of the OAS Secretariat for Legal Affairs at the following website: [http://www.oas.org/es/sla/ddi/tratados\\_multilaterales\\_interamericanos\\_firmas.asp](http://www.oas.org/es/sla/ddi/tratados_multilaterales_interamericanos_firmas.asp)

#### **RATIFICATION STATUS OF THE AMERICAN CONVENTION AND ACCEPTANCE OF THE COURT'S CONTENTIOUS JURISDICTION**

SIGNATORY COUNTRIES	SIGNATURE	RATIFICATION/ACCESSION	DEPOSIT	ACCEPTANCE OF THE COURT'S JURISDICTION
Antigua and Barbuda				
Argentina	02-02-84	14-08-84	RA 05-09-84	05-09-84
Bahamas				
Barbados	20-06-78	05-11-81	RA 27-11-82	04-06-00
Belize				
Bolivia		20-06-79	AD 19-07-79	27-07-93
Brazil		09-07-92	AD 25-09-92	10-12-98
Canada				
Chile	22-11-69	10-08-90	RA 21-08-90	21-08-90
Colombia	22-11-69	28-05-73	RA 31-07-73	21-06-85
Costa Rica	22-11-69	02-03-70	RA 08-04-70	02-07-80
Dominica		03-06-93	RA 11-06-93	
Ecuador	22-11-69	08-12-77	RA 28-12-77	27-07-84
El Salvador	22-11-69	20-06-78	RA 23-06-78	06-06-95
United States	01-06-77			
Grenada	14-07-78	14-07-78	RA 18-07-78	



Guatemala	22-11-69	27-04-78	RA 25-05-78	09-03-87
Guyana				
Haiti		14-09-77	AD 27-09-77	20-03-98
Honduras	22-11-69	05-09-77	RA 08-09-77	09-09-81
Jamaica	16-09-77	19-07-78	RA 07-08-78	
Mexico		02-03-81	AD 24-03-81	16-12-98
Nicaragua	22-11-69	25-09-79	RA 25-09-79	12-02-91
Panama	22-11-69	08-05-78	RA 22-06-78	09-05-90
Paraguay	22-11-69	18-08-89	RA 24-08-89	26-03-93
Peru	27-07-77	12-07-78	RA 28-07-78	21-01-81
Dominican Republic	07-09-77	11-01-78	RA 19-04-78	25-03-99
San Kitts and Nevis				
Saint Lucia				
Saint Vincent and the Grenadines				
Suriname		12-11-87	AD 12-11-87	12-11-87
Trinidad and Tobago		03-04-91	AD 28-05-91*	28-05-91
Uruguay	22-11-69	26-03-85	RA 19-04-85	19-04-85
Venezuela	22-11-69	07-01-19	RA 07/31/19**	07-01-19

Source: Department of International Law of the OAS General Secretariat

\* Complaint filed in May 1998

\*\* Complaint filed in September 2012

RA = RATIFICATION

AD = ACCESSION

84. With respect to the other eight treaties that make up the Inter-American System, the following table indicates the OAS member states that have ratified or acceded to them:



## STATUS OF RATIFICATION OF THE ADDITIONAL PROTOCOLS TO THE AMERICAN CONVENTION AND OTHER INTER-AMERICAN HUMAN RIGHTS TREATIES

States	PACAMDESC <sup>1</sup>	PCADHAPM <sup>2</sup>	CIPST <sup>3</sup>	CIDFP <sup>4</sup>	CIPSEVM <sup>5</sup>	CIEFDPD <sup>6</sup>	CICTFDI <sup>7</sup>	CICRDRFCI <sup>8</sup>	CIPDHMP <sup>9</sup>
Antigua & Barbuda					A 12-08-98			R 01-06-18	
Argentina	R 30-03-03	R 18-06-08	R 18-11-88	R 31-10-95	R 09-04-96	R 28-09-00	F 07-06-13	F 07-06-13	R 23-10-17
Bahamas					A 03-05-95				
Barbados					R 08-02-95				
Belize					A 25-11-96				R 19-12-24
Bolivia	R 12-07-06		R 26-08-96	R 19-09-96	R 26-10-94	R 27-02-03	F 10-03-15	F 10-03-15	R 17-05-17
Brazil	A 08-08-96	R 31-07-96	R 09-06-89	R 26-07-13	R 16-11-95	R 17-07-01	F 07-06-13	R 28-05-21	F 15-06-15
Canada									
Chile	R 27-08-22	R 04-08-08	R 15-09-88	R 13-01-10	R 24-10-96	R 04-12-01	F 22-10-15	F 22-10-15	R 15-08-17
Colombia	A 22-10-97		R 02-12-98	R 01-04-10	A 03-10-96	R 04-12-03	F 08-09-13	F 08-09-14	R 27-09-22
Costa Rica	R 29-09-99	R 30-03-98	R 25-11-99	R 20-03-96	R 05-07-95	R 08-12-99		R 12-12-16	R 12-12-16
Cuba									
Dominica					R 30-06-95				
Ecuador	R 10-02-93	R 05-02-98	R 30-09-99	R 07-07-96	R 30-06-95	R 01-03-04	R 05-08-24	R 14-01-20	
El Salvador	R 04-05-95		R 17-10-94		R 13-11-95	R 15-01-02			A 18-04-18
United States									
Grenada					R 29-11-00				
Guatemala	R 30-05-00		R 10-12-86	R 27-07-99	R 04-01-95	R 08-08-02			
Guyana					R 08-01-96				
Haiti					A 07-04-97	R 29-05-09	F 25-06-14	F 25-06-14	
Honduras	A 14-09-11	A 14-09-11	23-07-24	R 28-04-05	R 04-07-95	A 14-09-11			
Jamaica					R 11-11-05				
Mexico	R 08-03-96	R 28-06-07	R 11-02-87	R 28-02-92	R 19-06-98	R 06-12-00	R 21-01-20	R 21-01-20	A 03/28/23
Nicaragua	R 15-12-09	R 24-03-99	A 23-09-09		R 06-10-95	R 15-07-02			
Panama	R 28-10-92	R 27-06-91	R 27-06-91	R 31-07-95	R 26-04-95	R 24-01-01	F 05-06-14	F 05-06-14	
Paraguay	R 28-05-97	R 31-10-00	R 12-02-90	R 26-08-96	R 29-09-95	R 28-06-02			
Peru	R 17-05-95		R 27-02-90	R 08-02-92	R 02-04-96	R 10-07-01	F 25-10-16	F 25-10-16	A 01-03-21
Dominican Republic		A 19-12-11	R 12-12-86		R 10-01-96	R 28-12-06			
	<b>PACAMDESC</b>	<b>PCADHAPM</b>	<b>CIPST</b>	<b>CIDFP</b>	<b>CIPSEVM</b>	<b>CIEFDPD</b>	<b>CICTFDI</b>	<b>CICRDRFCI</b>	<b>CIPDHMP</b>

<sup>1</sup> Additional Protocol to the American Convention on Economic, Social and Cultural Rights, adopted in San Salvador, El Salvador, November 17, 1988, 18th regular session of the General Assembly.

<sup>2</sup> Protocol to the American Convention on Human Rights to Abolish the Death Penalty, adopted in Asuncion, Paraguay, on 8 June 1990, 20th regular session of the General Assembly.

<sup>3</sup> Inter-American Convention to Prevent and Punish Torture, adopted at Cartagena de Indias, Barranquilla, Colombia, on December 9, 1985, 15th Regular Session of the General Assembly.

<sup>4</sup> Inter-American Convention on Forced Disappearance of Persons, adopted in Belém do Pará, Brazil, on June 9, 1994, 24th Regular Session of the General Assembly.

<sup>5</sup> Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, adopted in Belém do Pará, Brazil, on June 9, 1994, 24th Regular Session of the General Assembly.

<sup>6</sup> Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, adopted in Guatemala City, Guatemala, June 7, 1999, 29th regular session of the General Assembly.

<sup>7</sup> Inter-American Convention against All Forms of Discrimination and Intolerance, adopted in Guatemala City, Guatemala, June 5, 2013, 43rd regular session of the General Assembly.

<sup>8</sup> Inter-American Convention against Racism, Racial Discrimination and Related Intolerance, adopted in Guatemala City, June 5, 2013, 43rd regular session of the General Assembly.

<sup>9</sup> Inter-American Convention on Protecting the Human Rights of Older Persons, adopted in Washington, D.C., on June 15, 2015, 45th regular session of the General Assembly.



States	PACAMDESC <sup>1</sup>	PCADHAPM <sup>2</sup>	CIPST <sup>3</sup>	CIDFP <sup>4</sup>	CIPSEVM <sup>5</sup>	CIEFDPD <sup>6</sup>	CICTFDI <sup>7</sup>	CICRDRFCI <sup>8</sup>	CIPDHPM <sup>9</sup>
San Kitts y Nevis					R 17-03-95				
Saint Lucia					R 08-03-95	R 28-06-24			
Saint Vincent and the Grenadines					R 23-05-96				
Suriname	A 28-02-90		R 12-11-87		R 19-02-02				A 05/08/23
Trinidad and Tobago					R 04-01-96				
Uruguay	R 21-11-95	R 08-02-94	R 23-09-92	R 06-02-96	R 04-01-96	R 24-05-01	R 11-05-18	R 12-10-17	R 18-11-16
Venezuela	R 24-07-20	R 06-04-94	R 25-06-91	R 06-07-98	R 16-01-95	R 06-06-06			

Source: Department of International Law of the OAS General Secretariat

## 2. Progress made with the Ratification and Signature of Instruments of the Inter-American System in 2024

85. The IACHR has stressed the importance of universal ratification of the instruments of the inter-American system as a critical element in ensuring full respect for and guaranteeing human rights in the Americas.

86. The Inter-American Commission applauds the states of Saint Lucia, Honduras, Ecuador and Belize for their adhesion to the international instruments for the protection of human rights identified below, in chronological order.

87. On June 28, 2024, Saint Lucia signed the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities.

88. On July 23, 2024, Honduras deposited the instrument of ratification of the Inter-American Convention to Prevent and Punish Torture.

89. On August 5, 2024, Ecuador deposited the instrument of ratification of the Inter-American Convention against All Forms of Discrimination and Intolerance.

90. On December 16, 2024, Belize deposited the instrument of accession to the Inter-American Convention on the Protection of the Human Rights of Older Persons.

## C. Origin, legal basis, structures, purposes and mandates

91. The Inter-American Commission on Human Rights ("IACHR" or "Inter-American Commission") is an autonomous organ of the Organization of American States (OAS), headquartered in Washington, D.C. Its mandate is established in the OAS Charter, the American Convention on Human Rights ("American Convention") and its Statute. The IACHR is one of two organs of the Inter-American system responsible for the promotion and protection of human rights; the other is the Inter-American Court of Human Rights, based in San José, Costa Rica.

92. The IACHR is composed of seven members who act independently, without representing any country. Its members are elected by the OAS General Assembly for a four-year term and may be reelected once. The Inter-American Commission meets in regular and special sessions several times a year. The Executive Secretariat, in accordance with Article 13 of the Rules of Procedure of the IACHR, carries out the tasks delegated to it by the IACHR and provides the latter with legal and administrative support in the performance of its functions.



93. In April 1948, the OAS adopted in Bogotá, Colombia, the American Declaration of the Rights and Duties of Man ("American Declaration"), the first general international human rights instrument. The IACHR was created in 1959 and held its first session in 1960.

94. In 1961, the IACHR began making visits to various countries to observe the human rights situation in situ. Since then, it has conducted numerous visits to the Organization's Member States. Partly on the basis of these on-site investigations, the Inter-American Commission has published 135 country and thematic reports to date.

95. In 1965, the IACHR was expressly authorized to examine complaints or petitions related to specific cases of human rights violations. The final reports published by the IACHR, in relation to these individual cases, can be found in the [Annual Reports of the Inter-American Commission](#) and are also available on the IACHR website, in the section on [petitions and cases](#).

96. The American Convention on Human Rights was adopted in 1969 and entered into force in 1978. As of December 2024, 24 Member States are party to this treaty: Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay and Venezuela.

97. The American Convention defines the human rights that States agree to respect and guarantee by virtue of ratification. It also created the Inter-American Court of Human Rights and defined the functions and procedures of the IACHR and the Inter-American Court of Human Rights. In addition to considering complaints alleging responsibility for violations of the American Convention with respect to States parties to that instrument, the IACHR is competent, under the OAS Charter and its Statute, to examine alleged violations of the American Declaration by OAS Member States that are not yet parties to the American Convention.

98. In compliance with its mandate, the Inter-American Commission:

- a) Receives, analyzes and investigates individual petitions alleging human rights violations, in accordance with Articles 44 to 51 of the American Convention, Articles 19 and 20 of its Statute and Articles 23 to 52 of its Rules of Procedure.
- b) Observes the general human rights situation in Member States and issues special reports on the situation in a particular Member State when it considers it appropriate in accordance with Rule 60 of its Rules of Procedure.
- c) Conducts *on-site* visits to countries to conduct in-depth analyses of the general situation and/or to investigate a specific situation in accordance with Article 18 of its Statute and Article 53 of its Rules of Procedure. In general, these visits result in the preparation of a report on the human rights situation of the country in question, which is published and submitted to the Permanent Council and the OAS General Assembly.
- d) Stimulates public awareness of human rights in the Americas. To this end, the Inter-American Commission conducts and publishes studies on specific topics in accordance with Article 15 of its Rules of Procedure, such as the measures to be adopted to ensure greater access to justice; the effects of internal armed conflicts on certain groups of people; the human rights situation of children, women, LGBTI persons, people on the move, including migrants, refugees, asylum seekers, internally displaced persons and victims of human trafficking, persons deprived of liberty, human rights defenders, indigenous peoples and Afro-descendants, racial discrimination, freedom of expression, and economic, social, cultural and environmental rights.
- e) Organizes and holds visits, conferences, seminars and meetings with representatives of governments, academic institutions, non-governmental entities and others, to

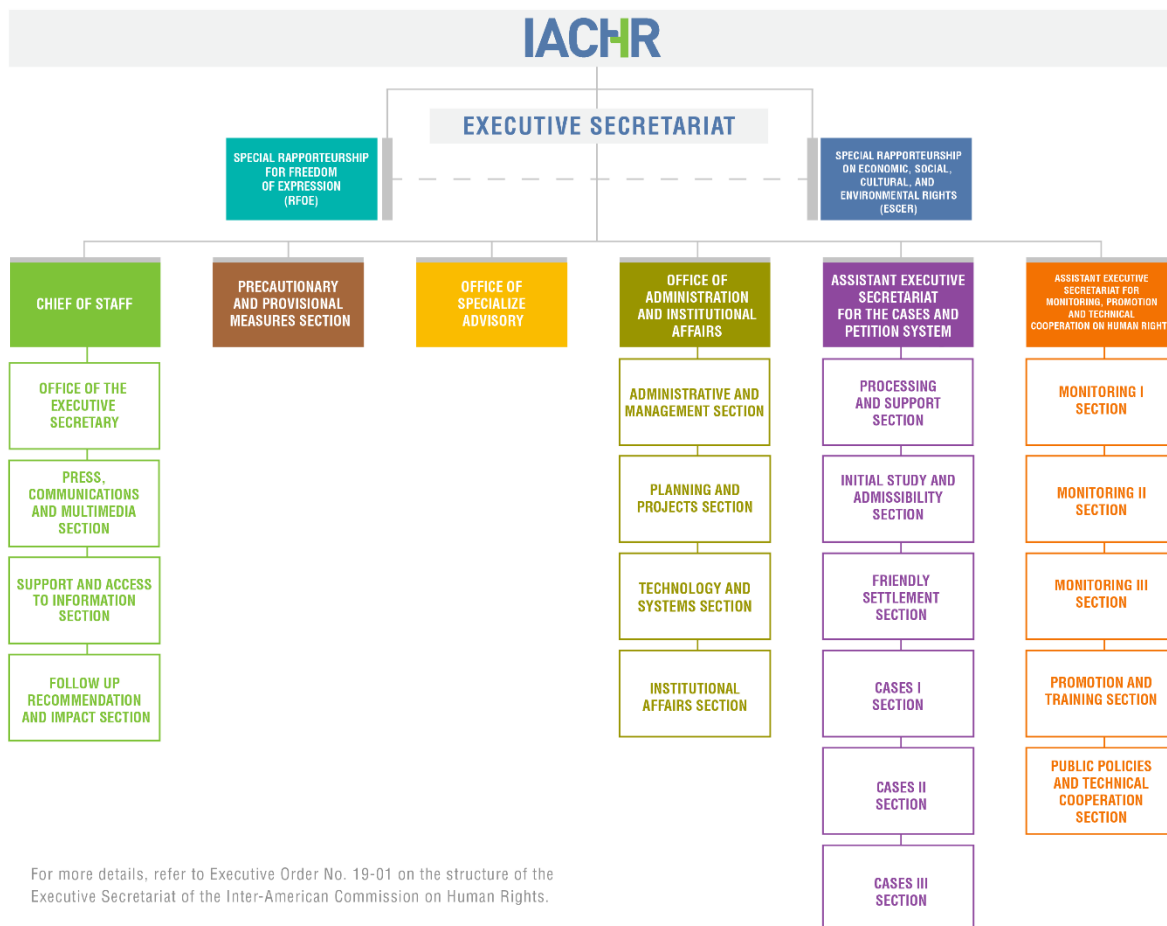


disseminate information and promote broad knowledge of the work of the inter-American human rights system in accordance with the provisions of Article 41 of the American Convention on Human Rights and Article 18 of its Statute.

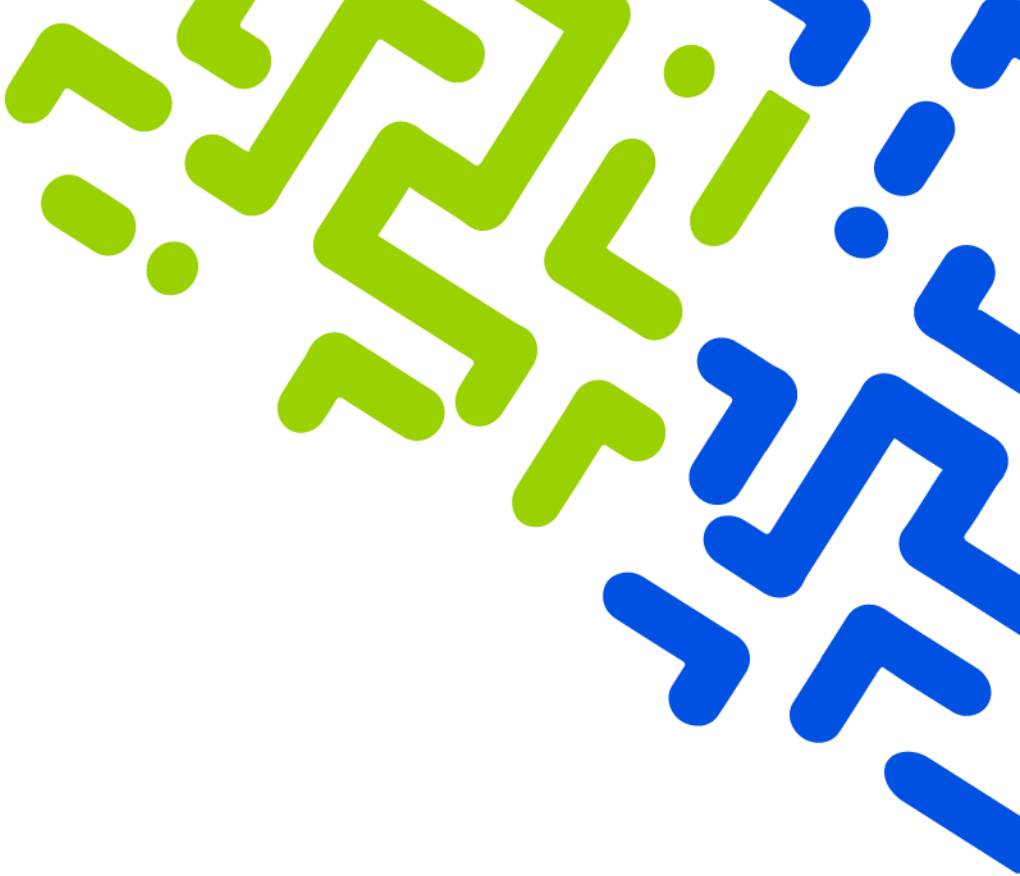
- f) Recommends to the OAS member states the adoption of measures that contribute to the protection of human rights in the countries of the Hemisphere in accordance with the provisions of Article 41 of the American Convention on Human Rights and Article 18 of its Statute.
- g) It requests Member States to adopt precautionary measures in accordance with the provisions of Article 25 of its Rules of Procedure, to prevent irreparable harm to human rights in serious and urgent cases. Likewise, in accordance with the provisions of Article 76 of its Rules of Procedure, it may request that the Inter-American Court order the adoption of provisional measures in cases of extreme gravity and urgency to prevent irreparable harm to persons.
- h) Submits cases to the Inter-American Court of Human Rights and appears before the Court during its processing and consideration in accordance with the provisions of Article 61 of the American Convention on Human Rights and Articles 45 and 74 of its Rules of Procedure.
- i) It requests advisory opinions from the Inter-American Court, in accordance with the provisions of Article 64 of the American Convention and Article 19 of its Statute.

99. Any person, group of persons or non-governmental entity legally recognized in one or more of the OAS Member States may lodge petitions with the Inter-American Commission regarding violations of a right recognized in the American Convention, the American Declaration or other relevant instrument, in accordance with their respective provisions and its Statute and Rules of Procedure. Likewise, in the situation described and regulated by Article 45 of the American Convention, the IACHR may consider communications in the nature of an inter-State complaint. Complaints may be submitted in any of the four official languages of the OAS (Spanish, French, English or Portuguese) by the alleged victim of the violation of rights or by a third party; and in the case of interstate complaints, by a State.



**D. Structure of the Executive Secretariat**





# IACHR Activities





## CHAPTER I: ACTIVITIES OF THE IACHR IN 2024

A.	IACHR Strategic Plan 2023 - 2027 .....	21
B.	Sessions of the IACHR held in 2024 .....	23
C.	Approved Resolutions.....	27
D.	Communication activities in 2024 .....	27
F.	Technical cooperation.....	53
1.	Cooperation with States .....	54
2.	Cooperation with the Caribbean.....	55
3.	Cooperation with National Human Rights Institutions (NHRIs).....	57
4.	Meetings with civil society and academia.....	57
5.	Cooperation with international and regional organizations.....	58
6.	Special cooperation and assistance mechanisms .....	58
G.	Relations with member states and political bodies of the OAS .....	59
H.	Activities of the IACHR with other regional and universal human rights bodies.....	63
1.	Office of United Nations High Commissioner for Human Rights (OHCHR) .....	63
2.	Human Rights Council .....	67
3.	United Nations Development Programme.....	67
4.	United Nations High Commissioner for Refugees (UNHCR) .....	67
5.	Red Cross .....	68
6.	Regional mechanisms.....	68
I.	Follow-up activities on recommendations and impact.....	69
1.	Strengthening the methodology for following up on recommendations .....	71
2.	Continuation of the special follow-up mechanisms for Colombia, Chile, and Bolivia .....	72
3.	Inter-American System for the Monitoring of Recommendations (Inter-American SIMORE) .....	75
4.	IACHR Impact Observatory .....	77



---

5.	Analysis of compliance with the recommendations from country and thematic reports .....	78
----	---	----



## CHAPTER I

### ACTIVITIES OF THE IACHR IN 2024

#### A. IACHR Strategic Plan 2023 - 2027

1. In 2024, the Inter-American Commission on Human Rights (IACHR) implemented its [Strategic Plan 2023 - 2027](#) adopted at its 185<sup>th</sup> regular session, held in Washington, D.C., from October 24 to November 4, 2022. This plan constitutes the main institutional management tool setting out the strategic priorities to address current and future challenges on promoting and protecting human rights in the Americas.

2. The strategy of the 2023-2027 Plan continued to unfold in 2024 covering nine strategic objectives that encompass 34 programs aimed at achieving substantive long-term changes in terms of greater enjoyment of all human rights by all persons in the Hemisphere, which is the ultimate aim of the IACHR, and making an essential contribution to the inter-American public interest. Those objectives and programs are organized into three pillars geared to achieving the following medium-term results. The first pillar corresponds to the Petitions and Cases, Precautionary Measures, and Follow-up of Recommendations mechanisms, which are expected to result in greater protection and defense of the victims of human rights violations, with special attention to people from historically excluded groups. The second pillar is related to Monitoring, Promotion, and Technical Cooperation mechanisms, with actions aimed at inducing States to increase their observance of, and guarantees for, human rights in the Hemisphere. The third pillar is aimed at enhancing the institutional culture of the IACHR through the inclusion of gender, intersectionality, and diversity approaches and results-based management.

3. During 2024, the IACHR implemented the five-year Action Plans approved in 2023, which establish activities, products, and resources needed to achieve the goals of the 34 programs of the Strategic Plan. These plans, drawn up in accordance with OAS project methodology, have guided the Commission's actions and made it possible to mobilize funds during the year for carrying out projects aligned with at least 25 of the 34 programs of the Strategic Plan, which has contributed significantly to execution of the activities planned for the year and the achievement of concrete results in priority areas.

4. In addition, during 2024, the Executive Secretariat of the IACHR (ES/IACHR) has been keeping track of 29 indicators included in the monitoring and evaluation plan of the Strategic Plan. These indicators made it possible to measure progress every six months through data recording instruments, baselines, and goals defined for 2027. This process has ensured transparency with regard to implementation of the Strategic Plan and has facilitated the constant evaluation of the results achieved. For that, detailed progress analyses were carried out and included in the 2023 Report on the Current Status of the Strategic Plan and the first half-yearly outcomes report for 2024.

5. Regarding the first pillar of the Strategic Plan, during the first half of 2024, progress was observed in the implementation of the Case Prioritization Policy, with the classification of two thousand cases in the portfolio of cases at the merits stage and the beginning of the classification of the admissibility portfolio. With the adoption of Resolution 4/23 on prioritization, these guidelines were implemented in 2024 to expedite the resolution of cases with a structural impact and improve timely access to justice. During 2024, there was a substantial increase in the number of admissibility and merits reports prepared and approved, as well as in the number of IACHR decisions on these processes and the expansion of friendly settlement agreements. Additionally, the IACHR managed to maintain a high proportion of precautionary measure evaluations within 90 days, surpassing the figures reported in 2023, which reflects a sustained improvement in the efficiency of protection mechanisms. This also made it possible to consolidate the GAIA System in 2024 as a key tool for monitoring precautionary measures and processing petitions. The Commission made progress in the special



follow-up mechanisms established with Bolivia, Chile, and Colombia, as well as in the agreement for the implementation of the Independent Expert Group (GIEI) in Honduras, in which it worked actively with State institutions, civil society, and other interested parties to comply with the Commission's recommendations. Finally, the IACHR maintained close dialogue and collaboration with OAS member states through regional meetings, presentations to OAS political bodies, portfolio meetings, and bilateral meetings. This ongoing dialogue with the States was fundamental to improving the effectiveness of the Commission's work, especially in the implementation of its recommendations.

6. Regarding the second pillar, the IACHR strengthened its capacity to monitor and promptly address human rights crises that occurred during 2024, by issuing alerts and key pronouncements on critical situations and emerging crises in Argentina, Bolivia, Cuba, Ecuador, Guatemala, Nicaragua, Peru, and Venezuela, through statements to report on the deterioration of human rights or risks to democratic institutions. Particularly worth noting is the implementation of the risk assessment methodology and the creation of the Risk Factors Matrix as instruments integrated with data analysis tools that allow the IACHR to move forward in the consolidation of a more efficient monitoring system with a preventive approach, which expands its capacity to react to new crises and processes pointing to the erosion of democratic institutions.

7. The Commission also strengthened its monitoring of the human rights situation with two *on-site* visits, one to Colombia in April and the other to Guatemala in July 2024. The preliminary observations derived from those visits were published and widely disseminated. The Commission continued to play an important role in denouncing the deterioration of human rights in the countries of the region that suffered the most severe ruptures in the democratic order and in transmitting key information to the inter-American and international community. For example, the Commission provided detailed information to the Human Rights Council in connection with the Universal Periodic Review of Nicaragua.

8. Through its follow-up mechanism, the Commission was able to record some tangible results. For example, the Commission noted that four States (Bolivia, Guatemala, Honduras, and Peru) had adopted measures in response to the appeals and recommendations made in the thematic or country reports, touching on issues such as the functioning of democratic institutions, the separation of powers, and judicial independence. The Commission also noted that five States (Colombia, Costa Rica, Dominica, Mexico, and Uruguay) had adopted measures or decisions to address structural issues that give rise to human rights violations. These include judicial decisions and regulatory and administrative reforms to protect the rights of refugees and asylum seekers in Colombia, Costa Rica, and Uruguay, measures to facilitate obtaining citizenship in Mexico, and a judicial decision to decriminalize same-sex relations in Dominica.

9. In the second pillar, the IACHR also significantly strengthened its monitoring and training activities. With regard to monitoring, it updated its "General Guidelines for Follow-up on Recommendations and Decisions," establishing more precise criteria for evaluating compliance with the recommendations issued to the member states. It also consolidated implementation of the Inter-American SIMORE, which facilitates public access to recommendations and promotes participation in their follow-up. Finally, it promoted the inter-American human rights system through 76 dissemination activities that reached more than 20,000 people, and 28 training activities that benefited more than 1,900 people, mainly from Central America and the Caribbean.

10. With regard to the third pillar, actions undertaken have continued to improve inclusion and accessibility to the IACHR and its outreach to users, with a 32% increase (compared to last year) in the number of people who consulted IACHR reports and press releases in English, French, and Portuguese, and a 47% increase in the number of visits to the *website* by Caribbean users. The IACHR began publishing the French version of its press releases and translated the microsite on the IACHR in the Caribbean into French. This was achieved with significant changes in the contents of the IACHR's *web* page and digital platforms, through the use of technological tools such as automatic subtitles and sign language interpreters in public hearings and meetings, thereby facilitating the participation of persons with disabilities. There was also an increase in the use of inclusive tools such as *UserWay* and the provision of content translated into English, French, and Portuguese was expanded to overcome language barriers. Finally, the functions of the GAIA tool were expanded in 2024, by incorporating new modules to improve the user experience and increase the operational efficiency



of the IACHR team through automatic notification in the processing of more than 34,000 actions and documents in record time.

11. Finally, the IACHR Executive Secretariat carried out actions to improve the work environment through integration, coaching, and organizational alignment sessions as part of the Co-Labora Program. Under this program, more than 80% of the agreements established by the team were complied with in 2024, which allowed an increase in the level of internal satisfaction compared to the results of the work environment survey applied in 2023.

12. All of the activities carried out in 2024 and presented in this Annual Report were possible thanks to the support of inter-American human rights civil society, OAS member states and observers, international and regional organizations, and the committed work of the team of the Executive Secretariat and the Commissioners. In particular, the IACHR expresses its gratitude to the member states: Canada, Costa Rica, Mexico, Panama, Peru, and the United States for their voluntary contributions and project support; to the observer states and donor countries: The European Commission, Spain with its various sources, such as the Spanish Agency for International Development Cooperation (AEICD) and the Basque Agency for Development Cooperation, France, Ireland, Italy, the Netherlands, Norway, the Principality of Monaco, Sweden, and Switzerland. The IACHR also expresses its appreciation for ongoing contributions from the Arcus Foundation, the Ford Foundation, the Wellspring Philanthropic Fund through the Foundation for the Americas, the Pan American Development Foundation (PADF), the United Nations Refugee Agency (UNHCR), and the New Venture Fund. All of these inputs and contributions were crucial for implementation of the 2023-2027 Strategic Plan and the results achieved in 2024.

13. In short, 2024 marked significant milestones in the progress of the Strategic Plan 2023-2027, with methodological strengthening and the incorporation of technological innovations that provided the IACHR with greater responsiveness and operational efficiency in all its pillars. The prioritization policy began to yield tangible results by streamlining processes, and technological tools facilitated progress in complying with recommendations and managing cases in a more structured manner. In addition, progress was made towards a more inclusive and results-oriented institutional culture, while effective efforts in financial management were maintained, reflecting a healthy budget and medium- and long-term sustainability. The achievements attained in 2024 show that sustained progress is being made towards accomplishment of the objectives of the 2023-2027 Strategic Plan, along with significant improvements in the efficiency and impact of the IACHR.

14. The IACHR expresses its deep appreciation to those who inspire the Commission's work: the petitioners, the victims, and those who defend human rights in often adverse conditions. Their constant drive, resilience, and confidence in the inter-American human rights system are the driving force behind the Commission's commitment to continue working for the protection and promotion of human rights in the Americas.

## **B. Sessions of the IACHR held in 2024**

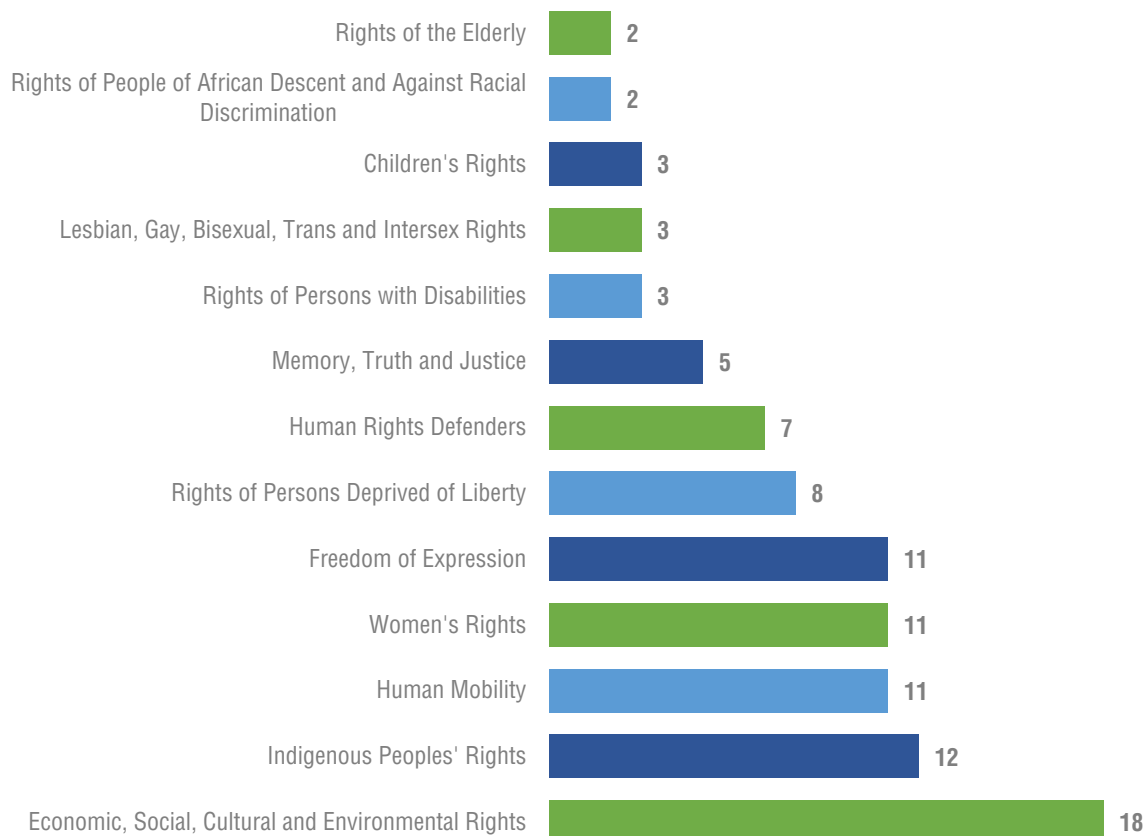
15. During 2024, the IACHR held three sessions in a hybrid format-which involves one week in person and one week virtually: the 189th, 190th, and 191st. Holding sessions in this format allowed the IACHR to bring the mechanisms for the defense, protection and promotion of human rights closer to the victims and peoples under its jurisdiction, expand the body's public presence in the region, and stimulate the democratization of access to the inter-American human rights system.

16. During these sessions, the IACHR followed up on and made visible a significant number of human rights situations by holding 98 public hearings and 34 working meetings. Of the 98 hearings, 29 took place in the 189th Session (23.9% of the total number of hearings requested), 34 in the 190th Session (36.1% of the total number of hearings requested), and 35 in the 191st Session (22.8% of the total number of hearings requested). The hearings addressed issues related to the monitoring of regional and subregional situations, particularly in 25 countries: Argentina, Barbados, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba,



Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, United States, Uruguay, and Venezuela. New trends or recent challenges in human rights were also addressed.

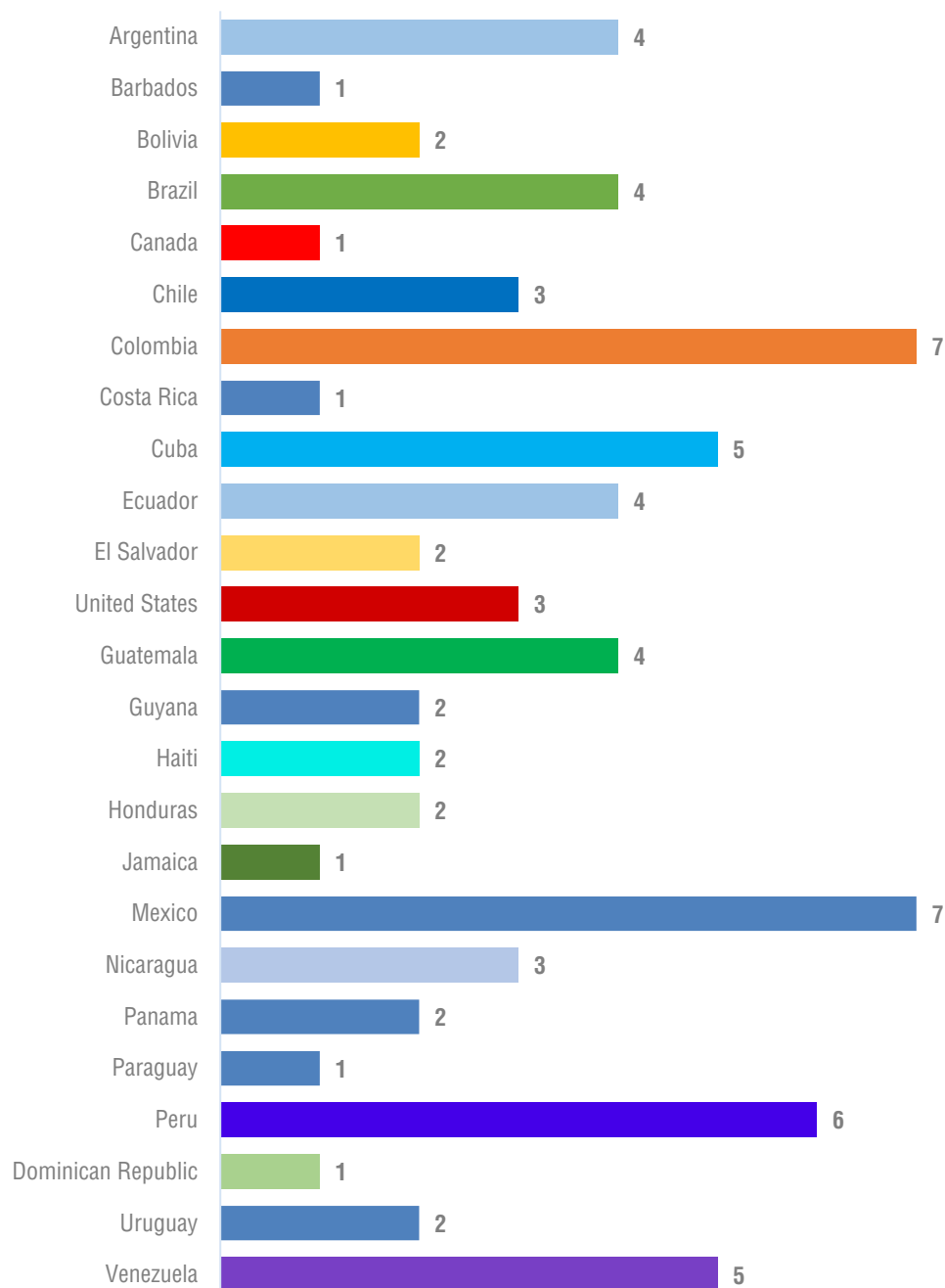
## Hearings in 2024 Total by priority topics





## Hearings in 2024

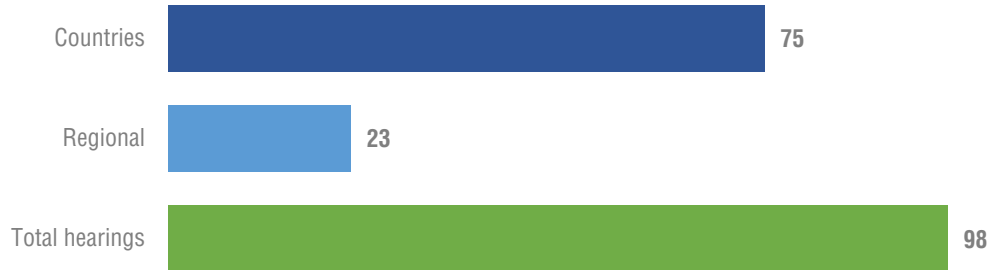
### Total by country





## Hearings in 2024

### Total Countries and Regional



17. The IACHR also met with regional groups of States at the 189th session and held an event to commemorate its 65th anniversary with the presence of the States at the 190th session. It also met with civil society organizations at the 189th and 190th Sessions to address various human rights issues.

18. Detailed information on each session, as well as a summary of each of the hearings, can be found in the links in the table below:

Sessions	Dates	Location	Total hearings held	Link to Session	Link to Press Release	Link to hearings held
189th Session	February 26 to March 7	Hybrid (face-to-face hearings and virtual sessions)	29	<a href="#">Multimedia Section</a>	<a href="#">Press Release No. 051/24</a>	<a href="#">Hearings</a>
190th Session	July 8 to 19	Hybrid (virtual hearings and face-to-face sessions)	34	<a href="#">Multimedia Section</a>	<a href="#">Press Release No. 167/24</a>	<a href="#">Hearings</a>
191st Session	November 4 to 15	Hybrid (virtual sessions and face-	35	<a href="#">Multimedia Section</a>	<a href="#">Press Release No. 290/24</a>	<a href="#">Hearings</a>



		to-face hearings)				
Total			98			

### C. Approved Resolutions

19. During 2024 the IACHR approved [Resolution No. 1/24 "Election Observers as Human Rights Defenders"](#). In this Resolution, adopted on April 30, the Commission recognizes national and international election observers as human rights defenders given the intrinsic relationship between the respect and protection of rights and the defense of democracy. It also highlights the importance of the role of election observers in the defense of democracy and the rule of law, given that, through their activities, they carry out a series of determinations and considerations related to the defense of civil and political rights, such as the rights of association, assembly, expression, access to information, equality before the law and non-discrimination, as well as judicial guarantees and protection.

20. It also approved [Resolution No. 2/24 on Human Mobility caused by Climate Change](#), which aims to address the phenomenon of climate mobility in a comprehensive manner, with the objective of guiding the States of the region in the development of regulations, programs and public policies to protect the rights of people who move due to the adverse effects of climate change.

### D. Communication activities in 2024

21. Throughout 2024, the IACHR obtained a total of **3,929,728** unique visits to the pages of the website, which correspond to **1,348,941** people. [Press releases](#) were the most visited section with **849,639** visits, followed by [mandates](#) with **634,925** visits and by [decisions](#) with **529,718** visits. IACHR website is updated in four languages, the press releases section in [Portuguese](#) registered **119,386** visits; in [English](#) **116,206**; and in [French](#), **6,971**.

22. From South America, **660,780** people visited the page; **338,026** did so from North America; **108,840** from Central America and **13,704** from the Caribbean. From the rest of the world, **231,576** people visited the website.

23. **21** digital campaigns were carried out and disseminated on the IACHR's official social media accounts. These campaigns addressed human rights standards and achieved a total of **2,447,132** impressions and **39,709** interactions. The topics addressed were women's rights to a life free of violence; rights of electoral observers, people of African descent, the elderly, people with disabilities, people in human mobility and people deprived of liberty; sexual and reproductive rights; and democratic institutions. As well as the human rights situation in specific countries and the historical contributions in the 65 years of the IACHR.

24. As a result of its media strategy, the Commission registered **8,135** exclusive mentions in mass media in the region. In addition, the Commissioners, the Executive Secretary, and the staff leadership team attended **65** interviews on topics related to the visits to Barbados, Colombia, the United States, and Guatemala; the country and thematic reports of Bolivia, El Salvador, and Honduras; as well as the annual report, the 65th anniversary of the IACHR, and issues related to the electoral crisis in Venezuela. women's rights, judicial independence, democratic institutions, among others.

25. During the year, the Commission generated and issued **330** press releases. They addressed priority issues in the region, contain pronouncements on alert situations and human rights violations, as well as the recognition of good practices and institutional issues relevant to the fulfillment of the Commission's mandate.



No	Press Releases
1	<a href="#">1/24 - IACHR Appoints New Commissioners.</a> Washington, D.C., January 1, 2024
2	<a href="#">2/24 - IACHR Opens Call for Applications for the Elizabeth Abi-Mershed Fellowship on Following Up and Monitoring Cases.</a> Washington, D.C., January 2, 2024
3	<a href="#">3/24 - IACHR Grants Precautionary Measures in Favor of Abdul Montoya Vivas and His Family in Nicaragua.</a> Washington, D.C., January 2, 2024
4	<a href="#">4/24 - IACHR Grants Precautionary Measures in Favor of Freddy Antonio Quezada in Nicaragua.</a> Washington, D.C., January 2, 2024
5	<a href="#">5/24 - IACHR Issues Follow-Up Resolution on Precautionary Measures Granted in Favor of Tolupan Indigenous Persons in Honduras.</a> Washington, D.C., January 2, 2024
6	<a href="#">R6/24 - RELE condemns the murder of journalist Francisco Ramirez Amador in Honduras and calls on the State to strengthen protection for the press at risk.</a> Washington, D.C., January 4, 2024
7	<a href="#">7/24 - IACHR Grants Precautionary Measures in Favor of Nine Radio Journalists in Colombia.</a> Washington, D.C., January 4, 2024
8	<a href="#">8/24 - IACHR Grants Precautionary Measures in Favor of Eight Individuals Who Are Deprived of Liberty in Nicaragua.</a> Washington, D.C., January 4, 2024
9	<a href="#">R9/24 - Office of the Special Rapporteur for Freedom of Expression Publishes the Report: "Building a Proactive Transparency Index for Use During Health Emergencies".</a> Washington, D.C., January 5, 2024
10	<a href="#">R10/24 - The Rapporteurship condemns the murder of two journalists in Guatemala and calls on the State to investigate the facts with due diligence.</a> Washington, D.C., January 5, 2024
11	<a href="#">11/24 - IACHR Announces New Allocation of Thematic and Country Rapporteurships.</a> Washington, D.C., January 12, 2024
12	<a href="#">12/24 - IACHR Grants Precautionary Measures in Favor of Supreme Electoral Tribunal Magistrate Irma Elizabeth Palencia Orellana in Guatemala.</a> Washington, D.C., January 13, 2024
13	<a href="#">13/24 - IACHR Grants Precautionary Measures in Favor of Constitutional Court Magistrate Leyla Susana Lemus Arriaga in Guatemala.</a> Washington, D.C., January 13, 2024
14	<a href="#">14/24 - IACHR Applauds the Inauguration of President Arévalo in Guatemala as a Triumph of Democracy and the Will of the People.</a> Washington, D.C., January 15, 2024
15	<a href="#">15/24 - IACHR Adopts Resolution on the Right of Children and Adolescents to Participation.</a> Washington, D.C., January 16, 2024
16	<a href="#">16/24 - IACHR Grants Precautionary Measures in Favor of Juan Carlos Hollman, Who Is Deprived of Liberty in Argentina.</a> Washington, D.C., January 17, 2024



No	Press Releases
17	<a href="#"><u>17/24 - Ecuador: IACHR and RFOE Condemn Serious Acts of Violence Committed by Organized Criminal Groups.</u></a> Washington, D.C., January 17, 2024
18	<a href="#"><u>18/24 - IACHR Welcomes Release from Prison of Bishop Rolando Álvarez and Other Priests But Rejects Their Expulsion from Nicaragua.</u></a> Washington, D.C., January 18, 2024
19	<a href="#"><u>19/24 - Invitation to Participate in the Online Consultation for the 2024-2026 Work Plan of REDESCA: Strengthening ESCER in the Americas.</u></a> Washington, D.C., January 24, 2024
20	<a href="#"><u>20/24 - IACHR Calls on States to Prevent Murders and All Other Forms of Violence Against Trans and Gender Diverse Persons.</u></a> Washington, D.C., January 25, 2024
21	<a href="#"><u>21/24 - IACHR Extends Invitation to Participate in Ex Officio Public Hearings at the 189th Period of Sessions.</u></a> Washington, D.C., January 25, 2024
22	<a href="#"><u>22/24 - Venezuela: IACHR urges State not to approve bill limiting the right to association and participation.</u></a> Washington, D.C., January 26, 2024
23	<a href="#"><u>23/24 - IACHR Files Application Before Inter-American Court of Human Rights in a Case Concerning Colombia About the Murder of a Human Rights Defender.</u></a> Washington, D.C., January 30, 2024
24	<a href="#"><u>24/24 - IACHR launches Five-Year Strategy for the Caribbean.</u></a> Washington, D.C., January 30, 2024
25	<a href="#"><u>25/24 - Venezuela: IACHR Condemns Political Disqualifications of Opposition Leaders.</u></a> Washington, D.C., January 31, 2024
26	<a href="#"><u>R26/24 - The Office of the Special Rapporteur condemns the murder of journalist Mardonio Mejía Mendoza in Colombia and calls on the State to investigate the facts..</u></a> Washington, D.C., February 1, 2024
27	<a href="#"><u>27/24 - IACHR and RFOE: Bolivia Must Respect Inter-American Standards During Protests.</u></a> Washington, D.C., February 2, 2024
28	<a href="#"><u>28/24 - IACHR Files Application Before Inter-American Court of Human Rights in Case Concerning Unlawful Detention of a Human Rights Defender and Adverse Health Effects on His Health in Venezuela.</u></a> Washington, D.C., February 2, 2024
29	<a href="#"><u>29/24 - IACHR Files Case with IA Court Concerning Attacks During Elections and Lack of Justice in Nicaragua.</u></a> Washington, D.C., February 8, 2024
30	<a href="#"><u>30/24 - Amid Social Protests in Argentina, the IACHR and Its Special Rapporteurship for Freedom of Expression Highlight Inter-American Standards Concerning Respect for Human Rights, Especially the Right to Peaceful Protest and the Right to Freedom of the Press.</u></a> Washington, D.C., February 8, 2024
31	<a href="#"><u>31/24 - Colombia's Supreme Court of Justice Must Finalize Without Interference the Appointment of the Country's Attorney General.</u></a> Washington, D.C., February 13, 2024
32	<a href="#"><u>32/24 - IACHR Publishes Report on Inter-American Standards Concerning Freedom of Religion or Belief.</u></a> Washington, D.C., February 14, 2024



No	Press Releases
33	<a href="#">R33/24 - The Office of the Special Rapporteur condemns the violence against journalists in Honduras and calls on the State to protect and guarantee freedom of expression and freedom of the press.</a> Washington, D.C., February 15, 2024
34	<a href="#">34/24 - IACHR Releases Schedule of Public Hearings for 189th Period of Sessions.</a> Washington, D.C., February 16, 2024
35	<a href="#">35/24 - IACHR invites to participate in the identification of cases to be prioritized for the development of the Inter-American public order.</a> Washington, D.C., February 19, 2024
36	<a href="#">36/24 - Venezuela: IACHR Condemns Expulsion of UN High Commissioner for Human Rights Technical Team.</a> Washington, D.C., February 20, 2024
37	<a href="#">37/24 - IACHR Completes Visit to Guatemala to Monitor Compliance With Precautionary Measures Concerning José Rubén Zamora Marroquín.</a> Washington, D.C., February 20, 2024
38	<a href="#">38/24 - The IACHR and Its Special Rapporteurship for Freedom of Expression Condemn Persistent Repression Against Journalists and Civil Society in Cuba.</a> Washington, D.C., February 21, 2024
39	<a href="#">39/24 - IACHR expresses concern over the significant upsurge of violence in Haiti.</a> Washington, D.C., February 21, 2024
40	<a href="#">40/24 - Nicaragua: IACHR warns international community about lack of conditions for free and fair elections in autonomous regions of the Caribbean Coast.</a> Washington, D.C., February 23, 2024
41	<a href="#">41/24 - IACHR Files Case Before IA Court Concerning Wrongful Dismissal of Public Official in Venezuela.</a> Washington, D.C., February 23, 2024
42	<a href="#">42/24 - IACHR Elects Board of Directors for 2024.</a> Washington, D.C., February 26, 2024
43	<a href="#">43/24 - IACHR grants precautionary measures in favor of Brenda Andrew on death row in the United States.</a> Washington, D.C., February 27, 2024
44	<a href="#">44/24 - IACHR Grants Precautionary Measures to Eddy Castillo Muñoz, Nelly López García, and Juan Carlos Baquedano in Nicaragua.</a> Washington, D.C., March 2, 2024
45	<a href="#">45/24 - IACHR: 2023 Ends with High Rates of Violence Against Human Rights Defenders in the Americas.</a> Washington, D.C., March 5, 2024
46	<a href="#">R46/24 - The SRFOE expresses its concern over institutional tolerance for the disclosure of journalists' personal data in Mexico.</a> Washington, D.C., March 6, 2024
47	<a href="#">47/24 - IACHR Grants Precautionary Measures in Favor of Carlos Alberto Bojorge Martínez in Nicaragua.</a> Washington, D.C., March 6, 2024
48	<a href="#">48/24 - IACHR condemns escalating violence and attacks by armed groups in Haiti.</a> Washington, D.C., March 7, 2024



No	Press Releases
49	<a href="#">49/24 - IACHR: States must promote women's participation in peace and security strategies.</a> Washington, D.C., March 8, 2024
50	<a href="#">50/24 - IACHR Files Case Concerning Mexico with IA Court over the Disappearance, Sexual Violence, and Death of an Adolescent Girl in Ciudad Juárez.</a> Washington, D.C., March 11, 2024
51	<a href="#">51/24 - IACHR Ends 189th Period of Sessions With 29 Public Hearings on Human Rights.</a> Washington, D.C., March 11, 2024
52	<a href="#">52/24 - IACHR Grants Precautionary Measures to Members of the Nahua Indigenous Community of Ayotitlán, Mexico.</a> Washington, D.C., March 12, 2024
53	<a href="#">53/24 - IACHR Releases Report on the Situation of Human Rights in Bolivia.</a> Washington, D.C., March 14, 2024
54	<a href="#">54/24 - IACHR and Its Special Rapporteurship for Freedom of Expression Conduct Second Joint Monitoring Visit to Chile.</a> Washington, D.C., March 18, 2024
55	<a href="#">55/24 - IACHR welcomes the international community's support and calls on Haiti to ensure a peaceful transition.</a> Washington, D.C., March 21, 2024
56	<a href="#">56/24 - REDESCA urges to ensure the right to water and sanitation in the face of the climate emergency and the impact of certain business activities in the Americas.</a> Washington, D.C., March 22, 2024
57	<a href="#">57/24 - IACHR and REDESCA call to guarantee the efforts of higher education institutions to preserve Afro-descendant memory.</a> Washington, D.C., March 22, 2024
58	<a href="#">58/24 - IACHR Grants Precautionary Measures to Indigenous Woman Cindy Fernandez and Her Family in Colombia.</a> Washington, D.C., March 22, 2024
59	<a href="#">59/24 - Pardons, Commutations, and Undue Prison Benefits are a Form of Impunity for Gross Human Rights Violations.</a> Washington, D.C., March 24, 2024
60	<a href="#">60/24 - REDESCA launches its Hemispheric Agenda 2024-2026 for Economic, Social, Cultural and Environmental Rights.</a> Washington, D.C., March 25, 2024
61	<a href="#">R61/24 - The Office of the Special Rapporteur warns of the impacts of organized crime on journalism and urges the State to protect journalists in Ecuador.</a> Washington, D.C., March 25, 2024
62	<a href="#">62/24 - IACHR Opens Call for Requests for Public Hearings at the 190th Period of Sessions.</a> Washington, D.C., March 25, 2024
63	<a href="#">63/24 - IACHR Grants Precautionary Measures to Families of the Kichwa Indigenous Community of Santa Rosillo de Yanayacu in Peru.</a> Washington, D.C., March 26, 2024
64	<a href="#">64/24 - IACHR Concludes Visit of Joint Follow-Up Mechanism in Chile (MESECH).</a> Washington, D.C., March 27, 2024
65	<a href="#">65/24 - IACHR Urges States to Promote the Political Participation of Transgender People.</a> Washington, D.C., March 31, 2024



No	Press Releases
66	<a href="#">66/24 - IACHR Announces On-Site Visit to Colombia.</a> Washington, D.C., April 3, 2024
67	<a href="#">67/24 - IACHR: the State of Venezuela must ensure the political participation of the opposition in the presidential elections, without arbitrariness.</a> Washington, D.C., April 5, 2024
68	<a href="#">68/24 - IACHR Grants Precautionary Measures to Thirteen Members of the La Plata Bahía Municipal Council in Málaga, Colombia.</a> Washington, D.C., April 10, 2024
69	<a href="#">69/24 - IACHR Files Complaint Against Argentina for Violations of Due Process Before the Inter-American Court of Human Rights.</a> Washington, D.C., April 11, 2024
70	<a href="#">70/24 - IACHR Follows Up on Precautionary Measures for Indigenous Families from the Nueva Austria del Sira Community in Peru.</a> Washington, D.C., April 11, 2024
71	<a href="#">71/24 - IACHR Grants Precautionary Measures to Human Rights Defender Julio César Góngora Millo in Cuba.</a> Washington, D.C., April 12, 2024
72	<a href="#">72/24 - Conclusion of the 6th IACHR and Inter-American Court Forum on democracy, rule of law, and human rights.</a> Washington D.C / San José, Costa Rica, April 12, 2024
73	<a href="#">73/24 - IACHR Announces Technical Cooperation with the State of Bolivia.</a> Washington, D.C., April 15, 2024
74	<a href="#">74/24 - IACHR Asks Ecuador to Fulfil Its International Obligations.</a> Washington, D.C., April 15, 2024
75	<a href="#">75/24 - Nicaragua: Six years after social protests, IACHR urges reestablishment of democracy, end to repression and impunity.</a> Washington, D.C., April 18, 2024
76	<a href="#">76/24 - Earth Day: REDESCA calls for a fair energy transition for a sustainable future.</a> Washington, D.C., April 22, 2024
77	<a href="#">77/24 - IACHR's 2023 Annual Report Notes Challenges in Protecting Human Rights and Democratic Institutions.</a> Washington, D.C., April 25, 2024
78	<a href="#">78/24 - IACHR Grants Precautionary Measures in Favor of Walner Blandón and Other Members of the Puerta de la Montaña Church Leadership in Nicaragua.</a> Washington, D.C., April 25, 2024
79	<a href="#">79/24 - REDESCA urges to ensure fair access and preventive measures against dengue in the region.</a> Washington, D.C., April 26, 2024
80	<a href="#">80/24 - IACHR Calls for Promotion of Educational Programs to Guarantee the Human Rights of Lesbian Women.</a> Washington, D.C., April 27, 2024
81	<a href="#">81/24 - IACHR and REDESCA Express Concern Over Worsening Food Shortages and Prolonged Power Cuts in Cuba.</a> Washington, D.C., April 29, 2024



No	Press Releases
82	<a href="#">R82/24 - The SRFOE condemns the murder of journalists Jaime Vásquez, Julio Zapata and Hilton Eduardo Barrios, and calls on the State to investigate the facts and ensure the protection of journalists.</a> Washington, D.C., April 30, 2024
83	<a href="#">83/24 - IACHR Follows Up on and Extends Precautionary Measures for Members of PROVEA in Venezuela.</a> Washington, D.C., April 30, 2024
84	<a href="#">84/24 - Joint Declaration on the Promotion of the Rights of Assembly and Association for Workers in the Informal Economy.</a> Washington D.C., Banjul and Geneva, April 30, 2024
85	<a href="#">85/24 - IACHR Files Application Before Inter-American Court of Human Rights in Case Concerning Girl's Death After Being Hit by a Collapsing Sculpture in a Public Place in Argentina.</a> Washington, D.C., May 2, 2024
86	<a href="#">R86/24 - The SRFOE warns about the continued preventive detention of journalist José Rubén Zamora and asks the State of Guatemala to report regularly on the judicial proceedings against him.</a> Washington, D.C., May 2, 2024
87	<a href="#">R87/24 - On World Press Freedom Day, SRFOE publishes its Annual Report 2023.</a> Washington, D.C., May 3, 2024
88	<a href="#">R88/24 - Freedom of expression and media crucial to tackling climate crisis: International Freedom of Expression Rapporteurs.</a> Washington, D.C., May 3, 2024
89	<a href="#">R89/24 - SRFOE warns about the press freedom situation in Haiti and urges the Presidential Transitional Council and regional States to adopt assistance measures for journalists.</a> Washington, D.C., May 3, 2024
90	<a href="#">90/24 - IACHR Files Application Before Inter-American Court of Human Rights in Case Concerning the Failure to Investigate Medical Malpractice in Babies' Deaths in Brazil.</a> Washington, D.C., May 3, 2024
91	<a href="#">91/24 - IACHR welcomes the decision issued by the Dominica High Court in favor of equality.</a> Washington, D.C., May 6, 2024
92	<a href="#">92/24 - IACHR Grants Precautionary Measures in Favor of Human Rights Defender Aniette González García in Cuba.</a> Washington, D.C., May 6, 2024
93	<a href="#">93/24 - IACHR Concerned About Migration Reforms that Restrict the Right to Asylum in Chile.</a> Washington, D.C., May 7, 2024
94	<a href="#">94/24 - IACHR Adopts Follow-Up Resolution on Precautionary Measures in Favor of José Daniel Ferrer García in Cuba.</a> Washington, D.C., May 8, 2024
95	<a href="#">95/24 - IACHR: United States must respect peaceful protest and academic freedom on campuses.</a> Washington, D.C., May 9, 2024



No	Press Releases
96	<a href="#">R96/24 - The SRFOE condemns the murder of journalist Roberto Carlos Figueroa and broadcaster Martín Antonio Olivier Rodríguez in Mexico and calls on the judicial authorities to conduct a diligent and thorough investigation.</a> Washington, D.C., May 10, 2024
97	<a href="#">97/24 - IACHR Grants Precautionary Measures to Members of the Tapeba Indigenous People of Caucaia in Brazil.</a> Washington, D.C., May 10, 2024
98	<a href="#">98/24 - IACHR Takes to Inter-American Court of Human Rights Case Concerning Unlawful Deprivation of Liberty and Cruel, Inhuman, and Degrading Treatment in Nicaragua.</a> Washington, D.C., May 10, 2024
99	<a href="#">99/24 - IACHR Files Application Before Inter-American Court of Human Rights in Case Concerning Violations of Due Process in Criminal Proceedings in Venezuela.</a> Washington, D.C., May 13, 2024
100	<a href="#">100/24 - IACHR Asks Ecuador to Ensure Judicial Independence in the Face of Organized Crime Interference.</a> Washington, D.C., May 14, 2024
101	<a href="#">101/24 - IACHR Releases Report on the Situation of Human Rights in Honduras.</a> Washington, D.C., May 15, 2024
102	<a href="#">102/24 - IACHR Extends Precautionary Measures in Favor of Marienys Pavó Oñate in Cuba.</a> Washington, D.C., May 15, 2024
103	<a href="#">103/24 - IACHR Grants Precautionary Measures in Favor of Human Rights Defender D.M.P. in Cuba.</a> Washington, D.C., May 15, 2024
104	<a href="#">104/24 - IACHR Grants Precautionary Measures in Favor of Human Rights Defender Joel Antonio García Hernández in Venezuela.</a> Washington, D.C., May 15, 2024
105	<a href="#">105/24 - States must take efforts to end discrimination based on sexual orientation, and gender identity.</a> Washington, D.C. / Geneva, May 16, 2024
106	<a href="#">R106/24 - The SRFOE expresses concern over repression against journalists and deterioration of civic space in Venezuela.</a> Washington, D.C., May 16, 2024
107	<a href="#">107/24 - IACHR Asks Venezuela to Fight Impunity for Serious Human Rights Violations.</a> Washington, D.C., May 20, 2024
108	<a href="#">R108/24 - The SRFOE presents considerations after visit to Chile and invites society to provide additional information.</a> Washington, D.C., May 20, 2024
109	<a href="#">109/24 - IACHR Grants Precautionary Measures in Favor of Journalist Aldemar Solano Cuéllar and His Son in Colombia.</a> Washington, D.C., May 21, 2024
110	<a href="#">110/24 - IACHR Grants Precautionary Measures in Favor of Human Rights Defender Víctor Moreno in Colombia.</a> Washington, D.C., May 21, 2024
111	<a href="#">R111/24 - The SRFOE expresses its concern about risks to the right to the confidentiality of journalistic sources in Peru.</a> Washington, D.C., May 22, 2024



No	Press Releases
112	<a href="#">112/24 - IACHR Issues Resolution About Election Monitors As Human Rights Defenders.</a> Washington, D.C., May 23, 2024
113	<a href="#">113/24 - IACHR Completes Working Visit to Colombia Regarding Transition Cases and Friendly Settlements.</a> Washington, D.C., May 24, 2024
114	<a href="#">114/24 - Mexico: IACHR condemns acts of violence against candidates and calls for strengthening preventive actions to ensure peaceful elections.</a> Washington, D.C., May 24, 2024
115	<a href="#">115/24 - IACHR Grants Precautionary Measures in Favor of Sonia Chilguese, Diana Montilla, and Their Families in Colombia.</a> Washington, D.C., May 28, 2024
116	<a href="#">116/24 - IACHR Welcomes Full Compliance with the Friendly Settlement Agreement in the Case of Gabriela Blas Blas and Her Daughter, With Regard to Chile.</a> Washington, D.C., May 28, 2024
117	<a href="#">117/24 - IACHR Welcomes Full Compliance with the Friendly Settlement Agreement in the Case of Roberto Molina, Zury Mayte Ríos, and M.W.R., With Regard to Guatemala.</a> Washington, D.C., May 29, 2024
118	<a href="#">118/24 - IACHR and UN Treaty Bodies conclude meeting on human rights cooperation.</a> Washington, D.C. / Geneva, May 30, 2024
119	<a href="#">119/24 - IACHR Welcomes Full Compliance with the Friendly Settlement Agreement in the Case Involving the Child Pedro Antonio Centurión in Paraguay.</a> Washington, D.C., May 30, 2024
120	<a href="#">120/24 - Brazil: CIDH and REDESCA stand in solidarity with the environmental tragedy in Rio Grande do Sul and reaffirm the importance of promoting broader actions in response to the climate emergency.</a> Washington, D.C., May 30, 2024
121	<a href="#">121/24 - IACHR concludes visit of the Special Follow-Up Mechanism for Nicaragua to Costa Rica.</a> Washington, D.C., May 31, 2024
122	<a href="#">122/24 - IACHR Publishes Compendium on Comprehensive Redress With a Gender Perspective in Transitional Justice Contexts.</a> Washington, D.C., May 31, 2024
123	<a href="#">123/24 - IACHR Calls for Participation in Ex Officio Public Hearings of the 190th Period of Sessions.</a> Washington, D.C., May 31, 2024
124	<a href="#">124/24 - IACHR and OHCHR Ask Chilean Legislators to Respect Human Rights Standards Concerning Security.</a> Washington, D.C., June 3, 2024
125	<a href="#">125/24 - In historic hearing process with the participation of REDESCA, I/A Court an Advisory Opinion will issue an advisory opinion on state obligations on climate emergency.</a> Washington, D.C., June 5, 2024
126	<a href="#">126/24 - IACHR Welcomes Progress Made By Argentina in Friendly Settlements in 2023.</a> Washington, D.C., June 5, 2024
127	<a href="#">127/24 - IACHR Grants Precautionary Measures to Walner Ruiz Rivera in Nicaragua.</a> Washington, D.C., June 5, 2024



No	Press Releases
128	<a href="#"><u>128/24 - IACHR Welcomes Progress Made By Colombia in Friendly Settlements in 2023.</u></a> Washington, D.C., June 6, 2024
129	<a href="#"><u>129/24 - IACHR Files Application Before Inter-American Court of Human Rights in Case Concerning Rights Violations Through Failure to Investigate Disappearance in Guatemala.</u></a> Washington, D.C., June 7, 2024
130	<a href="#"><u>130/24 - IACHR Is Concerned About Congressional Interference With Other Branches of Government in Peru.</u></a> Washington, D.C., June 7, 2024
131	<a href="#"><u>131/24 - IACHR Asks States to Prioritize Protecting the Rights of Children and Adolescents.</u></a> Washington, D.C., June 10, 2024
132	<a href="#"><u>132/24 - Nicaragua: IACHR urges to guarantee the life and integrity of arbitrarily detained persons and their immediate release.</u></a> Washington, D.C., June 11, 2024
133	<a href="#"><u>133/24 - Pension Systems Must Enable Older Persons to Live With Dignity, IACHR Says.</u></a> Washington, D.C., June 11, 2024
134	<a href="#"><u>134/24 - IACHR extends precautionary measures to members of the Pataxó Hã-Hã-Hãe Indigenous People in Brazil.</u></a> Washington, D.C., June 11, 2024
135	<a href="#"><u>135/24 - IACHR Welcomes Mexico's Ban on Practices Aimed At Changing Sexual Orientation and Gender Expressions.</u></a> Washington, D.C., June 12, 2024
136	<a href="#"><u>R136/24 - SRFOE launches dialogues on prevention of discriminatory speech in the media.</u></a> Washington, D.C., June 12, 2024
137	<a href="#"><u>137/24 - United States: IACHR expresses concern over new measures restricting the right to asylum.</u></a> Washington, D.C., June 13, 2024
138	<a href="#"><u>138/24 - IACHR highlights results of 4 years of implementation of Resolution 2/20 on follow-up to precautionary measures.</u></a> Washington, D.C., June 14, 2024
139	<a href="#"><u>139/24 - IACHR: States Must Protect Older People from All Forms of Violence.</u></a> Washington, D.C., June 14, 2024
140	<a href="#"><u>140/24 - IACHR Publishes Merit Report on the Akawaio Indigenous Community of Isseneru Case in Guyana.</u></a> Washington, D.C., June 14, 2024
141	<a href="#"><u>141/24 - Venezuela Must Ensure the Right to Vote of Venezuelans Who Live Outside the Country Whatever their Migration Status, IACHR Says.</u></a> Washington, D.C., June 18, 2024
142	<a href="#"><u>142/24 - IACHR Grants Precautionary Measures in Favor of Nine Individuals Who Are Deprived of Liberty in Nicaragua.</u></a> Washington, D.C., June 18, 2024
143	<a href="#"><u>143/24 - IACHR Issues Preliminary Observations of On-Site Visit to Colombia.</u></a> Washington, D.C., June 19, 2024
144	<a href="#"><u>144/24 - IACHR: States Must Strengthen National Protection Systems for Refugees.</u></a> Washington, D.C., June 20, 2024
145	<a href="#"><u>145/24 - IACHR Requests from Inter-American Court of Human Rights An Extension of Provisional Measures in Favor of 25 Individuals Who Are Deprived of Liberty in Nicaragua.</u></a> Washington, D.C., June 20, 2024



No	Press Releases
146	<a href="#"><u>146/24 - Haiti: IACHR Calls to Guarantee Transition Process with the Support of the International Community.</u></a> Washington, D.C., June 24, 2024
147	<a href="#"><u>147/24 - IACHR: United States must intensify efforts to guarantee women's right to reproductive health.</u></a> Washington, D.C., June 25, 2024
148	<a href="#"><u>148/24 - IACHR Calls on States to Promote the Creation and Functioning of National Anti-Torture Mechanisms.</u></a> Washington, D.C., June 26, 2024
149	<a href="#"><u>149/24 - Laws and practices on asylum must resist politics of fear and exclusion: UN rights experts.</u></a> Washington, D.C., June 26, 2024
150	<a href="#"><u>150/24 - IACHR and REDESCA call on States to guarantee economic, social, cultural and environmental rights of LGBTI persons.</u></a> Washington, D.C., June 28, 2024
151	<a href="#"><u>151/24 - IACHR Releases Schedule of Public Hearings for 190th Period of Sessions.</u></a> Washington, D.C., June 28, 2024
152	<a href="#"><u>152/24 - OAS General Assembly Adopts Declaration to Recognize the IACHR's Contributions 65 Years after the Commission Was Founded.</u></a> Washington, D.C., June 28, 2024
153	<a href="#"><u>153/24 - IACHR Grants Precautionary Measures in Favor of A Human Rights Defender Who Is Deprived of Liberty in Cuba.</u></a> Washington, D.C., July 1, 2024
154	<a href="#"><u>154/24 - IACHR Concludes Working Visit to Brazil on the Precautionary Measures for UNIVAJA, Bruno Araújo Pereira, and Dom Phillips, and the Maria da Penha Case.</u></a> Washington, D.C., July 2, 2024
155	<a href="#"><u>155/24 - IACHR requests provisional measures in favor of Lovely Lamour in Haiti.</u></a> Washington, D.C., July 2, 2024
156	<a href="#"><u>156/24 - IACHR Condemns Coup Attempt in Bolivia.</u></a> Washington, D.C., July 3, 2024
157	<a href="#"><u>157/24 - IACHR Grants Precautionary Measures in Favor of Fray Pascual Claro Valladares in Cuba.</u></a> Washington, D.C., July 3, 2024
158	<a href="#"><u>158/24 - Argentina Must Respect Rights to Freedom of Association and Peaceful Assembly While Keeping Its Citizens Safe. Say IACHR and Its Special Rapporteurship for Freedom of Expression.</u></a> Washington, D.C., July 4, 2024
159	<a href="#"><u>159/24 - IACHR Urges Venezuela to End Political Persecution and to Enable Free Elections.</u></a> Washington, D.C., July 8, 2024
160	<a href="#"><u>160/24 - IACHR and REDESCA Calls for International Solidarity In the Face of the Emergency in Countries Affected by Hurricane Beryl.</u></a> Washington, D.C., July 9, 2024
161	<a href="#"><u>161/24 - IACHR Announces On-Site Visit to Guatemala.</u></a> Washington, D.C., July 10, 2024
162	<a href="#"><u>162/24 - Three years after the protests of July 11 in Cuba, IACHR and Its Special Rapporteurship for Freedom of Expression Condemn Persistent Repression.</u></a> Washington, D.C., July 11, 2024



No	Press Releases
163	<a href="#"><u>R163/24 - The SRFOE condemns the murder of journalist Víctor Morales in Mexico and urges a diligent and exhaustive investigation.</u></a> Washington, D.C., July 12, 2024
164	<a href="#"><u>R164/24 - The Office of the Special Rapporteur launches thematic report "Digital Inclusion and Internet Content Governance".</u></a> Washington, D.C., July 15, 2024
165	<a href="#"><u>R165/24 - The SRFOE condemns the murder of journalist Jorge Méndez and urges the Colombian State to investigate diligently.</u></a> Washington, D.C., July 15, 2024
166	<a href="#"><u>166/24 - IACHR and RELE warn about political persecution in Venezuela in the electoral context.</u></a> Washington, D.C., July 19, 2024
167	<a href="#"><u>167/24 - IACHR Completes its 190th Period of Sessions and Celebrates its 65th Anniversary.</u></a> Washington, D.C., July 19, 2024
168	<a href="#"><u>R168/24 - The SRFOE urges the State of Nicaragua to cease repressive actions against journalists.</u></a> Washington, D.C., July 23, 2024
169	<a href="#"><u>169/24 - IACHR Files Case with IA Court Concerning Violation of Political Rights and Judicial Guarantees.</u></a> Washington, D.C., July 25, 2024
170	<a href="#"><u>170/24 - IACHR Files Application Before Inter-American Court of Human Rights in Case Concerning Transfemicide of Leonela Zelaya in Honduras And Subsequent Impunity.</u></a> Washington, D.C., July 26, 2024
171	<a href="#"><u>171/24 - IACHR calls on States to mitigate maternal mortality for Afro-descendant women, girls, and persons with a capacity for pregnancy.</u></a> Washington, D.C., July 26, 2024
172	<a href="#"><u>172/24 - IACHR and UN Special Rapporteur on Trafficking in Persons: States must enhance the protection of victims of human trafficking.</u></a> Washington, D.C., July 30, 2024
173	<a href="#"><u>173/24 - IACHR Opens Call for Requests for Public Hearings at the 191st Period of Sessions.</u></a> Washington, D.C., July 30, 2024
174	<a href="#"><u>174/24 - Venezuela: IACHR and Special Rapporteur for Freedom of Expression Condemn Serious Human Rights Violations During Post-Election Protest Repression.</u></a> Washington, D.C., July 31, 2024
175	<a href="#"><u>175/24 - IACHR Grants Precautionary Measures in Favor of Mirian Aída Reguero and Her Family in Guatemala.</u></a> Washington, D.C., August 6, 2024
176	<a href="#"><u>176/24 - IACHR Grants Precautionary Measures in Favor of Rights Defender Gustavo Yaxón and His Family in Guatemala.</u></a> Washington, D.C., August 6, 2024
177	<a href="#"><u>177/24 - IACHR Grants Precautionary Measures in Favor of Three Individuals Who Are Deprived of Liberty in Nicaragua.</u></a> Washington, D.C., August 6, 2024



No	Press Releases
178	<a href="#">178/24 - IACHR Grants Precautionary Measures to María Andreina Oropeza Camacho, Who Has Disappeared in Venezuela.</a> Washington, D.C., August 10, 2024
179	<a href="#">R179/24 - The SRFOE condemns the murder of journalist Alejandro Martínez Noguez and urges a diligent and thorough investigation.</a> Washington, D.C., August 12, 2024
180	<a href="#">180/24 - REDESCA Urges Integration of Human Rights into Global Fiscal Reforms and Climate Financing.</a> Washington, D.C., August 12, 2024
181	<a href="#">181/24 - Nicaragua: IACHR urges cessation of religious persecution and release of all persons arbitrarily detained.</a> Washington, D.C., August 14, 2024
182	<a href="#">182/24 - IACHR Grants Precautionary Measures to Joel Jardines Jardines, Deprived of His Liberty in Cuba.</a> Washington, D.C., August 14, 2024
183	<a href="#">183/24 - IACHR Reviews and Modifies Precautionary Measures Granted to Williams Dávila in Venezuela.</a> Washington, D.C., August 14, 2024
184	<a href="#">184/24 - IACHR and SRFOE condemn State terrorism practices in Venezuela.</a> Washington, D.C., August 15, 2024
185	<a href="#">185/24 - IACHR Publishes Simplified, User-Friendly Version of Resolution No. 05/23 on the Participation of Children and Adolescents.</a> Washington, D.C., August 16, 2024
186	<a href="#">186/24 - IACHR Grants Precautionary Measures to Journalist Roland Oswaldo Carreño Gutiérrez in Venezuela.</a> Washington, D.C., August 17, 2024
187	<a href="#">187/24 - IACHR Reviews and Modifies Precautionary Measures Granted to Américo de Grazia in Venezuela.</a> Washington, D.C., August 17, 2024
188	<a href="#">188/24 - IACHR Grants Precautionary Measures to Three Individuals Being Deprived of Their Freedom in Nicaragua.</a> Washington, D.C., August 20, 2024
189	<a href="#">189/24 - IACHR condemns massive closure of civil society and religious organizations in Nicaragua.</a> Washington, D.C., August 22, 2024
190	<a href="#">R190/24 - The SRFOE Alerts the International Community about Arbitrary Detention of Journalists and Criminalization of Dissent in Venezuela.</a> Washington, D.C., August 23, 2024
191	<a href="#">191/24 - IACHR Grants Precautionary Measures to Carmen Leonor García Azuaje in Venezuela.</a> Washington, D.C., August 23, 2024
192	<a href="#">192/24 - IACHR Concludes Follow-Up Visit to Peru.</a> Washington, D.C., August 26, 2024
193	<a href="#">193/24 - IACHR Grants Precautionary Measures to Political Leader Freddy Superlano in Venezuela.</a> Washington, D.C., August 26, 2024



No	Press Releases
194	<a href="#">194/24 - IACHR grants precautionary measures in favor of Rodsman Saadik Molina Ortez, trade unionist in Honduras.</a> Washington, D.C., August 27, 2024
195	<a href="#">195/24 - IACHR grants precautionary measures in favor of the adolescent S.J.C.A. regarding Colombia.</a> Washington, D.C., August 27, 2024
196	<a href="#">196/24 - IACHR grants precautionary measures in favor of journalist Ana Carolina Guaita in Venezuela.</a> Washington, D.C., August 27, 2024
197	<a href="#">197/24 - Federal and local authorities in Mexico must step up efforts to prevent and punish acts of violence against trans people.</a> Washington, D.C., August 29, 2024
198	<a href="#">198/24 - IACHR Condemns Persecution of Human Rights Defenders in Venezuela.</a> Washington, D.C., August 29, 2024
199	<a href="#">199/24 - IACHR presents preliminary observations of the on-site visit to Guatemala.</a> Washington, D.C., August 30, 2024
200	<a href="#">200/24 - IACHR Urges States to Overcome the Denialism That Hinders Effective State Responses to Enforced Disappearances.</a> Washington, D.C., August 30, 2024
201	<a href="#">201/24 - Victims of enforced disappearances need urgent responses and concerted action, forthcoming World Congress offers unique opportunity, experts say.</a> Washington, D.C. / Geneva, August 30, 2024
202	<a href="#">202/24 - States must implement comprehensive reparatory justice for people and tribal communities of African descent.</a> Washington, D.C., August 31, 2024
203	<a href="#">203/24 - IACHR: United States must address ethno-racially motivated police violence against persons with psychosocial disabilities.</a> Washington, D.C., September 3, 2024
204	<a href="#">204/24 - IACHR grants precautionary measures in favor of the legal coordinator of Vente Venezuela, Perkins Rocha Contreras, in Venezuela.</a> Washington, D.C., September 3, 2024
205	<a href="#">205/24 - IACHR grants precautionary measures in favor Eleanger David Navas Vidal, in Venezuela.</a> Washington, D.C., September 3, 2024
206	<a href="#">206/24 - IACHR warns of impacts on access to justice following approval of Peru's law on crimes against humanity.</a> Washington, D.C., September 3, 2024
207	<a href="#">207/24 - IACHR Issues Report on State of Emergency and Human Rights in El Salvador.</a> Washington, D.C., September 4, 2024
208	<a href="#">208/24 - IACHR expresses concern over Jamaica's continued use of states of emergency.</a> Washington, D.C., September 5, 2024
209	<a href="#">209/24 - IACHR grants precautionary measures to Biagio Pilieri Gianninoto and his son, members of the Convergencia political party in Venezuela.</a> Washington, D.C., September 7, 2024
210	<a href="#">210/24 - IACHR grants precautionary measures to Nélida Sánchez, the national coordinator of Súmate in Venezuela.</a> Washington, D.C., September 7, 2024



No	Press Releases
211	<a href="#">R211/24 - SRFOE welcomes with gratification Colombia's presidential directive on duties of authorities on freedom of expression.</a> Washington, D.C., September 9, 2024
212	<a href="#">212/24 - IACHR condemns the arbitrary detention of children and adolescents in the aftermath of the elections in Venezuela.</a> Washington, D.C., September 12, 2024
213	<a href="#">213/24 - IACHR expresses concerns over judiciary reform in Mexico and warns of threats to judicial independence, access to justice, and rule of law.</a> Washington, D.C., September 12, 2024
214	<a href="#">R214/24 - States must urgently protect civic space in the face of globally-spreading harmful "foreign agent/influence"-like laws: UN and regional experts urged.</a> Washington, D.C., September 13, 2024
215	<a href="#">215/24 - IACHR condemns forced exile of Edmundo González and acts of aggression at Argentina's embassy in Venezuela.</a> Washington, D.C., September 13, 2024
216	<a href="#">216/24 - IACHR: Protecting democracy means protecting the independence of the judiciary.</a> Washington, D.C., September 13, 2024
217	<a href="#">217/24 - IACHR condemns arbitrary revocation of nationality of 135 recently released prisoners in Nicaragua.</a> Washington, D.C., September 13, 2024
218	<a href="#">218/24 - REDESCA calls for urgent action in response to the environmental crisis in South America caused by wildfires.</a> Washington, D.C., September 17, 2024
219	<a href="#">219/24 - IACHR Condemns Assassination of Environmental Defender Juan López in Honduras.</a> Washington, D.C., September 18, 2024
220	<a href="#">220/24 - IACHR and SRFOE urge Argentina to uphold the right to social protest.</a> Washington, D.C., September 23, 2024
221	<a href="#">221/24 - IACHR grants precautionary measures to journalist and community leader William Stiven Rojas Rincon in Colombia.</a> Washington, D.C., September 25, 2024
222	<a href="#">222/24 - IACHR grants precautionary measures in favor of police officer G.O.F. and his family in Colombia.</a> Washington, D.C., September 25, 2024
223	<a href="#">223/24 - IACHR files case with IA Court concerning violations of the right to judicial protection of 12 victims in Argentina.</a> Washington, D.C., September 25, 2024
224	<a href="#">224/24 - IACHR extends precautionary measures in favor of authorities and members of Siona indigenous reservations in Colombia.</a> Washington, D.C., September 25, 2024
225	<a href="#">225/24 - Ten years after Ayotzinapa, IACHR marks a decade of struggle for justice in Mexico.</a> Washington, D.C., September 26, 2024
226	<a href="#">226/24 - IACHR calls for legislation and public policies to safeguard human rights of bisexual people.</a> Washington, D.C., September 26, 2024



No	Press Releases
227	<a href="#">227/24 - IACHR Files Application Before Inter-American Court of Human Rights in Case Concerning Disproportionate Use of Force During Demonstrations in Venezuela.</a> Washington, D.C., September 26, 2024
228	<a href="#">228/24 - IACHR publishes follow-up report on recommendations on the rights of people deprived of their freedom in Guatemala, Honduras, and El Salvador.</a> Washington, D.C., September 27, 2024
229	<a href="#">229/24 - IACHR files case with IA Court concerning enforced disappearance in Argentina.</a> Washington, D.C., September 27, 2024
230	<a href="#">230/24 - IACHR calls on States to continue adopting measures to prevent and eradicate statelessness in the region.</a> Washington, D.C., September 27, 2024
231	<a href="#">231/24 - IACHR files application before Inter-American Court of Human Rights in case concerning violations of the rights to judicial guarantees and freedom of expression of newspaper editor-in-chief in Paraguay.</a> Washington, D.C., September 30, 2024
232	<a href="#">232/24 - IACHR grants precautionary measures to Osmar Sánchez, pregnant detainee in Venezuela.</a> Washington, D.C., September 30, 2024
233	<a href="#">233/24 - Independence, autonomy, and aging with dignity are fundamental rights of older people.</a> Washington, D.C., October 1, 2024
234	<a href="#">234/24 - IACHR files case with IA Court over journalist's death and ongoing impunity in Nicaragua.</a> Washington, D.C., October 1, 2024
235	<a href="#">235/24 - IACHR Urges States to Protect the Reproductive Autonomy and Freedom of Women and Adolescent Girls.</a> Washington, D.C., October 1, 2024
236	<a href="#">236/24 - IACHR Files Application Before Inter-American Court of Human Rights in Case Concerning Torture and Death of Incarcerated Man in Nicaragua.</a> Washington, D.C., October 2, 2024
237	<a href="#">237/24 - IACHR files case with IA Court concerning violations of judicial guarantees and health rights of an older woman in Argentina.</a> Washington, D.C., October 3, 2024
238	<a href="#">238/24 - IACHR grants precautionary measures in favor of adolescent J.A.R.L. and his father in Colombia.</a> Washington, D.C., October 4, 2024
239	<a href="#">239/24 - IACHR submits case concerning Bolivia to IA Court over violations during police operation.</a> Washington, D.C., October 4, 2024
240	<a href="#">240/24 - IACHR announces technical cooperation and promotional visit to Barbados.</a> Washington, D.C., October 4, 2024
241	<a href="#">241/24 - IACHR requests from Inter-American Court an extension of provisional measures in favor of four individuals who are deprived of liberty in Nicaragua.</a> Washington, D.C., October 4, 2024
242	<a href="#">242/24 - IACHR submits case concerning Colombia to IA Court over murders and enforced disappearances.</a> Washington, D.C., October 7, 2024



No	Press Releases
243	<a href="#"><u>243/24 - IACHR grants precautionary measures in favor of Eddie Moisés González Valdivia in Nicaragua.</u></a> Washington, D.C., October 7, 2024
244	<a href="#"><u>244/24 - IACHR condemns grave human rights violations against people deprived of their freedom in Nicaragua.</u></a> Washington, D.C., October 9, 2024
245	<a href="#"><u>245/24 - IACHR grants precautionary measures in favor of Juan Pablo Guanipa, coordinator of the Justice First political party in Venezuela.</u></a> Washington, D.C., October 9, 2024
246	<a href="#"><u>246/24 - IACHR Visit to Belize.</u></a> Washington, D.C., October 15, 2024
247	<a href="#"><u>247/24 - Experts urge States to fully integrate human rights at COP16 of the Convention on Biological Diversity.</u></a> Washington, D.C., October 15, 2024
248	<a href="#"><u>248/24 - IACHR condemns attacks on rights defenders in the Dominican Republic.</u></a> Washington, D.C., October 16, 2024
249	<a href="#"><u>249/24 - IACHR grants precautionary measures in favor of child Y.A.V.G. in Colombia.</u></a> Washington, D.C., October 16, 2024
250	<a href="#"><u>R250/24 - SRFOE urges Guatemalan judicial authorities to act swiftly in the criminal proceedings against journalist José Rubén Zamora and requests regular reports from the State.</u></a> Washington, D.C., October 17, 2024
251	<a href="#"><u>251/24 - IACHR: States Must End Sexual Violence Against Indigenous Girls and Adolescents.</u></a> Washington, D.C., October 17, 2024
252	<a href="#"><u>252/24 - Brazil: IACHR and UN Human Rights Condemn Violence Against Indigenous Peoples and Urge the State to Protect Their Territorial Rights.</u></a> Washington, D.C., October 17, 2024
253	<a href="#"><u>253/24 - IACHR: States Must Ensure Reproductive Health for Rural Women, Girls, and Adolescents.</u></a> Washington, D.C., October 17, 2024
254	<a href="#"><u>254/24 - REDESCA Calls on States to Combat Poverty and Inequality with Effective Economic and Fiscal Policies.</u></a> Washington, D.C., October 17, 2024
255	<a href="#"><u>R255/24 - SRFOE warns of bill limiting freedom of association in Paraguay.</u></a> Washington, D.C., October 18, 2024
256	<a href="#"><u>256/24 - IACHR concludes technical cooperation and promotional visit to Barbados.</u></a> Washington, D.C., October 18, 2024
257	<a href="#"><u>257/24 - IACHR and REDESCA: Venezuela Must Protect the Yanomami People from the Advance of Illegal Mining and other Illicit Activities.</u></a> Washington, D.C., October 21, 2024
258	<a href="#"><u>258/24 - IACHR grants precautionary measures to three members of the Democratic Unitary Platform political party in the Venezuelan state of Guárico.</u></a> Washington, D.C., October 23, 2024
259	<a href="#"><u>259/24 - IACHR files application before Inter-American Court in case concerning violations of judicial protection and judicial guarantees in Argentina.</u></a> Washington, D.C., October 23, 2024



No	Press Releases
260	<a href="#">260/24 - IACHR condemns murder of Father Marcelo Pérez Pérez, beneficiary of precautionary measures in Mexico.</a> Washington, D.C., October 24, 2024
261	<a href="#">261/24 - IACHR files application before Inter-American Court in case concerning Supreme Court justice's dismissal in Argentina.</a> Washington, D.C., October 24, 2024
262	<a href="#">262/24 - IACHR files case with IA Court concerning violations of trade union rights in Nicaragua.</a> Washington, D.C., October 25, 2024
263	<a href="#">263/24 - IACHR grants precautionary measures in favor of Gersom Antonio Zeledón and three other individuals in Nicaragua.</a> Washington, D.C., October 25, 2024
264	<a href="#">264/24 - IACHR Announces Schedule of Public Hearings for 191st Period of Sessions.</a> Washington, D.C., October 28, 2024
265	<a href="#">265/24 - States need to consolidate national systems of care for older persons, IACHR says.</a> Washington, D.C., October 29, 2024
266	<a href="#">266/24 - IACHR completes visit to Tacoma, United States, to monitor compliance with precautionary measures.</a> Washington, D.C., October 29, 2024
267	<a href="#">267/24 - IACHR publishes first Inter-American SIMORE report on measures reported by Honduras.</a> Washington, D.C., October 29, 2024
268	<a href="#">268/24 - IACHR concludes visit to Belize.</a> Washington, D.C., October 30, 2024
269	<a href="#">269/24 - IACHR urges the United States to refrain from applying the death penalty on Richard Moore, beneficiary of precautionary measures.</a> Washington, D.C., October 30, 2024
270	<a href="#">270/24 - IACHR grants precautionary measures in favor of Steadman Fagot Muller in Nicaragua.</a> Washington, D.C., October 30, 2024
271	<a href="#">271/24 - IACHR grants precautionary measures to Israel Moisés Crespo Sulbarán, J.D.C.C., and Gustavo Adolfo Torres Zambrano, in Venezuela.</a> Washington, D.C., October 30, 2024
272	<a href="#">272/24 - IACHR grants precautionary measures in favor of Leocenis Manuel García Osorio in Venezuela.</a> Washington, D.C., October 31, 2024
273	<a href="#">R273/24 - SRFOE Raises Alarm Over Educational Censorship in the United States, Warning of Long-Term Impact on Future Generations.</a> Washington, D.C., October 31, 2024
274	<a href="#">274/24 - REDESCA announces working visit to Brazil.</a> Washington, D.C., October 31, 2024
275	<a href="#">275/24 - IACHR grants precautionary measures to Czech national Jan Darmovzal in Venezuela.</a> Washington, D.C., November 1, 2024
276	<a href="#">R276/24 - SRFOE Reaffirms Urgent Call to Combat Violence and Impunity in Crimes Against Journalists.</a> Washington, D.C., November 2, 2024



No	Press Releases
277	<a href="#">R277/24 - The SRFOE condemns acts of violence against journalists and media outlets in Mexico.</a> Washington, D.C., November 4, 2024
278	<a href="#">278/24 - REDESCA at COP16: Progress and challenges in biodiversity protection with a human rights approach.</a> Washington, D.C., November 6, 2024
279	<a href="#">279/24 - IACHR: Trinidad and Tobago Must Adopt Urgent Measures to Prevent Gender-Based Violence Against Women.</a> Washington, D.C., November 7, 2024
280	<a href="#">280/24 - IACHR and SFROE express concern over reports of repression of social protest in Argentina.</a> Washington, D.C., November 8, 2024
281	<a href="#">281/24 - IACHR condemns execution of Richard Moore, sentenced to death penalty in United States.</a> Washington, D.C., November 8, 2024
282	<a href="#">282/24 - IACHR warns of human rights impacts of growing unrest in Bolivia and calls for dialogue.</a> Washington, D.C., November 8, 2024
283	<a href="#">283/24 - COP29: REDESCA urges the adoption of firm commitments in climate financing with a human rights approach.</a> Washington, D.C., November 11, 2024
284	<a href="#">284/24 - IACHR grants precautionary measures in favor of S.J.R.G. in Venezuela.</a> Washington, D.C., November 11, 2024
285	<a href="#">285/24 - IACHR concludes working visit to Honduras.</a> Washington, D.C., November 12, 2024
286	<a href="#">286/24 - IACHR opens call for public hearings for 192nd Period of Sessions.</a> Washington, D.C., November 13, 2024
287	<a href="#">287/24 - IACHR grants precautionary measures to the family of Layrton Fernandes da Cruz in Brazil.</a> Washington, D.C., November 18, 2024
288	<a href="#">288/24 - REDESCA announces working visit to Bolivia.</a> Washington, D.C., November 18, 2024
289	<a href="#">289/24 - IACHR grants precautionary measures to Erika Vanessa Trochez and Jazmín Elena Ortiz in Colombia.</a> Washington, D.C., November 19, 2024
290	<a href="#">290/24 - IACHR Concludes its 191st Period of Sessions with 35 Public Hearings on Human Rights in The Americas.</a> Washington, D.C., November 21, 2024
291	<a href="#">291/24 - IACHR: States Must Ensure Human Rights for Trans and Gender-Diverse People on the International Trans Day of Remembrance.</a> Washington, D.C., November 25, 2024
292	<a href="#">292/24 - Eradicating violence against women requires normative and institutional frameworks focused on prevention, punishment, and redress, IACHR says.</a> Washington, D.C., November 25, 2024
293	<a href="#">293/24 - IACHR grants precautionary measures to Nicaraguan national Reinaldo Picado in Costa Rica.</a> Washington, D.C., November 26, 2024



No	Press Releases
294	<a href="#">294/24 - IACHR Renews the Mandate of its Executive Secretary, Tania Reneaum Panszi.</a> Washington, D.C., November 27, 2024
295	<a href="#">295/24 - Nicaragua: IACHR condemns constitutional amendments that eliminates democratic checks and balances.</a> Washington, D.C., November 27, 2024
296	<a href="#">296/24 - IACHR issues follow-up, modification, and extension resolution about precautionary measures in favor of Franklin Caldera Cordero and his family in Venezuela.</a> Washington, D.C., November 27, 2024
297	<a href="#">297/24 - IACHR grants precautionary measures in favor of Eduardo Emiro Labrador, member of the Legislative Council of the Venezuelan state of Zulia.</a> Washington, D.C., November 27, 2024
298	<a href="#">298/24 - IACHR files case with IA Court concerning violations of labor and trade union rights in Costa Rica.</a> Washington, D.C., November 27, 2024
299	<a href="#">299/24 - IACHR issues follow-up and modification resolution concerning precautionary measures in favor of María Corina Machado in Venezuela.</a> Washington, D.C., November 27, 2024
300	<a href="#">300/24 - IACHR grants precautionary measures in favor of Colombian citizen Jhon Fernando Paladines Rubio in Nicaragua.</a> Washington, D.C., November 27, 2024
301	<a href="#">301/24 - REDESCA: Human Rights and Climate Justice in the COP29 Agreements.</a> Washington, D.C., December 2, 2024
302	<a href="#">302/24 - IACHR issues follow-up and extension resolution about precautionary measures in favor of members of Foro Penal in Venezuela.</a> Washington, D.C., December 3, 2024
303	<a href="#">303/24 - IACHR holds annual dialogue with National Human Rights Institutions from the Americas.</a> Washington, D.C., December 3, 2024
304	<a href="#">304/24 - IACHR urges Argentina to respect Indigenous peoples' territorial rights.</a> Washington, D.C., December 4, 2024
305	<a href="#">305/24 - IACHR files application before Inter-American Court of Human Rights in case concerning the rights of indigenous peoples in voluntary isolation in Peru.</a> Washington, D.C., December 4, 2024
306	<a href="#">306/24 - IACHR, SFROE, and REDESCA condemn repression of organizations and media in Cuba amid severe social and economic crisis.</a> Washington, D.C., December 4, 2024
307	<a href="#">307/24 - IACHR grants precautionary measures in favor of Víctor Boitano Coleman in Nicaragua.</a> Washington, D.C., December 5, 2024
308	<a href="#">308/24 - IACHR grants precautionary measures in favor of Jorge Luis Graterol Guzmán in Venezuela.</a> Washington, D.C., December 5, 2024
309	<a href="#">309/24 - IACHR welcomes the decision issued by Grenada's Supreme Court against corporal punishment by flogging.</a> Washington, D.C., December 6, 2024



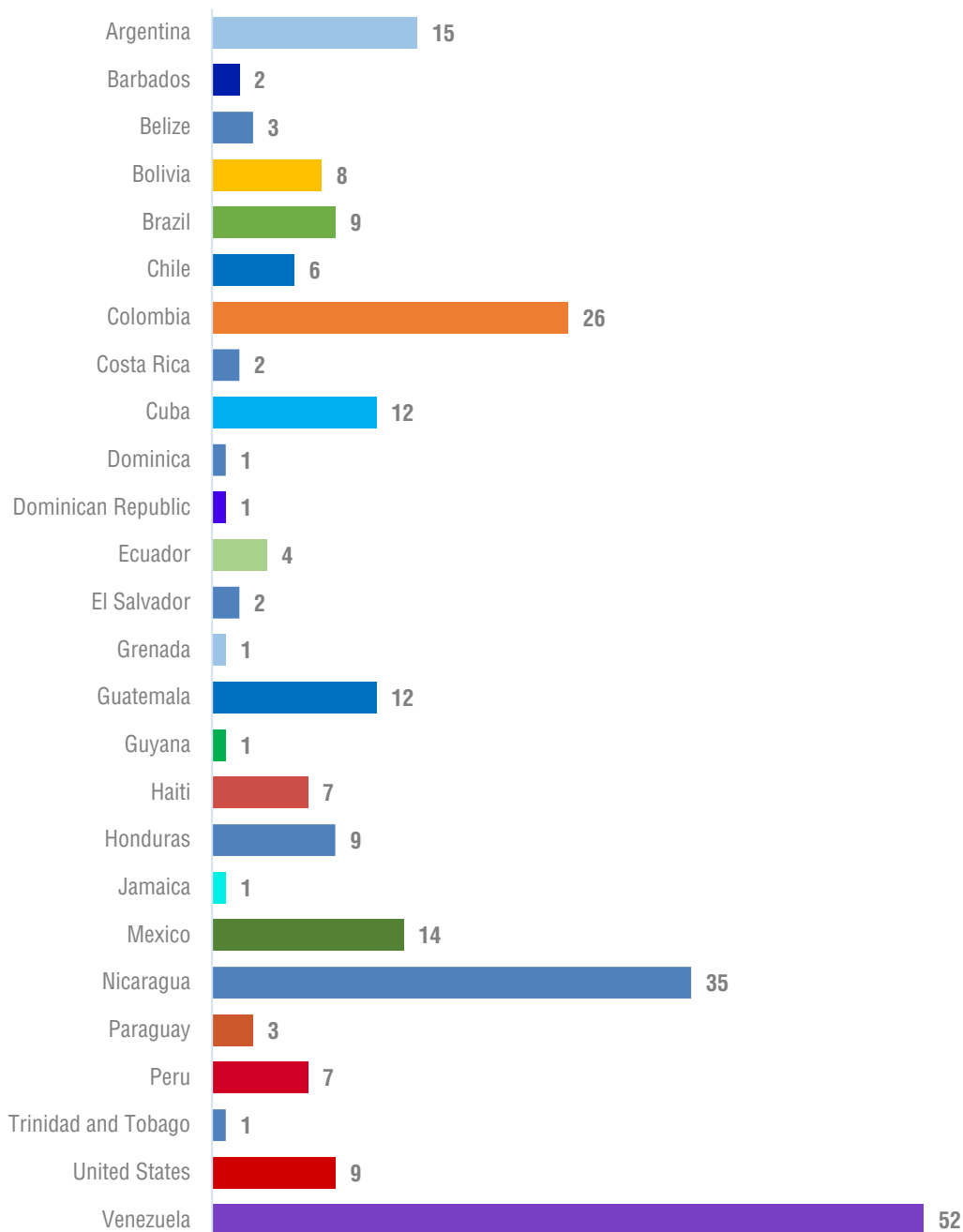
No	Press Releases
310	<a href="#">310/24 - International Day of Human Rights Defenders: Joint Statement by the United Nations High Commissioner for Human Rights and the IACHR.</a> Washington, D.C., December 9, 2024
311	<a href="#">311/24 - IACHR publishes friendly settlement agreements concerning Colombia.</a> Washington, D.C., December 9, 2024
312	<a href="#">312/24 - IACHR and IPPDH complete 7th edition of their International Course on Public Human Rights Policies.</a> Washington, D.C., December 9, 2024
313	<a href="#">313/24 - IACHR celebrates its 65-year commitment to equality and non-discrimination.</a> Washington, D.C., December 10, 2024
314	<a href="#">314/24 - IACHR publishes friendly settlement agreement on case concerning the extrajudicial killing of Zenón Alberto Medina in Mexico.</a> Washington, D.C., December 11, 2024
315	<a href="#">315/24 - IACHR grants precautionary measures in favor of Antonio Miguel and Lenin Ernesto Rivera Escobar in Colombia.</a> Washington, D.C., December 11, 2024
316	<a href="#">316/24 - IACHR reiterates concern over escalating security crisis in Haiti.</a> Washington, D.C., December 12, 2024
317	<a href="#">317/24 - IACHR publishes friendly settlement agreement on case concerning the failure to investigate the death of Octavio Romero in Argentina.</a> Washington, D.C., December 12, 2024
318	<a href="#">318/24 - REDESCA Presents Preliminary Observations from the Working Visit to Brazil.</a> Washington, D.C., December 13, 2024
319	<a href="#">319/24 - IACHR issues urgent alert regarding precautionary measures in the aftermath of the elections in Venezuela.</a> Washington, D.C., December 17, 2024
320	<a href="#">320/24 - REDESCA Presents Preliminary Observations from its Working Visit to Bolivia.</a> Washington, D.C., December 18, 2024
321	<a href="#">321/24 - IACHR grants precautionary measures in favor of Arley Danilo Espitia Lara in Venezuela.</a> Washington, D.C., December 18, 2024
322	<a href="#">322/24 - IACHR grants precautionary measures in favor of two individuals who are deprived of liberty in Nicaragua.</a> Washington, D.C., December 18, 2024
323	<a href="#">323/24 - Cartagena+40 ends amid cooperation and solidarity to protect refugees and displaced and stateless persons.</a> Washington, D.C., December 19, 2024
324	<a href="#">R324/24 - The SRFOE urges Nicaragua to cease persecution of the press and release all persons arbitrarily detained.</a> Washington, D.C., December 19, 2024
325	<a href="#">325/24 - IACHR grants precautionary measures in favor of Gina Paola Mercado Núñez in Venezuela.</a> Washington, D.C., December 20, 2024
326	<a href="#">326/24 - IACHR: Venezuela must release adolescents in arbitrary detention.</a> Washington, D.C., December 20, 2024



No	Press Releases
327	<a href="#">327/24 - IACHR welcomes Belize's accession to the Inter-American Convention on the Human Rights of Older Persons.</a> Washington, D.C., December 20, 2024
328	<a href="#">R328/24 - SRFOE condemns repression in Venezuela and calls on international community to reject violations of freedom of expression.</a> Washington, D.C., December 26, 2024
329	<a href="#">329/24 - IACHR issues follow-up and extension resolution about precautionary measures in favor of Delsa Solórzano in Venezuela.</a> Washington, D.C., December 27, 2024
330	<a href="#">330/24 - IACHR publishes resolution on human mobility and climate change.</a> Washington, D.C., December 30, 2024

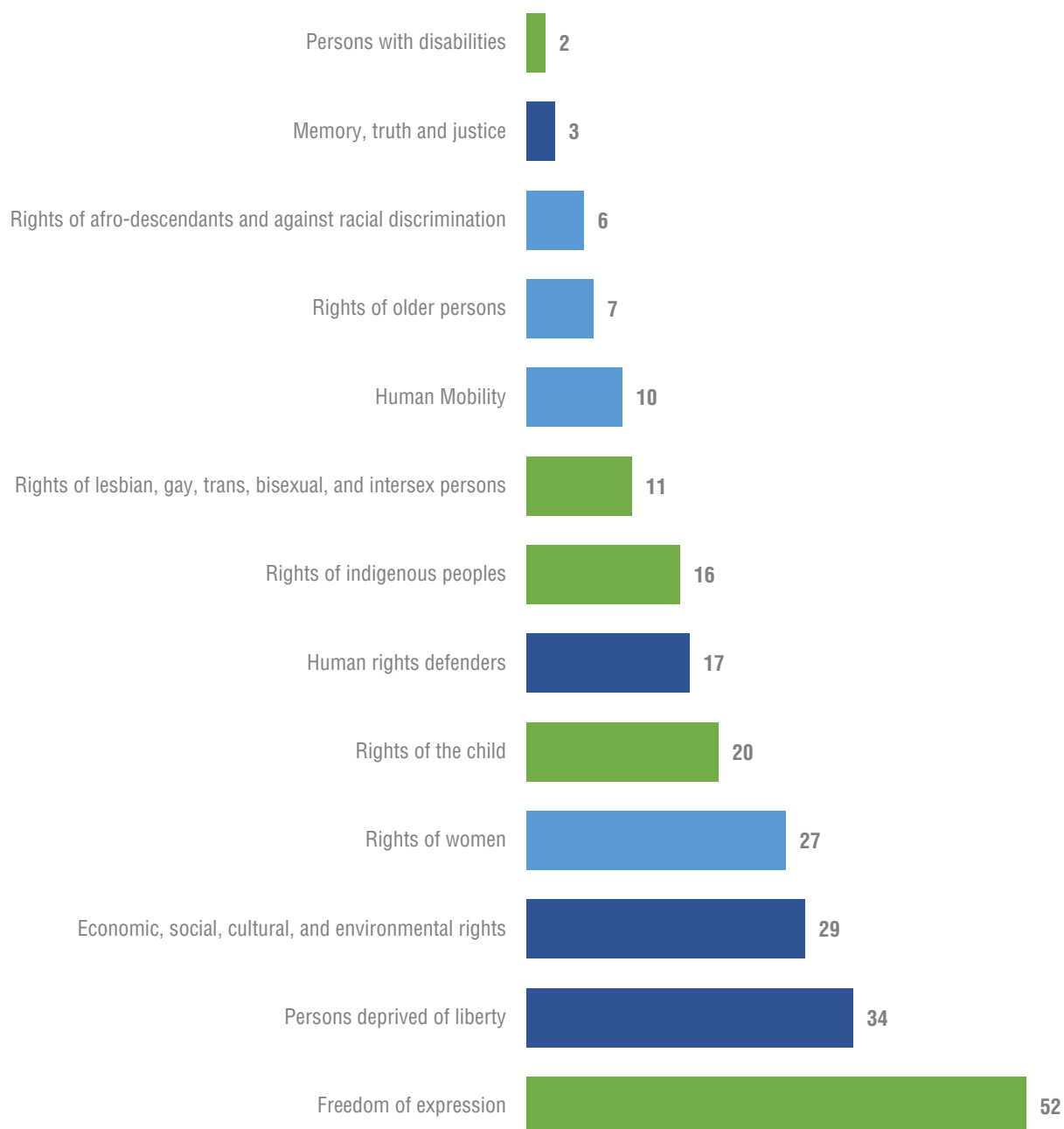


## 2024 press releases by country

**Total: 243**



## 2024 press releases by priority topics

**Total: 234**



## **E. The Social Participation Agenda**

26. In 2024, the IACHR maintained its practice of establishing regular channels of dialogue with civil society and academia.

27. Numerous civil society organizations participated in the public hearings held during the 189th, 190th and 191st Sessions, which were carried out in hybrid format. A hybrid meeting was also held with civil society during the 189th Session to learn about technological information systems for monitoring democratic institutions and issuing early warnings, and a virtual meeting was held with the RegionaR network to learn about its work agenda during the 190th Session.

28. During the on-site visit to Colombia, which took place between April 15 and 19, 2024, the IACHR met with civil society organizations and victims of human rights violations. It also met with civil society organizations and victims of human rights violations during the on-site visit to Guatemala, which took place from July 22 to 26, 2024.

29. The IACHR also held meetings with civil society in the framework of the 12 working, promotional and technical cooperation visits carried out in 2024, namely: Costa Rica, from February 6 to 9; Honduras, from May 13 to 17; Costa Rica, from May 19 to 21; Honduras, from August 12 to 15; Colombia, from September 3 to 11; Chile, from September 5 to 7; Bolivia, from September 9 to 13; Guatemala, from September 12 to 16; Dominican Republic, from October 1 to 5; Barbados, from October 8 to 11; and Belize, from October 15 to 18.

30. On the other hand, from May 14 to 17, the Central American Forum was held jointly with the Office of the High Commissioner for Human Rights, the European Union and Pro Derechos. The purpose of the event was to provide a space for exchange, reflection, analysis and identification of challenges and proposals to address the common problems faced by Honduras and other Central American countries in the area of human rights. This activity was attended by 120 people from civil society.

31. During 2024, the dialogue "Organized Crime, Corruption and Human Rights: Progress and New Challenges for the Inter-American Human Rights System" was held within the framework of the 190th Session, with the participation of experts from civil society and academia.

32. In addition, the IACHR conducted 9 public consultations through the publication of online questionnaires, namely: for the construction of the REDESCA Work Plan for the period 2024-2026; for the preparation of the report on the exile of journalists in the Americas and its impact on freedom of expression, by RELE; for the development of a thematic report on the disappearance of persons in Mexico; for the preparation of a thematic report on the interaction between freedom of expression, equality and non-discrimination of groups historically marginalized from public debate, by RELE; for the preparation of a thematic report on the use of digital surveillance technologies in the Americas, by RELE; for the development of a study on the challenges in guaranteeing the rights of children and adolescents in the face of different movements that aim to roll back the enjoyment of these rights in the different countries of Latin America and the Caribbean; to prepare a resolution on the link between human mobility, climate change and socio-environmental disasters in the Americas; to gather relevant inputs on successful experiences, achievements and lessons learned, as well as to identify replicable models that can be used to strengthen public policies and collective actions on climate justice and human rights, by REDESCA; and to prepare a report on strategic litigation against public participation (SLAPPs) and the applicable standards to address this phenomenon, by RELE.

33. Furthermore, during 2024 the IACHR held periodic meetings with coalitions and networks of human rights organizations in the region, both during and outside its sessions, as well as with civil society organizations in the countries for which it monitors human rights situations. Particularly noteworthy are the periodic meetings held within the framework of SACROI Venezuela, the meetings of the Caribbean Monitoring Network, the network of organizations in Cuba and the Dialogue Network to Confront Human Trafficking.



34. With regard to the 2024 Annual Report, the IACHR once again invited civil society organizations and other actors from the 35 OAS Member States to send information on the human rights situation in the region for the preparation of Chapters IV. A, IV.B y V.

35. Within the framework of the Special Follow-up Mechanism for Nicaragua (MESENI), the IACHR highlights the importance of collaboration and the continuous exchange of information with civil society organizations and victims. It also highlights its strategy of technical assistance and capacity building for Nicaraguan civil society organizations through training. Finally, the Special Follow-up Mechanism for Venezuela (MESEVE) has also worked in coordination with different key actors, including civil society organizations.

36. Regarding the Joint Follow-up Mechanism for Colombia, during 2024, collective meetings were held with organizations to learn about the progress and challenges identified regarding the implementation of the prioritized recommendations. In addition, during the year, the second follow-up report was prepared, still pending presentation, taking into account the information provided by civil society and victims at the virtual hearing "Follow-up to the recommendations on the investigation of human rights violations during the national strike", on July 8, 2024 at the 190th Session of the IACHR, requested by organizations from southwestern Colombia.

37. In the context of the Follow-up Mechanism for Chile (MESECH), between March 18 and 20, 2024, a second working visit was made to the country, during which face-to-face meetings were held with four civil society organizations, who addressed the challenges for access to justice in cases of social unrest, the lack of comprehensive reparations policies and the need for profound reforms in the police, along with a legislative agenda that prioritizes human rights as a way to guarantee non-repetition. For the preparation of the first follow-up report, inputs from four civil society organizations, as well as from two autonomous human rights organizations, were also considered.

38. Civil society participation was also considered during the working visit to Honduras between October 30 and November 1, 2024, carried out with the objective of advancing the Work Plan for the creation of a Follow-up Mechanism. On this occasion, the Commission met with 17 civil society organizations to receive information on compliance with the recommendations included in the 2024 Country Status Report on Honduras.

39. Along the same lines, during the Commission's visit to Brazil in June 2024 on the UNIVAJA, Bruno Pereira, Dom Phillips and Maria da Penha cases, the Chairwoman Roberta Clarke, Rapporteur for Brazil, held meetings with civil society to discuss the impact of economic and social policies on the human rights of individuals, as well as cases of disinformation, censorship and violations of freedom of expression.

40. In parallel, on October 31, 2024, the Caribbean Dialogue Network (CDN) held a technical meeting on the follow-up of recommendations, with more than 26 participants from civil society. The meeting discussed ways of collaboration between Caribbean civil society organizations and the IACHR Section for Follow-up on Recommendations and Impact, including information on questionnaires, working meetings, hearings, working groups, technical assistance, special follow-up mechanisms and the Inter-American SIMORE. On the other hand, within the framework of the technical visit to follow up on the recommendations of the report on Preliminary Observations of the on-site visit 2024, on November 27, thematic dialogues were held with civil society in Guatemala City, where nearly 80 participants communicated their main follow-up interests on the recommendations of the instrument.

41. Regarding the activities carried out by the Follow-up Committee on the Recommendations of the GIEI Bolivia-MESEG Bolivia Report, five virtual meetings and one face-to-face meeting were held in 2024, with the participation of victims, victims' associations and civil society organizations, in order to learn about the progress and challenges in complying with the recommendations of the GIEI Report. In this line, in July, the technical visit of the MESEG team took place, where meetings and face-to-face trainings were held for victims,



victims' associations and civil society organizations, to advance in the follow-up of the recommendations on reparation, among others.

42. Throughout 2024, the IACHR continued to strengthen its training activities aimed at civil society, giving priority to virtual training through self-managed courses, developed in accessible language that allow adaptation to different audiences, with the aim of reaching more people throughout the hemisphere. During 2024, 1960 people took the two massive open online courses (MOOCs) offered. In addition, two virtual classrooms and three micro courses were developed during the year, in which a total of 464 people participated.

43. In addition, the seventh edition of the International Course on Public Policies on Human Rights, implemented jointly with the MERCOSUR Institute of Public Policies on Human Rights, was held in 2024. This course offers the possibility of exchanging and networking among public sector officials responsible for the design, management, implementation and evaluation of public policies and people from organizations and social movements, academics and academics working on the issue.

44. The Commission has also consolidated and expanded its activities in the Caribbean as part of its new strategy for the region, which seeks to strengthen cooperation with both States and civil society. The participation of civil society representatives in the following training sessions held in 2024 is noteworthy: on the Inter-American system, for State officials and civil society from Barbados; on the Inter-American system with a focus on indigenous peoples, for State officials and civil society from Belize; on hearings before the IACHR, for the Caribbean Network; on women's rights in the context of persons deprived of liberty in the Caribbean; and the Strategic Litigation Seminar: Food, Nutrition and the Law in the Caribbean.

45. In addition to these wide-ranging activities, the Commission also continued its activities aimed at specific countries or subregions. With regard to Mesoamerica, in 2024, the following training sessions with the participation of representatives of civil society stood out: to law students at the Universidad del Istmo (Guatemala), with a special focus on the System of Petitions and Cases and the Monitoring Mechanism; a class for the Instituto Tecnológico de Estudios Superiores de Monterrey on the mandate and functioning of the IACHR; and training for individuals from non-governmental anti-trafficking organizations in Panama on the mechanisms for precautionary and provisional measures.

## **F. Technical cooperation**

46. The priority attached to technical cooperation has been reflected in the IACHR's strategic planning since 2017. Pursuant to this priority and to reinforce work in this area, the 2023-2027 Strategic Plan includes Program 22 on institutionalism and public policies with a human rights approach, through which the IACHR seeks to collaborate with States, civil society, academia, and other actors, such as international and regional organizations, in order to contribute, based on its mandate, to compliance with international obligations and the implementation of inter-American standards in the Americas. The objective is to support, based on a positive agenda, efforts aimed at protecting and guaranteeing human rights, as well as to avoid the repetition of violations and to support the development of public policies with a human rights approach that pave the way for advancing a culture of human rights and the strengthening of democratic institutions and the rule of law in the region.

47. During 2024, the IACHR continued to consolidate cooperation by disseminating the Catalog of Forms of Cooperation available to users of the inter-American system. It did so, inter alia, by holding a series of meetings and events to promote its contents and distributing the document upon request.

48. The IACHR has continued to make progress in the negotiation and processing of cooperation agreements for member states, civil society, human rights institutions, regional organizations, and other institutions. As regards cooperation agreements, the IACHR signed three broad interagency agreements,<sup>1</sup> with

---

<sup>1</sup> IACHR, [Cooperation Agreements](#).



the Law School of the University of Chile, the Universidad del Externado de Colombia, and the Caribbean Court of Justice. With these agreements, the IACHR seeks to promote the standards and work of the inter-American system in the hemispheric human rights agenda.

49. Within the framework of the implementation of existing agreements and through specific agreements, progress was made in expanding the Scholarship Program and the Associated Personnel Program. During the year, five professionals served at the Executive Secretariat as associate personnel under cooperation agreements with the National Council of the Public Prosecutors' Office, the Public Defender's Office of the Union, the Public Defender's Office of the State of Rio de Janeiro, all in Brazil, and four professionals worked at the Secretariat thanks to grants provided under cooperation projects with academic and civil society institutions.

50. One of the agreements implemented is the *Both Ends Believing* initiative, which promotes the right of children and adolescents to live in a family through the adoption of a *software* system that creates digital profiles of children living in institutions as a way of encouraging advocacy on their behalf. Within the framework of this triangular cooperation agreement, States such as Ecuador and Paraguay made progress with the adoption of the *software* and technical support from the Commission. Presentations on the subject were also conducted in Caribbean States such as Guyana, Belize, and Saint Kitts and Nevis. In implementing the agreement with the Pan-Amazonian Ecclesial Network (REPAM), high-level follow up meetings were held to consider possible joint initiatives.

51. With respect to the agreement signed with the International Center for the Promotion of Human Rights (CIPDH), the Executive Secretariat helped promote the IACHR Thematic Hearings Competition and, based on its mandate, train the participating teams to disseminate the mechanism. The 2024 competition was the fifth and took place in virtual format from October 13 to 17, on the theme of human mobility.<sup>2</sup>

52. As regards activities with the Mercosur Institute of Public Policies on Human Rights (IPPDH), the seventh International Course on Public Policy on Human Rights<sup>3</sup> was held following the signing of a specific letter of agreement. Based on a perspective that recognizes the progress made and still pending challenges in the region, the course provides concrete conceptual training on the subject, an opportunity for sharing practical experiences, insight into the challenges that the implementation of the human rights approach poses for state institutions, and a chance to discuss opportunities for developing this approach in the region. More details on this initiative can be found in Chapter III of this report.

53. In addition, the IACHR moved ahead with the publication and dissemination of the seventh compendium of standards in the series initiated in 2019.<sup>4</sup> This latest compendium deals with "Integral Reparation with a Gender Perspective in Transitional Justice Contexts."<sup>5</sup> Its purpose is to systematize the standards developed by the Inter-American Commission in this area and within the framework of its various mandates, as well as to highlight developments with a differentiated approach applicable to reparations in these contexts.

## 1. Cooperation with States

54. During the year, the Commission also moved ahead with the consideration, development, and implementation of various proposals for technical cooperation with States and national institutions.

---

<sup>2</sup> International Centre for the Promotion of Human Rights (CIPDH), [The CIPDH, together with the IACHR-OAS, launches the fifth edition of the Thematic Hearings Competition 2024](#).

<sup>3</sup> IACHR [International Course on Public Policies on Human Rights: 7th Edition](#).

<sup>4</sup> IACHR, [Compendiums](#).

<sup>5</sup> IACHR, Press Release, No. 122/24, [IACHR Publishes Compendium on Comprehensive Redress With a Gender Perspective in Transitional Justice Contexts](#), May 31, 2024; IACHR, [Compendium on integral reparation with a gender perspective in transitional justice contexts](#) OEA/Ser.L/V/II, Doc.388/23, November 30, 2023.



55. At the request of the State of **Bolivia**, the IACHR engaged in a technical cooperation process with the Plurinational Legislative Assembly regarding the pre-selection procedure for candidates for positions as court judges and members of the composition of the Courts and the Judicial Magistrates Council (*Consejo de la Magistratura del Órgano Judicial*).<sup>6</sup> The cooperation process included the preparation and submission of a document systematizing the inter-American standards relevant to the justice sector, as well as a technical note on the merit criteria for the evaluation of candidacies, which were discussed with the Country Rapporteur, Commissioner José Luis Caballero, with a view to strengthening the process. The cooperation also includes a country visit to the State in order to present the country report resulting from the *on-site* visit carried out in 2023 and published in 2024, focusing on the recommendations on the justice system contained in the report. To this end, the IACHR will meet with representatives of the Plurinational Legislative Assembly and with judicial authorities.

56. In the case of **Colombia**, cooperation has focused on strengthening the work of the institutions of the Integral System of Truth, Justice, Reparation, and Non-Repetition. In particular during 2024, three high-level meetings were held with the Special Jurisdiction for Peace (JEP), on February 27, April 25, and June 5, to address technical issues related to the mandate of both bodies and the exchange of relevant standards. The IACHR also participated by invitation in promotional events organized by the JEP.<sup>7</sup> In addition, the points of contact with the Unit for the Search for Missing Persons were updated and a meeting was held.

57. As part of the IACHR's advisory role, at the request of **Costa Rica**, a technical note was prepared and sent with inter-American standards and best practices in the area of strengthening juvenile criminal justice policies, with special emphasis on alternative sanctions and addressing recidivism. Along the same lines, at **Paraguay's** request, a technical note was prepared with standards on the de-institutionalization of children and adolescents in particular, stressing the importance of such public policies adopting a comprehensive approach to human rights and specialized protection.

58. In the case of **Ecuador**, various coordination activities were carried out with the Council of the Judiciary, providing information on the usefulness of cooperation and on opportunities for training and institutional strengthening. It is important to note that the IACHR was invited to participate in a training course on violence against LGBTI persons, which was attended by the Thematic Rapporteurship. In the same vein, the technical team provided advice to the Ministry of Social Development in **Uruguay** and lent support for a training course organized by the State in Montevideo on public policies and the rights of LGBTI persons.

## 2. Cooperation with the Caribbean

59. The 2023-2027 Five-Year Strategy for the Caribbean is being implemented in line with Program 17 of the IACHR Strategic Plan 2023-2027, which focuses on technical cooperation initiatives in the Caribbean. Based on this high-priority program, the IACHR has stepped up collaboration with the various actors in the region in order to increase the Commission's knowledge of the human rights situation and contribute to the formulation of recommendations specifically targeting these countries on the protection of human rights. The IACHR also intends to contribute with concrete actions to the promotion of the universalization of inter-American human rights instruments. Thus, in response to various requests, progress has been made in holding events and conducting activities for updating and promotion, as well as in launching an updated newsletter on the IACHR microsite on the Caribbean.

60. As regards cooperation, the IACHR provided technical assistance to the States of Suriname, Saint Lucia, and Saint Kitts and Nevis. In the case of **Suriname**, a technical note on relevant inter-American human rights standards on domestic violence was prepared and submitted for the State's consideration. A technical note was also sent to **Saint Lucia** containing a comparative analysis of the international and Inter-American conventions on the rights of persons with disabilities. On June 28, 2024, the State signed the Inter-

<sup>6</sup> IACHR, Press Release No. 073/24, [IACHR Announces Technical Cooperation with the State of Bolivia](#), April 15, 2024.

<sup>7</sup> Special Jurisdiction for Peace (JEP), [II Conferencia Internacional sobre Justicia Restaurativa. 2 y 3 de mayo de 2024 \(II International Conference on Restorative Justice](#), May 2 and 3, 2024).



American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, which is now pending ratification. Likewise, at the request of the State of **Saint Kitts and Nevis**, the same technical note was also shared for study and consideration.

61. During 2024, technical cooperation visits were made to two Caribbean States; to Barbados, from October 8 to 11; and to Belize, from October 15 to 18. The visits reflect the IACHR's commitment to intensify and prioritize its work in the Caribbean by increasing technical cooperation offers, such as capacity building in the use of IAHRs mechanisms and standards; as well as to promote the ratification of inter-American human rights instruments. The purpose of the visits was to identify best practices, needs, and challenges faced by state agents and civil society in order to explore opportunities for cooperation by the IACHR using all available options for increasing collaboration in the area of human rights.

62. In **Barbados**, the visit was headed by Commissioner Gloria Monique de Mees, Country Rapporteur. The delegation held meetings with the executive, legislative, and judicial branches, as well as with non-state actors representing civil society. The delegation met with the Speaker of the House of Assembly, the Vice President of the Senate, the President of the Supreme Court, the Acting Minister of Foreign Affairs, the Attorney General, and authorities from the Ministries of Foreign Affairs, People Empowerment, Labor and Interior, among others, and the Ombudsman's Office. The IACHR also met with various representatives of civil society organizations and held training workshops on the IAHRs for public authorities and representatives of civil society. Finally, the delegation also held meetings with the United Nations Resident Coordinator and various international and European Union agencies to discuss possible areas of joint collaboration.

63. The visit to **Belize** was headed by Commissioner José Caballero Ochoa, Country Rapporteur. Meetings were held with the executive and legislative branches, as well as with representatives of civil society. The delegation met with the Governor-General, the Prime Minister, the Minister and senior officials of the Ministry of Foreign Affairs, the Ministers of Human Development, Families and Indigenous Peoples' Affairs, the Interior, Sustainable Development and Climate Change, and the Attorney General, as well as the Office of the Ombudsman. During the visit, the State expressed his willingness to ratify the Convention on the Protection of the Human Rights of Older Persons, and followed up with the ratification on December 16<sup>th</sup>. The delegation also met with the Executive Director of the Caribbean Community Climate Change Center. In addition, a training workshop was held on the inter-American human rights system for civil servants and civil society organizations.

64. Dissemination of Inter-American standards and of the IACHR's working mechanisms is an essential component of the strategy for the Caribbean. The IACHR provided opportunities for follow-up and dialogue for people who participated in training sessions during technical cooperation and promotion visits in 2023. Civil society representatives from Suriname, Saint Lucia, and Guyana participated in those forums aimed at sharing detailed information on the various ways in which the Commission provides technical cooperation.

65. In 2024, the IACHR continued to work closely with the **Caribbean Court of Justice (CCJ)**. During the year, one promotional meeting was held, along with two high-level dialogues between the institutions (on March 6 and November 7). At these meetings, experiences were shared on the application of inter-American human rights standards and challenges encountered in the development of regional jurisprudence on issues related to police violence, human mobility, protection of indigenous peoples and persons with disabilities, as well as access to justice for groups in situations of discrimination and vulnerability. In addition, on February 6, both organizations held a technical working session to share their experiences with the mechanisms used to follow up on the recommendations made to the States. The IACHR also listened in, as an observer, to a session of the Court.

66. The IACHR will continue to bolster its commitment to the Caribbean through ongoing implementation of its strategy for the region. The Commission hopes that, through its various mechanisms, including technical cooperation initiatives, both States and non-State actors will be better informed about the IAHRs and in a position to move towards greater compliance with, and guarantees for, human rights.



### 3. Cooperation with National Human Rights Institutions (NHRIs)

67. As part of the actions undertaken by the IACHR to strengthen ties with National Human Rights Institutions (NHRIs), a series of activities were carried out to strengthen inter-agency communication channels and to explore opportunities for joint actions and cooperation. Notable initiatives in this area include support provided for the monitoring of the human rights situation in the region, visits carried out by the IACHR, and technical cooperation with the NHRIs of: Bolivia, Chile, Colombia, Guatemala, Honduras, and Panama. The IACHR also continued to follow up on the Declaration of Commitment on Technical Cooperation and the creation of a Mechanism of Points of Contact with the signatory NHRIs.

68. The annual meeting of the IACHR with the NHRIs was held in October. The purpose of the Dialogue was to generate a forum for the exchange of best practices, challenges, and analysis regarding regional trends in the human rights situation in the region. In addition, a specific consultation was held on the challenges surrounding the impact of organized crime on human rights and the opportunities for advancing standards to protect human rights in the face of those threats. The event, which was headed by Commissioner Caballero, took place on October 29 in the city of Asunción, Paraguay, and was attended by representatives of 12 NHRIs: Argentina, Chile, Colombia, Costa Rica, El Salvador, Ecuador, Guatemala, Honduras, Panama, Paraguay, Peru, and Uruguay. Human rights institutions from Dominican Republic, Mexico and Brazil also participated. The event was held with the support of the French cooperation agency and the Ibero-American Federation of Ombudsmen (FIO).

69. At the regional level, the IACHR highlights the rapprochement and quest for opportunities for collaboration<sup>8</sup> with the Americas-Network of the National Human Rights Institutions (RINDHCA) through participation in promotional activities on the rights of older persons<sup>9</sup> and DESCA. FIO also participated in the Congress held in Asunción, Paraguay, on October 30.

70. The IACHR also continued to work with the Caribbean Ombudsman Association (CAROA). In this regard, from May 16 to August 30, 2024, the IACHR held eight bilateral meetings with Ombudspersons from Barbados, Belize, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, and Trinidad and Tobago, to share with the offices the forms of cooperation and the content of the Compendium of Standards on democratic institutions, rule of law and human rights.

71. The IACHR expresses its gratitude for the active participation and commitment of NHRIs and stresses the importance of continuing to work together with a positive agenda to strengthen cooperation and address emerging human rights challenges. In this regard, the IACHR calls on the NHRIs of the Americas to continue to go about their work with their habitual independence and autonomy in line with the Paris Principles and applicable inter-American standards.

### 4. Meetings with civil society and academia

72. With regard to partnerships with civil society organizations and academic centers, the IACHR stepped up its cooperation activities. Particularly worth noting is the joint organization of a Structured Dialogue with the Due Process of Law Foundation (DPLF) through the signing of a specific letter of agreement. The event took place from July 16 to 18,<sup>10</sup> as an opportunity for consultation and reflection with experts and representatives of international organizations and academics on organized crime, corruption, and human rights. The objectives of the dialogue were to identify and update the information available to international and regional human rights protection bodies on recent reports and studies establishing the link between organized crime, corruption, and human rights. In particular, the idea was to address in greater depth new developments

<sup>8</sup> Americas-Network of the National Human Rights Institutions (RINDHCA), [RINDHCA Strengthens International Collaboration at the XXIX Assembly and XXVIII Congress of the FIO in Paraguay](#), October 31, 2024

<sup>9</sup> RINDHCA, [RINDHCA presented the IACHR report on the situation of national systems for the protection of the rights of older persons](#), June 7, 2024

<sup>10</sup> IACHR, Press Release No. 167/24, [IACHR Completes its 190th Period of Sessions and Celebrates its 65th Anniversary](#), July 19, 2024.



to address the negative impact of corruption and organized crime on the enjoyment of human rights, as well as to analyze the need to advance and adapt the standards developed by the IAHRs to address situations where organized crime impairs the enjoyment and exercise of human rights with a view to the IACHR preparing a resolution on the matter.

73. In addition, within the framework of the agreement signed with American University, the IACHR provided support to the Inter-American Human Rights Moot Court Competition<sup>11</sup> as envisaged in that agreement. The IACHR was also invited to take part in a series of promotional events organized by the university's Academy of Human Rights and International Humanitarian Law. Also, in September, pursuant to the agreement in force with the National Autonomous University of Mexico (UNAM), the XII "Hector Fix Zamudio" Diploma Course on the Inter-American Human Rights System was held, with the participation of the IACHR. More details on these academic initiatives can be found in Chapter III of this report.

74. In addition, dialogues were held to explore collaboration with the Inter-American Institute of Human Rights with respect to public policies and the institutional framework for human rights in the Caribbean. Implementation of the agreements with the University of the West Indies and the Universidad del Externado also progressed. In the same vein, exchanges with the Max Planck Institute were promoted, especially with regard to the possibility of involving academic bodies in the work of the Observatory of Impact of the Inter-American Human Rights System. It is also worth mentioning the participation of the IACHR in actions to promote inter-American principles on migrants with the support of Cornell University. The IACHR was also invited to participate and promote its 2023 annual report at the Ibero-American Week of International Justice organized by the IberoAmerican Institute of The Hague for Peace, Human Rights, and International Justice.

## 5. Cooperation with international and regional organizations

75. In connection with its cooperation with regional bodies, the IACHR received a visit from the African Commission on Human and Peoples' Rights (ACHRP), from July 11 to 16, 2024,<sup>12</sup> in order to exchange and discuss mandates and mechanisms, with a view to enhancing efforts to achieve greater effectiveness, as well as to promote the exchange of knowledge, experiences, and best practices. During the visit, the two Commissions held meetings with each other to discuss working methods within the framework of their mandates. This initiative continued a long-standing history of dialogue and provided an opportunity for both institutions to present their views on progress and challenges regarding the human rights situation in their respective regions. As a result of the meeting, the organizations signed a joint declaration to continue strengthening inter-agency work on matters of mutual interest.

## 6. Special cooperation and assistance mechanisms

76. The IACHR can collaborate with the inclusion and formation of groups of international experts with experience in different areas of international human rights law. These groups can complement state efforts to promote the investigation and clarification of facts related to human rights violations. In this regard, during 2024, the IACHR led the negotiation and signing of a cooperation agreement for the establishment of an interdisciplinary group of independent experts (GIEI) in **Honduras** for international technical assistance from a human rights perspective in the investigation of the instigators of the murder of Bertha Cáceres and related crimes. The composition of the GIEI is based on the responsibilities assigned in the agreement signed by the parties within the framework of a precautionary measure in force and it operates autonomously as long as its mandate is extended.

77. The IACHR underscores its willingness and readiness to provide technical assistance to States, regional agencies, social organizations, and other institutions for the purposes of institution-building and the

<sup>11</sup> American University Washington College of Law, [AUWCL Celebrates 28th Annual International Moot Court](#), July 27, 2023.

<sup>12</sup> IACHR, Press Release No. 167/24, [IACHR Completes its 190<sup>th</sup> Period of Sessions and Celebrates its 65<sup>th</sup> Anniversary](#), July 19, 2024.



formulation, implementation, and assessment of public policies on strengthening and observance of human rights, based on inter-American standards.

## **G. Relations with member states and political bodies of the OAS**

78. One of the functions of the IACHR is to provide advice to States on human rights matters, which is accomplished, among others means, through the IACHR's relations with the political bodies of the OAS: the General Assembly (GA) and the Permanent Council (PC) and its Committees, in particular, the Committee on Juridical and Political Affairs (CAJP) and the Committee on Administrative and Budgetary Affairs (CAAP). The IACHR supports the political bodies of the OAS in promoting minimum human rights standards in resolutions, declarations, treaties, conventions and other inter-American instruments. It also maintains relations with other areas of the OAS.

79. During 2024, the IACHR was continuously represented at meetings of the Permanent Council and the Committee on Juridical and Political Affairs (CAJP), participating in several sessions of the aforementioned political bodies. The Commission also responded to requests to present information to the political bodies of the OAS on the implementation of resolutions, as well as other specific requests from the Member States, with the participation of Commissioners, the Executive Secretariat, and Special Rapporteurs. These presentations are detailed below, and are a reflection of the IACHR's fulfillment of its mandate to serve as a human rights advisory body to the OAS:

- I. Presentation by Commissioner Roberta Clarke, Chair and Rapporteur for Haiti, at the February 12, 2024 meeting of the Permanent Council Working Group on Haiti.
- II. Presentation by Commissioner Roberta Clarke, Chair of the IACHR, at the Session of the Committee on Juridical and Political Affairs on February 22, 2024, on the topic "Good practices on gender parity and geographical representation and of the different legal systems in the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights".
- III. Presentation by Commissioner Roberta Clarke, Chair and Rapporteur on the Rights of Women, at the Special Session of the Permanent Council on March 6, 2024, to commemorate International Women's Day.
- IV. Presentation by Commissioner Roberta Clarke, Chair and Rapporteur on the Rights of LGBTI Persons, at the March 7, 2024 Session of the Committee on Juridical and Political Affairs (Section XIX) and on the Report on medical discrimination and degrading medical practices, especially in relation to intersex persons (Section XIX).
- V. Presentation by Commissioner Roberta Clarke, Chair of the IACHR, at the Session of the Committee on Juridical and Political Affairs, March 7, 2024, to present the Study on the Right to Freedom of Conscience and Religion or Belief of the IACHR (Section XXV).
- VI. Presentation by the Special Rapporteur on Economic, Social, Cultural and Environmental Rights, Javier Palummo, at the Regular Session of the Permanent Council on March 20, 2024, to present a report on the state of access to information, public participation and access to justice in environmental matters in Latin America and the Caribbean.
- VII. Presentation by Commissioner Carlos Bernal Pulido, First Vice-Chair and Rapporteur on Persons with Disabilities, at the Special Session of the Committee on Juridical and Political Affairs, March 21, 2024, on the topic "The Power of Inclusion and the Advantages of Diversity".
- VIII. Presentation by Commissioner Gloria Monique de Mees, Rapporteur on the Rights of People of African Descent and against Racial Discrimination, at the Special Session of the Permanent



Council on March 25, 2024, to commemorate the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade, with the theme "Global Freedom: Free Yourself from Mental Slavery".

- IX. Presentation by Commissioner Roberta Clarke, Chair and Rapporteur for the Rights of LGBTI Persons, at the Regular Session of the Permanent Council on April 17, 2024, under the agenda item entitled "Commemoration of International Transgender Awareness Day".
- X. Presentation by Commissioner Roberta Clarke, Chair of the IACHR, at the session of the Committee on Juridical and Political Affairs on April 25, 2024, under the topic "Consideration of the annual report of the IACHR to the fifty-fourth regular session of the General Assembly".
- XI. Presentation by Commissioner Roberta Clarke, Chair of the IACHR and Rapporteur for the Rights of LGBTI Persons, at the Regular Session of the Permanent Council on May 15, 2024, under the agenda item entitled "Commemoration of the International Day against Homophobia, Biphobia, Intersexophobia and Transphobia" (IDAHOBIT).
- XII. Presentation by Commissioner Roberta Clarke, Chair of the IACHR, at the Special Session of the Permanent Council on May 22, 2024, to address the "Implementation of all aspects of the Inter-American Democratic Charter and its challenges," in compliance with the mandate of Resolution AG/Res. 3004 (LII-O/23).
- XIII. Presentation by Commissioner Andrea Pochak, at the Regular Session of the Permanent Council on June 5, 2024, under the agenda item entitled "Commemoration of the International Day of Action for Women's Health".
- XIV. Presentation by the Special Rapporteur for Economic, Social, Cultural and Environmental Rights, Javier Palummo, at the opening ceremony of the "VII Inter-American Week of Indigenous Peoples of the Americas" held on August 5, 2024.
- XV. Presentation by Commissioner Roberta Clarke, Chair of the IACHR, at the Special Session of the Permanent Council on August 12, 2024, to commemorate the "International Day of Indigenous Peoples" and "The Seventh Inter-American Week of Indigenous Peoples. Theme: "Empowering indigenous communities to exercise their right of access to justice and to a clean, healthy and sustainable environment".
- XVI. Presentation by Commissioner Roberta Clarke, Chair of the IACHR, at the Regular Session of the Permanent Council on August 22, 2024, under the agenda item entitled "Commemoration of the International Day for the Remembrance of the Slave Trade and its Abolition and the International Day for People of African Descent".
- XVII. Presentation by the Special Rapporteur for Economic, Social, Cultural and Environmental Rights, Javier Palummo, at the Regular Session of the Permanent Council on August 22, 2024, under the agenda item entitled "Manifesto against Poverty in the Americas".
- XVIII. Presentation by Commissioner Roberta Clarke, Chair of the IACHR, at the Special Session of the Permanent Council on August 28, 2024, to address the human rights situation in Venezuela following the elections of July 28, 2024.
- XIX. Presentation by Commissioner Roberta Clarke, Chair of the IACHR, at the Regular Session of the Permanent Council on October 2, 2024 on the topic entitled "Reports on the budgetary execution of the regular fund of the Inter-American Commission on Human Rights (IACHR) for 2023 and the first semester of 2024, and annual report on the implementation of the Strategic Plan of the IACHR 2023-2027 - first semester 2024 (CP/INF. 10318/24)".



- XX. Presentation by Commissioner Andrea Pochak and Rapporteur for Guatemala, at the Regular Session of the Permanent Council on October 2, 2024, under the agenda item entitled "Preliminary Report of the Observation Mission of the Organization of American States for the Selection of Judges of the Supreme Court of Justice and Courts of Appeals in Guatemala (CP/INF. 10312/24) (CP/INF. 10323/24)".
- XXI. Presentation by Commissioner Roberta Clarke, Chair of the IACHR, at the Special Session of the Permanent Council on October 9, 2024, to commemorate the Sixty-Fifth Anniversary of the creation and installation of the Inter-American Commission on Human Rights, the Fifty-Fifth Anniversary of the adoption of the American Convention on Human Rights (Pact of San José, Costa Rica) and the Forty-Fifth Anniversary of the Inter-American Court of Human Rights.
- XXII. Presentation by the Special Rapporteur on Economic, Social, Cultural and Environmental Rights, Javier Palummo, at the Regular Session of the Permanent Council on October 16, 2024, under the agenda item entitled "Afro-descendants: Recognition, Justice and Sustainable Development at the Conference of the Parties to the Convention on Biological Diversity (CP/INF. 10324/24)".
- XXIII. Presentation by Commissioner Roberta Clarke, Chair of the IACHR, at the Special Session of the Permanent Council on October 23, 2024, to present and gather the contributions of the Member States on the study of the Inter-American Commission on Human Rights on the right to freedom of conscience and religion or belief in the Americas, in compliance with the mandate established in Resolution AG/RES. 3028 (LIV-O/24).
- XXIV. Presentation by Commissioner José Luis Caballero Ochoa, Second Vice-Chair of the IACHR, at the Regular Session of the Permanent Council on November 13, 2024 under the agenda item entitled "Commemoration of the International Day of Care and Support".
- XXV. Presentation by Commissioner Roberta Clarke, President of the IACHR, at the Special Session of the Permanent Council on November 20, 2024, to commemorate the International Day for the Elimination of Violence Against Women.
- XXVI. Presentation by Commissioner Roberta Clarke, President of the IACHR, at the Special Session of the Permanent Council on December 11, 2024, to commemorate "Human Rights Day."
- XXVII. Presentation by Commissioner Roberta Clarke, President of the IACHR, at the Session of the Committee on Juridical and Political Affairs on December 12, 2024, which followed up on the topic of Gender Parity, Balanced Geographic Representation, and Representation of Different Legal Systems in the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

80. The IACHR's participation in the OAS political bodies enables the Commission to raise public awareness of human rights in the Americas. In 2024, the presentations focused on topics such as the following: the human rights situation of women, persons with disabilities, LGBTI persons, Afro-descendants, indigenous peoples; the right to freedom of conscience and religion or belief; the ESCR; the Inter-American Democratic Charter and Human Rights, among others. The IACHR also called the attention of the Organization's political bodies to the human rights situation in Haiti, Venezuela and Guatemala.

81. Notably, the IACHR has been increasing its participation in the political bodies of the OAS, as a result of a growing rapprochement with the Member States and the recognition of the IACHR as a relevant actor in human rights debates in the Hemisphere.



82. During 2024, 17 meetings were held to review the portfolio of petitions, cases, precautionary measures, friendly settlements and follow-up on recommendations with the following States: Argentina (May 8 and 9/October 2 and 3); Bolivia (April 4); Brazil (September 25 and 26); Canada (February 25); Colombia (July 23); Costa Rica (September 19); Ecuador (March 25 and 26); United States (March 28); Guatemala (June 26 and 27); Mexico (May 13 and 14 / October 23 and 24); Honduras (May 28 and 29); Panama (November 18); Paraguay (February 20 and 21), Peru (September 17 and 18) and the Dominican Republic (January 31 and February 1). Likewise, specific meetings to review the portfolio of precautionary measures were held with Colombia (October 7) and El Salvador (April 4). The importance of the portfolio meetings is underscored as part of the culture of access to information implemented by the IACHR to ensure transparency and accountability of its System of Cases and Petitions and Precautionary Measures.

83. It is also essential to emphasize the value of the meetings held with groups of countries during the IACHR sessions, which have become consolidated as a practice of rapprochement, dialogue and cooperation between the IACHR and the Member States, allowing for a more fluid exchange and giving effect to the mandate to provide human rights advisory services to the Organization of American States and the States.

84. In this context, it is noteworthy to mention two significant events commemorating the 65th anniversary of the IACHR. The first event took place on June 25, during the 54th Regular Session of the OAS General Assembly in Asunción, Paraguay. The second event was held on July 15, during the Commission's 190th Period of Sessions, where Member States reflected on the IACHR's achievements and reaffirmed their dedication to promoting and protecting human rights across the Americas. Below are some of the statements made by the Permanent Representatives of OAS Member States during the latter event:

85. Argentina: *"Throughout these years, the Commission has played a fundamental role in monitoring and protecting human rights, facing significant challenges, and promoting justice and equality across the region. Its work has been essential in ensuring that the values of human dignity, freedom, and justice prevail in our societies. Its impact on the promotion and protection of human rights has been significant and deserves the recognition and gratitude of all the Member States of the Organization of American States."*

86. Chile: *"In Chile, the IACHR was present on the ground one month after the coup d'état in 1973. From that moment on, there were four country reports and several inclusions in Chapter IV of the annual reports. In this way, the Commission, as it has done so many other times before and since, confronted the 'everything is fine' narrative of the official discourse to reveal the reality of barbarism, imprisonment, torture, and disappearance in daily life. It also shed light on precariousness, such as the destruction of basic labor rights, strikes, and collective bargaining."*

87. Costa Rica: *"Since its creation, the IACHR has made significant contributions through the monitoring of the human rights situation in countries of the region, the issuance of reports and recommendations, and the strengthening of the international normative framework for human rights in the Americas."*

88. United States of America: *"The Commission's many reports have also been crucially important in promoting and protecting human rights, providing a key source of international accountability. The Commission's documentation of human rights abuses and violations in Cuba, Nicaragua, and Venezuela in particular inspires us to reaffirm our collective commitment to uphold the principles of the Inter-American Democratic Charter, and to engage in collective action through the OAS."*

89. Mexico: *"Mexico wholeheartedly acknowledges the fundamental role that the IACHR has played in the promotion and protection of human rights and in the building of democracy and the rule of law in our region."*

90. Panama: *"The Commission's team has worked tirelessly to improve human rights practices and provide protection to our citizens, thereby enhancing the quality of life in the region—especially for those in vulnerable situations. In this regard, it is important to highlight that the IACHR has been a pioneer in defending emerging rights, expanding its mandate to adapt to the changing needs of our society—an indispensable element*



*to ensure that no one is left behind. This delegation particularly applauds the inclusion of the protection of economic, social, and cultural rights in its agenda, recognizing that human dignity cannot be separated from equal opportunities and access to basic services. The Commission's monumental efforts over these 65 years have greatly contributed to the consolidation of democracy and respect for the rule of law in our hemisphere, ensuring that civil and political rights, freedom of expression, the right to a fair trial, and protection against torture are respected in every corner of the Americas."*

91. Dominican Republic: *"Since its creation in 1959, the IACHR has played a fundamental role in the promotion and protection of human rights in the Americas. The Commission's work is evident not only in strengthening protection mechanisms for victims in vulnerable situations but also in the many standards that today serve as important and useful references for States in their efforts to protect human rights."*

92. Suriname: *"The IACHR and the Court spoke out against human rights violations during the military dictatorship in Suriname and during a short internal war. We thank you for those moments, which assisted in getting our nation back on a democratic track with respect to basic human rights."*

## **H. Activities of the IACHR with other regional and universal human rights bodies**

93. In 2024, the IACHR continued strengthening its collaboration with other international human rights bodies under Program 30 of its Strategic Plan 2023-2027. The main objectives of this coordination are to increase the exchange of good practices, jurisprudence, and standards, and to provide strategic coordination, ensure consistency between human rights bodies and strategic interventions for effective promotion and protection of human rights in the Americas.

### **1. Office of United Nations High Commissioner for Human Rights (OHCHR)**

#### **a. Coordination mechanisms**

94. The **Platform of Independent Experts on Refugee Rights (PIERR)** was launched at the beginning of 2024 with the objective of coordinating joint defense initiatives to increase protection and promotion of the human rights of refugees and asylum-seekers. The platform is composed of the different mandates of the UN Special Rapporteurs on the human rights of migrants and on trafficking in persons, especially women and children; the Working Group on arbitrary detention; the UN Committee against Torture; the Special Rapporteur on refugees, asylum-seekers, internally displaced persons and migrants in Africa of the African Commission on Human and People's Rights; and the Rapporteurship on Human Mobility of the Inter-American Commission on Human Rights and has the support of UNHCR and OHCHR.

95. On June 27, Commissioner Andrea Pochak participated in a meeting of this platform in Geneva to coordinate strategies for working together to improve protection of the human rights of asylum-seekers and refugees. Participating in the meeting were Ms. Siobhán Mullally, United Nations Special Rapporteur on trafficking in persons, especially women and children; Mr. Gehad Madi, United Nations Special Rapporteur on the human rights of migrants; Ms. Priya Gopalan, Vice-Chair of the United Nations Working Group on Arbitrary Detention; Ms. Selma Sassi, Special Rapporteur on refugees, asylum-seekers, internally displaced persons, and migrants in Africa of the African Commission on Human and People's Rights., with the support of the platform's Technical Secretariat, comprised of specialists from OHCHR and UNHCR.

96. During her visit to Geneva, Commissioner Pochak also participated in the "Working Together to Advance the Human Rights Protection of Asylum-Seekers and Refugees" event, whose objective was to present the work in which the platform of experts is engaging, the main global and regional challenges, and the strategic work objectives.

97. Finally, Commissioner Pochak, as IACHR Rapporteur on Human Mobility, endorsed the following press releases promoted by PIERR:



- In commemoration of World Refugee Day: Laws and practices on asylum must resist politics of fear and exclusion: UN rights experts.<sup>13</sup>
- At the launch of the Global Alliance to End Statelessness: States must protect stateless refugees and asylum-seekers.<sup>14</sup>

98. The **Platform of Independent Expert Mechanisms on Discrimination and Violence against Women** (EDVAW), comprised of seven mechanisms, was created in March 2018 to strengthen institutional ties and cooperation between mechanisms, develop strategies, and engage in joint action. By improving collaboration, the platform seeks to ensure more effective implementation of the standards developed to end discrimination and violence against girls and women, lend visibility to existing mechanisms, and provide access to them. A virtual meeting of the platform's member bodies was held on January 18, 2024.

99. Following the assassination of human rights defender Berta Cáceres, the IACHR and OHCHR created a **coordination mechanism to promote and protect the rights of human rights defenders in the hemisphere**. This platform for human rights defenders connects focal points of the different OHCHR and ACNUR national offices, who are in constant communication, sharing information and strategies on protection measures. In April, the IV regional meeting on policies for the protection of human rights defenders was held in Bogotá, Colombia. In two days of sessions with members of civil society and States with national mechanisms for the protection of defenders or an interest in creating one, good practices were identified and roadmaps developed to continue exploring how to improve their operation.

100. In April, also in Bogotá, a regional forum, organized with OHCHR and IACHR, was held on mechanisms for investigating murders and assaults on human rights defenders in Latin America to provide an opportunity for dialogue between public ministries, operators of the criminal justice system, and experts in international standards on important aspects of prosecutors' activities related to defenders' access to justice. The forum enabled the participants to identify, share, and analyze the investigative methodologies and tools necessary to effectively handle cases of homicide and other crimes against human rights defenders – this, to secure a commitment and develop a regional standard for the promotion of differentiated investigative methodologies with a human rights approach to such cases and to review the existing national criteria to align the criminal prosecution of human rights defenders with international standards.

101. On October 30, the Secretariat participated in a meeting in Paris, France: the annual Inter-Mechanisms Meeting of human rights defenders, focused on the protection of environmental defenders. Participating in the meeting were the United Nations Special Rapporteur on human rights defenders; the United Nations Special Rapporteur on Environmental Defenders; the Council of Europe Commissioner for Human Rights, the Department of Human Rights and the Office of the Department of Human Rights from the Office for Democratic Institutions and Human Rights (OSCE/ODIHR).

#### **b. Meeting of focal points of regional human rights bodies**

102. In 2015, the Human Rights Council issued resolution 52/15,<sup>15</sup> requesting that the General Assembly, the United Nations Secretary-General, and OHCHR organize annual meetings of the focal points of regional human rights mechanisms. This resolution was preceded by dialogues between the IACHR and the Council's Advisory Committee, represented by Mario Coriolano. Since then, the various human rights bodies meet once a year to exchange information on the implementation of recommendations, plan future events,

<sup>13</sup> United Nations, [Laws and practices on asylum must resist politics of fear and exclusion: UN rights experts](#), June 20, 2024.

<sup>14</sup> United Nations, [States must protect stateless refugees and asylum-seekers: UN human rights experts](#), October 14, 2024.

<sup>15</sup> United Nations, General Assembly, Human Rights Council A/HRC/RES/52/15, [Cooperation with regional human rights organizations](#), April 3, 2023.



share information and good practices, and coordinate strategies to strengthen jurisprudence and human rights norms and standards.

103. In 2024, the IACHR hosted this annual meeting at its 191<sup>st</sup> Regular Session. On November 13 and 14, the Inter-American Commission received representatives from every region in the world during a forum focused on coordinating strategies for the implementation of recommendations; sharing recent developments and challenges in jurisprudence; and providing mutual support for the development of human rights standards and practices consistent across all regions. For two days, more than 10 representatives of organizations from Africa, Asia, Europe, and the Middle East engaged in dialogue and attended the public hearings of the IACHR.

### **c. Activities**

104. In the United Nations sphere, the IACHR continued to strengthen its cooperation with the Office of the High Commissioner for Human Rights (OHCHR). The IACHR and the Executive Secretariat held periodic meetings with representatives of the different OHCHR regional and national offices to keep apprised of the principal human rights issues in the region. The IACHR also invited representatives from the offices to participate in the hearings of the 189<sup>th</sup>, 190<sup>th</sup>, and 191<sup>st</sup> Regular Sessions.

105. In April, the Secretariat participated in a meeting in Panama City between regional United Nations Office on Drugs and Crime (UNODC) and civil society organizations that offer advisory services and legal representation to victims of human trafficking in Latin America through the OHCHR Project for the Human Rights of Venezuelan Refugees and Migrants.

106. On April 25, the Executive Secretariat and OHCHR held a joint training event for civil society organizations in Haiti on the Inter-American System for the protection of human rights, focused primarily on precautionary measures.

107. On May 17, 2024, Commissioner Gloria Monique De Mees participated in the interagency and civil society dialogue preparatory to the 22<sup>nd</sup> meeting of the United Nations intergovernmental group created for implementation of the Durban Programme of Action. This virtual meeting enabled the parties to offer input on the draft Declaration on promotion and full respect for the human rights of Afro-descendant people during the 22<sup>nd</sup> Regular Session of the Intergovernmental Working Group on the Durban Declaration and Programme of Action (Geneva, May 20–24, 2024), based on their understanding of the general framework of Afro-descendant rights in the international human rights system.

108. On June 15, the Executive Secretariat participated in a forum of human rights experts organized by OHCHR on the human rights of older persons. This virtual forum responds to the IACHR's strategic objective of raising the awareness of state agents about the structural problems that give rise to human rights violations in the hemisphere and Program 14 (Attention to the structural factors that give rise to discrimination and violence against persons in situation of exclusion, in this case older persons).

109. On May 30, the Inter-American Commission on Human Rights and the United Nations Treaty Bodies held a meeting, whose main objective was to share their experience with joint activities and explore new cooperation strategies for the promotion and protection of human rights in the region. In addition to the IACHR and the management team of the Executive Secretariat and its Special Rapporteurs, the heads of the following treaty bodies were present: the Committee on Economic, Social and Cultural Rights (CESCR), the Human Rights Committee (HRC), the Committee on the Elimination of Racial Discrimination (CERD), the Committee against Torture (CAT), the Subcommittee on Prevention of Torture (SPT), the Committee on the Rights of the Child (CRC), the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), the Committee on the Rights of Persons with Disabilities (CRPD), and the Committee against Enforced Disappearances (CED).



110. Commissioner José Luis Caballero and Executive Secretary Tania Reneaum were in Geneva from June 17 to 20. The agenda for their visit had been prepared in collaboration with the OHCHR focal point and included meetings with Volker Turk, High Commissioner for Human Rights; Ambassador Omar Zniber, President of the Human Rights Council; Federica Donati, of the Special Procedures subdivision; Marlene Urscheler, of the Emergency Response Section; Mahamane Cisse-Gouro, Director of Human Rights and the Treaty Mechanisms Division (CMTD); Christian Salazar, Director of the Field Operations and Technical Cooperation Division (FOTCD) and Humberto Henderson, Chief of the Americas Section; Vladlen Stefanov, of the National Institutions and Regional Mechanisms Section; Nicolas Levrat, Special Rapporteur on Minority Issues; Graeme Reid, Independent Expert on sexual orientation and gender identity; CED President Olivier de Frouville; Experts from the UN Treaty Bodies; CED Chair Olivier de Frouville and former CED Chair Carmen Rosa Villa, and a technical meeting with the desk officers of the Americas. These meetings resulted in the preparation of a work plan with specific activities programmed for the year.

111. As part of the relations with the Special Procedures subdivision of the United Nations Human Rights Council, on June 25, Commissioner Andrea Pochak participated in the presentation of the report of the UN Special Rapporteur on trafficking in persons, especially women and children and Ms. Siobhán Mullally on trafficking in persons, mixed migration, and protection of the sea to the Human Rights Council. Commissioner Pochak had the opportunity to express the Inter-American Commission's concerns about the challenges of protecting persons in human mobility at sea, particularly with regard to the boats carrying migrants in the Caribbean. At the same time, she noted the development of norms that, while soft law standards, facilitate compliance with the international obligations of States regarding the protection of persons in human mobility, including the victims of trafficking, when they are transported by sea. Finally, she stressed the importance of adopting protective responses based on the principle of shared responsibility and regional cooperation as one of the priority lines of action in the Strategic Plan 2023-2027.

112. During the IACHR's promotional and technical cooperation visit to Barbados from October 8 to 11, Commissioner Gloria De Mees had meetings with the United Nations Resident Coordinator for Barbados and the Eastern Caribbean countries, nine United Nations agencies (ECLAC, IOM, UNAIDS, UNDP, UNDRR, UNESCO, UNFPA, UNICEF, and UN Women), and the head of the European delegation.

#### **d. Joint press releases**

113. The IACHR issued the following joint press releases with the United Nations and other bodies:

- IACHR, Press Release 252/24: Brazil: IACHR and UN Human Rights Condemn Violence Against Indigenous Peoples and Urge the State to Protect Their Territorial Rights.<sup>16</sup>
- Special Rapporteur on Freedom of Expression R214/24 - States must urgently protect civic space in the face of globally harmful "foreign agent/influence"-like laws: UN and regional experts urged.<sup>17</sup>
- IACHR, Press Release 172/24: IACHR and UN Special Rapporteur on Trafficking in Persons: States must enhance the protection of victims of human trafficking.<sup>18</sup>

<sup>16</sup> IACHR, Press Release No. 252/24, [Brazil: IACHR and UN Human Rights Condemn Violence Against Indigenous Peoples and Urge the State to Protect Their Territorial Rights](#), October 17<sup>th</sup>, 2024.

<sup>17</sup> IACHR, Special Rapporteur on Freedom of Expression (RFOE), Press Release No. R214/24, [States must urgently protect civic space in the face of globally harmful "foreign agent/influence"-like laws: UN and regional experts urged](#), September 13, 2024.

<sup>18</sup> IACHR, Press Release No. 172/24, [IACHR and UN Special Rapporteur on Trafficking in Persons: States must enhance the protection of victims of human trafficking](#), June 30, 2024.



- IACHR, Press Release 124/24: 124/24 – IACHR and OHCHR Ask Chilean Legislators to Respect Human Rights Standards Concerning Security.<sup>19</sup>
- At the conclusion of the meeting with the Presidents of the treaty bodies, the IACHR issued a press release.<sup>20</sup>
- The IACHR issued a press release supporting the United Nations.<sup>21</sup>

## 2. Human Rights Council

114. The IACHR also continued its previous years' practice of sending its contributions to the Universal Periodic Review – in this case, with respect to Nicaragua, Dominica, Uruguay, Bolivia, and El Salvador.

115. The IACHR participated in the Council's 55<sup>th</sup> Regular Session through a video presentation by IACHR President Roberta Clarke during the high-level segment. In her presentation, she reviewed the human rights situation in the Americas. IACHR Executive Secretary Tania Reneaum participated in the opening session.

116. During the 57<sup>th</sup> Regular Session, the IACHR participated in interactive dialogues on Nicaragua (September 10) and Venezuela (September 20). In both, it shared with the Council the comments and recommendations it had made concerning these countries, as well as the work of its special mechanisms.

117. In June, Executive Secretary Tania Reneaum met in Geneva with the President of the Human Rights Council, Ambassador Omar Zniber. In September, the President of the Council received the Assistant Secretary of the Secretariat, María Claudia Pulido.

## 3. United Nations Development Programme

118. Gloria Monique De Mees, Rapporteur on the Rights of Afro-Descendants, participated in an event held by UNDP in Paramaribo, Suriname to consider the standards governing the human rights of Afro-descendants, especially Afro-descendant women in the Caribbean.

## 4. United Nations High Commissioner for Refugees (UNHCR)

119. The Inter-American Commission and UNHCR have been working together as strategic partners in recent years. This collaboration has prioritized comprehensive protection of the human rights of migrants, refugees, internally displaced persons, asylum-seekers, returnees, victims of human trafficking, stateless persons, and others in human mobility found in countries of transit, destination, and return – this, through the identification and introduction of measures focused on prevention and the promotion and protection of human rights.

120. In addition, Andrea Pochak, Rapporteur on human mobility, participated in the launch of an analysis of the jurisprudence of Chile's higher courts on protection, organized by UNHCR and the Supreme Court of Justice in Santiago, Chile. The presentation of the report was a timely way of providing information on the lines of jurisprudence on the protection of persons in human mobility in Chile (migrants, refugees, asylum-seekers, and stateless persons) and at the same time, served as an opportunity to consider the role that judiciary personnel – judicial operators in general – play and/or should play in protecting human rights.

<sup>19</sup> IACHR, Press Release No. 124/24, [IACHR and OHCHR Ask Chilean Legislators to Respect Human Rights Standards Concerning Security](#), June 3 2024.

<sup>20</sup> IACHR, Press Release No. 118/24, [IACHR and UN Treaty Bodies conclude meeting on human rights cooperation](#), May 30 2024.

<sup>21</sup> IACHR, Press Release No. 36/24, [Venezuela: IACHR Condemns Expulsion of UN High Commissioner for Human Rights Technical Team](#), February 20, 2024.



121. On June 3, Commissioner Pochak participated with UNHCR in an event held with Oxford University to introduce Resolution No. 02/23 on protection of the right to nationality and the banning of statelessness and arbitrary deprivation of nationality.

122. In 1984, the Cartagena Declaration on Refugees was adopted, marking a new milestone in the generous tradition of solidarity, asylum, refugee protection, and regional cooperation in the Americas. The declaration constituted an innovative flexible framework for an integral response to regional legal and humanitarian problems in international protection for people. In particular, it recommended the adoption of a broader definition of “refugee,” extending protection to people forced to flee in situations other than those covered by the Convention relating to the Status of Refugees of 1951. Through this declaration, the region established the tradition of decennially commemorating its adoption, launching the Cartagena Process and inspiring what has been called “the Spirit of Cartagena,” characterized by a priority focus on refugee protection and solutions; convergence with existing mechanisms and frameworks; a peaceful and humanitarian approach to the challenges of protection; the evolving, pragmatic, flexible, and visionary nature of the protection of refugees and stateless persons; a human rights approach, recognizing the connections between international human rights law and international refugee law, including the contributions of the Inter-American Human Rights System to the development of standards and principles; the principles of solidarity, shared responsibility, and distribution of the burden among States. Every 10 years since then, a declaration and action plan have been issued: Costa Rica (1994-2004), Mexico (2004-2014), and Brazil (2014-2024). This year, three consultations have been held to prepare the action plan 2024-2034, (Cartagena +40) under the leadership of Chile and with the support of UNHCR. The IACHR has contributed to this process from the outset and has actively participated in the consultations.

123. On November 12, the IACHR held an event to look back on the five years since the adoption of the Inter-American Principles on the Human Rights of All Migrants and reflect on the future. During the event, the panelists agreed on the importance of the Inter-American Principles for strengthening comprehensive practical protection of the human rights of persons in human mobility. At the same time, they stressed that the Principles promote a multilateral coordinated response that recognizes the interdependence of migration challenges and underscores the need for cooperation among the States of the region. The meeting’s participants included UNHCR.

124. On November 19, the IACHR participated in a workshop on the right to nationality and citizenship, organized by the Ministry of Foreign Relations of Uruguay, the National Human Rights Institute and Ombudsman’s Office (INDDHH), and UNHCR.

125. IACHR’s participation in this type of event responds to the strategic lines included in the Strategic Plan 2023-2027 – particularly, dissemination of the Inter-American standards and the prioritization of an agenda for coordinated protection to interact with the various bodies and promote dialogue with civil society organizations, groups in human mobility, local communities, and persons deprived of liberty.

## **5. Red Cross**

126. Representatives from the International Red Cross met with the Executive Secretariat in Washington, D.C. and Geneva to share information and strategies related to the human rights situation in the Americas.

## **6. Regional mechanisms**

### **a. African Commission on Human and Peoples’ Rights**

127. The plenum of the African Commission on Human and Peoples’ Rights (hereafter “the African Commission”) visited IACHR headquarters from July 11 to 16 to promote closer ties and collaboration between the two bodies. During the visit, the African Commission met with all teams of the Executive Secretariat and shared practices, experiences, and strategies on various issues. This dialogue was intensified during a



coordination meeting between the two plena that stressed the importance of maintaining the autonomy, independence, and transparency of the two regional protection bodies.

**b. African Court on Human and Peoples' Rights**

128. On October 8 and 9, the Executive Secretariat of the African Court visited IACHR headquarters in Washington D.C. During those two days, Dr. Robert Eno held meetings with the teams of the Office of the Assistant Executive Secretary of petitions and cases to share experiences and procedures in case processing, jurisprudence, and recommendation follow-up. Dr. Eno also met with the precautionary measures team and the team of the Executive Secretariat that coordinates litigation in the Inter-American Court.

**c. Inter-American Court of Human Rights**

129. In April, the sixth Inter-American forum on human rights was held, organized jointly by the Court and the Inter-American Commission to provide a venue for reflection and exchange on the main accomplishments and challenges of the Inter-American Human Rights System 75 years since the American Declaration of the Rights and Duties of Man was adopted, 45 years since the American Convention on Human Rights, and 65 years since the creation of the Inter-American Commission on Human Rights. The two bodies' plena participated in the forum, leading to a dialogue and enriching reflection on democracy, the Rule of Law, and human rights.

**d. Caribbean Court of Justice**

130. On February 6, a dialogue between President Roberta Clarke and members of the Court was held in Port-of-Spain, Trinidad and Tobago. The object of the encounter was to share methods for following up on and implementing IACHR recommendations, such as the use of SIMORE, and assessing the impact of the human rights standards on the States of the region.

131. On June 5, the IACHR held a meeting with the Caribbean Court in which Commissioners José Luis Caballero and Gloria Monique De Mees shared inter-American standards on access to justice, equality, and nondiscrimination.

132. During the 191st Regular Session, the IACHR plenum participated in a dialogue with the magistrates of the Court on the rights of persons with disabilities and Indigenous Peoples.

**I. Follow-up activities on recommendations and impact**

133. In 2024, the Inter-American Commission on Human Rights continued to improve its strategies for monitoring compliance with the recommendations it issues via all its mechanisms by implementing Programs 8 (Strengthening of recommendations follow-up and Inter-American SIMORE) and 9 (Multilevel dialogue and work agenda with States) of its [Strategic Plan 2023-2027](#), and per Article 48 of its Rules of Procedure.

134. These efforts were driven by the Recommendations and Impact Follow-up Section (hereinafter, SSRI for its acronym in Spanish), which has been operating since 2018. This year, the SSRI continued to develop and consolidate strategies to evaluate and promote the effective implementation of the Commission's recommendations and to ascertain their impact on the respect for and protection of human rights in the region. Executive Order No. 19-01 placed the SSRI under the direct supervision of the Executive Secretariat, thereby making it possible to integrate, align, and coordinate the monitoring work carried out by the entire IACHR Executive Secretariat in all its areas. In particular, the Commission undertook the following six strategic lines of work in 2024 to follow up on recommendations and impact:



135. [Strengthening the methodology for following up on recommendations](#): Among other actions, the Commission promoted implementation of the November 2023 [update](#) of the General Guidelines on the Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights, which were presented in 2019 as a technical and public tool to explain the processes for monitoring recommendations issued through different mechanisms. In doing this, the IACHR improved its use of the criteria described in this tool to: (i) evaluate the information it receives from States, civil society, victims, representatives, and other stakeholders in connection with monitoring recommendations; and (ii) analyze and determine the degree to which its decisions have been implemented.

136. [Continuation of the special follow-up mechanisms for Colombia, Chile, and Bolivia](#): The Commission carried out activities set forth in the work plans of these three mechanisms. In the case of [Colombia](#), the IACHR closely monitored the recommendations stemming from its June 2021 [working visit to the country](#) in the context of that year's general strike. As to [Chile](#), the Commission continued to monitor the recommendations made in its [2022 Country Report](#) following its on-site visit in the wake of the social protests that took place from October 18, 2019 to early 2020. Regarding [MESEG](#) Bolivia, the Commission kept up the activities planned in connection with the recommendations issued in the [Final Report of the GIEI-Bolivia 2022](#).

137. [Promotion and dissemination of the Inter-American SIMORE \(Recommendations Monitoring System\)](#): The IACHR continued to enhance this online [computer tool](#), which is aimed at better engaging all those involved in following up on recommendations. The Inter-American SIMORE seeks to ensure universal access to the recommendations issued by the Commission in different areas and with respect to different populations, based on search criteria that have been tailored to user interests and needs. It also enables OAS member states, civil society organizations, autonomous agencies, and academics to post information on progress, challenges, and/or opportunities for compliance with the recommendations issued by the Commission in its country and thematic reports, Chapter IV.B of its annual reports, and resolutions, as well as with the decisions issued by the interdisciplinary groups of independent experts (GIEIs).

138. [Development of the Impact Observatory](#): The Commission continued to implement this interdisciplinary project, which was launched on July 2, 2021 as a [collaborative platform](#) for interested stakeholders to reflect on, systematize, raise the visibility, and evaluate the impact of actions to defend and protect human rights in the Americas. In particular, it has fostered synergies with similar initiatives, promoted coordinated dialogues with Inter-American Human Rights System stakeholders, and published documents within its lines of work.

139. [Analysis of compliance with the recommendations contained in country and thematic reports](#): The IACHR conducted compliance monitoring activities related to the decisions specified in the reports on the human rights situation in [Peru](#) (2023), [Brazil](#) (2021), [El Salvador](#) (2021), and [Mexico](#) (2015), the specific results of which can be found in Chapter V of this Annual Report. The Commission also published the [Follow-up report on its recommendations on the rights of persons deprived of their freedom in Guatemala, Honduras and El Salvador](#) and carried out activities in connection with the recommendations from the regional thematic report entitled [Advances and Challenges towards the Recognition of the Rights of LGBTI Persons in the Americas](#) (published in 2018), which will, in turn, enable publication of the first follow-up report on recommendations with a regional scope. The IACHR further carried out activities related to the [Report on the Situation of Human Rights Defenders and Social Leaders in Colombia](#) (published in 2019), which will pave the way for a second follow-up report on this topic. The Commission likewise made a technical visit to Guatemala in November to follow up on the recommendations it made in the preliminary observations from its July 2024 on-site visit to the country.

140. [Analysis of compliance with the recommendations contained in published merits reports](#): The IACHR continued to examine compliance with the recommendations it has made in specific cases with merits reports that have been published pursuant to Article 51 of the American Convention on Human Rights or Article 47 of its Rules of Procedure. Some of these activities involved enhanced monitoring for specific and strategic cases. The results of these activities are shared in detail in Chapter II.E of this Annual Report.



141. The following is a list of the initiatives being pursued along the aforementioned strategic lines: (A) strengthening the methodology for following up on recommendations; (B) continuation of the special mechanisms; (C) development of the Impact Observatory; and (D) the Inter-American SIMORE. Reference is also made to the (E) analysis of compliance with thematic and country report recommendations, although it is advised to consult Chapter V of this Annual Report for specific details on the recommendations being monitored from the reports on the human rights situations of Peru, Brazil, El Salvador, and Mexico. Lastly, the activities noted above with respect to cases with published merits reports, as well as the results of that analysis, are presented in Chapter II.E of this Annual Report, which also provides access to updated information for each case currently in the recommendation monitoring stage.

### **1. Strengthening the methodology for following up on recommendations**

142. In 2024, the IACHR implemented the [update](#) of the General Guidelines on the Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights, which had been approved in November 2023. The Guidelines are a technical and public tool that explains the processes for monitoring recommendations issued through different IACHR mechanisms. The updated criteria are intended to be used for: (i) evaluating the information the Commission receives from States, civil society, victims, representatives, and other stakeholders in connection with the monitoring of recommendations; and (ii) analyzing and determining the status of compliance of each recommendation. Additionally, as part of its training and dissemination activities, the Commission shared these criteria with those involved in monitoring processes in an effort to encourage them to both effectively engage and to disclose information helpful for assessing compliance.

143. The IACHR likewise worked to devise internal guidelines aimed at improving processes for issuing and formulating recommendations, specifically in the context of merits reports published under Article 51 of the American Convention or Article 47 of the IACHR Rules of Procedure, thematic reports, country reports, reports that form part of Chapter IV.B of the annual reports, and Commission resolutions. These guidelines are intended to enhance the guidance the Commission offers to States on how to address previously identified human rights needs or issues and to improve its own monitoring assessments.

144. The Commission also worked on developing methodological guidelines for discussions on including the recommendations from country reports, thematic reports, or Chapter IV.B in the follow-up it does in Chapter V of its annual reports. This internal tool aims to provide the IACHR with criteria for determining whether it is appropriate to use Chapter V of its annual reports or other tools to follow up on recommendations in specific cases.

145. Additionally, the IACHR carried out activities aimed at ensuring the incorporation of a gender perspective into the follow-up and implementation of the recommendations it issues via its various mechanisms. To this end, the Commission first prepared internal guidelines on incorporating a gender perspective into the follow-up on its decisions and then developed training for public officials in different countries, with a view to socializing the use of a gender perspective in the implementation of recommendations, especially those aimed at combating discrimination and violence against women, girls, and adolescents.

146. Regarding the above, during a working visit to Brazil in June 2024, the IACHR began its first training for public officials from the Ministry of Human Rights and Citizenship, Ministry of Women, Ministry of Foreign Affairs, Program for the Protection of Human Rights Defenders, and the National Council of Justice's Monitoring and Oversight Unit. The training will be completed in Brazil in 2025 and then replicated in three additional countries.

147. Also under this strategic line, Commissioner Andrea Pochak participated in the international seminar "National Mechanisms for the Implementation of Structural Decisions" held in Brasilia on May 21, 2024. The event was organized in partnership with the Federal Supreme Court, the National Council of Justice, the Max Planck Institute, and the Konrad Adenauer Foundation. During the panel "Dialogues with the Inter-American Human Rights System," Commissioner Pochak addressed strategies to strengthen compliance with



the system's recommendations, including guidelines for their formulation, the creation of special mechanisms, and monitoring strategies. She also discussed the main findings of the report "National Mechanisms to Implement International Recommendations and Decisions Concerning Human Rights," published in 2023.

## **2. Continuation of the special follow-up mechanisms for Colombia, Chile, and Bolivia**

148. As part of its Strategic Plan 2023-2027, the IACHR is promoting the establishment of special mechanisms to follow up on implementation of its recommendations as a novel practice in the context of international human rights law and as specialized tools aimed at providing complementary and targeted follow-up to the recommendations issued in the context of specific and prioritized human rights situations.

149. Mechanisms for following up on recommendations coordinate enhanced efforts around an identified series of recommendations in order to promote implementation and examine levels of compliance. They also facilitate comprehensive analyses of IACHR decisions and recommendations by drawing public attention to cases or situations and provide for periodic and systematic monitoring, resulting in a more in-depth and targeted follow-up by the Commission in keeping with the methodologies established by the General Guidelines on the Follow-up of Recommendations and Decisions of the IACHR. These mechanisms are set up after the Commission has formulated recommendations through the various tools for action it has at its disposal. One of the ways the mechanisms operate is by targeting and prioritizing recommendations according to a planned work timeline.

150. In 2024, the IACHR continued to develop work plans for the follow-up mechanisms for Colombia, focusing on the recommendations made as a result of its June 2021 [working visit](#) there; for [Chile](#), regarding the recommendations made in the [2022 report on the human rights situation](#) in the wake of the working visit relating to the social protests in late 2019 and early 2020; and for Bolivia, through [the MESEG](#), with respect to the recommendations contained in the [Final Report of the GIEI-Bolivia](#).

### **a. Mechanism to Follow up on the Implementation of the Recommendations (MESEG) of the Interdisciplinary Group of Independent Experts for Bolivia (GIEI-Bolivia)**

151. [The MESEG Bolivia](#) pursues actions to support and follow up on the recommendations issued in the Final Report of the GIEI-Bolivia. It coordinates and carries out activities via which the IACHR provides guidance to State authorities on implementation of the recommendations being monitored and employs special methodologies to analyze compliance therewith from a programmatic standpoint. The MESEG Work Plan includes the following objectives:

- Develop and employ methodologies for following up on recommendations that lay out procedures and criteria for recommendations focused as a priority on the rights of victims of serious human rights violations.
- Collect and analyze information on the implementation of recommendations subject to follow-up.
- Identify State measures for implementing recommendations subject to follow-up and, specifically, implementation-related progress and challenges.
- Provide technical assistance for implementing the recommendations subject to follow-up identified in the work plan, including quantitative and/or qualitative indicators to measure implementation levels and progress.



- Evaluate compliance with recommendations subject to follow-up, including quantitative and/or qualitative indicators to measure implementation levels and progress.
- Provide technical assistance to the State for developing tools to promote compliance with the recommendations made in the Final Report of the GIEI-Bolivia, which will involve, *inter alia*, technical assistance for implementing reparation and investigation measures and for developing and evaluating public policies and institutional and legislative reforms in the area of human rights.
- Provide technical assistance to ensure that civil society organizations and victims' organizations are actively involved in processes to follow up on measures implemented by the State to comply with recommendations subject to compliance.

152. Pursuant to the MESEG Work Plan, the main issues that have been addressed, per the Final Report of the GIEI Bolivia, are reparations, investigations, and structural measures in connection with reforms to the justice system, racism, indigenous peoples, and gender violence.

153. The in-person and virtual follow-up strategy has involved different activities over its three years of implementation, including, meetings with victims' organizations, civil society organizations, and public agencies; support during legal hearings for cases included in the GIEI Report; requests for information; capacity-building opportunities for stakeholders, etc. In the last year of work alone, there were more than 40 interventions aimed at assisting and following up on the corresponding recommendations, including meetings with different actors, training, and attendance at hearings for local legal prosecutions.

154. Likewise, in keeping with the objectives set for the MESEG, the IACHR conducted a working visit to Bolivia from July 1 to 5, 2024. During the visit, a series of workshops were held for public servants from agencies involved in implementing or following up on the GIEI-Bolivia Report's recommendations. Preparation of the Second Follow-up Report on the Recommendations of the GIEI Bolivia also moved forward. This report evaluates progress made in compliance with recommendations and identifies the main challenges to implementation. The report is divided into three chapters: the first presents the background, purpose, and methodology. The second addresses the recommendations on reparations (recommendations 1, 2, and 3) and investigation (5, 6, 7, 8, 9, 10, and 13), as well as structural recommendations. Finally, the third chapter presents the conclusions, roadmap, and observations of the Inter-American Commission.

#### **b. Joint Follow-up Mechanism for Colombia**

155. This [Joint Mechanism](#) closely monitors implementation of the recommendations issued by the Commission in June 2021 following its working visit to Colombia to observe the social protests, and, more specifically, the human rights violations reported in the context of demonstrations that began on April 28, 2021. The Mechanism [was set up](#) on June 9, 2023 by the IACHR, including its Special Rapporteurship for Freedom of Expression (RELE), together with the State of Colombia and civil society organizations. Additionally, the Mechanism has carried out the activities set out in [work plan signed by the IACHR and the State of Colombia](#), which prioritized 33 recommendations pertaining to social protest, freedom of the press, and racial and ethnic issues.

156. In 2024, the Mechanism continued to monitor progress and challenges in the implementation of measures to comply with the recommendations, which will be presented in a follow-up report. To this end, a first round of dialogues with civil society organizations was completed. Two virtual sessions were held in the first two months of the year—one on reparations and care for victims of eye-related trauma, and the second on protection of journalists, freedom of expression, and internet access, this latter session with the support of RELE. These sessions closed out the seven dialogues with State authorities and five dialogues with more than 20 organizations on different topics that had been held in 2023.



157. Likewise, the Mechanism continued to create spaces for dialogue with approximately 12 civil society organizations, thus enabling a deeper dive into the issues of eye-related violence; discrimination and ethno-racial violence; shortcomings in investigations of events related to the 2021 social protests at the regional level; and the situation of persons detained in the context of the 2021 general strike. The public hearing "Follow-up on recommendations concerning the investigation of rights violations during the 2021 general strike" was held on July 8, 2024 during the Commission's 190th Period of Sessions. The hearing had been requested by organizations from southwestern Colombia in order to share information on human rights violations in Cauca, Valle del Cauca, and Nariño.

158. Additionally, in April 2024, the Mechanism sent requests for information to the State of Colombia, its Ombudsman's Office, and civil society organizations, with specific questions about efforts to comply with the recommendations. The IACHR received the respective responses in May and June. In the case of civil society, 18 organizations provided written responses to the IACHR containing information helpful for evaluating the implementation of the recommendations.

159. The Joint Mechanism also engaged a consultant-expert from the organization Justice Rapid Response, who provided some essential guidelines on psycho-social reparations for victims of eye-related violence in the context of social protests in Colombia. This information will be conveyed to the State to help it move forward in granting reparations to affected individuals.

160. The IACHR is currently in the final stages of preparing the second follow-up report on the 33 recommendations included in the Joint Mechanism's work plan. This report will be presented publicly so as to evaluate and promote implementation of the recommendations.

### **c. Joint Mechanism for Follow-up on Recommendations for Chile (MESECH)**

161. The purpose of the MESECH is to carry out actions to follow up on the recommendations formulated by the IACHR in its Report on the Situation of Human Rights in Chile. The MESECH employs special methodologies to examine progress in the implementation of the Report's recommendations and coordinates and carries out activities to provide specialized assistance for implementation. To this end, the MESECH has set out the following objectives:

- Develop and implement methodologies to follow up on recommendations that define the procedures and criteria for the recommendations.
- Provide assistance to the State of Chile in developing strategies to advance in implementing the recommendations made in the Report on the Situation of Human Rights in Chile, which include developing public policies and reforming the institutional culture.
- Advise the State of Chile on inter-American human rights standards in order to ensure the effective implementation of the recommendations.
- Work jointly with civil society organizations and victims, to encourage dialogue and participation in compliance with recommendations.
- Strengthen communication channels with civil society organizations to facilitate information sharing on progress in monitoring recommendations using the Inter-American SIMORE as the main tool.
- Evaluate compliance with the recommendations, including indicators to measure level of implementation.



162. The MESECH's work mainly addresses comprehensive reparations and identification of the universe of victims; progress in investigations and judicial proceedings in cases of serious human rights violations; regulation and guarantee of the right to social protest; and institutional police reforms to guarantee the principles of citizen security and respect for human rights.

163. The MESECH conducted its second working visit to Chile on March 18-20, 2024. Commissioner José Luis Caballero Ochoa, the country rapporteur for Chile, led the delegation and was accompanied by the Special Rapporteur for Freedom of Expression, Pedro Vaca, as well as the Chief of Staff and the technical team. During the visit, high-level meetings were held with the Ministries of Foreign Affairs, Justice and Human Rights, Interior and Public Security, and Health, as well as with the Supreme Court, the National Prosecutor's Office, the Human Rights Committees of the Chamber of Deputies and the Senate, the Office of the Ombudsperson for Children, the National Human Rights Institute, and the Committee for the Prevention of Torture. The delegation also met with representatives of victims of the protests and civil society organizations, as well as with the Office of the United Nations High Commissioner for Human Rights.

164. The Joint Mechanism also engaged a consultant-expert from the organization Justice Rapid Response, who provided some essential guidelines on psycho-social reparations for victims of ocular-related violence in the context of social protests in Chile. This information will be conveyed to the State to help it move forward in granting reparations to affected individuals.

165. In addition, per the Joint Mechanism's work plan, in 2024 the IACHR is set to complete the first follow-up report on the recommendations pertaining to: (i) progress on structural, institutional, and regulatory reforms (32 recommendations); (ii) investigations (13 recommendations); and (iii) reparations (4 recommendations). To this end, the Commission sent a follow-up questionnaire to the State, civil society organizations, and autonomous agencies containing specific questions aimed at identifying measures for complying with the recommendations. In June 2024, the State responded to the IACHR's request for information. In May, the Commission received responses from five civil society organizations and the Office of the Ombudsperson for Children (on May 9). And in July, it received a response from the National Human Rights Institute (July 8).

### **3. Inter-American System for the Monitoring of Recommendations (Inter-American SIMORE)**

166. On June 10, 2020, the IACHR made the Inter-American SIMORE—an online computer tool that systematizes the recommendations formulated through its different mechanisms—available to the public. This system is a prime conduit for receiving and sharing information concerning the monitoring of recommendations. Its objectives center on promoting transparency in efforts to follow up on IACHR recommendations and encouraging the actors interested in compliance with these decisions to participate in the supervision of their implementation based on comprehensive dialogues about compliance that lead to tangible progress.

167. The Inter-American SIMORE pursues the objectives described above in two main ways. First, it allows anyone interested to search and identify, within the universe of decisions adopted by the Commission over the years, the recommendations of interest to them. Secondly, this tool encourages relevant stakeholders, such as OAS Member States, civil society organizations, autonomous agencies—including national human rights institutions—and academic institutions to share information on compliance with the recommendations issued by the Commission in its thematic and country reports, Chapter IV.B of its annual reports, and its resolutions.

168. In this way, the tool offers an accountability mechanism for compliance with international human rights obligations that promotes transparency and the democratization of monitoring processes. At the same time, the compliance-related information shared in it enables the Commission to better monitor the measures States adopt and to identify progress and challenges concerning the guarantee and protection of human rights in the region.



169. The development and implementation of the Inter-American SIMORE has involved different phases, namely, the design and preparation of the tool; systematization of data; development, launch, and socialization of the system; and user training. The entire implementation process involved the participation of the SSRI, the Technology and Systems Section (STS), and the OAS Department of Information and Technology Services (DOITS). Implementation of this tool was likewise supported by the cooperative relationship between the IACHR and the State of Paraguay, which was formalized through a memorandum of understanding adopted in 2017. The support provided by the State of Paraguay included permission for the Commission to use Paraguay's SIMORE Plus source code and technical advice from authorities with experience in the use of the system.

170. Standing out among the actions taken in 2024 to consolidate the Inter-American SIMORE is the classification of 602 additional recommendations, with a total of more than 7,746 decisions uploaded and available in this system.<sup>22</sup> Each recommendation was classified based on different search criteria associated with the following categories: year of issue, mechanism and sub-mechanism, population involved, issue or right addressed, geographic scope or country to which they are addressed, recommended measures, and level of compliance.

171. As part of its strategy regarding training and guidance on using SIMORE, in 2024 the Commission continued to hold training sessions aimed at potential users of the tool on behalf of OAS member States, civil society, autonomous agencies, and academic institutions. Over the course of the year, the Commission organized and conducted virtual training sessions on how to use the Inter-American SIMORE for the State of Bolivia (July 17 for 6 State officials); the Committee for the Prevention of Torture of Chile (May 9 for 1 official); the Caribbean Dialogue Network (October 31); the State of Peru (December 3); and, in person, for civil society organizations in Guatemala (November 28).

172. With respect to the results of the strategy to disseminate and provide training on the system, as of October 2024, the Commission had a total of 228 active user accounts, which enable interested parties to post information concerning follow-up on the Commission's recommendations.<sup>23</sup> Among these accounts, 53 were created for 12 OAS Member States (4, for the State of Bolivia and 2 for Peru in 2024). There are 143 active accounts for civil society organizations and universities, 1 of which was activated in 2024 for an organization in Colombia. Lastly, there are currently 32 active accounts for 14 autonomous agencies, 1 of which was activated in 2024 for Chile's Committee for the Prevention of Torture. These numbers are quite significant considering they provide an important base of strategic actors allied with the Inter-American SIMORE who can upload information on compliance with recommendations through the platform.

173. Regarding the posting of follow-up information to SIMORE, as of December 2024, a total of 441 follow-up factsheets had been uploaded—409 corresponding to the States of Mexico, Honduras, and Peru, 2 from civil society, and 30 from Mexico's National Human Rights Commission. Of this total, 131 were posted in 2024—70 from the State of Mexico, 36 from the State of Honduras, and 25 from the State of Peru. The IACHR is pleased the Inter-American SIMORE is being used for uploading information because it means it is becoming an increasingly essential platform for follow-up on recommendations and, therefore, for the effectiveness of the recommendations the Commission issues.

174. In 2024, the IACHR's SSRI and STS modified the platform to make it more user friendly. The changes aim to simplify the file uploading process for States, civil society organizations, academic institutions, and autonomous agencies and to facilitate access to these files and allow information related to recommendations issued by GIEIs to be added. The adjustments will be available soon. In 2024, both Sections

---

<sup>22</sup> The recommendations systematized in the Inter-American SIMORE are those issued by the Commission in merits reports, friendly settlement agreements, country reports, Chapters IV.B of its annual reports, thematic reports, precautionary measures, and resolutions published since 2001. Additionally, in 2023, recommendations issued by groups of independent experts formed within the framework of the Inter-American Human Rights System were added.

<sup>23</sup> The number of accounts may not match those reported in 2023 because some account applications were revoked and, in other cases, activation was requested but not granted due to missing data.



also worked closely with the Treaty Body Capacity Building Programme of the UN Office of the High Commissioner for Human Rights to link the Inter-American SIMORE with the National Recommendations Tracking Database (NRTD). Such cooperation endeavors to strengthen States' implementation mechanisms with respect to international human rights recommendations.

175. The IACHR published the [Inter-American SIMORE Report: Measures Reported by Honduras](#). This is the first in a series of documents that seek to raise the visibility and encourage the use of the Inter-American SIMORE. In this first edition, the report [presented](#) measures posted by the State of Honduras in the Inter-American SIMORE concerning compliance with the recommendations made in the 2019 Country Report and identified by the IACHR in Chapter V of its 2020, 2021, and 2022 Annual Reports. These measures are considered significant for making substantial progress in the levels of compliance with several of the recommendations.

176. It is worth noting that the Commission has done significant work to make the Inter-American SIMORE a core mechanism for monitoring compliance with recommendations. Specifically, the IACHR is working to position this tool as the central repository of helpful information for identifying and evaluating progress and specific challenges in implementing its decisions by the States of the region. Therefore, since 2023, States with follow-up reports in Chapter V of the Annual Reports have been encouraged to submit information on compliance with the recommendations through this platform.

177. The Inter-American SIMORE is expected to be a highly valuable tool for promoting effective compliance with the Commission's recommendations. The Commission plans to continue its efforts to consolidate the platform as an important mechanism for monitoring compliance with international human rights obligations in the region.

#### 4. IACHR Impact Observatory

178. The Inter-American Commission created the Impact Observatory via Resolution No. 2/19 of September 22, 2019. This initiative aims to create opportunities for reflection, systematizing, raising the visibility, and evaluating the impact of the IACHR's mandate with respect to defending and protecting human rights in the region. The Observatory fosters synergies with similar initiatives and promotes coordinated dialogues with universities, research centers, academic networks, and other communities interested in the Inter-American Human Rights System. To that end, in 2024, the Impact Observatory focused on continuing its strategic line of work.

179. The [IACHR Timeline](#) was launched in 2024. This interactive resource is available on the Observatory's website and offers a chronological overview of the Inter-American Human Rights System's main events and evolution, highlighting key moments in the history of the Commission and their impact or noteworthy contributions. This initiative primarily aims to highlight the Commission's work, progression, and impact with respect to the protection, promotion, and guarantee of human rights in the Americas; offer the public an innovative tool for facilitating and encouraging an understanding, analysis, and examination of IACHR efforts; and promote a culture of human rights protection consistent with the standards of the Inter-American Human Rights System through a universally accessible tool. The timeline highlights milestones since the IACHR's creation in 1959, including the entry into force of the American Convention on Human Rights in 1978, the first friendly settlement agreement in 1985, the first precautionary measure issued in 1995, and the first IACHR public hearing held in an indigenous language in 2004.

180. The Observatory also published "[Impact: Stories of the IACHR](#)"—a series of accounts about the role and impact of the Commission in promoting and protecting human rights in the Americas since 1959. The interviews included highlight how the IACHR has become a key institution at a regional level by contributing to the reestablishment of democracy as well as to memory, truth, and justice processes over more than six decades. Interviews with relevant figures from the history of the Commission and human rights in the region will be published on a continual basis on this page.



181. In this regard, Mark Schneider—a human rights expert who played key roles in the IACHR's historic onsite visits to Nicaragua in 1978 and Argentina in 1979—was interviewed. He addressed the impact the resulting reports had on the region, including the release of individual political prisoners. The second person interviewed was former Commissioner Roberto Goldman (1995–2004), who highlighted the Commission's role in Fujimori's removal from power and in the dissolution of his regime in Peru, as well as the importance of the IACHR's visits and reports during the military dictatorships in countries such as Chile, Argentina, Paraguay, Uruguay, and Peru, which were key to exposing human rights violations.

182. In addition to the foregoing, the Second Compendium on Progress and Compliance with Recommendations and Other Decisions was prepared in 2024. The Compendium endeavors to highlight the main progress made and measures adopted by OAS Member States in 2023 in response to IACHR recommendations and decisions. The Compendium is framed within the objectives of the IACHR's Strategic Plan 2023–2027, particularly Strategic Objective 1.3, which calls for the Commission to promote compliance with its recommendations and the standards of the Inter-American Human Rights System. It is also aligned with Program 8 (Strengthening of recommendations follow-up and Inter-American SIMORE), and Program 9 (Multilevel dialogue and work agenda with States). This version also includes thematic reports and the Inter-American SIMORE as new sections and examines best practices in the implementation and monitoring of these mechanisms.

183. During 2024, two newsletters were prepared and published, in February and June, that seek to highlight some of the publications of this collaborative platform. In this way, the IACHR Impact Observatory is being presented as an initiative designed to help consolidate and improve institutional mechanisms for compliance with recommendations, and also to develop advocacy strategies, public policies, and legislation for States that positively influence justice and social transformation processes in the region.

## **5. Analysis of compliance with the recommendations from country and thematic reports**

184. In 2024, the IACHR continued its strategy of following up on recommendations from both country and thematic reports, including recommendations that are thematic in scope. In this way, the Commission is seeking to evaluate regional progress and challenges with respect to compliance and to highlight areas for improvement and challenges in the implementation of these decisions.

- **Follow-up report on recommendations regarding persons deprived of liberty Guatemala, Honduras, and El Salvador**

185. On June 7, 2024, the IACHR published a [follow-up report](#) in which it identified recommendations from the latest country reports addressed to the States of Guatemala, Honduras, and El Salvador regarding persons deprived of liberty. In the case of Guatemala, the Commission chose seven recommendations from the 2017 Situation of Human Rights Report. For follow-up on Honduras, it selected four recommendations from the 2019 Report after deciding the most recent recommendations from the 2023 on-site visit would be addressed in future reports. In the case of El Salvador, the Commission considered five recommendations from the preliminary observations that came out of its December 2019 on-site visit, which were reiterated in the 2021 Report on Human Rights.

186. The Commission also took into account information provided by civil society organizations, compiled at thematic hearings and included in Chapter V of its Annual Reports, prior to and including 2022, in which it monitors compliance with the recommendations made in the country or thematic reports. The IACHR also requested supplementary information from the three States and examined official sources, intergovernmental organization reports, academic studies, and communiqués from non-governmental organizations. The follow-up report noted that, beyond their differences, Honduras, El Salvador, and Guatemala share historical challenges in implementing international recommendations concerning the rights of persons deprived of liberty and called for effective actions for compliance therewith.



- **Follow-up reports on the recommendations from the country reports for Brazil, El Salvador, Mexico, and Peru included in Chapter V of this Annual Report**

187. Pursuant to Article 59(9) of the IACHR Rules of Procedure, by means of Chapter V of its Annual Report, the Commission is to prepare follow-up reports in which it highlights progress and challenges related to the effective observance of human rights. In fulfillment of this mandate, in 2024 the IACHR published follow-up reports on Brazil, El Salvador, Mexico, and Peru, which have been incorporated in Chapter V of the present Annual Report.

188. These reports discuss 251 recommendations monitored over the course of the year: Brazil – 98 recommendations; El Salvador – 38; Mexico – 77; and Peru – 36. The decisions in question address matters that include economic, social, cultural, and environmental rights (ESCR); citizen security; access to justice; Afro-descendants; indigenous peoples and traditional communities; women; children and adolescents; LGBTI persons; persons with disabilities; persons deprived of liberty; human rights defenders; human trafficking; forced internal displacement; migration, refuge, and statelessness; memory, truth, and justice; militarization; disappearances; torture; the situation of freedom of expression and journalists, among others.

189. Of the 251 recommendations examined, the IACHR confirmed that 170 are at some level of compliance other than pending, accounting for 67% of the total. Along these lines, 42% (106 recommendations) show partial compliance, 14% (37 recommendations) show substantial partial compliance, and 10% (27 recommendations) have reached full compliance. It was possible to verify an overall progress in the level of compliance with 50 recommendations among the three reports: 26 recommendations in Brazil, 4 in the case of El Salvador and 20 recommendations in Mexico. It is not yet possible to determine progress on Peru because it is the first follow-up report published.

190. The conclusions drawn from follow-up on these recommendations focus mainly on the need to improve disaggregated data collection systems and to implement programs that target vulnerable groups such as women, indigenous peoples, and persons with disabilities. In some of these countries, the IACHR has identified certain progress in the creation of infrastructure and public policies to protect human rights, such as programs against gender violence, the search for missing persons, and improvements to training and professional development at institutions in charge of guaranteeing these rights. The follow-up reports do, however, continue to highlight the need to promote policies to address structural human rights issues in these countries.

#### ○ Chapter V – Brazil

191. In 2024, the Commission published a third follow-up report on the recommendations contained in the report on the [Situation of Human Rights in Brazil](#), which was approved in 2021. For this, it requested information from the State, which responded on October 22, 2024. The Commission reviewed the information and included contributions from civil society organizations as well as data collected through its own monitoring, public hearings, and precautionary measures and from international sources. The final version of this follow-up report was approved by the Commission on March 7, 2025.

192. As noted in Chapter V of this Annual Report, in 2024 the IACHR observed improvements to compliance with its recommendations. While none of the 98 recommendations had reached full compliance in 2023, 2024 saw seven at full compliance (7%). In addition, the percentage of pending recommendations decreased from 42% to 33%; and those with substantial partial compliance remained the same, but because some recommendations progressed to full compliance.

193. Some of the achievements noted in the follow-up report include the development of disaggregated data collection systems like the *ObservaDH* platform, which, with more than 500 indicators, facilitates policy development for vulnerable groups. With respect to gender violence, programs like the "National Femicide Prevention Pact" and "Women Living without Violence," with Brazilian Women's Houses and Referral Centers, stand out. In the case of indigenous peoples, the IACHR noted the creation of the Ministry



of Indigenous Peoples and the increase of its budget. Other standouts include programs like "Bolsa Familia" and "Mi Casa, Mi Vida," which seek to reduce inequalities. Thus, while the Commission does acknowledge the persistence of structural barriers and challenges to the implementation of the aforementioned measures, it also notes some progress in the development and expansion of policies aimed at protecting and promoting human rights.

○ **Chapter V – El Salvador**

194. This report followed up on the recommendations contained in the report on the [Situation of Human Rights in El Salvador](#), approved by the IACHR on October 14, 2021. Since publication of that report, follow-up reports have been included in the 2022 and 2023 Annual Reports; these evaluated State compliance measures and pending challenges based on information provided by the State, civil society organizations, and public sources. This third report leaves out the analysis of recommendations 1, 2, 3 (concerning citizen security) and recommendations 12, 13, 14, 15, and 20 (concerning the rights of persons deprived of liberty) because the IACHR published two specific reports in 2024 that impacted follow-up on those decisions.

195. For preparation of this chapter, the IACHR requested up-to-date information from the State of El Salvador, which it received in October 2024. The Commission also gathered input from civil society organizations, valuing their participation in the process. The final version of this report was adopted by the Commission on March 3, 2025.

196. A comparison of compliance from 2023 to 2024 shows slight improvement in the reduction of pending recommendations, which went from 16 to 14, or 37% of the total. Recommendations at partial compliance rose from 18 to 19, or 50%, while those at substantial partial compliance decreased to 4, or 10%. The number of recommendations evaluated that had reached full compliance rose from 3 to 4, or 3% of the total. These numbers reflect progress in partial compliance, but also some setbacks in the degree of substantial compliance.

197. In the follow-up report, the IACHR identified the setback of recommendation 17. This stemmed from the lack of details on the current budget of the Attorney General's Office.

198. The main advances identified in 2024 include a report from the State on progress made by the Ministry of National Defense in systematizing, identifying, and digitizing documents from 1980-1992, which are now available for requests for justice and for victims and family members, in accordance with the law. In addition, the National Missing Children and Adults Search Committees signed an agreement with the Supreme Court of Justice to facilitate access to adoption files and court records and to provide support in exhumations and genetic profiling. These Committees have reviewed archives—including military and police archives—locating more than 1,500 unidentified persons in cemeteries in San Salvador and Santa Ana and have digitized historical records.

○ **Chapter V – Mexico**

199. This chapter followed up on the recommendations contained in the report on the [Situation of Human Rights in Mexico](#), which the Commission approved on December 31, 2015. Since publication of that report, the IACHR has prepared annual follow-up reports, all which were included in Chapter V of its Annual Reports (2016 through 2023) and contained observations from the Mexican State and civil society. In the case of this follow-up report, the IACHR requested information from the State of Mexico on September 4, 2024 regarding compliance measures adopted over the past year. Responses were received on September 30 and October 1 through the Inter-American SIMORE. This follow-up report was ultimately approved by the IACHR on March 19, 2025.

200. In the 2024 analysis, of the 80 recommendations being monitored, 3% were found to be in full compliance, 3% substantial partial compliance, and 3% partial compliance, while 61% remain pending compliance. These results point to limited progress compared to the 2023 report, where the numbers showed



11% full compliance, 17% substantial partial compliance, 57% partial compliance, and 15% pending compliance. Despite some progress, the overall analysis shows a lack of effective implementation in several key areas and, in certain cases, significant setbacks in the protection of human rights. The IACHR reiterates the need for concrete and structural actions to address these deficiencies and advance toward full implementation of its recommendations.

201. In this report, the Commission identified significant and persistent challenges, such as the militarization of public security and a lack of independent accountability mechanisms. It noted with concern the transfer of the National Guard to the Secretariat of National Defense and military involvement in citizen security tasks. In addition, institutional weaknesses with respect to addressing the disappearances crisis, as reflected by layoffs from the National Search Commission and shortcomings in the enforcement of the General Law on Disappearances, show a lack of effective coordination as well as fragmentation in the fulfillment of human rights. At the same time, progress was made in police force professionalization, the adoption of policies for mental health care and addictions, and the development of disaggregated data systems for addressing violence against vulnerable groups.

○ **Chapter V – Peru**

202. This chapter is a follow-up to the report, [Human Rights Situation in Peru in the Context of Social Protests](#), which was published by the Commission in May 2023 following a working visit to Peru on January 11-13, 2023 and which addresses the democratic and social institutions crisis. To prepare the report, the IACHR requested information from the State on November 8, 2024; that information was furnished on December 11, 2024. Additionally, the Commission adopted the final version of this document on March 26, 2025.

203. In 2024, the IACHR found that, of the 36 total recommendations, 23 (64%) remain pending; 11 (30.6%) are at partial compliance; 1 (2.7%) are at substantial partial compliance, and 1 (2.7%) have reached full compliance. The main progress evidenced by the IACHR are the increase in the number of prosecutors specialized in human rights, and the adoption of a permanent and mandatory training and evaluation plan for the security forces involved in the development of demonstrations and in the context of social protests; and the most significant implementation challenges are the need to initiate the process of implementing comprehensive reparations for all persons affected by the events described in the Country Report and to advance in the process of investigation, sanction and reparation for human rights violations.

○ **Progress in 2024 with respect to implementation of the recommendations included in the Chapter V follow-up reports for Brazil, El Salvador, Mexico, and Peru**

204. The table below compares the degree of compliance with the recommendations from these country reports as determined by the IACHR in 2023 and 2024. The idea is to highlight implementation-related progress and setbacks for each country.

Categories/ Percentage of compliance	Brazil		El Salvador		Mexico		Peru	
	2023	2024	2023	2024 <sup>24</sup>	2023	2024	2023	2024
<b>Full compliance</b>	4%	7%	4%	3%	10%	12%	N/A	3%
<b>Substantial partial compliance</b>	15%	15%	8%	10%	16%	40%	N/A	3%

<sup>24</sup> In its 2023 Annual Report, the IACHR discontinued its follow-up of recommendations 44 and 45, meaning that in 2024, 40, rather than 42, recommendations were considered. See: IACHR, [2023 Annual Report, Chapter V: El Salvador](#), December 31, 2023, paras. 353 and 389.



<b>Partial compliance</b>	39%	43%	48%	50%	52%	21%	N/A	33%
<b>Pending compliance</b>	42%	33%	40%	37%	15%	22%	N/A	61%

- **First Follow-up Report on Recommendations with a Thematic Scope: Advances and Challenges towards the Recognition of the Rights of LGBTI Persons in the Americas.**

205. In December 2018, the IACHR published the report, [Advances and Challenges towards the Recognition of the Rights of LGBTI Persons in the Americas](#), which was based on its monitoring of the rights of persons with diverse sexual orientations, gender identities, and gender expressions. The report addresses the challenges faced by LGBTI people in the region, including high levels of structural discrimination and violence. Along these lines, in 2024, the Commission prepared the "First Follow-up Report on Recommendations with a Thematic Scope: Advances and Challenges towards the Recognition of the Rights of LGBTI Persons in the Americas," the first exclusively thematic follow-up report with a regional scope prepared by the IACHR.

206. To prepare the report, the IACHR sent requests for information to the 35 OAS member states and to civil society organizations. Based on the information gathered, the Commission identified the main advances and challenges with respect to compliance with the recommendations, organized by thematic area, as well as obstacles to implementation.

- **Second Follow-up Report on the Recommendations from the Report on the Situation of Human Rights Defenders and Social Leaders in Colombia, published in 2019**

207. In 2024, the IACHR carried out a number of activities connected to the preparation of the second follow-up report on the recommendations from the [Report on the Situation of Human Rights Defenders and Social Leaders in Colombia](#), originally published in 2019. For example, the Commission held a series of dialogues with civil society organizations operating in Colombia and sent them questionnaires. These tools seek to gain access to reports that will make it possible to identify compliance measures adopted by the State in connection with the recommendations contained in the thematic report and to pinpoint the most significant challenges to implementation.

- **Technical visit to follow up on the recommendations made by the IACHR in its preliminary observations from the 2024 onsite visit to Guatemala**

208. The technical team from the IACHR's Recommendations and Impact Follow-up Section visited Guatemala on November 26-29, 2024 for in-person dialogues with civil society organizations designed to follow up on recommendations. The team held six technical meetings with approximately 30 civil society organizations during which it gathered valuable information for identifying both progress and challenges in implementing the preliminary recommendations made by the IACHR following its onsite visit in July of this year. The team also met with the Presidential Commission for Peace and Human Rights (COPADEH) to share strategies for following up on recommendations and promoting compliance with the recommended measures.

209. Creating opportunities for coordination like these is essential for ascertaining the degree of progress made in implementing recommendations and identifying thematic areas where significant challenges and even setbacks persist in terms of compliance measures. The IACHR plans to continue to pursue this strategy of dialogue to encourage States' progress in complying with its recommendations.





**System of  
Petitions and Cases,  
Friendly Settlements and  
Precautionary Measures**





## **CHAPTER II: THE SYSTEM OF PETITIONS AND CASES, FRIENDLY SETTLEMENTS, AND PRECAUTIONARY MEASURES**

A.	Introduction .....	83
B.	Petitions and Cases.....	83
1.	Initial study or review .....	84
2.	Admissibility and merits .....	85
3.	Archiving.....	103
4.	Portfolio meetings and information for member states .....	112
5.	Hearings on contentious cases .....	113
6.	Cases in transition.....	113
C.	Advances and challenges on negotiation and implementation of friendly settlements agreements .....	115
1.	Introduction .....	115
2.	Relevant results on negotiation and implementation of friendly settlement agreements .....	116
3.	Activities carried out to promote friendly settlements in 2024 .....	147
4.	Status of compliance with reports on friendly settlement agreements, approved pursuant to article 49 of the American Convention on Human Rights .....	149
5.	Good practices in implementing Friendly Settlement Agreements observed in 2024.....	186
6.	Challenges and setbacks in implementing Friendly Settlement Agreements observed in 2024.....	187
D.	Cases before the Inter-American Court of Human Rights.....	189
1.	Submission of contentious cases .....	189
2.	Requests for advisory opinions.....	254
3.	Submission of written observations in pending cases and in cases of supervision of compliance with the sentence .....	254
4.	Appearance and participation in public and private hearings .....	254
E.	Status of compliance with IACHR recommendations issued in the merits reports published under Article 51 of the American Convention on Human Rights or Article 47 of the IACHR Rules of Procedure .....	255



1.	The mandate to follow up on the recommendations of the Inter-American Commission .....	255
2.	Follow-up.....	256
3.	Methodology for following up on recommendations: actions carried out in the year 2024 .....	256
4.	Categories of analysis .....	259
5.	Status of compliance with the merits reports published under Article 51 of the American Convention on Human Rights or Article 47 of the Rules of Procedure of the Inter-American Commission.....	260
6.	Activities carried out in the follow-up process in 2024 .....	268
7.	Relevant results .....	270
F.	Precautionary Measures .....	276
1.	Introduction .....	276
2.	Requests for precautionary measures.....	277
3.	Follow-up of precautionary measures in force.....	279
4.	Resolutions adopted .....	294
5.	Provisional measures .....	342
6.	Dissemination and transparency.....	344
G.	Annual statistics most representative of the Commission's work .....	346



## **CHAPTER II**

### **THE SYSTEM OF PETITIONS AND CASES, FRIENDLY SETTLEMENTS, AND PRECAUTIONARY MEASURES**

#### **A. Introduction**

1. This chapter reflects the work of the Inter-American Commission on Human Rights (“the Commission”, “Inter-American Commission”, or “IACHR”) in 2024 with respect to its system of petitions, cases, friendly settlements, and precautionary measures, as well as its work involving the Inter-American Court of Human Rights. It contains the sections described below.

2. First, Section II describes the work related to the initial review of petitions, the admissibility and merits stages, and the archiving of petitions and cases. This section contains summaries of the most important decisions adopted by the Commission in 2024 in both its admissibility and merits reports, and the final reports published pursuant to Article 51 of the American Convention on Human Rights (ACHR). Next, it describes the activities carried out by the Commission within the framework of its policy of prioritization of petitions and cases, implemented as part of its Strategic Plan 2023-2027. It likewise describes the hearings and working meetings held by the IACHR, as well as the active transparency and information measures undertaken with the States. Finally, it indicates the steps taken for referral to the Inter-American Court.

3. Secondly, Section III develops the Commission's tasks in its friendly settlement mechanism. This part includes an analysis of the status of compliance with the recommendations in approved friendly settlement reports.

4. Third, Section IV describes the interventions made by the Commission before the Inter-American Court of Human Rights. It highlights the matters sent to this court, as well as the written observations presented in cases in process and in supervision of compliance with the judgment. Finally, it mentions appearances and participation in public and private hearings.

5. Fourth, Section V deals with the status of compliance with the recommendations issued by the Commission in the merits reports, published based on Article 47 of its Rules of Procedure and Article 51 of the ACHR.

6. Fifth, Section VI recapitulates the activities conducted by the Commission in its precautionary measures mechanism, as well as its mandate to follow up on provisional measures requested to the Inter-American Court of Human Rights.

7. Finally, Section VII presents the most representative annual statistics of the work carried out.

#### **B. Petitions and Cases**

8. The Inter-American Commission on Human Rights is the only international body in the region with the capacity to receive and process individual complaints. Its recommendations, through its articulation with the Inter-American Court, result in binding decisions for States. Beyond individual justice, these decisions have a transformative impact. Through the system of petitions and cases, the Commission has facilitated access to justice for victims of the most serious human rights violations, such as forced disappearance, torture, and extrajudicial executions. It has also declared the incompatibility of impunity figures, such as amnesty laws and statutes of limitation in the region. In addition, it has established the limitation of military criminal jurisdiction for human rights violations, while stimulating the creation of public policies and protection mechanisms for



vulnerable and historically discriminated groups. This has made it possible to deal with both structural and situational issues in the region and to achieve the progressive development of the inter-American public order. Thus, the system of petitions and cases not only benefits victims in specific matters but also has the capacity to change situations that affect human rights and generate transformative impacts, through the recommendations of the IACHR, the friendly settlement agreements approved by it or, eventually, the judgments issued by the Inter-American Court.

9. Under the terms of Articles 23 to 48 of its Rules of Procedure, proceedings before the Commission are structured by the following procedural stages: initial study or review, admissibility and merits. Under Article 40 of the Rules of Procedure, at any time during the examination of a petition or case, the parties may reach a friendly settlement based on respect for human rights. Likewise, after issuing the merits report, the Commission may decide to publish it in accordance with Article 47 of the Rules of Procedure and Article 51 of the ACHR, or to send the case to the IACHR Court for the States under its jurisdiction, in accordance with Article 51 of that treaty. Finally, during the processing of a petition or case, the Commission may decide to archive it, as provided in Article 42 of its Rules of Procedure.

10. The following is a description of the work carried out by the IACHR during 2024 in the initial review, admissibility and merits stages. It also provides information on the decisions to close the case.

### **1. Initial study or review**

11. The Commission evaluates the petitions received in accordance with Articles 26 to 34 of the IACHR Rules of Procedure. Under Article 26 of the Rules of Procedure, the initial review of petitions is conducted by the Executive Secretariat, which is responsible for the examination and initial processing of petitions.

12. In the initial review stage, using a general or *prima facie* standard, the Commission verifies that the petition meets the same admissibility and jurisdictional requirements that will be verified in the admissibility report (Article 27), the difference being that the initial review is based solely on the information provided by the petitioner, because the State is not yet a participant at this stage, since the petition has not yet been opened to proceeding. Thus, this first review is preliminary to the subsequent admissibility review. Furthermore, Article 26.2 of its Rules of Procedure authorizes the Executive Secretariat to request additional information from petitioners, if necessary, to complete a specific aspect of its petition before making a decision at this first stage.

13. Through Resolution 1/19, the IACHR has established rules providing for the possibility that in cases where a decision has been reached not to allow a petition to proceed, the petitioners may request the Executive Secretariat to reconsider it, as long as they do so under the terms specified in the resolution. The Executive Secretariat prioritizes the initial review of new petitions, periodically granting these requests for reconsideration in chronological order, as resources permit.

14. In 2024, the IACHR received a total of 2,883 petitions. In total, at the end of the year, 2,322 petitions were evaluated (80.54%), with 323 decisions to open (14%), 1,923 rejections (83%) and 76 requests for additional information (3%). This rigorous analysis enables the Commission, through its initial evaluation decisions, to safeguard the subsidiary and complementary nature of the Inter-American System, both from a procedural standpoint (when domestic remedies have not been exhausted or the granting of an exception does not apply) and a substantive one (when the acts in question clearly do not constitute a violation of rights recognized in the instruments under its jurisdiction).

15. With respect to the regular flow of new petitions, a pace of work has been maintained that allows for their evaluation within one year of receipt, thus avoiding the accumulation of delays in this first phase of the procedure. This progress is attributed to the methodology currently used by the team since the establishment of the Initial Study Section, which allows for a more agile review of cases. In addition, this section



conducts periodic reviews of portfolios from previous years to ensure that no claims are left behind and to prevent the accumulation of unstudied matters.

16. Likewise, considering that there has been more rapid progress in the initial evaluation of petitions, since previous years, the Commission has implemented measures to carry out an orderly and progressive notification of petitions with a decision to process. On this occasion, the IACHR continues to report progress related to the significant reduction of delays in the notification of petitions with a decision to process. In fact, the IACHR closes the year 2024 with 238 petitions pending notification, concerning 20 Member States of the Organization, 64% less than those reported at the close of 2023<sup>1</sup>. This was achieved thanks to the notification of 714 initiations for processing, as established in Article 30 of the Commission's Rules of Procedure. In addition, the Commission decided to archive 153 petitions at this stage, in accordance with Article 42 of the same instrument. Additional information on decisions to archive at this procedural stage will be found under the heading in this chapter devoted to the matter.

17. Chronology was the criterion primarily applied in the notifications under Article 30 of the Rules of Procedure. In turn, the prioritization criteria provided for in Article 29.2 of the Rules of Procedure continued to be applied, with one or more criteria being identified in 19% (136) of the petitions notified in that year.

18. These important achievements are the natural results of the strengthening and specialization of the team, the stabilization of the new GAIA System, the constant evaluation and improvement of internal processes, and the increasingly frequent submission of complaints by electronic means. For example, in 2024, the Commission, through its Executive Secretariat, implemented a new format for acknowledgment of receipt of new petitions that, in accordance with Article 29.1 of the IACHR Rules of Procedure, provides relevant information to the petitioning party about the filing of its complaint. Similarly, the preparation of relevant parts of recently received petitions through digital means -either through the Individual Petitions System Portal or the e-mail address intended for such purposes ([CIDHDenuncias@oas.org](mailto:CIDHDenuncias@oas.org))- was crucial for the more expeditious processing of the cases.

## 2. Admissibility and merits

19. During 2024, in accordance with Articles 30 to 36 of the Rules of Procedure and 44 to 48 of the American Convention, the Commission approved a total of 133 admissibility/inadmissibility decisions<sup>2</sup> (74 (56%) admissibility and 59 (44%) inadmissibility). In addition, 43 admissibility decisions were taken in cases where the admissibility review was deferred to the merits stage. The latter decisions are confidential, in accordance with Article 44 of the IACHR Rules of Procedure and Article 50 of the ACHR.

20. Likewise, in accordance with the provisions of Articles 37 of the Rules of Procedure, 20 of the Statute and 50 of the American Convention, the Commission adopted a total of 121 reports in which it ruled on the merits of the case. In them, it examined the international responsibility of the States in light of the international treaties under its jurisdiction and issued, when appropriate, its recommendations to make full reparation for the violations caused. Such reports are confidential, in accordance with Article 44 of the Rules of Procedure and Article 50 of the ACHR.

21. In 2024, the IACHR continued to implement Resolution 1/16, *on Measures to Reduce the Procedural Backlog in the Petition and Case System*, adopted on October 18, 2016. Thus, based on the provisions of Article 36.3 of its Rules of Procedure, the Commission notified the deferral of the processing of admissibility to the merits stage in 200 petitions, in which some of the six assumptions provided for in that resolution were

<sup>1</sup> In 2023, the Commission closed with 664 petitions pending notification. IACHR, Annual Report 2023, [Chapter II: The System of Petitions and Cases, Friendly Settlements and Precautionary Measures](#), para. 16.

<sup>2</sup> Two of these reports (135/24 y 121/24) accumulate respectively 16 and 3 requests, which means that in the 133 reports of admissibility/inadmissibility approved in 2024, 150 requests were effectively analyzed.



met. The failure of the State concerned to submit a first response at the admissibility stage continues to be the predominant criterion applied, with 89,5% (179) of these notifications.

**a. Admissibility and inadmissibility decisions**

22. This section contains a total of 133 admissibility decisions; 74 admissibility and 59 inadmissibility decisions listed below.

No.	Name of the alleged victim	State	Report number	Date of approval	Petition or case number	Assigned Case number
1	Jesús Oviedo Sunción	Peru	2/24	3/22/2024	P-2716-18	15.474
2	Laura S. and family	United States	3/24	3/10/2024	P-776-20	15.473
3	Abdón Apaza Valer	Peru	4/24	3/11/2024	P-1915-16	15.471
4	Gabriel Damián Zárate Martínez	Paraguay	5/24	3/11/2024	P-868-18	15.472
5	Consuelo Ruiz Ramírez et al.	Peru	6/24	3/11/2024	P-1740-11	15.470
6	Carlos Luis Sandoval Castro	Costa Rica	7/24	4/15/2024	P-865-09	N/A
7	Randall Vargas Pérez	Costa Rica	12/24	4/24/2024	P-1592-11	N/A
8	Alejandro Arrieta Torres and Pablo Arrieta Torres	Costa Rica	13/24	4/24/2024	P-1676-11	N/A
9	William Alvarado Sandi	Costa Rica	14/24	4/24/2024	P-1953-12	N/A
10	Belisario Pérez Jiménez and Didier Alexander García Álvarez	Costa Rica	15/24	5/3/2024	P-519-10	N/A
11	Lawanda Collier	United States	16/24	4/29/2024	P-2240-20	N/A
12	Julio Suárez Dubernay	Dominican Republic	17/24	4/24/2024	P-153-14	N/A
13	Dimosthenis Katsigiannis Karkasi	Costa Rica	18/24	4/24/2024	P-280-21	N/A
14	Comunidad San Pablo de Amalí	Ecuador	19/24	4/24/2024	P-449-10	15.491
15	Juana Quispe Apaza and family	Bolivia	20/24	4/24/2024	P-710-21	15.495
16	A.G.C.	Costa Rica	21/24	4/24/2024	P-527-15	15.492
17	Lucero Sarria Reyes and Alón Esthewar Sarria Reyes	Colombia	22/24	4/30/2024	P-2030-13	N/A
18	Gabriel Pascual del Rosario et al.	Panama	23/24	4/30/2024	P-1176-07	15.490
19	Patience Lane Schillinger	Costa Rica	24/24	5/5/2024	P-472-10	N/A
20	Carlos Javier Martínez Ortiz	Honduras	25/24	5/6/2024	P-1314-18	15.494
21	Juan Alberto Santini Bentancourt et al.	Uruguay	26/24	4/24/2024	P-141-17	15.493
22	Raymond Mora Segura	Costa Rica	34/24	5/5/2024	P-486-17	N/A
23	Rigoberto Zárate Luna et al.	Ecuador	35/24	5/6/2024	P-2658-18	15.496
24	Mirtha Quevedo Acalinovic	Bolivia	36/24	5/6/2024	P-1500-09	N/A



25	Grandy Nanny Clan of Arawak-Maroons of Jamaica	Jamaica	54/24	5/3/2024	P-1464-22	N/A
26	Daniel Eduardo Joffe	Argentina	55/24	5/10/2024	13.983	N/A
27	Javier Ignacio Calvo Rocha et al.	Colombia	56/24	5/10/2024	P-800-13	N/A
28	Gustavo Alejandro Páez	Argentina	57/24	5/13/2024	P-2357-12	N/A
29	Edimer Bustos, Luis Alfonso Jiménez Benito and family	Colombia	58/24	5/21/2024	P-215-14	15.504
30	Edgar Eulises Torres Murillo	Colombia	59/24	5/17/2024	P-1250-13	15.502
31	Masacre de San Carlos de Guaroa	Colombia	60/24	5/16/2024	P-1995-14	15.509
32	Claudio Alexander Caiza	Colombia	61/24	5/17/2024	P-1658-13	15.539
33	Asociados de Asonacriga	Costa Rica	62/24	5/8/2024	P-2281-17	N/A
34	Homero Cabrera Roldán	Chile	63/24	5/8/2024	P-1917-17	N/A
35	Mariana Isabel Mota Cutinella	Uruguay	64/24	5/20/2024	P-2183-15	15.510
36	Luz Elena Salgado Mejía and family	Colombia	65/24	5/21/2024	13.156	N/A
37	A.S.A.H. and family	Mexico	66/24	5/16/2024	P-111-21	15.514
38	M. Z. M. et al.	Costa Rica	67/24	5/8/2024	P-326-21	15.515
39	Gilberto Ventura Ceballos	Panama	68/24	5/21/2024	P-693-21	N/A
40	César Alfonso Fraga Narváez	Colombia	69/24	5/21/2024	P-1964-13	15.503
41	Maysa Helena Alves	Brazil	70/24	5/20/2024	P-1965-15	N/A
42	Royman Ávila Cartín	Costa Rica	71/24	5/20/2024	P-541-13	N/A
43	Christian Alejandro García López	Mexico	72/24	5/29/2024	P-1104-12	15.501
44	Sebastian Moro	Bolivia	73/24	5/23/2024	P-2752-19	15.512
45	Pedro Abelardo Sandoval Sánchez	Peru	74/24	5/20/2024	P-278-14	15.505
46	A.R.H.	Colombia	75/24	6/5/2024	P-1776-20	15.513
47	Edgar Paúl Jácome Segovia et al.	Ecuador	76/24	5/31/2024	P-581-14	15.507
48	AA and BB	Brazil	77/24	6/3/2024	P-2066-17	15.511
49	Jairo Enrique Moreno Moreno	Colombia	78/24	6/5/2024	P-102-14	N/A
50	Cristina Andrea Nolzco	Argentina	79/24	6/9/2024	1030-15	N/A
51	Osvaldo Díaz Millán et al.	Mexico	80/24	6/7/2024	558-13	15.506
52	E.C.S.D.	Colombia	81/24	6/9/2024	P-2152-16	N/A
53	Marco Fabián Tapia Jara	Ecuador	82/24	6/1/2024	P-1182-14	15.508
54	Hans Georg Arnhold Filho	Brazil	83/24	6/4/2024	P-2539-16	N/A
55	Fariel Sanjuan Arévalo	Colombia	84/24	6/7/2024	P-692-14	N/A
56	Alan Raí Rehbeim de Oliveira et al.	Brazil	94/24	6/19/2024	P-170-17	15.595



57	Luis Mario Barrenechea Polanco	Peru	95/24	6/23/2024	P-1541-14	15.592
58	Joel Pérez Cárdenas and family	Colombia	96/24	6/29/2024	P-140-14	15.590
59	Mateo Grimaldo Castañeda Segovia	Peru	97/24	6/20/2024	P-1612-14	N/A
60	Carlos Sánchez Ríos et al.	Mexico	98/24	6/29/2024	P-504-14	15.591
61	Stephany Carolina Garzón Ardila and family	Ecuador	99/24	6/23/2024	P-37-20	15.597
62	David Efraín Castro Montalvo et al.	Ecuador	100/24	7/1/2024	P-1560-14	15.593
63	Magda Haase Pérez	Bolivia	101/24	7/1/2024	P-544-19	15.596
64	Mario Alfredo García Barragán and Jorge Washington Cárdenas Ramírez	Ecuador	102/24	7/1/2024	P-105-14	N/A
65	Adolescents in the custody of Socio-educational Centers in Belo Horizonte	Brazil	103/24	7/12/2024	P-2225-15	15.594
66	Miguel Ángel Dejo Lalopu	Peru	104/24	7/10/2024	P-1526-14	N/A
67	Diego Armando Heredia Monroy, Domingo Antonio Castro Zorro and family	Colombia	105/24	7/12/2024	P-461-12	15.625
68	A. R. G. and P. H. R. G.	Brazil	119/24	8/8/2024	P-1179-15	N/A
69	JJY	Ecuador	120/24	8/2/2024	P-2534-16	15.607
70	Waldo Albarracín Sánchez and others	Bolivia	121/24	8/30/2024	P-137-18, P-432-18 y P-2417-18	N/A
71	Hernán Elías Salazar Restrepo	Colombia	122/24	8/29/2024	P-639-14	15.608
72	Alfonso Quiñones Carvajal	Colombia	123/24	8/29/2024	P-340-14	N/A
73	Tulio Cortés Giraldo and family	Colombia	124/24	8/29/2024	P-301-14	N/A
74	Christian José Téllez Mejía and family	Colombia	125/24	8/29/2024	P-243-14	N/A
75	Manuel Antonio Medina Nova and others	Colombia	126/24	9/2/2024	P-834-09	N/A
76	Diego Vallejo Cevallos	Ecuador	127/24	8/30/2024	P-800-14	15.609
77		Argentina	128/24	9/3/2024	P-606-14	N/A
78	Carlos Adán Duarte	Argentina	129/24	9/2/2024	P-2363-12	15.610
79	Michael Vinicio Sánchez Araya	Costa Rica	130/24	8/30/2024	P-589-16	N/A
80	Luis Cruz Cho Tut	Guatemala	131/24	8/29/2024	P-191-08	15.611
81	Elaine Chiluiza Rodríguez de Márquez	Ecuador	132/24	7/28/2024	P-242-14	15.618
82	Mayas Q'eqchi de Chicanchiu Chipap, Chiocx, Chisek, Chitem, Samastum, Sesep and Yutbal Communities	Guatemala	133/24	9/3/2024	P-1366-13	15.619



83	Pablos Andrés Díaz Cárdenas et al.	Colombia	134/24	9/2/2024	P-291-14	15.620
84	Gonzalo Varnoux et al.	Bolivia	135/24	9/3/2024	2287-16 and others	15.690
85	Juan Esteban Castaño Saldarriaga	Colombia	136/24	9/9/2024	P-917-14	15.621
86	Guillermo Romero Ocampo	Colombia	137/24	9/9/2024	P-1442-14	N/A
87	Olaber Quijano Muñoz and family	Colombia	138/24	9/9/2024	P-466-14	15.622
88	Saulo José Posada Rada et al.	Colombia	139/24	9/9/2024	P-526-14	15.623
89	Ana Isabel Rivera Narváez et al.	Colombia	140/24	9/9/2024	P-264-14	15.624
90	Amparo Ramírez Ospina et al.	Colombia	150/24	9/16/2024	1602-14	N/A
91	Family of Carlos Julio Cárdenas Martínez	Colombia	151/24	9/20/2024	931-14	N/A
92	Family Cevallos Silva	Ecuador	152/24	9/15/2024	769-14	N/A
93	Augusto César Serna Merchan	Colombia	153/24	9/20/2024	542-13	15.631
94	Néstor Iván Moreno Rojas	Colombia	154/24	9/27/2024	1118-14	15.632
95	Nicolás del Cristo Buelvas Gutiérrez	Colombia	155/24	9/27/2024	757-14	15.633
96	William Cedano Bermúdez	Colombia	156/24	9/27/2024	875-14	15.634
97	Víctor Francisco Yáñez Cortes et al.	Bolivia	157/24	9/19/2024	2065-19	15.635
98	Julio Pájaro Ramos	Colombia	158/24	9/27/2024	677-14	15.636
99	Ricardo Schembri Carrasquilla and family	Colombia	165/24	10/24/2024	P-915-14	N/A
100	Alberto Ramón Lezcano	Argentina	166/24	10/24/2024	P-1344-09	N/A
101	Pedro César Guerrero	Argentina	167/24	10/24/2024	P-2207-12	N/A
102	Ricardo Julio Villa Salcedo and family	Colombia	168/24	10/24/2024	P-483-14	15.667
103	Virgilio Joya Bueno and Artemo Fontalvo Granados	Colombia	169/24	10/18/2024	P-918-14	15.660
104	Fernando Riveros Puentes et al.	Colombia	170/24	10/18/2024	P-902-14	N/A
105	Luis Hernando Baquero Mendieta and family	Colombia	171/24	10/18/2024	P-901-14	N/A
106	María Fabiola López Castillo	Mexico	172/24	10/18/2024	P-458-14	15.661
107	Javier Játiva García	Colombia	173/24	10/18/2024	P-1149-14	15.662
108	Members of the Awa-Guajá indigenous people	Brazil	174/24	10/18/2024	P-731-13	15.663
109	Bladimir Diaz León and family	Colombia	175/24	10/25/2024	P-399-14	15.664
110	Jhon Didier Piamba Paz and Luz Angélica Paz Bolaños	Colombia	176/24	10/24/2024	P-1694-14	N/A
111	Marisol Olaya Castañeda and family	Colombia	177/24	10/25/2024	P-974-14	15.665



112	José Antonio Durán Ariza	Colombia	178/24	10/24/2024	P-1265-14	N/A
113	Raymundo Malpica Flores	Mexico	210/24	11/19/2024	P-886-14	N/A
114	José Rodrigo Robledo Zaragoza	Mexico	211/24	11/19/2024	P-1470-14	N/A
115	Dey Germán Villareal Cadena and family	Colombia	212/24	11/19/2024	P-2040-13	N/A
116	James Colin McNaughton	Colombia	213/24	11/27/2024	P-1600-14	N/A
117	L.J.S.H and family	Colombia	214/24	11/27/2024	P-1717-18	15.693
118	Daniel Sosa García	Mexico	215/24	11/28/2024	P-1800-14	15.691
119	Filemón Medina Ramos	Panama	225/24	11/26/2024	P-1087-13	15.692
120	Rigoberto Aldana Castro and family	Colombia	226/24	12/3/2024	P-1624-14	15.694
121	Luis Enrique Ochoa Estrada	Colombia	227/24	12/3/2024	P-1857-14	N/A
122	María Elia González Jiménez et al.	Mexico	228/24	12/5/2024	P-1204-14	15.695
123	Carlos Gutiérrez Mejía et al.	Colombia	229/24	12/5/2024	P-1808-14	N/A
124	Florentino Quiroga Charry and family	Colombia	230/24	12/5/2024	P-15-14	15.696
125	Nicanor Morales Rodríguez and family	Colombia	231/24	12/5/2024	P-1751-14	15.697
126	César Eduardo Piñeros Beltrán	Colombia	232/24	12/5/2024	P-1044-14	N/A
127	Héctor Alfredo Reynoso and Elizabeth del Valle Vildoza	Argentina	233/24	12/10/2024	P-220-14	N/A
128	Funtierra Rehabilitación S.A.S.	Colombia	234/24	12/10/2024	P-749-15	N/A
129	Trevian Ferney Aragon Valencia	Brazil	235/24	12/5/2024	P-422-19	15.698
130	Vanessa Maricela Callata Paredes	Peru	236/24	12/10/2024	P-1962-19	15.699
131	Dakarai Andrés Delfín Trujillo and their mothers	Peru	237/24	11/7/2024	P-534-22	15.700
132	Benedita Tereza Da Silva et al.	Brazil	238/24	12/4/2024	P-804-19	N/A
133	Managers and communicators of Caplina radio station	Peru	239/24	12/10/2024	P-382-16	15.701

## **b. Important decisions**

### **• Admissibility**

23. Below are summaries of matters declared admissible and currently in the merits stage, based on the gravity of the acts alleged, issues new to the jurisprudence of the Inter-American system, or their relevance in the specific context of the State in question.<sup>3</sup>

<sup>3</sup> All of these reports are available at [OAS: IACHR: Admissibility Reports \(oas.org\)](https://oas.org).



- **Report No. 3/24, P-776-20, Laura S. and Family, United States.**

24. The petition concerns the circumstances under which Laura S. (an undocumented migrant) was allegedly taken from the United States to Mexico, after which she was murdered by an abusive ex-partner and is filed on behalf of Laura and her surviving children, known as E.H.F, S.H.F. and A.S.G. It alleges that the State is responsible for the violation of multiple rights of the alleged victims, including the right to life, the right to due process, the right to seek asylum, and the right to protection of family life.

25. By way of background, as alleged in the petition, on June 9, 2009, Laura S. was driving a car in Pharr, Texas, a small city on the U.S.-Mexico border, with three passengers. A local police officer stopped them for an alleged minor traffic violation and demanded that they show proof of citizenship or immigration status. Laura S. and two of her passengers had no such documents as they were living in the United States without authorization at the time. They were subsequently transported to a U.S. Customs and Border Protection (CBP) processing center. Laura S. told CPB agents that she was at risk of being killed by her ex-partner if she was returned to Mexico. She explained that she had previously obtained a protection order against her ex-partner (due to domestic violence). According to the petition, Laura S. was forced to sign a "voluntary return" form before being returned to Mexico in the early morning hours of June 10, 2009. A few days later, the victim was found dead. Her ex-partner was subsequently convicted of her murder.

26. The Commission considered that the expulsion of Laura S. and her subsequent murder could give rise to violations of Articles I (right to life, liberty and security of person), II (right to equality before law), XVIII (right to a fair trial), XXV (right of protection from arbitrary arrest), XXVI (right to due process of law) and XXVII (right of asylum). The Commission also considered that these facts could also establish *prima facie* violations of the right to a family (enshrined in Articles V and VI) to the detriment of the surviving family of Laura S. At the merits stage of this case, the IACHR will have the opportunity to analyze in depth the State's obligation to protect the fundamental rights of undocumented migrants, particularly those who are at risk of harm if returned to their countries of origin.

- **Report No. 19/24, P-449-10, San Pablo Amalí Community, Ecuador.**

27. The petitioner alleges that the members of the peasant community of San Pablo de Amalí were affected by a concession granted in 2003 for the construction of a hydroelectric plant known as "San José del Tambo" in a watershed - Dulcepamba River - that they had used ancestrally. They allege that the concession to Hidrotambo was made without community participation, with illegal expropriations and without environmental or water impact studies. On this last point, the petitioners assert that due to the change in the course of the river made by the company and the heavy rains in 2015, 2019 and 2023, there were overflows and floods, as a result of which three people died; the community was isolated for weeks; and there was damage to farms. Although they filed appeals to address these situations, the alleged victims are concerned about Hidrotambo's failure to comply with judicial decisions.

28. There are also allegations of attacks and threats against community members by the Ecuadorian Army Corps of Engineers, who were contracted in 2006 for the construction of the hydroelectric plant. Also, since the protests against the concession granted in 2003, community members have been accused of various crimes, such as sabotage, terrorism, illegal possession of weapons, assaults, and destruction of property against Hidrotambo workers and members of the Corps of Engineers. The criminalization of protests by community leaders and human rights defenders Manuel Cornelio Trujillo Secaira and Manuela Narcisa Pacheco Zapata is denounced.

29. In the admissibility report, the Commission considered that it could be characterized as violations of Articles 4 (right to life), 5 (right to humane treatment), 8 (right to a fair trial), 21 (right to property), 25 (right to judicial protection) and 26 (progressive development) of the American Convention in relation to its Article 1.1 (obligation to respect rights). Likewise, the IACHR reiterated the need for protection for leading human rights defenders that takes into consideration that the attacks against them have a special impact, given that they have an effect that goes beyond the direct victims.



30. Finally, in relation to the right to a healthy environment and access to water, the IACHR recalled the broad definition of these rights. It emphasized that Article 26 contemplates the right to a healthy environment, which protects the components of the environment, such as forests, rivers, seas and others, as legal interests in themselves. In addition, it was noted that the petitioners allege that access to water for the community of San Pablo de Amalí was reduced, which would not only cause harm to personal consumption, but also to their livelihood by affecting livestock and agriculture.

- **Report No. 60/24, P-1995-14, San Carlos de Guaroa Massacre, Colombia.**

31. In the case of the San Carlos de Guaroa massacre, the Inter-American Commission on Human Rights admitted the violation of Articles 4 (right to life), 5 (right to humane treatment), 8 (right to a fair trial) and 25 (right to judicial protection), for the murder of eleven public servants and the attack perpetrated against 43 officials during a paramilitary ambush, in the framework of a drug seizure operation, in which the Army's Seventh Brigade allegedly failed to provide the air reinforcements requested by the officials.

32. The petitioner recounted that the prosecutor's office organized an operation to seize drugs on a farm located in the municipality of San Carlos de Guaroa, department of Meta, in coordination with the army, the DAS, the Attorney General's Office, and the Technical Investigation Corps ("CTI"). It reported that on October 3, 1997, when the Judicial and Military Commission was returning from the operation, it was confronted by armed men who said they belonged to the paramilitary group "Los Buitragueños" and warned them that another 150 armed men were on their way to the site to attack the judicial mission. The petitioner stated that the Judicial and Military Commission requested that helicopters from the Army's Seventh Brigade be sent to provide air support to repel the attack; however, despite their insistence, that Brigade reportedly failed to send reinforcements and, as a result, eleven persons died and another fourteen were wounded, out of a total of 54 officers who participated in the operation.

33. The Commission determined the existence of an unjustified delay in the resolution of the criminal proceeding, since it is a case of partial impunity in which only three of the perpetrators have been convicted, and given that more than thirteen years have elapsed since the defendants were charged, without the process being taken to the trial stage.

- **Report No. 75/24, P-1776-20, A.R.H., Colombia.**

34. In the report of Mrs. A.R.H. regarding Colombia, the Inter-American Commission admitted for its in-depth analysis possible violations of Articles 5 (right to humane treatment), 8 (right to a fair trial), 24 (right to equal protection) and 25 (right to judicial protection) of the American Convention, and Article 7 of the Convention of Belém do Pará, due to the unjustified delay in initiating a criminal trial for the rape suffered by the alleged victim at the hands of three indigenous men.

35. The petitioner states that Mrs. A.R.H. is a British citizen who was on vacation in Colombia with a group of friends, when on the night of October 21, 2012, she went for a walk at night through the Cabo de la Vela trail, in the department of La Guajira, and got lost. She arrived at a Wayuu Rancheria where she asked for directions and at the exit was intercepted by three men who insisted on accompanying her on her way, but physically assaulted her and gang raped her. The petitioner indicates that they then took her back to the Rancheria, from where she was able to escape in the morning hours the following day. Mrs. A.R.H. reported the incident as soon as possible on October 22, 2012.

36. According to the petition, twelve years after the events, the prosecutor's office has already fully identified the alleged perpetrators, but has not taken steps to capture and charge them. The Commission determined the existence of an unjustified delay in the initiation of the trial, and considered that the allegations made by the State, according to which the delay is mainly due to the lack of collaboration of the indigenous community in the criminal process, the absence of the suspects and the special indigenous jurisdiction over



one of the alleged perpetrators who was under eighteen years of age at the time of the events, are elements that should be studied in the merits stage. This case will allow the IACHR to address the collision of rights between the reinforced obligation to investigate violence against women and respect for the indigenous community's native law.

- **Report No. 62/24 (inadmissibility), P-2281-17, Associates of Asonacriga, Costa Rica.**

37. The Inter-American Commission did not admit petition 2281-17, filed by the National Association of Rooster Breeders (hereinafter "ASONACRIGA") on behalf of 40 persons dedicated to the breeding and fighting of roosters, for the alleged violation of their rights to culture and equality before the law, on the occasion of the issuance of the Animal Protection Law in 2017 that prohibited both activities and established criminal sanctions against those who exercise them.

38. Although the IACHR determined that the petitioner exhausted domestic remedies by filing two unconstitutionality actions, the last of which was rejected on the merits on August 30, 2017, it considered that the petitioner's allegations did not characterize violations of the rights invoked, in the terms of Article 47(b) of the American Convention. The IACHR considered that the claims of the petitioner fall under the doctrine of the fourth instance, since the Constitutional Chamber of the Supreme Court of Justice examined the matter on the merits and determined that there was no violation of the rights invoked. In this context, since 1924, Costa Rica has considered that cockfighting offends national public morals, since it does not demonstrate the skill of the gambler, does not respond to a social value and affects the right to a healthy environment and incurs in the crime of animal cruelty.

39. The Commission concluded that the complaint filed by the alleged victims was duly addressed and received a reasoned and lawful denial decision. The Commission also noted that the prohibition of this type of activity was a legitimate restriction of the right to culture because: i) the prohibition of cockfighting is provided for in several laws enacted by the State since 1922; ii) it pursues a legitimate purpose which is the protection of the right to a healthy environment and the care of fauna, and the prevention of other illegal activities that would be generated around this activity; iii) it is necessary for the protection of roosters bred in private establishments; and iv) it is proportional in that it keeps balance and responds directly to the purpose pursued. In this sense, with this decision, it is observed that, in view of the analysis made by the State itself regarding such restriction, the intervention of the Inter-American system was not appropriate, due to the principle of complementarity, since there were no *prima facie* violations of rights protected by the American Convention.

- **Report 94/24, P-170-17, Alan Raí Rehbeim de Oliveira and others, Brazil.**

40. The case concerns the tragic fire at the *Kiss* nightclub in Santa Maria, Brazil, on January 27, 2013, which resulted in 242 deaths and injuries to more than 600 people. The fire was caused by pyrotechnic devices used during a band's performance that set fire to flammable material on the roof. The petition, filed by several associations and councils representing the victims and their families, alleges multiple human rights violations. The petitioners claim that the State is responsible due to the failure to take the necessary measures to prevent the incident, as well as delays in domestic proceedings, impunity and lack of civil compensation for the damages caused. They also complain that three fathers and a mother of the victims of the fire were criminally prosecuted for defamation and slander after publicly questioning the conduct of prosecutors investigating the fire at the *Kiss* nightclub.

41. The arguments in the case focus on the State's negligence in enforcing safety regulations at the discotheque, which was overcrowded and lacked adequate emergency measures. The petitioners also point to inadequate emergency response and numerous irregularities in the operation of the discotheque, such as lack of proper permits and failures of the authorities to address these problems despite being aware of them.



42. Regarding the exhaustion of domestic remedies and the timeliness of the petition, the project argues that, despite the complexity of the case and the prompt initiation of the investigations, the criminal proceeding was remarkably slow, taking more than ten years without a final resolution. If proven, these facts could constitute violations of the rights protected under Articles 4 (right to life), 5 (right to humane treatment), 8 (right to a fair trial) and 25 (right to judicial protection) of the American Convention.

- **Report No. 140/24, P-264-14, Ana Isabel Rivera Narváez and another, Colombia.**

43. The petitioners allege grave human rights violations in the "Chinulito Massacre" or "El Parejo Massacre". According to the facts, between September 12 and 15, 2000, 60 paramilitaries with state support massacred eleven people, including women and children, perpetrated murders, torture, arson and forced displacement. The State is accused of direct participation, as well as connivance and lack of preventive action despite alerts and requests for protection. Unjustified delay was alleged in the criminal investigation, with the first sentences delivered only in 2018 and 2019 and no significant progress since then. Although the State mentioned the complexity of the case, the IACHR considered that it is not justified that more than 23 years have passed without concrete results in the criminal process.

44. The Commission noted that the petition focuses on kidnappings, arbitrary detentions, torture and killings, including of a pregnant woman, as well as other acts of violence and harassment, in addition to the allegation of a lack of investigation, punishment and comprehensive reparations. The Commission considered that the facts raised could constitute violations of the rights established in Articles 4 (right to life), 5 (right to humane treatment), 7 (right to personal liberty), 8 (right to judicial guarantees), 17 (right of the family), 19 (rights of the child), 21 (right to property), 22 (freedom of movement and residence) and 25 (right to judicial protection) of the American Convention, in relation to its Article 1(1) (obligation to respect rights); Article 7 of the Inter-American Convention on the Prevention and Eradication of Violence against Women (Convention of Belém do Pará); and Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture.

- **Report No. 98/24, P-504-14, Carlos Sánchez Ríos et al.; and Report No. 228/24, P-1204-14, María Elia González Jiménez et al., Mexico.**

45. The alleged victims denounce violations of their rights as a result of flooding that occurred in September 2009 in the Valle Dorado subdivision, Tlalnepantla de Baz, State of Mexico. After extensive rains, a section of the water channel called "Túnel Emisor Poniente" collapsed, causing material damage to their homes and cars. The sewage flooded their homes, reaching a height of up to 1.80 meters.

46. The plaintiffs argue that the National Water Commission (CONAGUA) failed to comply with its duty to regulate and supervise rainwater tunnels, by allowing the tunnel to carry sewage when it was originally designed to carry drinking water, and for not having provided the necessary maintenance to prevent its rupture. Also, that the State violated their right to equality before the law and to compensation, since others affected by the same facts, and who followed equivalent administrative and judicial procedures, did receive compensation.

47. On this point, they cited a technical report prepared by the Engineering Institute of the National Autonomous University of Mexico (UNAM), with which they claimed that CONAGUA was negligent. In the judicial proceedings related to both petitions, the judgments unfavorable to the alleged victims interpreted this report as evidence that there had been no omission on the part of CONAGUA. However, in other cases, the same ruling was used to award compensation to other affected parties.

48. Both petitions were admitted by the IACHR, because it was observed that the alleged victims exhausted the same administrative and judicial remedies as in the case of the third parties who did receive reparations; and that the aforementioned report was presented as decisive evidence. Thus, taking into account the similarities identified, the Commission did not consider that the petitioners' complaints were limited to evoking divergent judgments or that they were manifestly unfounded complaints, concluding that the



consideration of whether the alleged differential treatment of the alleged victims really existed corresponds to the analysis of the merits of both cases.

- **Report No. 66/24, Petition 111-21, A.S.A.H., Mexico.**

49. In the instant case, it is alleged that the alleged victim, following an appendectomy performed in a military hospital, was raped while under anesthesia and was infected with a sexually transmitted infection. The petitioner reported the incident, but despite her efforts, including requests for tests to be performed on the nurses, the Public Prosecutor's Office decided not to prosecute, alleging lack of evidence to prove the responsibility of the nurses. The National Human Rights Commission (CNDH), for its part, concluded that there was no evidence of violations of the petitioner's human rights, based on the fact that her infection was not exclusively sexually transmitted. In turn, the Mexican State argued that the petitioner did not exhaust the available domestic remedies and that she filed the petition out of time.

50. The IACHR emphasizes that, despite the steps taken by the authorities, the investigation has been marked by unwarranted delays and appears to lack the due diligence required in cases of sexual violence. The Commission recognizes in the report that the petitioner's allegations regarding the lack of adequate investigation are not unfounded and could constitute possible violations of Articles 5 (right to humane treatment), 8 (right to a fair trial), 11 (right to privacy), 17 (right of the family), 24 (right to equal protection) and 25 (judicial protection) of the American Convention, in relation to its Article 1.1 (obligation to respect rights) and Article 7 of the Convention of Belém do Pará.

- **Report No. 35/24, Petition 2658-18, Rigoberto Zárate Luna et al, Ecuador.**

51. The alleged victims are the inhabitants of the Rica Playa hamlet, represented by various organizations that allege that the Ecuadorian State is responsible for the contamination of the waters of the Puyango-Tumbes rivers, which has affected their health and quality of life. Ecuadorian mining companies dump toxic waste into the Puyango River, creating a flow of contaminated water that reaches the Tumbes River in Peru. Health authorities have established that this water is unfit for human consumption, with high levels of heavy metals, which also harms local biodiversity and agriculture.

52. In the terms of the report, the Inter-American Commission observed an unjustified delay in the investigation of the contamination of the river, derived from complaints filed since 2017 that as of the date of the report have not had significant progress. Although the Ecuadorian State alleges that it has acted diligently in the investigation, the IACHR considers that more than 14 years without concrete results is not justifiable. The petition was filed in 2018, and the effects of the alleged violations are still present to date.

53. Regarding the characterization of the alleged facts, the Commission noted that the petition focuses on environmental contamination affecting the health of the population, with high concentrations of metals in the blood of the inhabitants, in addition to the complaint about the lack of adequate investigation, punishment and reparation. The IACHR considered that these facts could constitute violations of the rights established in Articles 4 (right to life), 5 (right to humane treatment), 26 (progressive development) and 25 (right to judicial protection) of the American Convention, in relation to its Article 1.1 (obligation to respect rights).

• **Merits**

54. The following is a description of some of the pronouncements and advances in inter-American standards developed by the Commission in 2024, in the merits reports. These reports are confidential after adoption, in accordance with Articles 50 of the American Convention and 44 of the Rules of Procedure of the IACHR. Such reports may be made public until the Commission decides whether to send them to the Inter-American Court for those States that have recognized its jurisdiction, or to publish them in accordance with Article 51 of the ACHR and 47 of the IACHR Rules of Procedure.



- **Right to judicial guarantees and judicial protection against the removal of judicial authorities.**

55. The case refers to the illegal and arbitrary removal of a judicial authority of a high court through an impeachment trial. The IACHR referred to the standards on judicial independence, and in particular, to the guarantee of stability and irremovability in the position of jurisdictional authorities. In this regard, the Commission established that, following the jurisprudence of the Inter-American Court, it is prohibited for the organ or organs that intervene in their processing, deliberation and resolution to review the grounds or content of the decisions issued by the judicial authorities and that their dismissal responds to the legal criteria they upheld in the cases before them. The Commission also emphasized that, in accordance with the "principle of maximum severity", the sanction of dismissal of a judge implies that it should only proceed for "clearly reprehensible" conduct or "truly serious reasons of misconduct or incompetence", since the protection of judicial independence requires that the dismissal of judges be considered as the last resort in judicial disciplinary matters.

- **Selection and appointment of judges.**

56. In a case related to the selection process of justice operators, the Commission ruled on the applicable standards in this area. Basically, it noted that the Commission and the Court have recognized that by virtue of Article 8.1 of the American Convention, all persons have the right to independent and impartial courts established in accordance with the law. From this right of those being prosecuted, it follows the correlative right of judges to be independent, in such a way that they enjoy reinforced guarantees that are materialized in: adequate selection and appointment processes, irremovability in office, and protection against external pressures. On the other hand, Article 23 of the American Convention obliges States to guarantee conditions of equality in access to public office as part of the content protected by political rights. Thus, from both rights (8.1 and 23 of the Convention), the Commission understood that it follows the obligation of the States to ensure that their selection and appointment processes ensure as a whole the right to judicial independence and equal treatment to those who participate in such processes.

57. In its report, the Commission recognized that the Convention does not establish a single model, and that States have the power to design and organize the appointment and selection processes. However, they are not entirely exempt from examination by the Inter-American system because, as explained above, they are intrinsically related to the rights to judicial independence and political participation under conditions of equality. For this reason, the Commission can make a pronouncement on whether such procedures have been detrimental to those rights in a specific case. Thus, the Commission can examine whether "as a whole" the aforementioned rights were guaranteed, which entails analyzing the manner in which such proceedings were carried out, but, above all,]] the response given by the State through its courts to the alleged irregularities that could have been denounced in order to safeguard judicial independence and the division of powers. In the specific case, the Commission observed a series of shortcomings, among which were the lack of compliance with its own internal regulations, lack of objectivity and transparency in the processes and lack of adequate and effective resources to address the claims presented, which led it to conclude that the State did not comply with these obligations.

- **Right to health of workers engaged in hazardous activities.**

58. In a case related to State workers who suffered serious damage to their health as a result of the precarious and unhealthy working conditions to which they were exposed, derived from their work as fumigators and the use of chemical substances, the Commission referred to the standards of the right to work and fair and satisfactory conditions in the area of hazardous activities. The IACHR remarked that States have the obligation to supervise and oversee the working conditions of those who perform these activities, as well as to guarantee acceptable, available and quality medical care to workers. It also established that neither workers nor their families should have the burden of proving the cause of their illness or disability in order to have access to an effective remedy. Finally, the Commission recognized that the right to health includes the



obligation to have effective complaint mechanisms available in case of violation in order to guarantee the right of access to justice and effective judicial protection.

- **Right to collective property of indigenous peoples.**

59. In the context of a claim by indigenous peoples regarding the ownership of their territory, the Commission emphasized that they have the right to be legally recognized as holders of property rights over the lands and resources they have historically occupied, to obtain formal legal title to their lands, and to have such titles duly registered. The IACHR established that the mechanisms related to collective property must imply a real possibility for the people or communities to exercise effective control over their territory. In this sense, the issuance of individual titles to traditional territories claimed by an indigenous people is contrary to the State's international obligations to guarantee the right to collective property. From an approach of equality before the law and its relation to the cultural rights of indigenous peoples, the Commission highlighted the importance of the State providing property titles that recognize the ethnic and cultural specificity of the communities and the effective availability of natural resources for their subsistence.

- **Rights of pregnant women deprived of their liberty.**

60. The Commission ruled on the case of a pregnant woman who was subjected to acts of torture and cruel, inhuman and degrading treatment, including acts of sexual violence and forced isolation by State agents while she was deprived of her liberty. The Commission established that States have the obligation to prohibit the application of isolation measures for pregnant women, as they are in an aggravated situation of vulnerability. In addition, the IACHR highlighted the importance of applying a gender perspective when investigating acts of torture or cruel, inhuman or degrading treatment against pregnant women and women deprived of their liberty. Finally, it emphasized that the request to submit to a search involving nudity of a woman deprived of liberty before a male official agent is degrading and humiliating and constitutes a form of sexual violence against women.

- **Right to due process. Persons sentenced to death penalty and gender stereotypes.**

61. The IACHR ruled on gender stereotypes in criminal proceedings and the resulting violations of the right to due process in the case of a woman sentenced to death. The Commission emphasized that the intersection between gender and the socioeconomic conditions of the victim placed her in a situation of vulnerability that, motivated by gender stereotypes on motherhood, obtained her confession through coercion, without the possibility of gathering evidence in the process itself that would allow for an effective defense in relation to such behaviors that were intended to be attributed. The Commission emphasized the prohibition of using coercion to break the expression of a person's will. In the absence of a gender perspective in national courts, the IACHR underscored the obligation of States to judge capital cases with a gender perspective as a key tool to combat these stereotypes and discrimination against women.

- **Right to due process. Admission and evidentiary value of evidence produced illegally or irregularly in the context of a criminal proceeding.**

62. In a case involving illegal detention and sentencing for terrorism offenses, the Commission developed standards relating to the admission and probative value of evidence produced unlawfully or irregularly in the context of criminal proceedings. In its analysis, the Commission explained that admitting this type of evidence and, in turn, granting it weighty probative value, may constitute a violation of the rights protected by the American Convention, in particular, those related to due process, such as the right of defense or the principle of innocence, even when the production of such evidence did not involve torture or coercion. In line with the jurisprudence of the European Court of Human Rights, the Commission assessed the following elements: i) the weight that the evidence had to support the conviction of the court; ii) the quality and authenticity of the evidentiary material and the existence of doubts about its authenticity; iii) the degree of unlawfulness with which the challenged investigative diligence was carried out, as well as the level of intrusion on the rights of the person concerned; iv) the procedural opportunities that the accused person had to challenge



the evidence obtained in an irregular manner; v) whether such challenges were adequately examined; vi) the good faith of the public officials in gathering the challenged evidence; and vii) the general interest of society in investigating and prosecuting this type of crime and its balance with the particular interest of the accused person. In this regard, the Commission emphasized the importance of States adopting appropriate regulatory frameworks that, among other things, dissuade State agents from committing illegal or irregular acts in order to make progress in the investigation of judicial cases and, in turn, strengthen public confidence in the procedures for the administration of justice.

- **Victims' right to an adequate and effective remedy in criminal proceedings.**

63. In the context of an investigation and punishment of a violent death, the Commission analyzed various human rights treaties, decisions of international courts and bodies, and *soft law* instruments, as well as the domestic legislation of the States Parties to the American Convention in relation to the ownership and grounds for the right to appeal a judgment in criminal proceedings. Based on the aforementioned sources, in consideration of the provisions of Article 31(1) of the Vienna Convention on the Law of Treaties and Article 29 of the American Convention and in the development of a teleological, evolutionary and systematic interpretation, the report highlights that the scope of protection of victims in the framework of criminal proceedings has been progressively expanded and their right to access to justice under equal conditions has been recognized. It also highlights the bilateral nature of the right to an effective remedy and the importance that the rights of victims are not diminished in relation to those of the defendant. By virtue of this, the Commission held that the victims or complainants of a crime in criminal proceedings must have adequate and effective remedies that allow them to challenge decisions that affect their interests in terms of truth, justice and reparation and that, to that extent, they must have the possibility of appealing a first instance ruling.

- **Children's rights and the State's duty to supervise and oversee day care centers.**

64. In the case of a fire in a daycare center that resulted in the death and injury of children, the IACHR recognized that the rights to life and personal integrity of children are reinforced when they are in early childhood. The Commission established that the State has the following duties: i) to adopt the necessary measures to create an adequate regulatory framework to deter any threat to the right to life and personal integrity by State agents or private individuals against children; ii) to design and implement a policy to prevent critical situations that could jeopardize their rights in custody; and iii) to supervise the provision of public interest services when they are provided by private persons. The Commission emphasized that the obligation of supervision is of fundamental importance when it comes to services provided by private institutions responsible for the protection, custody, care and education of children.

- **Rights to personal autonomy and health in cases of hunger strike.**

65. The Commission made a pronouncement in the case of a person who protested to authorities through various hunger strikes and was subjected to forced feeding in a hospital, where he died. The IACHR stressed that the responses of States to the various forms of protest must be framed within the framework of dialogue and negotiation, as the most effective tools for managing protests and avoiding the use of force. The Commission established that force-feeding can be considered an act of torture, particularly when it is carried out violently. The Commission stressed that the decisions of patients to accept or refuse medical treatment must be respected.

- **Rights to movement and residence of human rights defenders.**

66. The case refers to the prevention of a human rights defender from leaving the country as an eyewitness to the facts of a homicide. The Commission emphasized that the States are obliged to comply with the requirements of legality, necessity and proportionality for the application of the measure of prohibition from leaving the country, as well as to define precisely and through a law the exceptional cases in which it may proceed. The IACHR established that the States must establish a legal framework, purpose and specific



circumstances for the application of the ban on witnesses leaving the country, as its application should not be equated to that of prosecuted persons.

- **Children's rights in the school environment.**

67. In a case investigating the expulsion of a student from a private school, the IACHR stressed the importance of States promoting non-violent forms of discipline that respect the rights of children in the school environment. The Commission recognized that learning must be based on the recognition of children and adolescents as full subjects of rights and respect for their dignity. The Commission emphasized that States must guarantee effective judicial remedies in the educational sphere, including against acts committed by private parties, such as private schools, and ensure the enforcement of such judgments.

- **International adoption of children and adolescents in a situation of human mobility.**

68. The Commission developed standards related to international adoption, with special emphasis on its impact on children and adolescents in a situation of human mobility. To this end, it evaluated treaties on the subject, jurisprudence of regional courts, conclusions of United Nations bodies and statements of the Hague Conference on Private International Law. Based on the *international corpus juris* on the subject, the report indicates that, in international adoptions, as in domestic adoptions, the best interests of the child must be prioritized. In addition, it is necessary to: i) confirm that adoption is the last option and that the biological relatives cannot ensure the best interests of the child in their country; ii) apply the law of the child's domicile or habitual residence regarding adoption requirements; iii) that the adoption be authorized by a competent authority and in accordance with applicable law; iv) guarantee the child the same rights as those applicable in a national adoption; and v) ensure that the child is part of a secure adoption system that respects the best interests of the child.

- **Principles of diligence and exceptional celerity in international child restitution proceedings.**

69. In the context of a request for the international return of a child, the Commission recalled that judicial proceedings involving the protection of the rights of children and adolescents, particularly those related to their international return, must be processed with exceptional diligence and speed in order to protect the rights at stake. In particular, it held that, when there is a final judgment ordering the return of a child, its execution must be urgent since the passage of time may bring about irreversible consequences in the bond between the child and his or her parent with whom he or she does not live as a result of the retention or wrongful removal. In addition, with regard to reunification, the Commission noted that, in this type of case, the States must immediately implement a visiting regime in accordance with the interests of the children or adolescents and their due protection, which guarantees access to their mother or father and extended family in appropriate conditions, without unnecessary restrictions, in an environment that guarantees the maximum possible normality in the relationship.

- **Duty of enhanced due diligence in the investigation of sexual violence against children and adolescents.**

70. In a case related to sexual violence suffered by an adolescent girl, the Commission developed the standards on enhanced due diligence and the duty of special protection in investigations and criminal proceedings related to sexual violence against girls and adolescents. In particular, in application of the *corpus iuris* on children's rights and women's rights, the Commission emphasized that the investigation cannot depend on the existence of an absolute degree of certainty as to whether or not the act to be investigated constituted violence against women. It also stressed that girls and adolescents who are victims of crimes of sexual violence can experience serious physical, psychological and emotional consequences and, sometimes, a new victimization by State bodies when they participate in criminal proceedings, whose function is precisely the protection of their rights. In this regard, it held that, once the facts are known, the States must provide, free of charge, immediate and professional assistance, both medical and psychological and/or psychiatric, by a



professional specifically trained in the care of victims of this type of crime and with a gender and child perspective. It also noted that it is essential that in the development of the judicial process and in the implementation of support services, the age, level of maturity and understanding, gender, sexual orientation, socioeconomic status, skills and abilities of the girl or adolescent, as well as any other factor or special need in which she finds herself, be taken into account without any discrimination whatsoever.

- **Right to life. Obligations of States with respect to children and adolescents deprived of their liberty in privately run detention centers.**

71. In a case concerning the death of an adolescent deprived of his liberty in a detention center for children and adolescents, the Commission reiterated the inter-American standards on the obligations of States regarding the comprehensive protection of children and adolescents deprived of liberty, and evaluated the duties of States when they delegate security tasks in the aforementioned detention centers to private providers. In this regard, it recognized that States are obliged to respect and promote the rights of children and adolescents - which includes the duty to ensure that private service providers act in accordance with the *corpus iuris* on the matter - and indicated that allowing the private sector to provide services or run institutions whose duties are related to children or adolescents does not in any way reduce the State's obligations; on the contrary, this circumstance requires the State to rigorously inspect, control and monitor these institutions and/or companies.

- **Right to life. Use of force by state agents in maritime territory.**

72. In a case related to the use of force by State agents against an unflagged vessel, based on Article 29 of the American Convention, the Commission invoked international instruments, such as the treaties on the Law of the Sea, to complement and strengthen the interpretation of the human rights recognized in the treaties of the Inter-American System. In its Report on the Merits, the IACHR formulated considerations on the obligations of States regarding the use of force, incorporating, where relevant, principles developed in normative instruments on the Law of the Sea and the jurisprudence of the Tribunal of the Sea and the European Court. In relation to preventive actions to the deployment of force, the report indicates that the legislation on the matter should: (i) ensure that the use of force is compatible with the rights to life and integrity, in accordance with the standards developed in the Inter-American System; (ii) establish that the use of force at sea should not be applied during innocent passage; (iii) indicate the obligations of assistance to those in distress at sea; (iv) set limits to the right of pursuit at sea; and (v) establish that the use of force in maritime surveillance operations is limited to the exercise of the right of defense. Regarding concomitant actions, the Commission reiterated the requirements of legality, legitimate purpose, necessity and proportionality. Likewise, in relation to subsequent actions, the IACHR evaluated the duty of States to provide assistance to vessels in critical conditions that require assistance, and the right of coastal States to pursue in light of the obligations derived from the rights to life and personal integrity. On the other hand, the Commission recognized that, although State agents may act firmly in the face of suspicions of crimes, the provisions of the Law of the Sea must be interpreted in a manner consistent with international human rights law, and may not be used to justify the excessive use of force.

- **Right to life. Principle of maximum restriction on the use of lethal force in the context of protests.**

73. In a case of deprivation of life and personal injury caused by the actions of state agents in the context of a social protest, the Commission indicated that the general principles on the use of force, applied to the context of protests and demonstrations, require that the management of security operations be carefully and thoroughly planned by persons with specific experience and training for this type of situation and under clear action protocols. The decision to use, or not, all types of force require consideration of the risks involved, which may contribute to an escalation of tension levels. Specifically, the Commission noted that the principles of moderation, proportionality and progressiveness must be observed, among others, in cases of police operations in demonstrations or mass gatherings that generate situations of violence or affect the rights of third parties. In addition, the IACHR emphasized that potentially lethal force cannot be used only to maintain



or restore public order or to protect legal assets less valuable than life, such as property, and that the protection of life and physical integrity in the face of imminent threats may be a legitimate objective for the use of such force.

**c. Published merits reports**

74. During 2024, in accordance with the provisions of Article 47 of its Rules of Procedure and Article 51 of the American Convention, the Commission decided to publish the following two merits reports:

- [Report No. 8/24](#), Case 13.083, Akawaio Indigenous Community of Isseneru and its members (Guyana).
- [Report No. 1/24](#), Case 12.549, Nasry Javier Ictech Guifarro (Honduras).

75. In addition, progress was made in processing the reports that the IACHR decided not to send to the jurisdiction of the Inter-American Court (see *infra* para. 114), in accordance with Article 47 of the Rules of Procedure. In the first half of 2025, the Commission will prioritize the publication of such reports.

**d. Activities involving petition and case management**

76. As part of its Strategic Plan 2023-2027, the Commission continued to adopt measures to promote access to more timely inter-American justice. These actions are aimed, on the one hand, at increasing productivity in final decisions on pending cases and reducing the portfolio; and, on the other hand, at implementing [Resolution 4/23](#) to improve the management and speed up the decision of the most urgent and serious cases that have an impact on the inter-American system, given the existing procedural backlog.

77. The IACHR strengthened the administrative structure of its Deputy Secretariat for Petitions and Cases, consolidating the initial study and admissibility of petitions into a single technical team. This, following the implementation of a pilot program with favorable results that demonstrated that specialization optimizes human talent and favors greater consistency between the analysis of the initial study and the criteria adopted by the Commission in its admissibility decisions. At the same time, to improve the management and productivity of cases at the merits stage, the Commission increased the number of case coordinators from one to three, which began operating in May 2024, developing their work methodologies and organization. A focal point has also been created to deal with cases that have reached a decision on the merits and are being followed up for publication or eventual referral to the Inter-American Court.

78. The purpose of these measures is to maintain an adequate initial evaluation of the petitions during the same year in which they are received, to achieve greater consistency between the preliminary study and the admissibility decisions, and to gradually increase the production of substantive reports. It is also expected to increase the number of follow-up actions, working meetings or technical advice that may be required in cases that are in the transition stage, as well as to expedite the processing of Article 47 of the Regulations for the adoption of published reports.

79. Likewise, in order to continue strengthening the technical capacity of the human talent in charge of managing petitions and cases, in 2024 the Human Rights Continuing Education Program that began in 2023 was continued. This program has included a series of training activities given by experts, aimed at the staff of the Executive Secretariat, to strengthen and update their knowledge on relevant topics and standards. It has also continued to produce an informative Bulletin of the Deputy Executive Secretariat for Petitions and Cases, to share information among the technical teams on the inter-American standards developed in the approved merits reports and the judgments issued by the Inter-American Court, among other topics.

80. In application of [Resolution 4/23](#), the Commission has progressively implemented its Policy on Prioritization of Petitions and Cases. A review of the portfolio of cases in the merits and admissibility stage was carried out. The purpose of this process was to homogeneously categorize the cases into main and



subsidiary issues. Next, between February and March 2024, the IACHR [set up a space to receive contributions](#) from States and civil society acting as petitionary parties. Its purpose was to identify cases with the potential to develop the inter-American public order and consolidate the scope of human rights standards relevant to the region, in compliance with the provisions of paragraph seven of Resolution 4/23. A total of 114 contributions were received.

81. In this context, during the first months of the year, the Commission carried out a study of the portfolio of cases and considered the inputs received in the consultation, those provided by the special, thematic and country rapporteurships, as well as those from the precautionary measures and follow-up of recommendations teams. With this, the IACHR carried out the annual planning of the issues to be studied.

82. During 2024, while continuing to advance chronologically in the study of cases, priority was given to those related to serious human rights violations, without prejudice to the other categories established in resolution 4/23, which have allowed the IACHR to pronounce itself on situations that are circumstantial, structural, and related to the Inter-American public order, such as those recapitulated in the section on relevant decisions in this report. At the same time, priority has been given to the advancement of urgent cases, such as those related to the international restitution of children and adolescents, and the possible imposition of the death penalty. The Commission will continue with this planning exercise during 2025, in order to be able to verify the results obtained with respect to this first planning exercise. It should be noted that next year, the IACHR will extend the application of this policy to the portfolio of cases in the admissibility stage, which will enable it to have a broader and more strategic vision of its entire portfolio of petitions and cases.

83. In order to manage more efficiently the progressive increase in the adoption of decisions, and in alignment with the Strategic Plan 2023-2027, particularly with the objectives SO1/P1 on *Streamlining processes and progressively reducing the procedural backlog* and SO7/P29 on *Improving accountability and transparency of institutional processes*, the IACHR instructed the Executive Secretariat to preliminarily inform the parties about the adoption of the merits reports. This measure will close the dispute between the parties pending formal notification, in accordance with the provisions of Article 44 of the IACHR Rules of Procedure. It should be clarified that the communication that will be sent will not trigger the time limit established in Article 51 of the American Convention, with respect to the States that have accepted the contentious jurisdiction of the Inter-American Court, nor will it affect the confidential nature of the report issued in accordance with Article 50 of said instrument. This practice, which is intended to give predictability to the parties that they will be notified of a decision on the merits, will begin to be implemented as of 2025.

84. On the other hand, in implementation of Resolution 1/16<sup>4</sup> on *measures to reduce the procedural backlog*, in order to give effect to Article 36.3 of its Rules of Procedure, 2024, the Commission approved 43 reports in which the treatment of admissibility was deferred until the debate and decision on the merits. These assumptions are based, on one side, on the need to implement decisive measures to reduce the procedural backlog, to ensure that the passage of time does not prevent the Commission's decisions from having a useful effect and; on the other, on the objective of acting more expeditiously in cases of gravity and urgency, as provided for in Article 36.3.b of the Rules of Procedure.

85. For its part, with a view to optimizing the management of physical files of active petitions and cases, the Executive Secretariat implemented a new easy-access tool designed to enable the staff of the Deputy Executive Secretariat for Petitions and Cases to request physical files and manage their timely return.

86. Finally, as regards the use of better technologies to speed up case management, 2024 was a period of stabilization of the new central system for processing cases of the System of Petitions and Cases and Precautionary Measures (Sistema de Peticiones y Casos y Medidas Cautelares -GAIA-), and of strengthening the capacities of the members of the Executive Secretariat. During this year, the sending of duly foliated pertinent parts became an increasingly frequent practice in the processing processes. It is important to highlight that the initial challenges in processing times, derived from the gradual implementation of the new system in 2023,

<sup>4</sup> Available at: <https://www.oas.org/en/iachr/decisions/pdf/Resolution-1-16-en.pdf>.



have been overcome. As a result, the year 2024 concludes with a reduction in the number of communications pending processing in active contentious cases, compared to the situation prior to the launch of GAIA. Taking advantage of the new functionalities offered by the GAIA system, the Commission, through its Executive Secretariat, also established a new format for acknowledging receipt of new petitions that, in compliance with Article 29.1 of the IACHR Rules of Procedure, provides relevant information to the petitioning party on the filing of its complaint.

### 3. Archiving

87. Regarding the petitions under initial review, the Commission, as part of its annual portfolio management exercise, individually examined the cases in which, having previously advised the petitioning party of the possibility of archiving based on the provisions of Article 42.1 of the Rules of Procedure<sup>5</sup>, no response had been obtained. Consequently, on December 31, 2024, the IACHR decided to definitively archive 153 petitions under initial review.

88. On December 4, 2024, the Commission archived 152 cases in contentious proceedings, in accordance with Article 42 of its Rules of Procedure. Except in those situations in which the withdrawal was expressed by the petitioning party in accordance with Article 41 of the same Rules of Procedure, the IACHR notified the archiving without having received any response.

89. Pursuant to Article 17.2.a of the Commission's Rules of Procedure, the members of the Commission did not participate in the debate or in the decision to archive the matters in respect of which they are nationals. In turn, Commissioner Carlos Bernal Pulido and Commissioner Andrea Pochak, based on Article 17.3 of the Commission's Rules of Procedure, expressed their willingness to abstain from participating in the study and decision to archive the cases presented regarding the United States of America and petition P-2744-19 (Bolivia), respectively. The Inter-American Commission accepted their decision to excuse themselves, and therefore said Commissioners did not participate in respective examinations.

90. It is important to remember that, since 2018, the Commission has considered it necessary to confirm the interest of the petitioning party in continuing with a proceeding when a period of inactivity is registered for a period of three years. In the absence of such confirmation, the Commission may proceed to close the case. In turn, the Commission has understood the petitioning party's failure to submit observations on the merits, a requirement set forth in Article 37.1 of the IACHR Rules of Procedure, as a serious indication of lack of interest that may result in the case being closed under the terms set forth in Article 42.1.b of the same instrument.

91. The following is a list of the petitions in process, in which during 2024 the IACHR decided to archive them.

#### a. Petitions under initial review

No.	Country	Petition	Year	Procedural stage
1	Argentina	P-2137-17	2017	<i>Initial Review</i>
2	Argentina	P-455-21	2021	<i>Initial Review</i>
3	Argentina	P-520-21	2021	<i>Initial Review</i>
4	Argentina	P-774-21	2021	<i>Initial Review</i>
5	Argentina	P-654-22	2022	<i>Initial Review</i>

<sup>5</sup> With respect to the criterion set forth in Article 42.1.b of the Rules of Procedure, the IACHR considers as unjustified the procedural inactivity of the petitioning party of more than 2 years in the petitions under initial study, with a decision to process them. Another serious indication of lack of interest in the processing of a petition, in the terms of the aforementioned article, is the failure to respond to a request to complete the relevant parts of a complaint for its eventual notification to the State.



6	Argentina	P-1419-22	2022	<i>Initial Review</i>
7	Argentina	P-2068-22	2022	<i>Initial Review</i>
8	Argentina	P-825-23	2023	<i>Initial Review</i>
9	Belize	P-1033-18	2018	<i>Initial Review</i>
10	Brazil	P-2206-18	2018	<i>Initial Review</i>
11	Chile	P-306-19	2019	<i>Initial Review</i>
12	Chile	P-1478-19	2019	<i>Initial Review</i>
13	Chile	P-1560-19	2019	<i>Initial Review</i>
14	Chile	P-2912-19	2019	<i>Initial Review</i>
15	Chile	P-1017-20	2020	<i>Initial Review</i>
16	Chile	P-1129-20	2020	<i>Initial Review</i>
17	Chile	P-230-21	2021	<i>Initial Review</i>
18	Chile	P-324-21	2021	<i>Initial Review</i>
19	Chile	P-817-21	2021	<i>Initial Review</i>
20	Chile	P-862-21	2021	<i>Initial Review</i>
21	Chile	P-301-23	2023	<i>Initial Review</i>
22	Chile	P-1657-23	2023	<i>Initial Review</i>
23	Chile	P-1972-23	2023	<i>Initial Review</i>
24	Colombia	P-757-16	2016	<i>Initial Review</i>
25	Colombia	P-2391-18	2018	<i>Initial Review</i>
26	Colombia	P-68-19	2019	<i>Initial Review</i>
27	Colombia	P-79-19	2019	<i>Initial Review</i>
28	Colombia	P-501-19	2019	<i>Initial Review</i>
29	Colombia	P-1057-19	2019	<i>Initial Review</i>
30	Colombia	P-1285-19	2019	<i>Initial Review</i>
31	Colombia	P-1602-19	2019	<i>Initial Review</i>
32	Colombia	P-2599-19	2019	<i>Initial Review</i>
33	Colombia	P-2738-19	2019	<i>Initial Review</i>
34	Colombia	P-2739-19	2019	<i>Initial Review</i>
35	Colombia	P-2750-19	2019	<i>Initial Review</i>
36	Colombia	P-2940-19	2019	<i>Initial Review</i>
37	Colombia	P-2977-19	2019	<i>Initial Review</i>
38	Colombia	P-439-20	2020	<i>Initial Review</i>
39	Colombia	P-775-20	2020	<i>Initial Review</i>
40	Colombia	P-1226-20	2020	<i>Initial Review</i>
41	Colombia	P-1328-20	2020	<i>Initial Review</i>
42	Colombia	P-1423-20	2020	<i>Initial Review</i>
43	Colombia	P-1462-20	2020	<i>Initial Review</i>
44	Colombia	P-1489-20	2020	<i>Initial Review</i>
45	Colombia	P-1501-20	2020	<i>Initial Review</i>



46	Colombia	P-1625-20	2020	<i>Initial Review</i>
47	Colombia	P-1704-20	2020	<i>Initial Review</i>
48	Colombia	P-1889-20	2020	<i>Initial Review</i>
49	Colombia	P-1929-20	2020	<i>Initial Review</i>
50	Colombia	P-1958-20	2020	<i>Initial Review</i>
51	Colombia	P-1988-20	2020	<i>Initial Review</i>
52	Colombia	P-2016-20	2020	<i>Initial Review</i>
53	Colombia	P-2166-20	2020	<i>Initial Review</i>
54	Colombia	P-2232-20	2020	<i>Initial Review</i>
55	Colombia	P-2270-20	2020	<i>Initial Review</i>
56	Colombia	P-26-21	2021	<i>Initial Review</i>
57	Colombia	P-70-21	2021	<i>Initial Review</i>
58	Colombia	P-335-21	2021	<i>Initial Review</i>
59	Colombia	P-466-21	2021	<i>Initial Review</i>
60	Colombia	P-488-21	2021	<i>Initial Review</i>
61	Colombia	P-540-21	2021	<i>Initial Review</i>
62	Colombia	P-625-21	2021	<i>Initial Review</i>
63	Colombia	P-712-21	2021	<i>Initial Review</i>
64	Colombia	P-746-21	2021	<i>Initial Review</i>
65	Colombia	P-778-21	2021	<i>Initial Review</i>
66	Colombia	P-779-21	2021	<i>Initial Review</i>
67	Colombia	P-898-21	2021	<i>Initial Review</i>
68	Colombia	P-1037-21	2021	<i>Initial Review</i>
69	Colombia	P-1046-21	2021	<i>Initial Review</i>
70	Colombia	P-1047-21	2021	<i>Initial Review</i>
71	Colombia	P-1635-21	2021	<i>Initial Review</i>
72	Colombia	P-1706-21	2021	<i>Initial Review</i>
73	Colombia	P-1817-21	2021	<i>Initial Review</i>
74	Colombia	P-1339-22	2022	<i>Initial Review</i>
75	Colombia	P-2089-22	2022	<i>Initial Review</i>
76	Colombia	P-2091-22	2022	<i>Initial Review</i>
77	Colombia	P-1247-24	2024	<i>Initial Review</i>
78	Cuba	P-1237-21	2021	<i>Initial Review</i>
79	Cuba	P-1867-21	2021	<i>Initial Review</i>
80	Ecuador	P-996-20	2020	<i>Initial Review</i>
81	Ecuador	P-1500-20	2020	<i>Initial Review</i>
82	Ecuador	P-1790-21	2021	<i>Initial Review</i>
83	Ecuador	P-640-22	2022	<i>Initial Review</i>
84	United States	P-1326-14	2014	<i>Initial Review</i>
85	United States	P-1125-17	2017	<i>Initial Review</i>



86	United States	P-2512-18	2018	<i>Initial Review</i>
87	United States	P-15-20	2020	<i>Initial Review</i>
88	United States	P-1303-22	2022	<i>Initial Review</i>
89	Honduras	P-768-17	2017	<i>Initial Review</i>
90	Mexico	P-134-16	2016	<i>Initial Review</i>
91	Mexico	P-1242-19	2019	<i>Initial Review</i>
92	Mexico	P-1426-19	2019	<i>Initial Review</i>
93	Mexico	P-1744-19	2019	<i>Initial Review</i>
94	Mexico	P-2003-19	2019	<i>Initial Review</i>
95	Mexico	P-2364-19	2019	<i>Initial Review</i>
96	Mexico	P-2494-19	2019	<i>Initial Review</i>
97	Mexico	P-2756-19	2019	<i>Initial Review</i>
98	Mexico	P-3039-19	2019	<i>Initial Review</i>
99	Mexico	P-7-20	2020	<i>Initial Review</i>
100	Mexico	P-140-20	2020	<i>Initial Review</i>
101	Mexico	P-233-20	2020	<i>Initial Review</i>
102	Mexico	P-277-20	2020	<i>Initial Review</i>
103	Mexico	P-368-20	2020	<i>Initial Review</i>
104	Mexico	P-1075-20	2020	<i>Initial Review</i>
105	Mexico	P-1183-20	2020	<i>Initial Review</i>
106	Mexico	P-1822-20	2020	<i>Initial Review</i>
107	Mexico	P-1924-20	2020	<i>Initial Review</i>
108	Mexico	P-2129-20	2020	<i>Initial Review</i>
109	Mexico	P-336-21	2021	<i>Initial Review</i>
110	Mexico	P-435-21	2021	<i>Initial Review</i>
111	Mexico	P-442-21	2021	<i>Initial Review</i>
112	Mexico	P-443-21	2021	<i>Initial Review</i>
113	Mexico	P-446-21	2021	<i>Initial Review</i>
114	Mexico	P-449-21	2021	<i>Initial Review</i>
115	Mexico	P-517-21	2021	<i>Initial Review</i>
116	Mexico	P-653-21	2021	<i>Initial Review</i>
117	Mexico	P-793-21	2021	<i>Initial Review</i>
118	Mexico	P-811-21	2021	<i>Initial Review</i>
119	Mexico	P-826-21	2021	<i>Initial Review</i>
120	Mexico	P-877-21	2021	<i>Initial Review</i>
121	Mexico	P-1174-21	2021	<i>Initial Review</i>
122	Mexico	P-1192-21	2021	<i>Initial Review</i>
123	Mexico	P-1891-21	2021	<i>Initial Review</i>
124	Mexico	P-2205-21	2021	<i>Initial Review</i>
125	Mexico	P-1720-22	2022	<i>Initial Review</i>



126	Mexico	P-2432-22	2022	<i>Initial Review</i>
127	Mexico	P-196-23	2023	<i>Initial Review</i>
128	Mexico	P-1213-23	2023	<i>Initial Review</i>
129	Nicaragua	P-1449-18	2018	<i>Initial Review</i>
130	Nicaragua	P-1524-19	2019	<i>Initial Review</i>
131	Nicaragua	P-2535-19	2019	<i>Initial Review</i>
132	Nicaragua	P-149-20	2020	<i>Initial Review</i>
133	Nicaragua	P-936-22	2022	<i>Initial Review</i>
134	Nicaragua	P-14-23	2023	<i>Initial Review</i>
135	Nicaragua	P-148-23	2023	<i>Initial Review</i>
136	Peru	P-2026-18	2018	<i>Initial Review</i>
137	Peru	P-2819-19	2019	<i>Initial Review</i>
138	Peru	P-902-20	2020	<i>Initial Review</i>
139	Peru	P-970-20	2020	<i>Initial Review</i>
140	Peru	P-1351-20	2020	<i>Initial Review</i>
141	Peru	P-2144-20	2020	<i>Initial Review</i>
142	Peru	P-1715-21	2021	<i>Initial Review</i>
143	Peru	P-1846-21	2021	<i>Initial Review</i>
144	Peru	P-1911-21	2021	<i>Initial Review</i>
145	Peru	P-1950-21	2021	<i>Initial Review</i>
146	Peru	P-2094-21	2021	<i>Initial Review</i>
147	Peru	P-9-22	2022	<i>Initial Review</i>
148	Peru	P-58-22	2022	<i>Initial Review</i>
149	Peru	P-222-22	2022	<i>Initial Review</i>
150	Peru	P-1372-23	2023	<i>Initial Review</i>
151	Venezuela	P-1548-20	2020	<i>Initial Review</i>
152	Venezuela	P-289-22	2022	<i>Initial Review</i>
153	Venezuela	P-1894-22	2022	<i>Initial Review</i>

**b. Petitions in admissibility stage and cases in merits stage**

No.	State	Number of petition	Year	Name	Procedural stage
1	Argentina	P-247-12	2012	Lilio Ezequiel Jiménez Flores	<i>Admissibility</i>
2	Argentina	P-309-13	2013	Héctor Leonardo Reyep	<i>Admissibility</i>
3	Argentina	P-407-14	2014	Francisco Salvador Pipito	<i>Admissibility</i>
4	Argentina	P-1566-14	2014	Ceferino Fabián Almeyra	<i>Admissibility</i>
5	Argentina	P-200-15	2015	César Ricardo Melazo	<i>Admissibility</i>
6	Argentina	P-2026-17	2017	Josefa Jeronima Morlando	<i>Admissibility</i>
7	Argentina	P-251-17	2017	Miguel Angel Nieva	<i>Admissibility</i>



8	Argentina	P-499-17	2017	Braian Denis Emanuel Hernández and Elizabeth Genoveva Hernández	<i>Admissibility</i>
9	Argentina	P-2290-18	2018	Gladys Marisa Isabel Cugnini	<i>Admissibility</i>
10	Argentina	P-2930-18	2018	Julio Marcos Víctor Rougés	<i>Admissibility</i>
11	Argentina	P-1406-19	2019	Raúl Eduardo Flores Burga	<i>Admissibility</i>
12	Argentina	P-2326-19	2019	Eda Beatriz Melo and family	<i>Admissibility</i>
13	Argentina	P-2278-19	2019	Gil Pereg	<i>Admissibility</i>
14	Bolivia	P-1167-12	2012	René Yucra Mamani and family	<i>Admissibility</i>
15	Bolivia	P-2461-16	2016	Ángel Aparaya and others	<i>Admissibility</i>
16	Bolivia	P-2370-18	2018	Consejo Nacional de Ayllus y Markas del Quallasuyu - CONAMAQ	<i>Admissibility</i>
17	Bolivia	P-334-19	2019	Roberto Carlo Durán Lara	<i>Admissibility</i>
18	Bolivia	P-2744-19	2019	Facundo Molares Schoenfeld	<i>Admissibility</i>
19	Bolivia	P-976-20	2020	Gonzalo Felipe Medina Sánchez	<i>Admissibility</i>
20	Brazil	P-1210-10	2010	Nair Assis Ferreira Souza and others	<i>Admissibility</i>
21	Brazil	P-947-11	2011	Fábio Tadeu Zambon Mendes	<i>Admissibility</i>
22	Brazil	P-1085-11	2011	Francisco Rocha	<i>Admissibility</i>
23	Brazil	P-842-12	2012	Rosa Maria Schmidt de Araujo Almeida	<i>Admissibility</i>
24	Brazil	15.248	2014	Márcio José Sabino Pereira and family	<i>Merits</i>
25	Brazil	P-252-14	2014	Yvone Araujo Carneiro	<i>Admissibility</i>
26	Brazil	P-1933-16	2016	Ravy Silva and Silva	<i>Admissibility</i>
27	Brazil	P-2464-16	2016	Arthur Agnes Lima	<i>Admissibility</i>
28	Brazil	P-831-20	2020	Elvis Riola de Andrade	<i>Admissibility</i>
29	Chile	P-2388-12	2012	Carlos Roberto del Río Prieto	<i>Admissibility</i>
30	Chile	P-2421-12	2012	David Contreras Macías	<i>Admissibility</i>
31	Chile	P-732-13	2013	Miguel Palma Torres	<i>Admissibility</i>
32	Chile	P-796-13	2013	Pehuenche Paulino Huaiquillan Indigenous Community	<i>Admissibility</i>
33	Colombia	P-1161-08	2008	Alvaro Enrique Castro Ramírez y Juan Carlos Ramos Rojas	<i>Admissibility</i>
34	Colombia	P-1037-09	2009	Pierre Alberto Potes Moreno	<i>Admissibility</i>
35	Colombia	14.514	2010	Edilson Antonio Osorio	<i>Merits</i>
36	Colombia	P-1739-11	2011	Juan Carlos Martínez Sinisterra	<i>Admissibility</i>
37	Colombia	P-324-12	2012	Alberto Rafael Santofimio Botero	<i>Admissibility</i>
38	Colombia	P-2031-13	2013	Hugo Guerrero Cuott and others	<i>Admissibility</i>
39	Colombia	P-2038-13	2013	Wilson Aldana Salgado and family	<i>Admissibility</i>



40	Colombia	P-2258-12	2013	Gloria Amparo Quintero Marin	<i>Admissibility</i>
41	Colombia	P-94-14	2014	Nora Ramirez y Jorge Emilio Pizarro Ramirez	<i>Admissibility</i>
42	Colombia	P-1425-14	2014	Comunidad Negra, Afrocolombiana, Palenquera and Raizal	<i>Admissibility</i>
43	Colombia	P-506-16	2016	Never Antonio Martínez Osorio	<i>Admissibility</i>
44	Colombia	P-2458-16	2016	Residents of Mampuján and Vereda Las Brisas	<i>Admissibility</i>
45	Colombia	P-247-17	2017	Bolivar Proaños Tovar and family	<i>Admissibility</i>
46	Colombia	P-497-17	2017	Clodomiro Clavijo Rodriguez and family	<i>Admissibility</i>
47	Colombia	P-693-17	2017	Jean Carlo Escobar Ramirez and family	<i>Admissibility</i>
48	Colombia	P-783-17	2017	Alvaro León Yepes Agudelo and family	<i>Admissibility</i>
49	Colombia	P-697-18	2018	Cristian Francisco Gómez Arango, Mauricio Ricardo Camargo, Robinson López Ramos, Yobany Orlando Parra Arévalo and Yeison Armando Gómez Ortiz	<i>Admissibility</i>
50	Colombia	P-926-18	2018	Aliesneider Gómez Rondón.	<i>Admissibility</i>
51	Colombia	P-2234-18	2018	Alejandro Mazo Pulgarin	<i>Admissibility</i>
52	Colombia	P-2698-18	2018	Andrés De Jesús Vélez Franco and family	<i>Admissibility</i>
53	Costa Rica	P-186-08	2008	Edgar Segura Mora	<i>Admissibility</i>
54	Costa Rica	P-320-08	2008	Carlos E. Abalos Chabarría (also Carlos E. Abalos Chavarría)	<i>Admissibility</i>
55	Costa Rica	P-796-09	2009	Marco Tulio Sandoval Meza	<i>Admissibility</i>
56	Costa Rica	P-1157-09	2009	Gabriel Orlando Vargas Méndez	<i>Admissibility</i>
57	Costa Rica	P-1356-09	2009	Camilo Silva Vallejos	<i>Admissibility</i>
58	Costa Rica	P-1506-10	2010	Alfredo Carrillo León	<i>Admissibility</i>
59	Costa Rica	P-1237-10	2010	Martin Alonso Cordero Vindas	<i>Admissibility</i>
60	Costa Rica	P-754-11	2011	L.A.S.V.	<i>Admissibility</i>
61	Costa Rica	P-1054-11	2011	Mario Morales Guzman	<i>Admissibility</i>
62	Costa Rica	P-669-13	2013	Noé Pablo Azofeifa Marín	<i>Admissibility</i>
63	Costa Rica	P-1061-13	2013	Eduardo Alvarado Arce	<i>Admissibility</i>
64	Costa Rica	P-2638-18	2018	Braydon Sequeira	<i>Admissibility</i>
65	Costa Rica	P-2947-18	2018	23 Indigenous territories of Costa Rica	<i>Admissibility</i>
66	Costa Rica	P-1727-19	2019	Ahmed Mohammed	<i>Admissibility</i>
67	Cuba	P-176-19	2019	Eliécer Bandera Barreras and others	<i>Admissibility</i>
68	Cuba	P-693-19	2019	Hugo Damián Prieto Blanco.	<i>Admissibility</i>



69	Cuba	P-806-19	2019	Marbel Mendoza Reyes.	<i>Admissibility</i>
70	Ecuador	P-919-14	2014	Ana Cristina Campaña Sandoval and others	<i>Admissibility</i>
71	Ecuador	P-555-16	2016	Antonio Arenas Contreras	<i>Admissibility</i>
72	Ecuador	P-1274-18	2018	Cesar Benito Baquerizo Bustos	<i>Admissibility</i>
73	Ecuador	P-1828-18	2018	Patricia Alexandra Sanguña Palacios	<i>Admissibility</i>
74	Guatemala	P-1971-18	2018	Agustín Leonidas Castro	<i>Admissibility</i>
75	Haiti	P-2151-15	2015	Maryse Narcisse	<i>Admissibility</i>
76	Honduras	P-1172-18	2018	Patricio Pravia Kiblan, Darly Tadeo Soto and Jobal Damacio Becan	<i>Admissibility</i>
77	Honduras	P-2097-18	2018	Olden Oulson Baday Valdez	<i>Admissibility</i>
78	Mexico	P-27-08	2008	Rodolfo Sergio García and Díaz	<i>Admissibility</i>
79	Mexico	P-950-10	2010	Waldo Orlando García Ferrera	<i>Admissibility</i>
80	Mexico	P-472-11	2011	Horacio Culebro Borrayas	<i>Admissibility</i>
81	Mexico	P-281-12	2012	Richard Hernández Alemán	<i>Admissibility</i>
82	Mexico	P-459-12	2012	Arley Alfonso Gonzalez Sterling	<i>Admissibility</i>
83	Mexico	P-794-12	2012	Alberto Núñez Esteva and others	<i>Admissibility</i>
84	Mexico	P-436-13	2013	Hilda Amparo Vázquez Moctezuma	<i>Admissibility</i>
85	Mexico	P-834-13	2013	José Del Carmen Custodio Morales and others	<i>Admissibility</i>
86	Mexico	P-1019-13	2013	Jorge García Montes de Oca	<i>Admissibility</i>
87	Mexico	P-1077-13	2013	Victor Manuel Zuñiga Castañeda	<i>Admissibility</i>
88	Mexico	P-1329-13	2013	Dignora Zamora and family	<i>Admissibility</i>
89	Mexico	P-1343-13	2013	Edgar Quiroz Ureña, Edgar Quiroz Zaragoza and Zayra Jazmin Ureña Cisneros	<i>Admissibility</i>
90	Mexico	P-1753-13	2013	Ramón Calleros Cossío and others	<i>Admissibility</i>
91	Mexico	P-1883-13	2013	Antonio Guzmán Vázquez and Enriqueta Gómez Escobar	<i>Admissibility</i>
92	Mexico	P-1984-13	2013	Tierra and Libertad, Nuevo León Community	<i>Admissibility</i>
93	Mexico	P-2058-13	2013	Marlene Zúñiga Ornelas and daughter	<i>Admissibility</i>
94	Mexico	P-2073-13	2013	Karla Jaqueline Ayala Fragoso and others	<i>Admissibility</i>
95	Mexico	P-1619-14	2014	Dennys Stanley Santamaria	<i>Admissibility</i>
96	Mexico	P-299-15	2015	Pedro Salvador Montés García	<i>Admissibility</i>
97	Mexico	P-479-16	2016	Octavio Tapia Rodriguez	<i>Admissibility</i>
98	Mexico	P-1662-16	2016	Geovanni Barrios Hernandez.	<i>Admissibility</i>
99	Mexico	P-2169-16	2016	Jose Armando Mendez	<i>Admissibility</i>



100	Mexico	P-2243-16	2016	Celedonio Lara Escudero	<i>Admissibility</i>
101	Mexico	P-2660-16	2016	Jose Isaias Sanchez García.	<i>Admissibility</i>
102	Mexico	P-130-17	2017	Alessandro de la Garza Lozano	<i>Admissibility</i>
103	Mexico	P-1644-17	2017	Refugio Vargas Valentin and Michel Vargas Valentin	<i>Admissibility</i>
104	Mexico	P-2145-17	2017	Sabino Torres Solís	<i>Admissibility</i>
105	Mexico	P-2445-17	2017	Oscar Osvaldo García Montoya.	<i>Admissibility</i>
106	Mexico	P-802-18	2018	Flavio Camacho Amador	<i>Admissibility</i>
107	Mexico	P-837-18	2018	Genaro Alberto Jacquez Valdez	<i>Admissibility</i>
108	Mexico	P-1515-18	2018	José Remedios Aguirre Sánchez	<i>Admissibility</i>
109	Mexico	P-2130-18	2018	Sergio Paz Álvarez	<i>Admissibility</i>
110	Mexico	P-2144-18	2018	Luis Ernesto Ramírez Vázquez	<i>Admissibility</i>
111	Mexico	P-2507-18	2018	Didier Benjamín Hernández Rojo	<i>Admissibility</i>
112	Mexico	P-751-19	2019	Meliza Margarita Calderón Ojeda	<i>Admissibility</i>
113	Mexico	P-1098-19	2019	Juan Cruz Rayo	<i>Admissibility</i>
114	Mexico	P-1134-19	2019	Pomplio Walterio Roblero Hidalgo	<i>Admissibility</i>
115	Mexico	P-1138-19	2019	José Manuel Escobedo Delgadillo.	<i>Admissibility</i>
116	Mexico	P-1237-19	2019	Javier Cenicerros Meza	<i>Admissibility</i>
117	Mexico	P-1447-19	2019	N.L.A.	<i>Admissibility</i>
118	Mexico	P-1635-19	2019	Roque Alva Andrade	<i>Admissibility</i>
119	Mexico	P-2700-19	2019	Andrés Martínez Balcázar.	<i>Admissibility</i>
120	Mexico	P-2778-19	2019	Mario Hernandez Rosales	<i>Admissibility</i>
121	Mexico	P-2882-19	2019	David Jhovanny García Chávez and Richar García Chávez	<i>Admissibility</i>
122	Mexico	P-2895-19	2019	Oscar Alejandro Lemus.	<i>Admissibility</i>
123	Mexico	P-215-20	2020	Aurelio Xolo Gozcón.	<i>Admissibility</i>
124	Mexico	P-446-20	2020	Carlos Frayre Castro.	<i>Admissibility</i>
125	Mexico	P-1431-22	2022	Rafael Alejandro Moreno Cardenas	<i>Admissibility</i>
126	Nicaragua	15.019	2018	Vicente Rappaccoli Navas and family	<i>Merits</i>
127	Nicaragua	P-1056-18	2018	Carlos Manuel López	<i>Admissibility</i>
128	Nicaragua	P-1071-18	2018	Julio Cesar Espinoza Cardoza and family	<i>Admissibility</i>
129	Nicaragua	P-1232-18	2018	Noel Ramón Calderón Lagos and Humberto Antonio Parrales Reyes	<i>Admissibility</i>
130	Nicaragua	15.628	2022	Lester José Aguilar Rivera.	<i>Merits</i>
131	Panama	P-526-13	2013	Anne Appolonia Okwuka and family	<i>Admissibility</i>
132	Panama	P-979-16	2016	Claudio Calle Lugo	<i>Admissibility</i>



133	Panama	P-1625-19	2019	Eric Alberto Berbey	<i>Admissibility</i>
134	Peru	13.875	2010	G.F.C.C. and others	<i>Merits</i>
135	Peru	P-974-13	2013	Adán Cóndor Cerrón	<i>Admissibility</i>
136	Peru	P-56-15	2015	Luis Alfredo Escalante Bartra	<i>Admissibility</i>
137	Peru	P-2111-15	2015	Maria Hortensia Miranda Yataco	<i>Admissibility</i>
138	Peru	P-950-15	2015	Silvana María Portocarrero Denegri	<i>Admissibility</i>
139	Peru	P-1103-15	2015	Gastón Molina Huamán	<i>Admissibility</i>
140	Peru	15.182	2016	Nestor Esteban Fernández Ramírez.	<i>Merits</i>
141	Peru	P-240-17	2017	Oscar Avelino Mollohuanca Cruz and others	<i>Admissibility</i>
142	Peru	P-2334-17	2017	Francisco de Paula Arístides Boza Olivari	<i>Admissibility</i>
143	Peru	P-253-20	2020	Victor Manuel Lemiña Cores.	<i>Admissibility</i>
144	United States	P-1515-11	2011	Samuel Alando Walker	<i>Admissibility</i>
145	United States	13.623	2016	A.E.S.G. et al	<i>Merits</i>
146	United States	P-825-16	2016	Casey Ates	<i>Admissibility</i>
147	United States	P-405-18	2018	Michael T. Lambert	<i>Admissibility</i>
148	United States	P-502-18	2018	G-A-C and others to be identified	<i>Admissibility</i>
149	United States	P-1758-20	2020	Rajdeep Singh Thind	<i>Admissibility</i>
150	Venezuela	P-1032-19	2019	Junior Gerardo Rojas Gutierrez, Melvin Gregorio Farias Gutierrez	<i>Admissibility</i>
151	Venezuela	P-228-20	2020	Julio César Vélez González.	<i>Admissibility</i>
152	Venezuela	P-708-21	2021	Cesar Sebastiano Rafael Millan Abolio	<i>Admissibility</i>

#### 4. Portfolio meetings and information for member states

92. In order to guarantee access to information related to the fulfillment of its mandate and to foster a culture of active transparency of the information under its control, the Assistant Executive Secretariat for Petitions and Cases, at the request of the Commission, provided information on the *status* of the portfolios of petitions and cases pending before the IACHR on 24 occasions, with respect to 17 Member States of the Organization of American States (OAS).

93. Of these 24, 17 consisted of virtual, in person and hybrid (virtual and in person) meetings for detailed review of their portfolios, which were sought with respect to the States of Argentina, Bolivia, Brazil, Canada, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru, United States of America, and Bahamas. The remaining six dealt with specific requests on the *status* of portfolios of petitions and cases presented by Bolivia, Chile, Colombia, Mexico and Paraguay.

94. This unprecedented volume of interactions reported by the Executive Secretariat in 2024 required a strategic approach to identify the portfolios that, due to their complexity or volume, would benefit the most from the synergies generated in these meetings between the technical teams of the Executive Secretariat of the Commission and the States. It also required exhaustive updating, verification and



transparency of data, which resulted in significant progress towards a more efficient management of the portfolio of cases before the Inter-American Human Rights System.

## 5. Hearings on contentious cases

95. During 2024, in accordance with Article 64 of the Rules of Procedure, the Commission held a total of eight public hearings on pending cases. In such hearings, the Commission received testimonial or expert evidence and heard arguments from the parties involved.

96. Some of the hearings were held at the request of the parties, while others were called *ex officio* by the Commission, since they were related to matters under its review and deliberation. This allows the Commission to have more evidence on the issues under debate between the parties, as well as updated information before issuing its pronouncement.

97. The Commission held hearings on the following cases:

- Case 13.159, [Communities of the Maya Q'eqchi' People](#) v. Guatemala, February 26, 2024.
- Case 13.583, [League of Displaced Women](#) v. Colombia, February 26, 2024.<sup>6</sup>
- Case 12.325, [Community of San José de Apartadó](#) vs. Colombia, July 8, 2024.<sup>7</sup>
- Case 14.950, [José Miguel Vega Bas et al.](#) v. Chile, July 10, 2024.
- Case 15.169, [Michael Brown Jr. and Lesley Mcfadden](#) v. United States, July 11, 2024.<sup>8</sup>
- Case 13.811, [Carlos Pizarro Leongómez](#) v. Colombia, November 12, 2024.<sup>9</sup>
- Case 14.712, [Martín Ezequiel Bustos Concone](#) v. Mexico, November 13, 2024.<sup>10</sup>
- Case 14.838, [PRM. JS et al.](#) v. Brazil, November 14, 2024.

## 6. Cases in transition

98. Article 51.1 of the ACHR establishes that, after having been notified of the report issued in accordance with Article 50 of the same instrument, the Commission may submit it to the jurisdiction of the Inter-American Court within a period of three months. However, based on the requirements established in Article 46 of its Rules of Procedure, the IACHR may suspend this term and extend it for a specific period, provided that the State has demonstrated its willingness and ability to implement the recommendations, and expressly and irrevocably accepts the suspension of the term. This has led to the implementation of the Commission's recommendations in the merits reports of several cases, in which it plays an active role in monitoring the status of compliance with the recommendations. The IACHR currently has 101 cases at this

<sup>6</sup> Commissioner Carlos Bernal Pulido, based on Article 17.2 of the Commission's Rules of Procedure, did not participate in the public hearing.

<sup>7</sup> Commissioner Carlos Bernal Pulido, based on Article 17.2 of the Commission's Rules of Procedure, did not participate in the public hearing.

<sup>8</sup> Commissioner Carlos Bernal Pulido, based on Article 17.3 of the Commission's Rules of Procedure, did not participate in the public hearing.

<sup>9</sup> Commissioner Carlos Bernal Pulido, based on Article 17.2 of the Commission's Rules of Procedure, did not participate in the public hearing.

<sup>10</sup> Commissioner José Luis Caballero and Commissioner Andrea Pochak, based on Articles 17.2 and 17.3 of the Commission's Rules of Procedure, respectively, have not participated in the public hearing.



stage, which are reviewed periodically to decide in a timely manner on whether to send them to the Inter-American Court or to publish them.

99. As part of the Commission's active role in this phase, it continued to hold working meetings on the issues in transition, which were chaired by the commissioners and rapporteurs of each country. During 2024, the IACHR held 27 working meetings with the parties, both in person and virtually. The purpose of the meetings was to obtain information on the progress made by the State to comply with the recommendations issued by the IACHR in its merits reports and to support the parties in the dialogue on the measures necessary for compliance. As a result of these meetings, among other specific progresses, the creation of roadmaps for the implementation of the recommendations, the elaboration of proposals and counterproposals to reach compliance agreements, the beginning of the implementation of rehabilitation measures, and the delivery of schedules of actions to be taken in the short and medium term were obtained. The working meetings also served to evaluate the possibilities of continuing to follow up on compliance in the transition stage or submitting the case to the contentious jurisdiction of the Inter-American Court.

100. The Commission recognizes and appreciates the goodwill of the States that participated in these meetings, which were attended by delegations that included authorities from the various institutions involved in compliance with the recommendations and provided updated information on progress in the implementation of various measures. It also appreciates the participation of the victims and their representatives and the information they have provided.

101. In 2024, the IACHR continued to send written communications during this stage, requesting specific information or preparing technical notes to promote compliance with the recommendations and ensure comprehensive reparations in accordance with the standards of the Inter-American system. Within this framework, the Commission prepared four technical notes. Three of them included precedents on compensation or satisfaction measures, based on cases decided by the Inter-American Court, with the objective of facilitating dialogue between the parties. The IACHR also evaluated a specific proposal for pecuniary reparation presented by the State, verifying its conformity with Inter-American standards. Another technical note had the purpose of clarifying the inclusion of certain victims in relation to the right to residence and freedom of movement, in accordance with a Report on Admissibility and Merits, which allowed the State to identify the universe of victims and advance in compliance. Finally, the Commission issued an additional note in which it analyzed the scope of the obligation to investigate diligently, effectively, with a gender perspective and within a reasonable period the human rights violations declared in the report, considering the effects of *res judicata* and the statute of limitations.

102. When granting an extension under the terms of Article 46 of the IACHR Rules of Procedure, the States involved have had to demonstrate their willingness and ability to comply with the recommendations of the respective merits report for the Commission to extend the deadline again. In 2024, the Commission adopted a total of 362 decisions in which it evaluated the granting of a new extension, publications or referrals of cases to the Inter-American Court.

103. During 2024, information was received on progress made by some States in complying with the merits reports. In particular, the Commission recorded 340 measures taken by the States, including the payment of compensation amounts to victims or negotiation processes between the parties based on the principle of agreement; progress in judicial proceedings in the domestic jurisdiction to investigate the human rights violations declared in the report, including the identification and conviction of some perpetrators; progress in identifying the fate or whereabouts of missing victims; measures to provide health services to victims by State institutions; the allocation of housing and the signing of compliance agreements with measures of economic reparation, satisfaction and guarantees of non-repetition. The IACHR noted favorably that some States carried out the trainings recommended in the merits report. The topics include, among others, standards related to the use of force, effective judicial protection for persons in vulnerable conditions, due diligence in the investigation of cases of gender-based violence and disappearance of persons.



104. Within the framework of such compliance, the Commission actively sought to promote the negotiation processes and compliance agreements with the recommendations contained in the merits reports. During 2024, the Commission took note of the signing between the parties of 15 agreements on compliance with cases in transition and continued to follow up on the progress of 11 agreements that had been signed in previous years. The IACHR also participated in person as a guest at two events in which the State apologized to the victims and acknowledged international responsibility at this stage.

105. These activities allow the Commission to advance in the implementation of the strategic plan, adopting measures to ensure that more victims of human rights violations obtain justice by complying with the decisions of the merits reports and guaranteeing comprehensive reparation, which implies strengthening the management and attention capacities of the cases that are in transition in its Deputy Secretariat for Petitions and Cases.

## **C. Advances and challenges on negotiation and implementation of friendly settlements agreements**

### **1. Introduction**

106. The Inter-American Commission on Human Rights, presents in this chapter the work of promoting negotiations and compliance with friendly settlement agreements, as well as for the visibility of the efforts made by the IACHR in the framework of its Strategic Plan 2023-2027, to potentiate the friendly settlement mechanism, as an effective tool for the attention of matters that fall under the system of individual petitions and cases, as well as for obtaining full reparation by victims of human rights violations and to expand the use of the friendly settlement procedure as a strategy to address the procedural backlog<sup>11</sup>.

107. The Commission addresses in this chapter first [the relevant results in the negotiation processes and implementation of friendly settlement agreements](#), including the agreements fully complied with in 2024; the specific advances in the implementation of measures of friendly settlement agreements; the new agreements signed during the year; and the new friendly settlement follow up processes. On the other hand, [the activities for the promotion of friendly settlement agreements carried out during the year](#) are addressed, which includes the actions taken to promote negotiations and compliance with agreements; as well as the steps taken to promote the exchange and dissemination of good practices on the mechanism. Likewise, [the compliance status of the friendly settlement reports approved by the Commission](#) is presented in the light of article 49 of the American Convention and the [good practices](#) and [setbacks](#) observed in 2024 regarding friendly solutions are raised.

108. Lastly, it should be noted that in accordance with the provisions of Article 17.2.a of the Commission's Regulations, the Commissioner President Roberta Clarke, a national of Barbados, did not participate in the discussion or decisions of the reports concerning said country; nor did Commissioner Carlos Bernal Pulido, First Vice-President, or Commissioner José Luis Caballero, Second Vice-President, nationals of Colombia and Mexico, respectively, in matters concerning said countries; nor did Commissioners Andrea Pochak, with respect to Argentina, and Gloria Monique de Mees, in matters concerning Suriname, nor did Commissioner Edgar Stuardo Ralón Orellana, in matters concerning Guatemala.

---

<sup>11</sup> In this regard, the Commission notes that, starting in 2019, it has published the progress and setbacks regarding friendly settlements as an independent chapter in its Annual Report for greater visibility of the mechanism and its transformative impact. See [IACHR, 2019 Annual Report, Chapter II, Section G, Friendly Settlements](#).



## 2. Relevant results on negotiation and implementation of friendly settlement agreements

### a. Friendly settlement agreements fully implemented in 2024

109. The Commission notes with satisfaction that, in 2024, progress was made in terms of full compliance with eleven friendly settlement agreements. Listed below are the matters that reached full compliance this year:

- Case 14.770, Report No. 211/23, Alicia María Jardel, Argentina
- Case 14.781, Report No. 212/23, Luis Carlos Abregu, Argentina
- Case 14.714, Report No. 215/23, Francisco Naishtat, Argentina
- Petition 799-06, Report No. 93/18, Isidoro León Ramírez Ciro, and others, Colombia
- Case 13.370, Report No. 80/20, Luis Horacio Patiño Agudelo, Colombia
- Case 13.642, Report No. 41/21, Edgar José Sánchez Duarte, Colombia
- Case 13.758, Report No. 337/21, Franklin Bustamante Restrepo and relatives, Colombia
- Case 13.775, Report No. 63/22, Gabriel Angel Gómez Martínez and family, Colombia
- Case 13.436, Report No. 67/22, José Oleaguer Correa Castrillón, Colombia
- Petition 735-07, Report No. 110/20, Ismael Mondragon, México
- Petition 494-04, Report 20/08, Romeo Edgardo Vargas Romero and others, Perú

110. The Commission considers that this progress is very important, and commends the states of Argentina, Colombia, Mexico and Peru for advancing in the full implementation of friendly settlement agreements and urges them to continue making use of the mechanism for resolving matters that are pending in the system of individual petitions and cases by having recourse to this non-contentious procedure.

### b. Progress toward implementing measures of friendly settlement agreements in 2024

111. The Commission is pleased to share the progress in the implementation of measures in **67** friendly settlement agreements. In addition, it was observed in the Commission's analysis that, in 2024, **11** petitions and cases reached total compliance, and **16** cases advanced towards partial compliance.

112. On the other hand, the Commission verified that progress was made in implementing **143** measures, attaining total compliance with respect to **85** measures of reparation; partial substantial compliance with respect to **25** measures of reparation; and partial compliance with respect to **33** measures of reparation. Of the **143** measures that saw progress in 2024, **55** are structural and **88** are individual in nature.

113. In this regard, the Commission noted that the countries that registered the highest levels of progress in the implementation of measures were, in the first place, Colombia, with 82 advanced measures in 2024, of which 43 achieved full compliance, 20 partial substantial compliance and 19 partial compliance. Likewise, Argentina made progress in complying with 40 measures (25 with full compliance, 2 with partial substantial compliance, and 13 with partial compliance). Additionally, Mexico advanced in 7 measures, 5 with total compliance, 1 at the partial substantial level of compliance and 1 at the partial level.

114. Other States that showed progress in the implementation of friendly settlement agreements were Chile, who managed to achieve total compliance with 3 measures and substantial partial compliance with 1 measure; Ecuador, who fully implemented 3 measures, and Brazil, who fully complied with 2 measures. The States of Guatemala, Honduras, Panama and Peru achieved total compliance with 1 measure each, respectively, and finally, Paraguay made progress with substantial partial compliance with 1 measure.

115. The following is a detail of the specific progress in each case by country in the levels of total, partial substantial, and partial compliance with the clauses of the friendly settlement agreements as of 2024:



PROGRESS REPORT ON THE IMPLEMENTATION OF FRIENDLY SETTLEMENT AGREEMENTS 2024				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
ARGENTINA				
1.	Case 12.854, Report No. 36/17, Ricardo Javier Kaplun and family	Individual	<b>I. Measures of pecuniary reparation</b> 1. The parties agree to establish an ad hoc arbitration court that would calculate the amount of pecuniary reparations owed to the petitioners, in conformity with the rights whose violation has been recognized and in line with the international standards that are applicable. [...].	<b>Total 2024</b>
2.		Individual	<b>II.C.</b> The national state shall pay for the expenses and costs calculated for the judicial proceedings referring to the death of Ricardo Javier Kaplun where the petitioners filing with the IACHR were legitimately recognized as complainants and/or whistleblowers.	<b>Partial substantial 2024</b>
3.	Case 13.888, Report No. 85/23, Diego Pablo Paredes	Individual	<b>1.</b> The parties agree that pecuniary reparation will be granted in accordance with the framework provided by Law n° 24.043, considering for this purpose the entire length of time during which Mr. Diego Pablo Paredes remained in forced exile, according to opinion IF-2022-08499600-APNSSPYEIDH#MJ. That is, from December 4, 1978, to October 28, 1983.	<b>Total 2024</b>
4.		Individual	<b>3.</b> The State also undertakes to comply with the term established in Article 30 of the rules of Chapter V of Law n° 25.344, as set forth in Executive Decree No. 1116/2000.	<b>Total 2024</b>
5.		Individual	<b>4.</b> Once the petitioner submits to the National Administration of Social Security [ANSES in Spanish] a true copy of the alleged victim's national identity document and the correctly completed form (PS.6.298) requesting the benefit established in Law n° 26.913, as well as signs the affidavit attached as an annex, the Argentine State commits to issue the corresponding resolution within three (3) months.	<b>Partial substantial 2024</b>
6.	Case 14.770, Report No. 211/23, Alicia María Jardel	Individual	<b>1.</b> The parties agree that pecuniary reparation shall be granted in accordance with the scheme provided for by Law No. 24,043, considering for this purpose the entire period during which Mrs. Alicia María Jardel remained in forced exile, according to ruling IF-2022-61478535-APN-DNAJIMDDHH#MJ. That is, from November 22, 1978, to October 28, 1983.	<b>Total 2024</b>
7.		Individual	<b>3.</b> Once the petitioner submits to the National Administration of Social Security (ANSES) a legitimate copy of her national identity document and the form (PS.6.298) for requesting the benefit provided for in Law No. 26,913, correctly filled in, and signs the affidavit attached as an annex, the Argentine State undertakes to issue the corresponding resolution within three (3) months.	<b>Total 2024</b>
8.		Individual	<b>4.</b> The State undertakes to comply with the term of Article 30 of the regulation of Chapter V of Law No. 25,344, provided for in Executive Decree No. 1116/2000.	<b>Total 2024</b>
9.	Case 14.781, Report No. 212/23, Luis Carlos Abregú	Individual	<b>1.</b> The parties agree that pecuniary reparation will be granted in accordance with the scheme provided for by Law No. 24,043, considering for this purpose the entire period during which Mr. Luis Carlos Abregú remained in forced exile, according to ruling IF-2022-61478638-APN-DNAJIMDDHH#MJ. That is, from September 4, 1978 to October 28, 1983.	<b>Total 2024</b>
10.		Individual	<b>3.</b> The State undertakes to comply with the term of Article 30 of the regulation of Chapter V of Law No. 25,344, provided for in Decree No. 1116/2000 of the National Executive Branch.	<b>Total 2024</b>



11.	Case 14.714, Report No. 215/23, Francisco Samuel Naishtat	Individual	1. The parties agree that pecuniary reparation will be granted in accordance with the scheme provided for by Law No. 24,043, considering for this purpose the entire period during which Mr. Francisco Samuel Naishtat remained in forced exile, according to ruling IF-2022-60344908-APN-DNAJIMDDHH#MJ. That is, from June 14, 1976 and October 28, 1983.	<b>Total 2024</b>
12.		Individual	4. The State also undertakes to comply with the term of Article 30 of the regulation of Chapter V of Law No. 25,344, provided for in Executive Decree No. 1116/2000.	<b>Total 2024</b>
13.	Case 13.804, Report No. 216/23, Carlos Fernando Antonio Ballivian Jiménez	Individual	1. The parties agree that pecuniary reparation will be granted in accordance with the framework provided by Law No. 24.043, considering for this purpose the entire length of time during which Mr. Carlos Fernando Antonio Ballivian Giménez remained in forced exile, according to ruling IF-2022-60071476-APN-DNAJIMDDHH#MJ. That is, from July 19, 1979, to October 28, 1983.	<b>Partial 2024</b>
14.		Individual	3. The Argentine State undertakes that, within three (3) months as from the publication of the Decree of the National Executive Branch in the Official Gazette of the Argentine Republic approving this agreement, as it will issue a ministerial resolution granting the reparation benefit established by Law No. 24.043, without additional costs or expenses. The amount of the reparation will be calculated as of the date of the issuance of the aforementioned ministerial resolution.	<b>Total 2024</b>
15.		Individual	4. The State undertakes to comply with the term established by Article 30 of the rules of Chapter V of Law No. 25.344, as set forth in Executive Decree No. 1116/2000.	<b>Partial 2024</b>
16.	Case 14.778, Report No. 217/23, Graciela Edit Abecasis	Individual	1. The parties agree that pecuniary reparation will be granted in accordance with the framework established by Law No. 24.043, considering for this purpose the entire length of time during which Mrs. Graciela Edit Abecasis remained in forced exile, according to ruling IF-2022-59786009-APN-DNAJIMDDHH#MJ. That is, from February 19, 1976 to October 28, 1983.	<b>Total 2024</b>
17.		Individual	3. Once the petitioner submits to the National Administration of Social Security (ANSES) a valid copy of her national identity document and the form (PS.6.298), correctly completed, for requesting the benefit provided for in Law No. 26.913 and signs the affidavit attached as an annex, the Argentine State undertakes to issue the corresponding resolution within three (3) months.	<b>Partial 2024</b>
18.		Individual	4. The State undertakes to comply with the term established by Article 30 of the rules of Chapter V of Law No. 25.344, as set forth in Executive Decree No. 1116/2000.	<b>Total 2024</b>
19.	Petition 268- 10, Report No. 266/23, María del Cármen Senem de Buzzi	Structural	<b>II.1.1. Publication of the agreement</b> The State, through the Secretariat of Human Rights of the Nation, undertakes to disseminate this agreement within a maximum period of 6 months from the publication in the Official Gazette of the decree of the National Executive Power approving it, in a newspaper of national scope and in the following websites: [...]	<b>Total 2024</b>
20.		Structural	<b>b) Training proposal for magistrates, officials and assistants of the national, federal and provincial jurisdictions on mental health in general and involuntary hospitalization in particular.</b> The National State (through the National Secretariat for Human Rights) will propose to the Council of the Judiciary of the National Judicial Branch, the Federal Board of Courts and Superior Courts of Justice of the Argentine Provinces and of the Autonomous City of Buenos Aires (JUFEJUS), the Federal Forum of Councils of the Judiciary and Trial Juries of the Argentine Republic (FO. FE.C.MA), the National Public Defender's Office and the	<b>Total 2024</b>



			Attorney General's Office, training for magistrates, officials and assistants of the national, federal and provincial jurisdictions, and if necessary, will impart them. [...]	
21.	Case 14.769, Report No. 267/23, Claudia Laura Kleinman and Ana María Kleinman	Individual	1. The parties agree that pecuniary reparation will be granted in accordance with the scheme provided for by Law No. 24.043, considering for this purpose the entire period during which Mrs. Claudia Laura and Ana María Kleinman remained in forced exile, according to ruling IF-2022-59784416-APN-DNAJIMDDHH#MJ. That is, from May 31, 1977, and October 28, 1983.	<b>Partial 2024</b>
22.		Individual	2. The Argentine State undertakes that, within three (3) months from the publication in the Official Gazette of the Argentine Republic of the Decree of the National Executive Power approving this agreement, the ministerial resolutions granting the reparation benefit provided for in Law No. 24.043 shall be issued, without additional costs or expenses. The amount of the reparation shall be calculated as of the date of the issuance of such ministerial resolution.	<b>Partial 2024</b>
23.		Individual	3. Once the petitioner submits to the National Social Security Administration (ANSES) a true copy of the national identity documents and the form (PS.6.298) requesting the benefit provided for in Law No. 26.913 correctly completed, as well as signs the sworn statement that accompanies it as an annex, the Argentine State undertakes to issue the corresponding resolutions within a term of three (3) months.	<b>Partial 2024</b>
24.	Case 14.771, Report No. 268/23, Lilia Etcheverry	Individual	1. The parties agree that pecuniary reparation will be granted in accordance with the scheme provided for by Law No. 24.043, considering for this purpose the entire period during which Mrs. Lilia Etcheverry remained in forced exile, according to ruling IF-2022-82029599-APN-DNAJIMDDHH#MJ. That is, from June 19, 1978, to December 10, 1983.	<b>Partial 2024</b>
25.		Individual	2. The Argentine State undertakes that, within three (3) months from the publication in the Official Gazette of the Argentine Republic of the Decree of the National Executive Power approving this agreement, a ministerial resolution will be issued granting the reparation benefit provided for in Law No. 24.043, without additional costs or expenses. The amount of the reparation shall be calculated as of the date of the issuance of such ministerial resolution.	<b>Total 2024</b>
26.	Case 13.581, Report No. 269/23, José Luis D'Andrea Móhr	Structural	<b>III. Creation of a registry of decisions of the Inter-American Human Rights System against Argentina and their dissemination in the Judiciary</b> The State shall create a section within the web page of the National Secretariat of Human Rights, which shall contain a register of all friendly settlement agreements and compliance with recommendations signed by the Argentine Republic. The registry will provide the following information: the full text of the agreement, the homologation reports (if any), the national or provincial decrees approving each agreement (if any), the last technical follow-up sheet prepared by the IACHR in its annual reports, and a brief summary of the case. [...]	<b>Total 2024</b>
27.	Case 14.835, Report No. 27/24, Lilia Ana Villagra	Individual	2. The Argentine State undertakes to issue, within three (3) months from the date of publication in the Official Gazette of the Argentine Republic (Boletín Oficial de la República Argentina) of the Decree of the National Executive Branch approving this agreement, the ministerial resolution granting the monetary benefit established by Law No. 24.043, without additional cost or expenses. The amount of the compensation shall be estimated as of the date of the issuance of the aforementioned ministerial resolution.	<b>Total 2024</b>



28.	Case 14.836, Report No. 28/24, Lydia Cristina Vieyra	Individual	2. The Argentine State hereby undertakes to issue, within three (3) months from the date of publication in the Official Gazette of the Argentine Republic (Boletín Oficial de la República Argentina) of the Decree of the National Executive Branch approving this agreement, the ministerial resolution granting the monetary benefit established by Law No. 24.043, without additional costs or expenses. The amount of compensation shall be estimated as of the date of issue of the aforementioned ministerial resolution.	<b>Total 2024</b>
29.	Case 14.940, Report No. 29/24, Horacio Ricardo Neuman	Individual	2. The Argentine State hereby undertakes to issue, within three (3) months of the publication in the Official Gazette of the Argentine Republic of the Decree of the National Executive Branch approving this agreement, the ministerial resolution granting the monetary benefit established by Law No. 24.043, without additional costs or expenses. The amount of the reparation shall be calculated as of the date of issue of the aforementioned ministerial resolution.	<b>Total 2024</b>
30.	Case 14.739, Report No. 30/24, Mary Beatriz Guerra Peña,	Individual	2. The Argentine State undertakes to issue, within three (3) months from the date of publication in the Official Gazette of the Argentine Republic (Boletín Oficial de la República Argentina) of the Decree of the National Executive Branch approving this agreement, the ministerial resolution granting the monetary benefit established by Law N° 24.043, without additional cost or expenses. The amount of the compensation shall be estimated as of the date of the issuance of the aforementioned ministerial resolution.	<b>Total 2024</b>
31.	Case 13.696, Report No. 31/24, Octavio Romero and Gabriel Gersbach,	Structural	<b>II. Acknowledgment of international responsibility and public disclosure of the friendly settlement agreement:</b> [...] As a consequence of this acknowledgment of responsibility, the State undertakes to disseminate this agreement within a maximum period of 6 months from the publication in the Official Gazette of the decree approving it on the websites of the National Secretariat for Human Rights and the National Institute against Discrimination, Xenophobia and Racism. Within that same period, the text of the agreement will also be communicated to the National Chamber of Criminal and Correctional Appeals. The State shall also publish a gazette on this agreement - the content of which shall be agreed upon by the parties - in a newspaper with wide national circulation, within 3 months of the publication in the Official Gazette of the decree approving it. [...]	<b>Partial 2024</b>
32.		Individual	<b>III.1. Satisfaction measures:</b> The Argentine State, through the National Public Prosecutors' Office, undertakes to provide all the support that may be required by the prosecutor's office involved in the investigation of the facts related to the death of Octavio Romero. In particular, the team of the Specialized Prosecutor's Unit on Violence against Women (UFEM) and the General Directorate of Gender Policies of the Attorney General's Office (Procuración General de la Nación), which have specialized resources on diversity issues, will be made available to the aforementioned prosecutor's office to enable it to intervene in the case with a gender perspective and in a manner respectful of the rights of LGBTIQ+ persons.	<b>Partial 2024</b>
33.		Structural	<b>III.2. a) Renaming of Resolution N° 548/2011 of the Ministry of Security of the Nation:</b> The Ministry of Security of the Nation undertakes to rename Resolution N° 548/2011 in honor of Octavio Romero and all those members of the security forces who have been discriminated against because of their sexual orientation, within 12 months from the signing of this agreement.	<b>Total 2024</b>



			The parties agree that, with the presentation of a report confirming the renaming of the resolution, this clause shall be deemed to be fulfilled.	
34.		Structural	<p><b>III.2.b) Action undertaken to raise awareness and pay tribute.</b> Inclusion of the case in the National Plan against Discrimination: As part of the activities for the International Day for Combating Discrimination based on sexual orientation and gender identity, INADI will conduct an awareness-raising activity in honor and memory of Octavio Romero, through the agency's social networks. In turn, a brief reference to the case will be included in the "Justice" section of the National Plan against Discrimination.</p> <p>The parties agree that, with the submission of a report on the steps taken to raise awareness and pay tribute in social networks and a copy of the National Plan against Discrimination that includes the reference to the case, the clause shall be deemed fulfilled.</p>	Partial 2024
35.		Structural	<p><b>III.2. c) Production of a documentary on sexual diversity in the security forces:</b> The Argentine State, through its educational and cultural channel "Encuentro", will produce a special documentary on sexual diversity in the security forces, in memory of and as a tribute to Octavio Romero. The Encuentro channel will be in charge of production and financing and will begin within 3 months from the date of publication in the Official Gazette of the decree approving this agreement.</p> <p>The content of the documentary shall be agreed upon with the petitioning party.</p> <p>The documentary will be broadcast on the Encuentro channel, on its social networks, and will be available on the Cont.ar platform. In addition, it will be distributed in Argentine schools and will be available as teaching material.</p> <p>The parties agree that, upon submission of a copy of this material to the IACHR, this clause shall be deemed to be fulfilled.</p>	Total 2024
36.		Structural	<p><b>III.3. Guarantees of non-repetition.</b></p> <p><b>a) Creation of the Protocol governing steps to be taken in response to complaints of discrimination based on sexual orientation, gender identity, sexual expression, and/or characteristics:</b> Within 6 months from the signature of this agreement, the Ministry of Security of the Nation shall issue the "Protocol governing steps to be taken in response to complaints of discrimination based on sexual orientation and/or gender identity, its expression and sexual characteristics", which will supplement Resolution n° 37/2020 of that Ministry.</p> <p>The protocol will include rules for responding to and investigating complaints and will include the establishment of time limits for each stage of the procedure. It will also indicate how to follow up on the status of the files, the means of appealing decisions adopted, and the mechanisms to ensure that decisions are effectively implemented. [...]</p>	Total 2024
37.		Structural	<p><b>III.3. b) "Octavio Romero" Training and Awareness Days Program:</b> The Ministry of Security of the Nation will promote, through the Training and Career Undersecretariat -in coordination with the National Directorate of Gender Policies-, an annual awareness day for cadets or others who wish to join the federal security forces. Within this framework, talks will be held with specialists on discrimination and violence based on gender and sexual diversity. [...]</p>	Partial 2024
38.		Structural	<p><b>III.3. c) Dissemination of a booklet on sexual diversity within the security forces:</b> Within 12 months from the signing of this agreement, the Ministry of Security of the Nation undertakes to carry out a "Day of launching and dissemination of specific material</p>	Total 2024



			on rights, protection, prevention, and how to deal with situations of violence against LGBTIQ+ people", and to ensure that this material is disseminated among all personnel of the Police and Federal Security Forces. The activity will be held in honor of Octavio Romero, in the framework of the International Day against Discrimination based on sexual orientation and gender identity. The parties agree that this clause shall be deemed to have been fulfilled with the submission of a report to the IACHR on the holding of the workshop provided for in the preceding paragraph.	
39.		Structural	<b>III.3. d) Strengthening access to justice for LGBTIQ+ persons in situations of gender-based violence:</b> The Ministry of Women, Gender, and Diversity of the Nation will take concrete steps to guarantee access to justice for LGBTIQ+ people in situations of gender violence. In particular, it undertakes to strengthen the Corps of Lawyers for Victims of Gender Violence (CAAVVG), by increasing the number of professionals so that the Corps can be represented in a greater number of jurisdictions in the country, and to ensure that they will be trained on a regular basis. Likewise, with respect to the Acercar Derechos (PAD) Program, the MMGYD commits to progressively expanding the number of professionals involved. [...]	Partial 2024
40.		Structural	<b>III.3. e) General guidelines for the approach to the murder of transvestites, trans-persons, femicides, and homicides due to prejudice or discrimination based on sexual orientation, gender identity, sexual expression, or sexual characteristics:</b> The Ministry of Women, Genders, and Diversity is committed to working together with other institutional actors in the preparation of general guidelines for addressing the murder of transvestites, trans-persons, femicides, and homicides due to prejudice or discrimination based on sexual orientation, gender identity, sexual expression, or sexual characteristics. This clause shall be deemed to have been fulfilled with the effective preparation and dissemination of the above document, within a period of 18 months from the signing of this agreement. The process of drafting the aforementioned guidelines will be carried out in consultation with the petitioning party. [...]	Partial 2024
<b>Argentina:</b> Number of measures where progress was achieved: 40 (28 individual, 12 structural) Total compliance: 25 Partial substantial: 2 Partial compliance: 13				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
<b>BRAZIL</b>				
41.	Case 12.674, Report No. 111/20, Marcio Lapoente Da Silveira	Structural	<b>14.</b> The State, through the Secretariat for Human Rights, undertakes to request the Council for the Defense of the Rights of the Human Person (CDDPH) to analyze 23 cases of alleged human rights violations that occurred in the field of the Armed Forces, according to the study prepared by the Tortura No Mais Group (GTNM / RJ). The case of Márcio Lapoente da Silveira is one of those cases and will be included in the request to the CDDPH. The petitioner will provide the aforementioned study to the Secretariat for Human Rights, which will send it to the CDDPH within a maximum period of 90 (ninety) days after receiving it. The petitioning party and the GTNM / RJ may provide the CDDPH with any other information they deem pertinent.	Total 2024



42.	Case 12.673, Report No. 114/23, José Dutra da Costa	Structural	21. The Brazilian government, through the National Agrarian Audit of the Ministry of Agrarian Development, will take steps to complete rural electrification in the Nova Vitória, José Dutra da Costa and Água Branca Settlement Projects, located in Rondon de Pará.	Total 2024
Brazil: Number of measures where progress was achieved: 2 (2 structural) Total compliance: 2 Partial substantial: N/A Partial compliance: N/A				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
CHILE				
43.	Petition 4617/02, Report No. 30/04, Mercedes Julia Huenteao Beroiza et al.	Structural	2. b) Agree on mechanisms to solve the land problems that affect the indigenous communities in the Upper Bío Bío sector; 1. arrange the contracting of an external legal team whose task shall be to implement the measures necessary to settle the outstanding legal disputes involving Pehuenche lands. 2. procedures shall be retained for recovery of indigenous lands through the mechanisms provided for by the Indigenous Peoples Act.	Total 2024
44.		Structural	a) Agree on mechanisms to ensure that indigenous communities are reported, heard, and taken into consideration in follow-up and monitoring of the environmental obligations of the Ralco Hydroelectric Project; 1. Adopt measures so that the results of audits will also be divulged via different means. 2. Engage participation of a local resident representing the parties and the Mapuche Pehuenche community during the visits of the teams of independent auditors. 3. Include local residents and community members in consultation during the visits conducted by CONAMA, in order to canvass their opinions.	Total 2024
45.		Structural	3. d) Agree on binding mechanisms for all state organs to prevent the construction of future megaprojects, in particular hydroelectric projects, on indigenous lands in the Upper Bío Bío.	Partial substantial 2024
46.		Structural	5. Measures to satisfy the particular demands of the Mapuche Pehuenche families affected.	Total 2024
Chile: Number of measures where progress was achieved: 4 (4 structural) Total compliance: 3 Partial substantial: 1 Partial compliance: N/A				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
COLOMBIA				
47.	Case 12.376, Report No. 59/14, Alba Lucía, Rodríguez,	Individual	5. In the event that Alba Lucia Rodríguez decides to pursue her education, the State agrees to assist her in accessing her preferred course of study through the Department of Education of Medellín and/or the Office of the Governor of Antioquia. Her admission and continuation in the educational program shall be subject to the requirements established by the chosen educational institution. The offer of education includes starting basic secondary or high school, or technical, technological, and/or arts and	Partial substantial 2024



			vocational skills training. The education offered may be based in the city of Medellín or in any other municipality. In any case, the conditions stipulated in this paragraph shall be subject to change according to the demonstrated needs of the individual.	
48.	Petition 577-06, Report No. 82/15, Gloria González and family,	Individual	<b>3.</b> The State will arrange for \$50,000,000 (FIFTY MILLION PESOS M C/TE) in aid for the minor child D, for the purpose of funding technical or technological studies and cover her child support. The amount of aid will increase to \$70,000,000 (SEVENTY MILLION PESOS MC/TE) if the beneficiary chooses to pursue a professional career. The beneficiary of the measure must follow the appropriate procedures in order to be admitted to the respective education facility and shall take the curriculum that the university or college offers to ensure adequate academic performance. [...]	<b>Partial substantial 2024</b>
49.	Case 12.541, Report No. 67/16, Omar Zuñiga Vásquez and Amira Isabel Vásquez de Zuñiga,	Individual	<b>SECOND: JUDICIAL MEASURES.</b> The Office of the Attorney General [Procuraduría General de la Nación] shall, within its sphere of competence, and once the report referred to in Article 49 of the American Convention has been published, bring an action for reconsideration of the resolution of May 28, 2014, issued by Prosecution Office 73 Delegated to the Superior Court of Bogotá. In addition, the National Agency for Legal Defense of the State commits to examining the feasibility of bringing an action for indemnity [acción de repetición] pursuant to the functions assigned to it under Article 6(3)(ix) of Decree Law 4085 of 2011.	<b>Total 2024</b>
50.	Case 12.941, Report No. 92/18, Nicolasa and family,	Individual	<b>b) Measures relating to Nicolasa's education.</b> Provide a \$50.000.000 (FIFTY MILLION COLOMBIAN PESOS) grant to Nicolasa to finance her studies at any of the technical, vocational, technological or university levels, in any academic program or institute of higher education authorized in Colombia, that she, the beneficiary, chooses. That grant shall be used to pay for her tuition fees and maintenance costs. [...]	<b>Total 2024</b>
51.		Structural	<b>3) a. Non-Repetition Measures.</b> The State commits to broadcasting on television, in spots provided to that end by the National Television Authority (ANTV), a 45-second video containing an institutional message regarding the duty to prevent, investigate, and punish cases of sexual violence. Responsibility for the execution of this measure shall lie with the Office of the Presidential Adviser on Human Rights.	<b>Partial substantial 2024</b>
52.	Petition 799-06, Report No. 93/18, Isidoro León Ramírez, Pompilio De Jesús Cardona Escobar, Luis Fernando Velazquez Londoño et al.,	Individual	<b>2.- MEASURES TO SEE JUSTICE DONE.</b> The State commits to continuing to honor its obligation to investigate, try, and punish those responsible for the crimes.	<b>Total 2024</b>
53.		Individual	<b>4.- Financial reparation.</b> The State commits to the following: that once the present friendly settlement agreement been formally approved with the issuance of the report referred to in Article 49 of the American Convention on Human Rights, Law 288 of 1996 shall be applied with a view to making reparation for non-material damages to Messrs. Edgar de Jesús Muñoz Orjuela and Goblis Anyelo Muñoz Orjuela, the foster children of Luis Fernando Velázquez Londoño, who were not compensated through Administrative Litigation Courts. The entities responsible for following the procedures established in Law 288 of 1996 shall be the National Police and the National Penitentiary and Prison Institute (INPEC), pursuant to Decree 507 of 2016.	<b>Total 2024</b>
54.	Case 11.990 A, Report No. 34/19, Oscar Orlando Bueno Bonnet and other,	Individual	<b>Third - 2 c)</b> Educational grant and maintenance allowance for Jefferson Villamizar: The State shall provide \$50,000.000 (fifty million pesos) for Jefferson Villamizar to finance his technical or technological education and cover his maintenance costs. The grant amount shall increase to \$70,000.000 (seventy million pesos) if the beneficiary chooses a vocational career program. The beneficiary of this measure must complete the procedures required for	<b>Total 2024</b>



			admission to the academic institution and pass each period's exams. [...]	
55.		Structural	<b>FOURTH: GUARANTEES OF NON-REPETITION.</b> Through the Technical Secretariat of the Inter-sectoral Commission for Preventing Recruitment, Use, and Sexual Violence against Children and Adolescents, the Office of the Presidential Advisor for Human Rights shall provide counseling on how best to ensure prevention and protection in the department of Arauca and the municipality of Saravena, with a view to boosting the capacity of local and national entities to counter imminent and individualized threats to the right of children and adolescents to be protected against any form of recruitment, use, sexual violence, and stigmatization. [...]	<b>Total 2024</b>
56.		Structural	<b>b)</b> Workshop to share the outcomes of the mapping exercises with children, adolescents, and institutions.	<b>Partial substantial 2024</b>
57.		Structural	<b>c)</b> Workshop with local institutions and authorities to construct the three phases of the recruitment prevention mechanism.	<b>Partial substantial 2024</b>
58.		Structural	<b>d)</b> Participatory workshop with children and adolescents to identify inputs and components to be built into the new public policy instrument.	<b>Partial substantial 2024</b>
59.		Structural	<b>e)</b> Training the Security Forces to adopt a differential approach when dealing with children.	<b>Partial substantial 2024</b>
60.	Case 13.776, Report No. 1/20, German Eduardo Giraldo and family,	Individual	<b>FOURTH: HEALTH MEASURES.</b> The Ministry of Health and Social Protection shall implement the health rehabilitation measures in the form of medical, psychological and psycho-social care through the General Social Security Health System and the Psycho-Social Care and Comprehensive Health Care for Victims Program (PAPSIVI), and through the General Social Security Health System shall provide appropriate, timely, and priority treatment (based on medical criteria) to the victims with whom this friendly settlement agreement is signed.	<b>Total 2024</b>
61.	Case 12.909, Report No. 22/20, Gerardo Bedoya Borrero,	Individual	<b>d)</b> The financial assistance shall cover the cost of registering for semesters required under the academic program and a half-yearly maintenance allowance of up to two (2) minimum monthly wages (SMMLV). The National Ministry of Education and the Instituto Colombiano de Crédito Educativo y Estudios Técnicos en el Exterior (ICETEX) [Colombian Institute of Educational Credit and Technical Studies Abroad] shall be responsible for implementation of this measure.	<b>Total 2024</b>
62.		Individual	<b>FOURTH: FINANCIAL COMPENSATION.</b> Once this friendly settlement agreement is approved through the adoption of the corresponding report under Article 49 of the American Convention of Human Rights, the State undertakes to enforce Law 288 of 1996 in order to provide reparation for such material and immaterial injuries as may be proven in favor of the victims' relatives that have not received compensation in the administrative jurisdiction.	<b>Total 2024</b>
63.	Case 13.370, Report No. 80/20, Luis Horacio Patiño and family,	Individual	<b>FOURTH: FINANCIAL COMPENSATION.</b> The State commits to applying Law 288 of 1996 once the present Friendly Settlement Agreement is approved by issuance of the report envisaged in Article 49 of the American Convention on Human Rights, its purpose being to provide reparation for such material and immaterial damages as may be proven in favor of the victims' relatives that have not received compensation in the administrative jurisdiction, or, if they have, discounting the amounts recognized for administrative reparation. To that end, recourse shall be had to the criteria and amounts recognized in current Council of State case law.	<b>Total 2024</b>



64.	Case 13.642, Report No. 41/21, Edgar José Sánchez Duarte and family,	Individual	<b>1.2 Medical and psychosocial care.</b> The Ministry of Health and Social Protection, in exercise of the powers described in Decree Law 4107 of 2011, will coordinate the health rehabilitation measures that constitute medical, psychological and psychosocial care through the General System of Social Security in Health and its members, which will guarantee adequate, opportune and prioritized treatment as long as necessary (according to medical criteria), in accordance with the legal provisions on the matter. Additionally, if necessary and under the criteria of voluntariness and prioritization, the Ministry of Health and Social Protection will guarantee the victims the implementation of the rehabilitation measure understood from the components of comprehensive health care and psychosocial care, within the framework of the Program Psychosocial Care and Comprehensive Health for victims - PAPSIVI. By virtue of the principle of territoriality, this measure of reparation will be implemented in the terms indicated before the beneficiaries who are in the national territory. For those who reside outside the country, its scope will only include psychosocial care. [...]	<b>Total 2024</b>
65.		Individual	<b>3) Economic reparations.</b> The Ministry of National Defense undertakes to compensate the moral damages that will be proven by the violations recognized in this agreement through the mechanism established by Law 288 of 1996. The mechanism in question will be activated once the present friendly settlement agreement is approved through the issuance of the report on article 49 of the ACHR, with the purpose of repairing the damages caused to the families of the victims duly legitimized, who prove the affectations generated on the occasion of the events related to this case. Those who have already been repaired by the contentious-administrative jurisdiction will not benefit from this measure. Read this agreement by the parties and being all aware of its scope and legal content, it was signed on July 14, 2020, in Bogotá D.C	<b>Total 2024</b>
66.	Case 13.758, Report 337/21, Franklin Bustamante Restrepo,	Individual	<b>6.</b> The State is obliged to initiate the compliance of Law 288 of 1996 "By means of which instruments are established for the compensation of detriment to the victims of human rights violations by virtue of the set forth by certain international human rights bodies", once the present Friendly Settlement Agreement is homologated by means of the issuance of the Report of Article 49 of the American Convention on Human Rights, with the purpose of repairing the detriment caused to the family of the victims as a consequence of the affectations generated by the facts of the present case. The National Agency of Juridical Defense of the State shall be the entity in charge of assuming the compliance of Law 288 of 1996. For purposes of compensation, the criteria and amounts recognized by the current jurisprudence of the State Council is to be resorted.	<b>Total 2024</b>
67.	Petition 535-17, Report No. 59/22, Luis Gerardo Bermudez,	Individual	<b>Seventh part: Compensation measures.</b> The State undertakes to initiate the process of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to victims of human rights violations in accordance with the provisions of certain international human rights bodies", once this friendly settlement agreement is approved through the issuance of the Report of Article 49 of the American Convention on Human Rights, in order to repair the damages caused to the relatives of the victims resulted from the effects generated by the facts of this case. The National Agency for the Legal Defense of the State will be the entity in charge of processing Law 288 of 1996. For the purposes of compensation, the	<b>Total 2024</b>



			criteria and amounts to be used are those recognized by the current jurisprudence of the State Council.	
68.	Case 13.775, Report No. 63/22, Gabriel Angel Gómez Martínez and family,	Individual	<b>Sixth Part: Compensation Measures.</b> The State undertakes to initiate the process of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to victims of human rights violations by virtue of the provisions of certain international human rights bodies", once this friendly settlement agreement is approved through the issuance of the Report of Article 49 of the American Convention on Human Rights, in order to repair the damages caused to the relatives of the victims as a result of the effects generated by the facts of this case. The National Agency for the Legal Defense of the State will be the entity in charge of the processing of Law 288 of 1996. For the purposes of compensation, the criteria and amounts to be used are those recognized by the current jurisprudence of the State Council.	<b>Total 2024</b>
69.	Case 13.436, Report No. 67/22, José Oleaguer Correa Castrillón,	Individual	<b>4.1.3. Financial aid.</b> The Colombian State, through the Ministry of National Education and the Colombian Institute of Educational Credit and Technical Studies Abroad (ICETEX), will grant financial aid to Manuela Casas Correa, in order to finance the Civil Engineering program at the University of Medellin in the on-site mode. The financial aid will cover the tuition fees from the fifth (5th) to the tenth (10th) academic semester of the university level program, for a semester value of up to eleven (11) SMMLV and a semester support resource of two (2) SMMLV. The beneficiary must ensure her permanence in the Higher Education Institution, maintaining adequate academic performance, being the sole responsibility of the beneficiary of the measure to maintain the status of student in the HEI. Thus, should she lose the quality of student for poor academic performance or disciplinary offense, the measure will be considered fulfilled by the State. The financial aid must begin to be used within a term not to exceed five (5) years from the signature of this agreement, otherwise the State's efforts to obtain it shall be deemed to have been fulfilled.	<b>Total 2024</b>
70.		Individual	<b>4.2. Justice measures.</b> The State undertakes to continue to comply with its obligation to investigate, prosecute and punish those responsible for the forced disappearance of Mr. José Oleaguer Correa. This measure is the responsibility of the Office of the Attorney General of the Nation.	<b>Total 2024</b>
71.		Individual	<b>4.3. Pecuniary Reparation.</b> The State undertakes to apply Law 288 of 1996, once this Friendly Settlement Agreement is homologated through the issuance of the Report of Article 49 of the American Convention on Human Rights. The foregoing, with the purpose of repairing the immaterial and material damages which may be proven in favor of the victim's relatives who have not been compensated through the Contentious-Administrative Jurisdiction, discounting, if applicable, the amounts recognized for administrative reparations. For these purposes, the criteria and amounts to be used are those recognized by the current Jurisprudence of the Council of State.	<b>Total 2024</b>
72.	Petition 1617-12, Report No. 169/22, Domingo José Rivas Coronado,	Individual	<b>SIXTH PART: HEALTH AND REHABILITATION MEASURES.</b> The Ministry of Health and Social Protection, in exercise of the powers described in Law Decree 4107 of 2011, shall coordinate health rehabilitation measures consisting of medical, psychological and psychiatric care through the General System of Social Security in Health and its members, which guarantees adequate, timely and priority treatment and for as long as necessary (according to medical criteria), in accordance with the legal provisions on the matter. Additionally, if necessary and under the criteria of	<b>Total 2024</b>



			willingness and prioritization, the Ministry of Health and Social Protection will guarantee the victims the implementation of the rehabilitation measure through psychosocial care, through the components of comprehensive health and psychosocial care, within the Psychosocial and Comprehensive Health Care Program for Victims - PAPSIVI. By virtue of the principle of territoriality, this reparation measure will be implemented in the terms indicated for the beneficiaries who are in the national territory. For those persons residing outside the country, its scope will only include psychosocial care. Access to psychosocial care for persons who are outside the national territory will be guaranteed through the virtual tools which may be available to them, subject to their expressing their will and in accordance with the guidelines issued by the Ministry of Health and Social Protection on the matter. These measures will be implemented as from the signing of the friendly settlement agreement.	
73.		Individual	<b>EIGHTH PART: COMPENSATION MEASURES.</b> The State undertakes to initiate the processing of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to the victims of human rights violations pursuant to the provisions of certain international human rights bodies," once the present friendly settlement agreement is homologated through the issuance of the Report of Article 49 of the American Convention on Human Rights, with the purpose of repairing the damages caused to the relatives of the victims as a consequence of the affectations generated by the facts of the present case. The National Agency for the Legal Defense of the State will be the entity in charge of the processing of Law 288 of 1996.	<b>Total 2024</b>
74.		Structural	<b>i. Publication of the Article 49 Report.</b> Once it is approved by the Inter-American Commission, the Colombian State will publish the pertinent sections of the friendly settlement report on the websites of the National Legal Defense Agency of the State and the Ministry of National Defense for a period of one year.	<b>Total 2024</b>
75.	Case 13.226, Report No. 286/22, Dora Inés Meneses Gómez et al.,	Individual	<b>Sixth Part: Health and Rehabilitation Measures.</b> The Ministry of Health and Social Protection will implement health rehabilitation measures consisting of medical, psychological, and psychosocial care via the General System of Social Security in Health (SGSSS) and the Psychosocial Care and Comprehensive Health Program for Victims (PAPSIVI). Adequate, timely and priority treatment will be guaranteed to people needing it and for as long as necessary once they consent to receive it. When providing the psychological treatment and psycho-social support, the specific circumstances and needs of each person must be taken into consideration so that they are offered collective, family, and individual care, as agreed with each of them and following an individual assessment. For access to comprehensive healthcare, access in timely and quality conditions to the required medications and treatments (which include physical and mental health) is guaranteed to the beneficiaries of the measures following the provisions that govern the SGSSS. At the same time, the beneficiaries must be provided with priority and differentiated care in view of their status as victims. These measures are to be implemented starting from the signing of the friendly settlement agreement.	<b>Partial substantial 2024</b>
76.	Case 13.710, Report No. 109/23,	Structural	<b>ii. Publication of the Article 49 Report.</b> The Colombian State shall publish the pertinent sections of the friendly settlement report, once it has been approved by the Inter-American Commission, on the websites of the National Agency for the Legal Defense of the State, for a period of six (6) months.	<b>Total 2024</b>



77.	Julián Alberto Toro Ortiz and family,	Individual	<b>iii. Educational Financial Aid.</b> The Colombian State, through the Ministry of National Education and the Colombian Institute of Educational Credit and Technical Studies Abroad, ICETEX, will provide five (5) educational grants to five family members of the victims included as beneficiaries of this Friendly Settlement Agreement. <sup>18</sup> To enact the measure in Colombia, each grant will cover the cost of the tuition fees for the semesters of an academic program at a professional, technical, technological, university, or graduate-level technical program in a Higher Education Institution in Colombia recognized by the Ministry of National Education, in an on-site or virtual format, up to an amount equivalent to eleven (11) legal minimum wages per semester and a support grant in the amount of two (2) legal minimum wages per semester if the Higher Education Institution is located in the municipality of residence of the beneficiary or four (4) legal minimum wages if the Higher Education Institution is outside the municipality in which the beneficiary resides. [...]	<b>Partial 2024</b>
78.		Individual	<b>iv. Working Groups with the Ministry of Housing, City, and Territory.</b> The Colombian State, through the Ministry of Housing, City, and Territory, will hold three (3) round tables with the beneficiaries of the Friendly Settlement Agreement, if so desired, with the purpose of explaining the institutional offer established by the Colombian state in terms of access to housing programs, including the requirements and ways to apply for these benefits. [...]	<b>Partial 2024</b>
79.		Individual	<b>PART SEVEN: COMPENSATION MEASURES.</b> The State undertakes to initiate the process of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to victims of human rights violations in accordance with the provisions of certain international human rights bodies," once the present friendly settlement agreement is approved through the issuance of the Article 49 Report of the American Convention on Human Rights, with the purpose of repairing the damages caused to the victims' relatives as a result of this case. The National Agency for the Legal Defense of the State will be the entity in charge of the processing of Law 288 of 1996. For the purposes of compensation, the criteria and amounts recognized by the current jurisprudence of the Council of State shall apply.	<b>Partial substantial 2024</b>
80.		Structural	<b>ii. Publication of the Article 49 Report.</b> The Colombian State will publish the pertinent sections of the friendly settlement report, once it has been approved by the Inter-American Commission, on the web page of the National Agency for the Legal Defense of the State, for a period of six (6) months.	<b>Total 2024</b>
81.	Case 14.577, Report No. 110/23, Teobaldo Enrique Martínez Fuentes and family,	Individual	<b>PART SIX: HEALTH AND REHABILITATION MEASURES</b> The Ministry of Health and Social Protection, in exercise of the powers described in Decree Law 4107 of 2011, shall coordinate health rehabilitation measures, consisting of medical, psychological, and psychosocial care, through the General Social Security Health System and its constituent bodies, as well as through the Psychosocial Care and Comprehensive Health Program for Victims (PAPSIVI), in order to ensure adequate, timely, and priority treatment for as long as necessary (in accordance with medical criteria), in keeping with the applicable legal provisions. In providing psychological treatment and psychosocial care, the particular circumstances and needs of each person must be considered, so that they are provided with family and individual treatment according to the agreements reached with each of them and after individual assessments based on respect for autonomy and voluntary access. To ensure their access to comprehensive health care, the beneficiaries of the measures shall be guaranteed	<b>Total 2024</b>



			timely and quality access to the medicines and treatments required (including physical and mental health) in keeping with the rules governing the SGSSS, and they shall have priority and differential attention by virtue of their status as victims.	
82.		Individual	<b>PART SEVEN: COMPENSATION MEASURES</b> The State undertakes to initiate the procedure under Law 288 of 1996 "Whereby instruments are established for the compensation of damages to the victims of human rights violations by virtue of the provisions of certain international human rights bodies". The procedure will be initiated once the present friendly settlement agreement is homologated through the issuance of the Article 49 Report of the American Convention, with the purpose of repairing the damages caused to the relatives of the victims as a consequence of the effects generated by the facts of the present case. The National Agency for the Legal Defense of the State shall be the entity in charge of assuming the procedure provided by Law 288 of 1996. For the purposes of redressing and verifying the harm caused, the criteria and amounts recognized by the current jurisprudence of the Council of State shall be used.	<b>Partial 2024</b>
83.	Case 13.840, Report No. 111/23, Edwin Hernán Ciro and family,	Individual	<b>PART SIX: COMPENSATION MEASURES.</b> The State undertakes to initiate the processing of Law 288 of 1996 "establishing instruments for the compensation of damages to victims of human rights violations as provided by certain international human rights bodies." The process will begin once this friendly settlement agreement is approved through the adoption of a report under Article 49 of the American Convention in order to provide reparation for the injuries to victims' relatives resulting from the violations caused by the deeds committed in this case. The National Agency for the Legal Defense of the State will be the entity in charge of the processing of Law 288 of 1996. For the purposes of compensation for damages and its verification, the criteria and amounts recognized by the current jurisprudence of the Council of State will be used.	<b>Partial 2024</b>
84.		Individual	<b>ii. Workshops with the Ministry of Housing, City, and Territory.</b> Through the Ministry of Housing, City, and Territory, the Colombian State shall promote three (3) workshops with the beneficiaries of the friendly settlement agreement, should they want them, for the purpose of presenting the institutional offer established by the Colombian State for access to housing programs, including the requirements and how to access this offer. [...]	<b>Partial 2024</b>
85.	Case 14.070, Report No. 112/23, José Omar Torres Barbosa,	Individual	<b>PART SIX: HEALTH AND REHABILITATION MEASURES.</b> The Ministry of Health and Social Protection shall implement the health rehabilitation measures that consist of medical, psychological, and psychosocial care through the General Social Security System in Health (SGSSS) of the Program for Psychosocial and Comprehensive Health Care for the Victims (PAPSIVI). Appropriate, timely, and priority treatment shall be guaranteed for those who need it and have previously indicated they want it, which treatment shall be provided for as long as it is needed. When psychological treatment and psychosocial care are provided, consideration should be given to each person's specific circumstances and needs, so that they are provided with family and individual treatments according to what is agreed with each of them following an individual evaluation. To ensure access to comprehensive health care, the beneficiaries of measures are guaranteed access to required medications and treatments (including physical and mental health), in accordance with the provisions governing the SGSSS, and shall also have differential care based on their victim status. To that end, a comprehensive health management channel shall be guaranteed through the different territorial operators of	<b>Partial substantial 2024</b>



			the PAPSIVI, for victims' referrals in the territorial entities and Benefit Plan Administrator Entities and the Ministry of Health and Social Protection, as applicable. This measure of reparation shall be implemented according to the indicated terms with regard to persons within national territory, as from the signing of this agreement	
86.		Individual	<b>PART SEVEN: JUSTICE MEASURES.</b> Within the framework of its powers, the Office of the Attorney General shall continue to promote with due diligence judicial proceedings enabling efforts to promote the investigation and individual determination of those responsible for the events. To develop the above, the Office of the Attorney General and the petitioners shall hold a meeting every six months to disclose progress made in the area of justice. The semi-annual meeting to be held shall be convened directly by the Office of the Attorney General.	<b>Partial 2024</b>
87.		Individual	<b>PART EIGHT: COMPENSATION MEASURES.</b> The State agrees to initiate the procedure established by Law 288 of 1996 "Whereby instruments are established to compensate for harm done to the victims of human rights violations by virtue of the provisions of specific international human rights organizations." Said procedure shall begin once this friendly settlement agreement is approved through issuance of the Article 49 report under the American Convention on Human Rights, for the purpose of repairing the damages caused to the family members of Mr. José Omar Torres as the result of impacts produced by the events in this case. The National Agency for Legal Defense of the State shall be the entity responsible for undertaking the procedure established by Law 288 of 1996. For purposes of compensation of damages caused and their verification, the criteria and amounts recognized by the current jurisprudence of the Council of State will be applied.	<b>Partial 2024</b>
88.		Structural	<b>II. Publication of the Article 49 Report.</b> The Colombian State will publish the pertinent sections of the friendly settlement report, once it has been approved by the Inter-American Commission, on the web page of the National Agency for the Legal Defense of the State, for a period of six (6) months.	<b>Total 2024</b>
89.	Petition 1478-12, Report No. 113/23, José Manuel Bello Nieves,	Individual	<b>III. Financial aid.</b> Through the Ministry of National Education and the Colombian Institute of Educational Credit and Technical Studies Abroad (ICETEX), the Colombian State will grant financial aid to Iván David Bello Sierra, with the aim of financing a professional, technological, or university program in an institute of higher education in Colombia recognized by the Ministry of National Higher Education, in person, through distance learning, or virtually. It will also grant financial aid to José Manuel Bello Sierra, with the aim of financing a graduate program in an institute of higher education in Colombia recognized by the Ministry of National Higher Education, in person, through distance learning, or virtually. The economic aid will cover the tuition fees of a professional, technical, university, or graduate program with a cost per semester equivalent to up to 11 monthly minimum wages, along with per-semester stipend of 2 monthly minimum wages should the institute of higher learning be located in the municipality where the beneficiary resides, or 4 monthly minimum wages should the institute of higher learning be located outside the beneficiaries' municipality of residence. [...]	<b>Partial substantial 2024</b>
90.		Individual	<b>PART SIX: COMPENSATION MEASURES.</b> The State agrees to initiate the procedure established by Law 288 of 1996 "Whereby instruments are established to compensate for harm done to the victims of human rights violations by virtue of the provisions of specific international human rights organizations." Said procedure shall begin once this friendly settlement agreement is approved	<b>Partial substantial 2024</b>



			through issuance of the Article 49 report under the American Convention on Human Rights, for the purpose of repairing the damages caused to the family members of Mr. José Omar Torres as the result of impacts produced by the events in this case. The National Agency for Legal Defense of the State shall be the entity responsible for undertaking the procedure established by Law 288 of 1996. For purposes of compensation of damages caused and their verification, the criteria and amounts recognized by the current jurisprudence of the Council of State will be applied.	
91.		Structural	<b>ii. Publication of the Article 49 Report.</b> The Colombian State undertakes to publish the report of Article 49 of the American Convention on Human Rights issued by the Inter-American Commission on Human Rights, which homologates the friendly settlement agreement, on the website of INPEC and the National Legal Defense Agency, for a period of six months.	<b>Total 2024</b>
92.	Case 13.232, Report No. 115/23, Omar Ernesto Vázquez Agudelo,	Individual	<b>SEVENTH PART: COMPENSATION MEASURES.</b> The State undertakes to initiate the procedure of the Law 288 of 1996 "Whereby instruments are established for the compensation of damages to victims of human rights violations by virtue of the provisions of certain international human rights bodies", once this friendly settlement agreement is homologated through the issuance of the Report of Article 49 of the American Convention on Human Rights, with the purpose of repairing the damages caused to the victim's family as a consequence of the effects generated by the facts of the present case. The National Agency for the Legal Defense of the State shall be the entity in charge of assuming the processing of Law 288 of 1996. For the purposes of indemnification, the criteria and amounts recognized by the current jurisprudence of the Council of State are to be implemented.	<b>Partial 2024</b>
93.		Structural	<b>ii. Trainings.</b> The National Police will provide ample and sufficient training to the men and women of the institution through the inclusion of the friendly settlement agreement in the Human Rights and International Humanitarian Law courses developed by the Police Education Directorate, in order to prevent events such as those narrated from recurring.	<b>Partial substantial 2024</b>
94.	Case 14.719, Report No. 116/23, Geovanni Aguirre Soto,	Individual	<b>SIXTH PART: COMPENSATION MEASURES.</b> The State undertakes that, once the present friendly settlement agreement is approved, through the issuance of the report Article 49 of the ACHR, Law 288 of 1996 will be applied, with the purpose of repairing the non-material damages of the victims recognized in the "Case 14.719 Geovanni Aguirre Soto". The entity in charge of moving forward with the implementation of the procedure of Law 288 of 1996 will be the National Police in accordance with the provisions of Decree 507 of 2016"	<b>Partial substantial 2024</b>
95.		Structural	<b>EIGHTH: PUBLICATION.</b> The State shall publish the relevant sections of the friendly settlement report once it has been approved by the Commission for a period of one year on the websites of the National Police and the Office of the Presidential Advisor for Human Rights and International Affairs.	<b>Partial 2024</b>
96.	Case 12.908, Report No. 208/23, Jorge Freytter Romero,	Individual	<b>NINTH: MONETARY COMPENSATION.</b> The State undertakes to initiate the processing of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to the victims of human rights violations in accordance with the provisions of certain international human rights bodies", once the present friendly settlement agreement is approved through the issuance of the Report of Article 49 of the American Convention, with the purpose of repairing the damages caused to the relatives of the victims as a consequence of the harm generated by the facts of the	<b>Partial 2024</b>



			present case. The National Police will be the entity in charge of the processing of Law 288 of 1996. The grandchildren will be recognized as beneficiaries of this procedure as long as the representatives of the victims prove the damage caused in accordance with the jurisprudence of the Council of State.	
97.		Structural	<p><b>TENTH: MEASURES OF REMEMBRANCE AND RESTORATION OF DIGNITY.</b></p> <p>1. Pedagogical initiative of historical memory called "Jorge Freytter Competition": Which will seek to make visible and recognize in the district educational institutions of the city of Barranquilla, the harm to the university and student movements (teachers, students and workers), derived from the Colombian internal armed conflict.</p> <p>The specific objectives of this measure will be:</p> <ul style="list-style-type: none"> <li>Promote the construction of Historical Memory processes in eight (8) district educational institutions, through pedagogical actions that provide methodological and conceptual perspectives necessary to develop remembrance initiatives in educational institutions.</li> <li>Promote youth participation through pedagogical training and empowerment of this population.</li> <li>Transform imaginaries and social practices of violence, through art spaces that contribute to the dignity of the victims, with special emphasis on the case of Mr. Jorge Adolfo Freytter Romero.</li> </ul> <p>This competition will be carried out in three (3) phases, which will be led by the National Center of Historical Memory. The winning educational initiative will be chosen by the relatives of Mr. Jorge Adolfo Freytter and the prize to be awarded will consist in the delivery of an endowment worth \$3,000,000 million COP to the winning district institution.</p>	<b>Partial 2024</b>
98.	Case 13.780, Report No. 209/23, Hugo Ferney León Londoño,	Structural	<b>II. Publication of the Article 49 Report.</b> The Colombian State shall publish the pertinent sections of the friendly settlement report, once it has been approved by the Inter-American Commission, on the website of the National Agency for the Legal Defense of the State, for a period of six (6) months.	<b>Total 2024</b>
99.		Individual	<b>SEVENTH PART: COMPENSATION MEASURES.</b> The State undertakes to initiate the process of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to victims of human rights violations in accordance with the provisions of certain international human rights bodies", once this friendly settlement agreement is approved through the issuance of the Report of Article 49 of the American Convention, in order to repair the damages caused to the family members of the victims as a result of the effects generated by the facts of this case. [...]	<b>Partial substantial 2024</b>
100.	Case 14.145, Report No. 210/23, Eleazar Vargas Ardila and family,	Structural	<b>FIFTH PART: SATISFACTION MEASURES.</b> II. Publication of the Article 49 Report: The Colombian State shall publish on the website of the National Agency for the Legal Defense of the State, for a period of six (6) months, the relevant sections of the friendly settlement report once approved by the Inter-American Commission.	<b>Total 2024</b>
101.		Individual	<b>SEVENTH PART: COMPENSATION MEASURES.</b> The State commits to initiate the process of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to victims of human rights violations pursuant to the provisions of certain international human rights bodies". The process will begin once the present friendly settlement agreement has been approved by means of the issuance of the Report of Article 49 of the American Convention, with the purpose of repairing the damages caused to	<b>Partial 2024</b>



			the victim as a result of the damages generated by the facts of the present case. The National Agency for the Legal Defense of the State will be the entity in charge of the procedure of Law 288 of 1996. For the purposes of the compensation of damages and their verification, the criteria and amounts recognized by the current jurisprudence of the Council of State will be applied.	
102.		Individual	<b>NINTH PART: HEALTH MEASURE.</b> The Ministry of Health and Social Protection will implement health rehabilitation measures constituting medical, psychological and psychosocial care through the General Social Security Health System (SGSSS) and the Psychosocial and Integral Health Care Program for Victims (PAPSIVI). Adequate, timely and priority treatment will be guaranteed to those persons who require it, after expressing their will, and for the time necessary. When providing psychological treatment and psychosocial care, the particular circumstances and needs of each person must be considered, so that they are provided with family and individual treatment, according to what is agreed with each of them and after an individual evaluation.	<b>Partial 2024</b>
103.		Structural	<b>1.3 Publication of the facts.</b> The Colombian State undertakes to publish the report of Article 49 of the American Convention on Human Rights issued by the Inter-American Commission on Human Rights approving the friendly settlement agreement, on the website of the National Agency for the Legal Defense of the State for a period of one year, thus guaranteeing access to the friendly settlement report.	<b>Total 2024</b>
104.	Case 12.490, Report No. 218/23, Asmeth Yamith Salazar,	Individual	<b>3) Pecuniary Reparation:</b> The State undertakes to apply Law 288 of 1996, once this friendly settlement agreement is approved through the issuance of the Report of Article 49 of the American Convention on Human Rights. The foregoing, with the purpose of repairing the immaterial and material damages that may be proven in favor of Mr. Asmeth Salazar Palencia, who has not been compensated through the Contentious Administrative Jurisdiction, discounting, if applicable, the amounts recognized for administrative reparations. For these purposes, the criteria and amounts recognized by the current jurisprudence of the State Council will be used.	<b>Partial 2024</b>
105.		Structural	<b>II. Publication of the Article 49 Report.</b> The Colombian State shall publish the pertinent sections of the friendly settlement report, once it has been approved by the Inter-American Commission, on the website of the National Agency for the Legal Defense of the State, for a period of six (6) months.	<b>Total 2024</b>
106.	Case 14.003, Report No. 221/23, Maria Regina Ocampo,	Individual	<b>SIXTH: JUSTICE MEASURES</b> The Office of the Attorney General of the Nation, within the scope of its powers, shall continue to carry out with due diligence the judicial actions that will allow the investigation to move forward and the possible identification and individualization of those responsible for the facts. In development of the foregoing, the Office of the Attorney General of the Nation and the petitioners will hold a meeting every six months to report on the progress made in the matter of justice. The biannual meeting to be held will be convened directly by the Attorney General's Office	<b>Partial 2024</b>
107.		Individual	<b>SEVENTH: COMPENSATION MEASURES</b> The State undertakes to initiate the process of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to the victims of human rights violations by virtue of the provisions of certain international human rights bodies". This will be initiated once the present friendly settlement agreement is	<b>Partial 2024</b>



			homologated through the issuance of the Report of Article 49 of the American Convention, with the purpose of repairing the damages caused to the relatives of the victims as a consequence of the affectations generated by the facts of the present case. The National Agency for the Legal Defense of the State will be the entity in charge of the proceedings under Law 288 of 1996. The criteria and amounts recognized by the current jurisprudence of the Council of State shall be used for the purposes of the compensation of damages and their verification.	
108.	Case 13.971, Report No. 271/23, Merardo Iván Vahos Arcila and family,	Structural	<b>II. Publication of the Art. 49 report</b> The Colombian State shall publish the pertinent clauses of the friendly settlement report, once it has been approved by the Inter-American Commission, on the web page of the National Agency for the Legal Defense of the State, for a period of six (6) months.	<b>Total 2024</b>
109.		Individual	<b>SEVENTH PART: COMPENSATION MEASURES</b> The State undertakes to initiate the process of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to victims of human rights violations pursuant to the provisions of certain international human rights bodies". This shall be initiated once the present friendly settlement agreement is homologated through the issuance of the Report of Article 49 of the American Convention, with the purpose of repairing the damages caused to the beneficiaries included in the third clause of the present agreement as a consequence of the affectations generated by the facts of the present case. The National Agency for the Legal Defense of the State shall be the entity in charge of the proceedings under Law 288 of 1996. For the purposes of the indemnification of damages and their verification, the criteria and amounts recognized by the current jurisprudence of the Council of State shall be used.	<b>Partial 2024</b>
110.	Case 14.808, Report No. 272/23, Diego Felipe Becerra Lizarazo and family,	Structural	<b>III. Creation of a lecture</b> As a guarantee of non-repetition, the Colombian State will carry out a training course on human rights, youth and urban art. In addition, the case of Diego Felipe Becerra Lizarazo will be included in the curricula of training programs at all levels of the National Police, in the case study: lessons learned.	<b>Total 2024</b>
111.		Structural	<b>IV. Creation of an award</b> The Colombian State will create a human rights diploma with the name of Diego Felipe Becerra Lizarazo, as a symbol of remembrance, which will be awarded in recognition of National Police personnel, in active service, who stand out for guaranteeing, stimulating and exalting the strengthening of the social fabric, urban artists, as well as urban experiences that promote the artistic and responsible practice of graffiti framed in the promotion, respect, guarantee and protection of human rights in all units of the National Police. [...]	<b>Partial substantial 2024</b>
112.		Individual	<b>VI. Psychosocial care</b> The Ministry of Health and Social Protection will implement health rehabilitation measures constituting medical, psychological and psychosocial care through the General Social Security Health System (GSSHS) and the Psychosocial Care and Comprehensive Health Program for Victims (PCCHPV). Adequate, timely and priority treatment will be guaranteed to those persons who require it, after expressing their will, and for as long as necessary. In providing psychological treatment and psychosocial care, the particular circumstances and needs of each person must be considered, so that they are provided with family and individual treatment, according to what is agreed with each of them and after an individual assessment.	<b>Partial substantial 2024</b>



113.		Structural	<p><b>VII. Publication of the Article 49 report</b></p> <p>The Colombian State shall publish the pertinent sections of the friendly settlement report, once it has been approved by the Inter-American Commission, on the web page of the National Agency for the Legal Defense of the State, for a period of six (6) months.</p>	<b>Total 2024</b>
114.		Individual	<p><b>SIXTH PART: COMPENSATION MEASURES</b></p> <p>The State undertakes to initiate the process of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to victims of human rights violations pursuant to the provisions of certain international human rights bodies". This shall be initiated once the present friendly settlement agreement is homologated through the issuance of the Report of Article 49 of the American Convention, with the purpose of fully repairing the damages caused to the beneficiaries included in the third clause of the present agreement as a consequence of the affectations generated by the facts of the present case, in the terms previously defined, according to the memorandum of understanding subscribed on December 13, 2022.</p> <p>The Ministry of National Defense shall be the entity in charge of assuming the procedure of Law 288 of 1996.</p> <p>For the purposes of the compensation of damages and its verification, the criteria and amounts recognized by the current jurisprudence of the Council of State shall be used.</p>	<b>Partial 2024</b>
115.	Case 14.906, Report No. 273/23, Eladia Méndez Bautista,	Individual	<p><b>II. Survivor's pension:</b></p> <p>Pursuant to the provisions of Article 47 of Law 100 of 1993, the Colombian Pension Administrator - Colpensiones shall recognize for life in favor of Mrs. Eladia Méndez Bautista, identified with citizenship card No. [...], a survivor's pension at a percentage of 100% in her capacity as the spouse of Mr. Luis Alberto León.</p> <p>Likewise, Mrs. Eladia Méndez Bautista shall be granted a retroactive pension that shall be calculated as of April 3, 2015 and shall be paid until the date on which the Inter-American Commission issues the Friendly Settlement Report homologating the Friendly Settlement Agreement signed between the Colombian State and the representative of the victims.</p> <p>Thus, once the National Agency for the Legal Defense of the State informs the Colombian Pension Administrator - Colpensiones about the publication of the Report of Article 49 of the American Convention, the latter will take the respective steps to issue the Administrative Act that recognizes the concepts stated in favor of Mrs. Eladia Méndez Bautista and will proceed to the respective notification to the beneficiary.</p> <p>This measure shall be in charge of Colombian Pension Administrator - Colpensiones and shall be implemented in a term no longer than four (4) months once the Friendly Settlement Agreement is approved by the Inter-American Commission.</p>	<b>Partial substantial 2024</b>
116.		Structural	<p><b>III. Publication of the Article 49 report:</b></p> <p>The Colombian State shall publish the pertinent sections of the Friendly Settlement Report, once it has been approved by the Inter-American Commission, on the web page of the National Agency for the Legal Defense of the State, for a period of six (6) months.</p>	<b>Total 2024</b>
117.		Individual	<p><b>SIXTH PART: COMPENSATION MEASURES</b></p> <p>The Colombian State undertakes to initiate the process of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to victims of human rights violations in accordance with the provisions of certain international human rights bodies", in order to repair the damages caused to the victims' next of kin as a consequence of the harm caused by the facts of this case. For the purposes of compensation, the criteria and amounts</p>	<b>Partial substantial 2024</b>



			<p>recognized by the current jurisprudence of the Council of State shall be used.</p> <p>Within the framework of the present measure and in order to avoid the phenomenon of double or excessive reparation, the petitioners undertake within thirty (30) calendar days following the signature of the Friendly Settlement Agreement to file before the Administrative Court of Arauca and send to the National Agency for the Legal Defense of the State, the writ of withdrawal of the Action for Direct Reparation pending before said Office [...]</p>	
118.	Case 14.887, Report No. 274/23, Blanca Ruth Sanchez de Franco and family,	Structural	<p><b>II. Publication of the Article 49 report</b></p> <p>The Colombian State shall publish the pertinent sections of the friendly settlement report, once it has been approved by the Inter-American Commission, on the web page of the National Agency for the Legal Defense of the State, for a period of six (6) months.</p>	<b>Total 2024</b>
119.		Individual	<p><b>SIXTH PART: HEALTH AND REHABILITATION MEASURES</b></p> <p>The Ministry of Health and Social Protection, in exercise of the powers described in Decree Law 4107 of 2011, shall coordinate, the health rehabilitation measures constituting medical, psychological and psychosocial care through the General Social Security Health System and its members, as well as the Psychosocial Care and Comprehensive Health Program for Victims - PAPSIVI, so as to ensure adequate, timely and priority treatment and for as long as necessary (according to medical criteria), in accordance with the legal provisions on the matter. [...]</p>	<b>Partial substantial 2024</b>
120.		Individual	<p><b>SEVENTH PART: COMPENSATION MEASURES</b></p> <p>The State undertakes to initiate the process of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to victims of human rights violations pursuant to the provisions of certain international human rights bodies". The procedure will begin once this Friendly Settlement Agreement is homologated through the issuance of the Report of Article 49 of the American Convention, with the purpose of repairing the damages caused to the beneficiaries included in the third clause of this agreement as a consequence of the affectations generated by the facts of the present case.</p> <p>The National Agency for the Legal Defense of the State shall be the entity in charge of the proceedings under Law 288 of 1996.</p> <p>For the purposes of the indemnification of damages and their verification, the criteria and amounts recognized by the current jurisprudence of the Council of State shall be used.</p>	<b>Partial 2024</b>
121.	Case 13.711, Report No. 32/24, Levis Elcener Centeno Cuero and family,	Structural	<p><b>5. I. Act of Recognition of Responsibility.</b> On the date of the signing of this Friendly Settlement Agreement, the Colombian State, through the National Agency for the Legal Defense of the State will hold an Act of Recognition of Responsibility, which will be presided over by the Director General of said Agency and will include the participation of the family members of Mr. Levis Elcener Centeno Cuero and the rapporteur of the Inter-American Commission for Colombia, Commissioner Joel Hernández García. All aspects related to the development of the Act of Recognition of Responsibility have been coordinated with the petitioners, and the statement of the Colombian State regarding its international responsibility will be consistent with the recognition of responsibility indicated in this Friendly Settlement Agreement.</p>	<b>Total 2024</b>
122.	Case 12.843, Report No. 33/24, Luis and Leonardo Caisales Dogenesama,	Structural	<p><b>5. I. Act of Recognition of Responsibility.</b> The Colombian State will hold an in-person event to acknowledge responsibility with the participation of Leonardo Caisales Dogenesama and the victims' families. The event will be carried out in accordance with the acknowledgment of responsibility set forth in this Agreement and will be agreed upon with the active participation of the victims and their families.</p>	<b>Total 2024</b>



			The National Agency for the Legal Defense of the State will be responsible for this measure.	
123.	Case 13.892, Report No. 159/24, Denys Del Carmen Olivera De Montes and family,	Structural	<b>5. I. Ceremony for the Acknowledgment of Responsibility.</b> The Colombian State will hold a Ceremony for the Acknowledgment of Responsibility, with the participation of the family members of Denys del Carmen Olivera, Juan José Montes Balasnoa, and Piedad Montes Olivera and their representative. The event shall be consistent with the acknowledgment of responsibility set forth in this Agreement. The National Agency for the Legal Defense of the State shall be responsible for performing this measure.	<b>Total 2024</b>
124.		Individual	<b>5. IV. Commemorative plaque.</b> At the ceremony for the Acknowledgment of Responsibility, the Colombian State will present the family members with a plaque in memory of Denys del Carmen Olivera, Juan José Montes Balasnoa, and Piedad Montes Olivera. The words on the commemorative plaque shall be agreed with the family members and their representative. The National Agency for the Legal Defense of the State shall be responsible for performing this measure, as part of the measures of symbolic reparation.	<b>Total 2024</b>
125.	Case 13.602, Report No. 160/24, Nelson Enrique Giraldo Ramírez and family,	Structural	<b>5. I. Ceremony for the Acknowledgment of Responsibility.</b> The Colombian State shall carry out a ceremony for the acknowledgment of responsibility, which shall be presided over by the Director of the National Agency for Legal Defense of the State and shall include the participation of the rapporteur for Colombia, Commissioner José Luis Caballero Ochoa. All aspects related to said ceremony shall be agreed with the representative of the victims and family members. The ceremony shall be carried out in accordance with the acknowledgement of responsibility indicated in this Agreement. The National Agency for Legal Defense of the State will be responsible for coordinating this measure.	<b>Total 2024</b>
126.	Case 13.974, Report No. 161/24, Claudia Baracaldo Bejarano et al.,	Structural	<b>5. I. Ceremony for the Acknowledgment of Responsibility.</b> The Colombian State shall hold a ceremony for the acknowledgement of responsibility with the participation of Ms. Claudia Baracaldo Bejarano, family members, and representatives. The ceremony shall be carried out in accordance with the acknowledgement of responsibility indicated in this Agreement. This measure shall be entrusted to the National Agency for Legal Defense of the State.	<b>Total 2024</b>
127.	Case 12.842, Report No. 163/24, Brainer Alexander Oquendo Santana and family,	Structural	<b>5. I. Public ceremony for the Acknowledgment of Responsibility.</b> On the date of the signing of this Friendly Settlement Agreement, the Colombian State, through the National Agency for the Legal Defense of the State shall hold a Public Ceremony for the Acknowledgment of Responsibility. This ceremony will be presided over by the Director of the National Agency for the Legal Defense of the State and shall include the attendance of Brainer Alexander Oquendo Santana and the IACHR Rapporteur for Colombia, Commissioner José Luis Caballero Ochoa. All aspects relating to the holding of the Ceremony for the Acknowledgment of Responsibility have been coordinated with the Petitioners. The statement of the Colombian State regarding its international responsibility shall be made in accordance with the acknowledgment of responsibility set forth in the instant Friendly Settlement Agreement. The National Agency for the Legal Defense of the State shall be in charge of the coordination of this measure.	<b>Total 2024</b>



128.	Case 14.802, Report No. 164/24, José Alirio Cañas Morales and family,	Structural	<b>5.1. Public ceremony for the Acknowledgment of Responsibility.</b> The Colombian State will hold a Public Act of Recognition of Responsibility, with the participation of the victims and their representative. The event will be conducted in person and in accordance with the acknowledgment of responsibility set forth in this agreement. The National Agency for the Legal Defense of the State will be responsible for this measure. To finalize the event details, the family members and the representative will take part in a consultation process.	<b>Total 2024</b>
<b>Colombia:</b> <b>Number of measures where progress was achieved: 82 (51 individual, 31 structural)</b> <b>Total compliance: 43</b> <b>Partial substantial: 20</b> <b>Partial compliance: 19</b>				
<b>No.</b>	<b>Matter</b>	<b>Impact</b>	<b>Clause or measure</b>	<b>Level of compliance achieved</b>
<b>ECUADOR</b>				
129.	Case 12.631, Report 61/13, Karina Montenegro Et al.	Individual	2. Immediate medical care to Martha Cadena and transfer to a prison house or correctional institution.	<b>Total 2024</b>
130.		Structural	c) Creation of a prison house or correctional prison.	<b>Total 2024</b>
131.		Structural	d) Provision of material to the existing daycare centers in the country's Rehabilitation Centers and creation of daycare centers in existing centers.	<b>Total 2024</b>
<b>Ecuador:</b> <b>Number of measures where progress was achieved: 3 (1 individual, 2 structural)</b> <b>Total compliance: 3</b> <b>Partial substantial: N/A</b> <b>Partial compliance: N/A</b>				
<b>GUATEMALA</b>				
132.	Case 12.737, Report No. 114/21, Carlos Raúl Morales Catalán, José Raúl and Javier Ernesto Morales Vera	Individual	c) <b>Medical Assistance:</b> The State of Guatemala, in accordance with the possibilities and hospital services of the Ministry of Public Health and Social Assistance, undertakes to provide permanent medical, physical, and psychological care to the petitioner Carlos Raúl Morales Catalán, Mónica Esmeralda Vera Mármol de Morales and their two children, José Raúl and Javier Ernesto Morales Vera, who specifically require surgical, neurological, and psychological care, through the appropriate specialists.	<b>Total 2024</b>
<b>Guatemala:</b> <b>Number of measures where progress was achieved: 1 (1 individual)</b> <b>Total compliance: 1</b> <b>Partial substantial: N/A</b> <b>Partial compliance: N/A</b>				
<b>No.</b>	<b>Matter</b>	<b>Impact</b>	<b>Clause or measure</b>	<b>Level of compliance achieved</b>
<b>HONDURAS</b>				
133.	Case 11.562, Report No. 40/21, Dixie	Individual	<b>Clause 5. Physical and psychological rehabilitation measures</b> The State of Honduras undertakes to provide comprehensive medical, psychiatric and psychological care to the families of the	<b>Total 2024</b>



	Miguel Urbina Rosales		victims, free of charge and through its public health institutions when the victims deem it necessary. To this end, the Honduran State undertakes to provide, free of charge and through public health officials, the adequate treatment required by said persons, after a medical evaluation and issuance of the consent of the victim's family members for this purpose. [...]	
<b>Honduras:</b> <b>Number of measures where progress was achieved: 1 (1 individual)</b> <b>Total compliance: 1</b> <b>Partial substantial: N/A</b> <b>Partial compliance: N/A</b>				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
<b>MEXICO</b>				
134.	Petition 735-07, Report No. 110/20, Ismael Mondragon Molina,	Individual	<b>Clause 3.4 Act of acknowledgment of responsibility.</b> The "MEXICAN STATE" shall hold a public ceremony of recognition of responsibility and public apology in which it recognizes that Ismael Mondragon Molina died because of medical malpractice, attributable to the medical staff of Children's Hospital of the State of Sonora. The public ceremony of recognition shall be headed by the Under-Secretary of Human Rights of the "SEGOB," as well as by the Under-Secretary for Unilateral Affairs and Human Rights of the "SRE." The Governor of the state of Sonora shall be invited to attend said ceremony or to designate a high-level official to attend on her behalf. The specific contents of the ceremony of recognition of responsibility shall be incorporated into the present Agreement in Annex 2, which shall be agreed upon between "THE PARTIES" in conformity with the provisions in the present clause, and they shall part of a public ceremony to be held after the present agreement has been signed. Annex 2 must include the date, place, and general characteristics of the public ceremony of recognition of responsibility. The "MEXICAN STATE" must offer "THE VICTIMS" or their "REPRESENTATIVE" a proposal for the ceremony of recognition of responsibility, which shall incorporate into Annex 2, within three months after the agreement has been signed. The public ceremony must be held within six months after "THE PARTIES" have agreed upon the terms of Annex 2.	<b>Total 2024</b>
135.		Structural	<b>Clause 3.4.1 Dissemination of the Act of acknowledgment of responsibility.</b> The public ceremony of recognition of responsibility shall be disseminated according to the terms set forth in Annex 2	<b>Total 2024</b>
136.	Case 13.007, Report No. 61/22, José Alfredo Jiménez Mota and family,	Structural	<b>V.1 ACT OF PUBLIC ACKNOWLEDGEMENT OF INTERNATIONAL RESPONSIBILITY AND APOLOGY</b> "THE MEXICAN STATE" shall conduct an act of acknowledgment of international responsibility and apology to "THE VICTIMS" within 6 (six) months following the signature of this Agreement. Said act shall acknowledge the human rights violations committed in this case included by the IACHR in its Admissibility Report No. 58/15; namely: Articles 3, 4, 5, 7, 8, 13 and 25 of the ACHR, in connection with Article 1.1 thereof and Articles I and III of the Inter-American Convention on Forced Disappearance of Persons. This act of recognition and apology will be headed by the Undersecretary of Human Rights, Population and Migration of "GOVERNANCE" to which the Governor of the State of Sonora shall attend.	<b>Total 2024</b>



			The particular content of the act of acknowledgment of international responsibility is incorporated into this Friendly Settlement Agreement (ANNEX 1). Said annex was agreed upon by "THE PARTIES" in accordance with the provisions of this clause. "THE MEXICAN STATE" will guarantee and cover the expenses for the participation of "THE VICTIMS" and their accompanying persons in this act of acknowledgement and apology. Said acknowledgment, and the facts of the case, must be published in the Official Gazette of the Federation and on the "GOVERNANCE" website. Additionally, it must be published in a newspaper of wide national circulation, as well as in a newspaper of Sonora.	
137.	Case 14.073, Report No. 162/24, Zenon Alberto Medina López and Relatives,	Individual	<p><b>7. Health measures.</b> [...] The "MEXICAN STATE" undertakes to provide each of the "THE VICTIMS" with adequate, preferential and cost-free medical and psychological care, and specialized care as required.</p> <p>Medical care shall be provided through the public institutions of the "MEXICAN STATE" and in the event that the medical or psychological service required by "THE VICTIMS" needs to be provided in facilities outside their place of residence, the "MEXICAN STATE" shall pay the costs of any travel needed and per diem expenses, provided that the facilities are within the Mexican territory and these services cannot be provided in their place of residence.</p> <p>Medical care shall be extended to the provision of medicines, analyses, necessary studies, and all supplies required, even when the closest public institutions to the place of residence does not have them, thereby ensuring that the "MEXICAN STATE" guarantees complete care through the "CEAV."</p> <p>The "MEXICAN STATE" shall not be obligated to provide medical or psychological care to "THE VICTIMS" if they decide to temporarily or permanently change their residence outside the national territory. Notwithstanding the fact that the medical care may be resumed in the event that they return to Mexican territory.</p>	Partial 2024
138.		Individual	<p><b>9. Compensation.</b> The "MEXICAN STATE" shall issue a payment corresponding to the damages suffered by the affected party, including both material and non-material damages. The payment shall be made considering the provisions of the Rules of Operation of the Trust for the Fulfillment of Human Rights Obligations (Rules of Operation), taking into account the concepts contained in this instrument, and the amounts specified in the corresponding Appendices of the "AGREEMENT."</p> <p>9.1. Compensation for non-material damages. [...]</p> <p>9.2. Compensation for material damages. [...]</p>	Total 2024
139.		Individual	<p><b>9.3. Academic scholarships.</b> As of the signing of this agreement, the "MEXICAN STATE" shall provide scholarships to Reynalda Morales Rodríguez, Jair Alberto Medina Morales, Jesús Brayton Medina Morales, and Jonathan Medina Morales, to enable them to continue with their studies until they complete their university studies, provided they comply with the requirements established in the Rules of Operation.</p> <p>Likewise, considering the degree of progress achieved in their university studies, the "MEXICAN STATE" will make a one-time payment for each of the aforementioned persons for degree expenses and issuance of professional certificates for those victims who have already completed their undergraduate studies or are close to completing them, either by way of reimbursement or payment upon presentation of a receipt (pago a contrarrecibo). For the delivery of the above-mentioned educational support, it will be necessary to submit a proof of studies detailing the degree</p>	Partial substantial 2024



			of progress of the beneficiaries, the approximate time it will take them to graduate, and the cost of the process according to the corresponding university, including the expenses for the processing of any professional license.	
140.		Individual	<b>10. Access to justice.</b> The "MEXICAN STATE", through the "CEAV" and in collaboration with "THE REPRESENTATION", agrees to appoint a Victim's Legal Advisor so that "THE VICTIMS" may access and obtain copies of the cases and other criminal files that are open, related to the facts of the instant case.	<b>Total 2024</b>
<b>Mexico:</b> <b>Number of measures where progress was achieved: 7 (5 individual, 2 structural)</b> <b>Total compliance: 5</b> <b>Partial substantial: 1</b> <b>Partial compliance: 1</b>				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
<b>PANAMÁ</b>				
141.	Case 13.017 C, Report No. 91/19, Relatives of the victims of the military dictatorship, October 1968 to December 1989	Individual	3. Payment of pecuniary reparation. The parties recognize the technical reports resulting from the expert actuarial studies performed by Marcelo Araúz Moreno, economist, license No. 265 and Certified Public Accountant No. 0633-2009, submitted in accordance with requirements of the Ministry of Economy and Finance, on April 13, 2019, regarding the damages suffered by the following family members of the victims of the military dictatorship, [...]. In ANNEX A to this Agreement, the parties include a list of family members of victims recognized by the parties in relation to Case 13.017-C "Relatives of Victims of the Military Dictatorship of Panama from October 1968 to December 1989," which they consider to be consistent with the Final Report of the Truth Commission of Panama. The parties view Annex A as an integral part of this friendly settlement agreement. [...]	<b>Total 2024</b>
<b>Panama:</b> <b>Number of measures where progress was achieved: 1 (1 individual)</b> <b>Total compliance: 1</b> <b>Partial substantial: N/A</b> <b>Partial compliance: N/A</b>				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
<b>PARAGUAY</b>				
142.	Petition 747-05, Report No. 256/20, Y'akâ Marangatú Indigenous Community Mbya people	Structural	<b>SIXTH:</b> The State, through the Ministry of National Emergency [SEN in Spanish] or the Secretariat of Social Action [SAS in Spanish], undertakes to provide basic food to the Community on a monthly basis, as well as the provision of drinking water through the Itapúa Governorate, until the Community can supply itself.	<b>Partial substantial 2024</b>
<b>Paraguay:</b> <b>Number of measures where progress was achieved: 1 (1 structural)</b> <b>Total compliance: N/A</b> <b>Partial substantial: 1</b> <b>Partial compliance: N/A</b>				
<b>PERU</b>				



143.	Petition 494-04, Report No. 20/08, Romeo Edgardo Vargas Romero	Structural	<b>Clause 3. Ceremony of public apology:</b> The representative of the Peruvian State undertakes the commitment to hold a ceremony of public apology in favor of the reinstated judges.	<b>Total 2024</b>
<b>Perú:</b> <b>Number of measures where progress was achieved: 1 (1 structural)</b> <b>Total compliance: 1</b> <b>Partial substantial: N/A</b> <b>Partial compliance: N/A</b>				
<b>Number of measures where progress was achieved</b>			<b>143</b>	
<b>Total number of measures where total compliance was achieved</b>			<b>85</b>	
<b>Total number of measures where partial substantial compliance was achieved</b>			<b>25</b>	
<b>Total number of measures where partial compliance was achieved</b>			<b>33</b>	
<b>Total number of structural measures where progress was achieved</b>			<b>55</b>	
<b>Total number of individual measures where progress was achieved</b>			<b>88</b>	

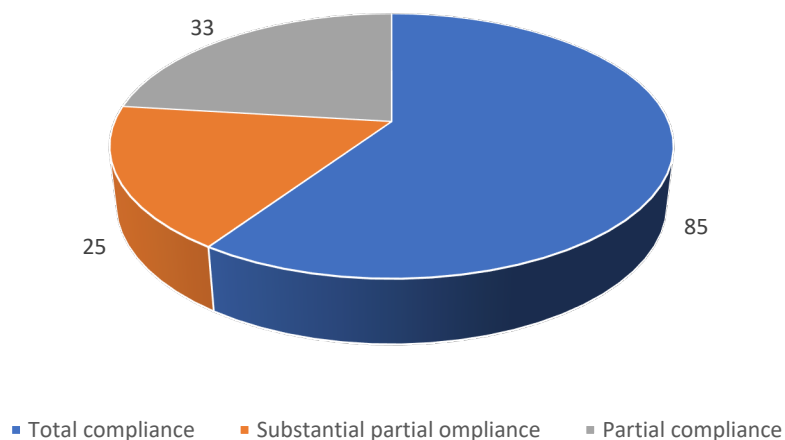
116. The Commission values the efforts of the states of Argentina, Brazil, Chile, Colombia, Ecuador, Guatemala, Honduras, Mexico, Panama, Paraguay and Peru, and welcomes the progress they have made with implementing the clauses in the friendly settlement agreements that contain commitments to victims and their next of kin and on their compliance with the settlement agreements approved by the Inter-American Commission on Human Rights. The Commission reiterates that said compliance is vital for legitimization of the friendly settlement mechanism and for forging trust in the agreements and in the good faith of States wishing to comply with their international commitments. At the same time, the Commission wishes to take this opportunity to urge all States using the friendly settlement mechanism to complete compliance with measures currently being implemented, so that the IACHR can certify total compliance with the friendly settlement agreements and stop monitoring them.

### c. Charts on progress with friendly settlement agreements

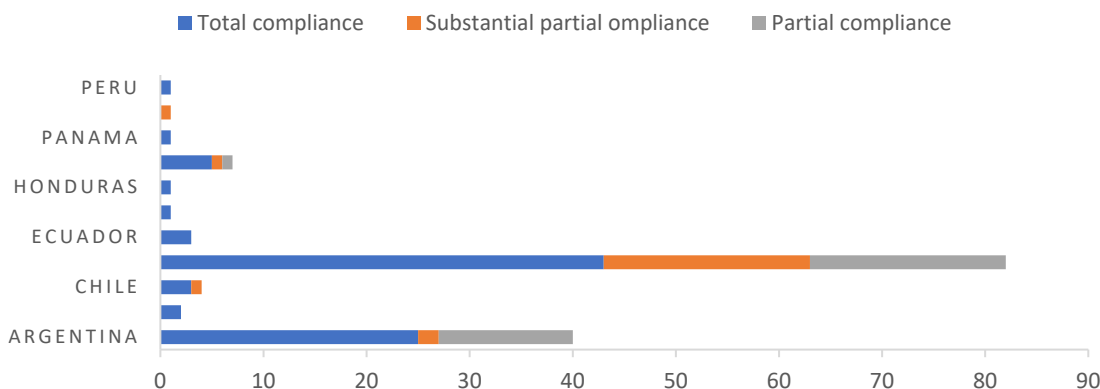
117. Based on the above, following is a graphic description of progress observed with the implementation of friendly settlement agreements in 2024:



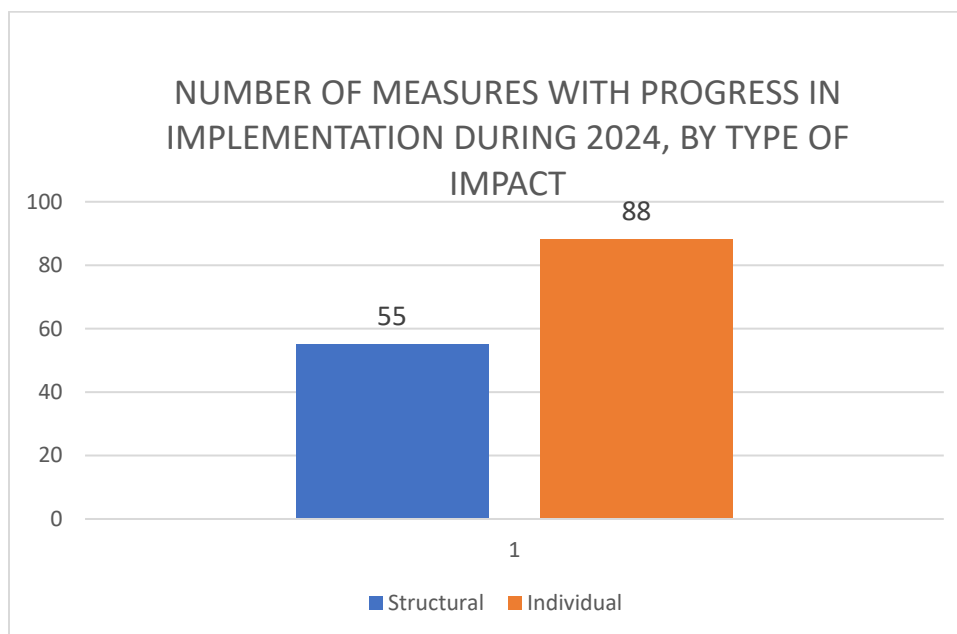
**Number of Measures with progress in implementation during 2024, by level of implementation**



**NUMBER OF MEASURES WITH PROGRESS IN IMPLEMENTATION DURING 2024, BY STATE**







**d. New friendly settlement agreements signed**

118. In 2024, a total of **19** new friendly settlement agreements were signed. They are listed next, in chronological order by the date they were signed:

No.	Matter	Name	Country	Date of signature [YY/MO/DD]
1	15.172	Gloria Lara and children	CO	2023.12.12 <sup>12</sup>
2	13.001	Pueblo Yaqui	MX	2023.12.02 <sup>13</sup>
3	13.533	Juan Isaías Heredia Olivares and Family	CH	2024.03.19
4	P-78-16	Alfredo Marín Bustos and others	MX	2023.02.24 <sup>14</sup>
5	14.802	José Alirio Cañas Morales and Family	CO	2024.05.22
6	14.304	Jhon Fredy Lopera Jaramillo and Family	CO	2024.05.23
7	11.990B	Jhon Jairo Cabarique	CO	2024.05.23
8	12.842	Luis Giován Laverde Moreno and others	CO	2024.05.23
9	13.602	Nelson Enrique Giraldo Ramírez and Family	CO	2024.05.24
10	15.018	Martha Silva Beltran and A.M.S. B	CO	2024.07.05
11	13.139	Javier Charque Choque	BO	2024.08.20
12	12.528	Raúl García Linera and others	BO	2024.08.20

<sup>12</sup> This FSA is reported this year because the Commission received the information after the elaboration of its 2023 Annual Report.

<sup>13</sup> Ibidem.

<sup>14</sup> Ibidem.



13	13.345	Gloria Lucia Magali Neira Rivas and Juan Pablo Belisario Poupin Neira	CH	2024.08.23
14	13.738	Juan Antonio Eduardo Paredes Barrientos	CH	2024.08.23
15	14.150	Bernardo de Castro Lopez	CH	2024.08.23
16	13.661	Giorgio Vera Fernandez	CH	2024.08.14
17	14.628	Manfred Reyes	BO	2024.09.26
18	1221-07	Feliciano Vera González	PY	2024.10.08
19	13.778	Jorge Alirio Pulgarín, Juan Amado Pulgarín y familia	CO	2024.10.18

119. The Commission commends the states of Bolivia, Chile, Colombia, Mexico and Paraguay for their openness to engage with dialogue with the various victims and their representatives to find, together, formulas for making reparation to the victims of human rights violations in the aforementioned matters, taking account of their needs and interests by reaching a friendly settlement.

**e. New friendly settlement monitoring processes**

120. The Commission announces with satisfaction that, in 2024, **13** reports approving friendly settlements were published, for which these matters came to be monitored, for the first time, in the follow up mechanism of the Annual Report of the IACHR. They are listed next, in alphabetical order by the state concerned and chronological order based on the date the Commission's decisions were issued:

Report No.	Petition/Case	Country
27/24	Caso 14.835 Lilia Ana Villagra	Argentina
28/24	Caso 14.836 Lydia Cristina Vieyra	Argentina
29/24	Caso 14.940 Horacio Ricardo Neuman	Argentina
30/24	Caso 14.739 Mary Beatriz Guerra Peña	Argentina
31/24	Caso 13.696 Octavio Romero y Gabriel Gersbach	Argentina
32/24	Caso 13.711 Levis Elcener Centeno Cuero and Family	Colombia
33/24	Caso 12.843 Luis y Leonardo Caisales Dogenesama	Colombia
159/24	Caso 13.892 Denys del Carmen Olivera de Montes and Relatives	Colombia
160/24	Caso 13.602 Nelson Enrique Giraldo Ramirez and Family	Colombia
161/24	Caso 13.974 Claudia Baracaldo Bejarano and Family	Colombia
163/24	Caso 12.842 Brainer Alexander Oquendo Santana	Colombia
164/24	Caso 14.802 José Alirio Cañas Morales and Family	Colombia
162/24	Caso 14.073 Zenon Alberto Medina López and Relatives	Mexico

121. Consequently, the Commission commends the states of Argentina, Colombia, and Mexico and urges them to continue taking actions to comply with those friendly settlement agreements that remain under follow up stage, for the next Annual Report in 2025. For more information on the content of these agreements and the levels of implementation achieved, visit to the [IACHR Friendly Settlement Reports website](#).



### 3. Activities carried out to promote friendly settlements in 2024

#### a. Activities to foster the negotiation and implementation of FSAs

122. As regards the line of work that involves actively facilitating the negotiation of and compliance with friendly settlement agreements, in 2024 the Commission held **23** working meetings to foster the negotiation and implementation of friendly settlement agreements in different matters from Argentina, Bolivia, Chile, Colombia, Guatemala, Honduras, Mexico and Paraguay. Moreover, the Commission facilitated **36** technical meetings to foster friendly settlement efforts and/or preparatory meetings over the year, in various matters from Argentina, Bolivia, Colombia, Guatemala, Mexico, Paraguay and Dominican Republic. Accordingly, in 2024 a total of **59** dialogues tables were facilitated with the parties to advance in friendly settlements.

123. Throughout 2024 the Commission held **14** periodic meetings to review the portfolios of negotiation and monitoring of friendly settlements with Argentina (1); Bolivia (1); Brazil (1); Colombia (2); Ecuador (1); Guatemala (1); Honduras (1); Mexico (2); Panama (1); Paraguay (1); Peru (1) and Dominican Republic (1).

124. In 2024, the Commission issued **9** press releases on friendly settlements<sup>15</sup> and maintained the practice of making visible the progress in the homologation and total compliance of friendly settlement agreements to encourage the authorities in charge of the execution of those measures to follow through on the commitments assumed by the States in friendly settlement agreements.

125. In 2024, the IACHR cleared up **23** matters under the friendly settlement mechanism through **13** homologations, **3** instances of ending negotiations at the request of the parties, **1** matter decided *motu proprio* under Resolution 3/20 and **6** matters archived in the monitoring phase due to inactivity, loss of contact with victims or at the request of the petitioner.<sup>16</sup>

126. The Commission also provided technical advice to the parties in **9** matters subjected to the friendly settlement mechanism involving Bolivia, Colombia and Peru providing information on the mapping of victims, general guidance to draft FSA and/or objective criteria on relevant background of financial compensation under friendly settlement agreements and judgments of the Inter-American Court of Human Rights.

127. Lastly, the Commission participated in **9** ceremonies for signing and/or acknowledgements of responsibility in compliance with various friendly settlement agreements involving Bolivia, Chile and Colombia,<sup>17</sup> including:

No.	Case/ Petition	Name	Country	Date MM/DD/YY
1.	13.533	Juan Isaias Heredia Olivares y Familia	CH	3/19/2024
2.	13.606	Raiza Isabel Salazar	CO	3/19/2024
3.	14.802	José Alirio Cañas	CO	5/24/2024
4.	15.172	Gloria Lara and children	CO	5/24/2024

<sup>15</sup> In this regard, see Press Releases from the IACHR on Friendly Solutions in 2024. Available at: [OAS :: IACHR :: Friendly Settlement :: Press Releases related to friendly settlements](#).

<sup>16</sup> Case 12.080, Report No. 102/05, Sergio Andrés Schiavini and María Teresa Schnack, Argentina; Petition 4617-02, Report No. 30/04, Members of the Indigenous Community Ralco Lepoy, from Alto Bío Bío (Mercedes Julia Huenteao), Chile; Case 12.205, Report No. 44/06, Jose Rene Castro Galarza, Ecuador; Case 12.732, Report No. 86/20, Richard Conrad Solorzano Contreras, Guatemala; Case 12.358, Report No. 24/13, Octavio Rubén González Acosta, Paraguay; and Petition 494-04, Report No. 20/08, Romeo Edgardo Vargas Romero and others, Peru.

<sup>17</sup> In this regard, see Press Release No. 113, [IACHR Completes Working Visit to Colombia Regarding Transition Cases and Friendly Settlements](#), Published on May 24, 2024.



5.	14.304	Jhon Fredy Lopera Jaramillo	CO	5/28/2024
6.	11.990 B	Jhon Jairo Cabarique	CO	5/23/2024
7.	12.842	Luis Giován Laverde Moreno and others	CO	5/23/2024
8.	13.602	Nelson Enrique Giraldo Ramírez and Family	CO	5/28/2024
9.	13.139	Javier Charque Choque	BO	10/9/2024

128. The Commission appreciates and welcomes the good will of the States of Bolivia, Chile and Colombia in implementing these important measures of redress—in face-to-face, virtual and hybrid modalities—and for disseminating them via various media and networks.

**b. Activities to promote the sharing and dissemination of best practices in friendly solutions and to develop tools to facilitate access to information regarding the friendly settlement procedure for users of the Inter-American Human Rights System (IAHRS)**

129. Relating to the IACHR's line of action on the promotion and dissemination of good practices in friendly settlements, it is worth noting that, in 2024, different training activities were carried out, as well as the dissemination of good practices regarding friendly solution.

130. Accordingly, in January 2024, dialogues were held with the African Court of Human Rights to provide technical support in building its capacity to develop its friendly settlement mechanism and to prepare internal guidelines and handbooks for users of the mechanism within said institution. This initiative demonstrates the positioning of the friendly settlement procedure in the Inter-American Human Rights System and the work of the IACHR as an international benchmark in alternative dispute resolution and mediation.

131. Likewise, from May 21 to 24, 2024, a working visit to Colombia was conducted, led by the Commissioner Country Rapporteur, with the main objective of promoting the implementation of concrete measures of comprehensive reparation within the framework of petitions and cases of friendly settlement and cases in transition. In this context, Commissioner Caballero and the technical team of the IACHR Executive Secretariat participated in important events, including the signing of friendly settlement agreements and acknowledgements of responsibility, and also facilitated working meetings to follow up on the implementation of friendly settlement agreements approved by the IACHR.

132. On the other hand, on July 12, the Dialogue between the African Commission on Human and Peoples' Rights and the Inter-American Commission on Human Rights (IACHR) was held, during which the Friendly Settlement Mechanism of the IACHR was presented. The meeting addressed the concerns of the members of the African Commission about the mechanism, conceived as a process that allows the parties to negotiate an agreement for the resolution of the situation brought before the IACHR and its consequences, according to the needs and interests of the victims and separate from the contentious procedures. This space for dialogue highlighted the importance of fostering innovative practices in alternative dispute resolution, promoting comprehensive reparations for victims, and strengthening inter-regional collaboration on human rights. This dialogue reflected the mutual commitment to advance methods that prioritize restorative justice and strategic cooperation between the two institutions.

133. Finally, on November 13, 2024, a meeting was held with the focal points of the United Nations, the European Court of Human Rights, and the Inter-American Court of Human Rights, with the aim of exchanging experiences on the progress and best practices in friendly settlements and identifying areas for cooperation.



#### 4. Status of compliance with reports on friendly settlement agreements, approved pursuant to article 49 of the American Convention on Human Rights

134. In compliance with its conventional and statutory attributes, and in accordance with article 48 of the Rules of Procedure, the IACHR makes the follow-up to its own decisions regarding friendly settlements. This Commission practice began in 2000 and from this moment onwards, information has been requested annually from parties of different petitions and cases to follow-up on friendly settlement reports published in light of article 49 of the American Convention and update the status of compliance of each of the matters under the supervision of the IACHR. Additionally, the IACHR receives information at hearings or working meetings held during the year, and which is also taken into consideration for the analysis of the state of compliance with friendly settlement proceedings as appropriate in each case.

135. For the elaboration of this Chapter, the Commission requested information to the users of the follow up of friendly settlement tool and analyzed in this report the information submitted by the parties until October 15, 2024. Any information received thereafter did not make it into the Chapter could be taken into consideration for the 2025 Annual Report. The parties were duly advised of this information in the context of the requests for information for the preparation of this Chapter of the Annual Report. It should also be noted that the Commission took into account on exceptional basis information received after the closing date in those cases, where working meetings were held in the framework of the working meeting days as well as during the Period of Sessions that generated subsequent actions carried out based on the work lines developed in those meetings or in those matters in which the parties sent partial information within the term provided and after the period they added complementary or clarifying information.

136. The Inter-American Commission on Human Rights continues to make efforts to communicate more clearly the progress made toward implementing friendly settlement agreements. To that end, the Commission prepared detailed compliance monitoring sheets on each active case, identifying both the individual and structural impacts in each case. In the table listed below the link to the record analysis of compliance with each one of the friendly settlement agreements that are currently under follow up stage can be accessed, and the level of general compliance of each case can be observed along with the percentage of execution of the agreements. This allows the parties to see the level of implementation of the agreement beyond the most categories of compliance, partial and pending. Finally, it should be pointed out that in this opportunity the Commission maintained the categories of analysis of the information supplied by the parties,<sup>18</sup> as well as the categories for the individualized analysis of the clauses of the friendly settlement<sup>19</sup> and the categories of the general analysis of the fulfillment of the friendly settlement agreements traditionally used.<sup>20</sup>

<sup>18</sup> Below are the categories of information analysis:

- **Relevant information provided:** the information provided is relevant, updated and extensive on measures adopted related to compliance with at least one of the clauses of the friendly settlement agreement, within the period specified by the IACHR.
- **Information provided that is not relevant:** the information was provided within the period specified by the IACHR but does not refer to the measures adopted regarding compliance with at least one of the clauses of the friendly settlement agreement pending compliance, is outdated, or is repetitive to the information presented in previous years without presenting new information.
- **Information not provided:** information on measures adopted to comply with clauses of the friendly settlement agreement was not provided; The IACHR is expressly informed that the information will not be presented; or extension(s) to provide information were requested and, in the end, the information was not provided.

<sup>19</sup> The individual compliance status categories of its friendly settlement agreement clauses are listed below:

- **Total compliance:** a FSA clause in which the State has begun and satisfactorily completed the measure for compliance.
- **Partial Substantial compliance:** a FSA clause in which the State has adopted relevant measures for compliance and has provided evidence thereof, but the Commission finds that the measures for compliance thereof have still not been completed.
- **Partial compliance:** a FSA clause in which the State has adopted some measures for compliance, but it still must adopt additional measures.
- **Compliance pending:** a FSA clause in which the State has not adopted any measure to comply with the measure; or the steps taken have still not produced concrete results; or the measure(s) adopted is/are not relevant to the situation under examination.
- **Non-compliance:** a FSA clause in which, due to the State's conduct, it is not possible for the State to comply, or the State has expressly advised that it will not comply with the measure.

<sup>20</sup> The Commission decided to maintain the traditionally used categories of comprehensive examination of petitions and cases, which are:



137. In light of the above, the commission observes that the status of compliance with friendly settlement agreements in 2024, is as follows:

CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
1. Case 11.307, Report No. 103/01, María Merciadri de Morini (Argentina) <sup>23</sup>	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreements of Argentina that are subject to monitoring</a>	X			100%	Closed
2. Case 11.804, Report No. 91/03, Juan Angel Greco (Argentina)			X		63%	Active
3. Case 12.080, Report No. 102/05, Sergio Schiavini and María Teresa Schnack (Argentina)			X		50%	Closed 2024
4. Case 12.298, Report No. 81/08, Fernando Giovanelli (Argentina) <sup>24</sup>			X		60%	Closed
5. Case 12.159, Report No. 79/09, Gabriel Egisto Santillan		X			100%	Closed

• **Total compliance:** those cases in which the State has fully complied with all of the FSA clauses published by the IACHR. The Commission considers as complied with all the clauses of the FSA in which the State has started and satisfactorily completed the measures for compliance of all the clauses of the agreement.

• **Partial compliance:** those cases in which the State has partially complied with the FSA clauses published by the IACHR, either by having complied with only one or some of the FSA clauses, or through incomplete compliance with all of the FSA clauses; those cases in which the State has fully complied with all of the FSA clauses published by the IACHR except for one of them, with which it has been unable to comply.

• **Compliance pending:** those cases in which the IACHR considers that there has been no compliance with the FSA clauses published by it, because no steps were taken to that end; or the steps taken have still not produced concrete results; because the State has expressly indicated that it will not comply with the FSA clauses published by the IACHR; or the State has not reported to the IACHR and the Commission has no information from other sources to suggest otherwise.

<sup>21</sup> The cases in which there is a repetition of the matter number followed by a letter refer to negotiation processes in which the figure of the disaggregation was applied due to the existence of different beneficiaries of separate FSA; to address different claims according to the interests of the victims and/or petitioners, or because of the loss of contact and/or lack of will of any of the victims and/or petitioners to advance through the friendly settlement procedure, among other scenarios.

<sup>22</sup> The percentage of compliance was calculated taking into consideration the total number of measures established in each agreement as a 100%, and the number of clauses that have been totally complied with.

<sup>23</sup> See IACHR, Annual Report 2008, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 38-40.

<sup>24</sup> See [IACHR, Annual Report 2019, Chapter II, Section G. Friendly Settlements](#). At the petitioner's request, the Commission decided, in accordance with Article 42 and 48 of its Regulations, to cease monitoring compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measures and legislative reforms enshrined in the friendly settlement agreement.



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
Reigas (Argentina) <sup>25</sup>						
6. Case 11.758, Report No. 15/10, Rodolfo Correa Belisle (Argentina) <sup>26</sup>		X			100%	Closed
7. Case 11.796, Report No. 16/10, Mario Humberto Gómez Yardez (Argentina) <sup>27</sup>		X			100%	Closed
8. Case 12.536, Report No. 17/10, Raquel Natalia Lagunas and Sergio Antonio Sorbellini (Argentina)			X		80%	Active
9. Petition 242-03, Report No. 160/10, Inocencia Luca Pegoraro (Argentina) <sup>28</sup>		X			100%	Closed
10. Petition 4554-02, Report No. 161/10, Valerio Castillo Báez (Argentina) <sup>29</sup>		X			100%	Closed
11. Petition 2829-02, Report No. 11/19, Inocencio Rodríguez (Argentina) <sup>30</sup>		X			100%	Closed

<sup>25</sup> See IACHR, *Annual Report 2022*, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreements. Available in: [https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022\\_Cap\\_2\\_EN.pdf](https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022_Cap_2_EN.pdf).

<sup>26</sup> See IACHR, *Annual Report 2015*, Chapter III, Section D: Status of Compliance with IACHR Recommendations, para. 114.

<sup>27</sup> See IACHR, *Annual Report 2011*, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 159-164.

<sup>28</sup> See IACHR, *Annual Report 2021*, Chapter II, Section F. Negotiation, and implementation of friendly settlement agreements. Available in: <http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap2-en.pdf>.

<sup>29</sup> See IACHR, *Annual Report 2013*, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 165 – 175.

<sup>30</sup> See IACHR, *Annual Report 2016*, Chapter II, Section D: Status of Compliance with Recommendations and Friendly Settlements in individual cases, paras. 194-205.



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
12. Case 11.708, Report No. 20/11, Anibal Acosta and L. Hirsch (Argentina) <sup>31</sup>		X			100%	Closed
13. Case 11.833, Report No. 21/11, Ricardo Monterisi (Argentina) <sup>32</sup>		X			100%	Closed
14. Case 12.532, Report No. 84/11, Penitentiaries of Mendoza (Argentina)			X		73%	Active
15. Case 12.306, Report No. 85/11, Juan Carlos de la Torre (Argentina)			X		33%	Active
16. Case 11.670, Report No. 168/11, Menéndez and Caride (Argentina) <sup>33</sup>		X			100%	Closed
17. Case 12.182, Report No. 109/13, Florentino Rojas (Argentina) <sup>34</sup>		X			100%	Closed
18. Petition 21-05, Report No. 101/14, Ignacio Cardozo et al. (Argentina)			X		20%	Active
19. Case 12.710, Report No. 102/14, Marcos Gilberto Chaves and Sandra Beatriz Chaves (Argentina) <sup>35</sup>		X			100%	Closed

<sup>31</sup> See, IACHR, Annual Report 2014, Chapter II, Section D: States of Compliance with the Recommendations of the IACHR, paras. 173-181.

<sup>32</sup> See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 180-183.

<sup>33</sup> See IACHR, Annual Report 2013, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 225-252.

<sup>34</sup> See IACHR, *Annual Report 2022*, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreements. Available in: [https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022\\_Cap\\_2\\_EN.pdf](https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022_Cap_2_EN.pdf).

<sup>35</sup> See IACHR, Annual Report 2018, Chapter II, Section G. "Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR."



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
20. Case 12.854, Report No. 36/17, Ricardo Javier Kaplun (Argentina)			X		60%	Active
21. Case 13.011, Report No. 197/20, Graciela Ramos Rocha, and family (Argentina) <sup>36</sup>		X			100%	Closed
22. Petition 245-03, Report No. 39/21, Walter Mauro Yañez (Argentina) <sup>37</sup>		X			100%	Closed
23. Case 13.595, Report No. 207/21, Amanda Graciela Encaje and Family (Argentina)			X		71%	Active
24. Case 12.289, Report No. 168/2022, Guillermo Santiago Zaldivar (Argentina)			X		50%	Active
25. Petition 1256-05, Report No. 305/22, Ivana Rosales (Argentina)			X		54%	Active
26. Case 13.869, Report No. 349/22, Silvia Mónica Severini (Argentina) <sup>38</sup>		X			100%	Closed
27. Case 14.669, Report No. 350/22, Mariano Bejarano (Argentina) <sup>39</sup>		X			100%	Closed

<sup>36</sup> See IACHR, Annual Report 2021, Chapter II, Section F. Negotiation, and implementation of friendly settlement agreements. Available in: <http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap2-en.pdf>.

<sup>37</sup> See IACHR, Report No. 39/21, Petition 245-03. Friendly Settlement. Walter Mauro Yañez. Argentina. March 19, 2021.

<sup>38</sup> See IACHR, [Annual Report 2023, Chapter II, Section C. Advances and challenges on negotiation and implementation of friendly settlement agreements.](#)

<sup>39</sup> See IACHR, [Annual Report 2023, Chapter II, Section C. Advances and challenges on negotiation and implementation of friendly settlement agreements.](#)



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
28. Case 13.888, Report No. 85/23, Diego Pablo Paredes, (Argentina)			X		75%	Active
29. Case 14,770, Report No. 211/23, Alicia María Jardel (Argentina)		X			100%	Closed 2024
30. Case 14,781, Report No. 212/2023, Luis Carlos Abregu, (Argentina)		X			100%	Closed 2024
31. Case 14,714, Report No. 215/23, Francisco Naishtat, (Argentina)		X			100%	Closed 2024
32. Case 13,804, Report No. 216/23, Carlos Ballivian Jiménez, (Argentina)			X		25%	Active
33. Case 14,778, Report No. 217/23, Graciela Edit Abecasis, (Argentina)			X		75%	Active
34. Case 14,536, Report No. 219/23, Eduardo Molina Zequeira, (Argentina)			X		25%	Active
35. Case 13,020, Report No. 220/23, Carlos Fraticelli, (Argentina) <sup>40</sup>		X			100%	Closed
36. Petition 268-10, Report No. 266/23, Maria del Carmen Senem de Buzzi, (Argentina)			X		75%	Active

<sup>40</sup> See IACHR, Report No. 220/23, Case 13.020. Friendly Settlement. Carlos Andrés Fraticelli. Argentina. October 22, 2023.



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
37. Case 14,769, Report No. 267/23, Claudia and Ana María Kleinman, (Argentina)				X	0%	Active
38. Case 14,771, Report No. 268/23, Lilia Etcheverry and family, (Argentina)			X		33%	Active
39. Case 13,581, Report No. 269/23, José Luis D'Andrea Mohr, (Argentina)			X		50%	Active
40. Case 14,835, Report No. 27/24, Lilia Ana Villagra, (Argentina)			X		25%	Active
41. Case 14,836, Report No. 28/24, Lydia Cristina Vieyra, (Argentina)			X		25%	Active
42. Case 14,940, Report No. 29/24, Horacio Ricardo Neuman, (Argentina)			X		25%	Active
43. Case 14,739, Report No. 30/24, Mary Beatriz Guerra Peña, (Argentina)			X		25%	Active
44. Case 13,696, Report No. 31/24, Octavio Romero y Gabriel Gersbach, (Argentina)			X		33%	Active
45. Case 12,475, Report No. 97/05,	N/A	X			100%	Closed



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
Alfredo Díaz Bustos (Bolivia) <sup>41</sup>						
46. Case 12.516, Report No. 98/05, Raúl Zavala Málaga and Jorge Pacheco Rondón (Bolivia) <sup>42</sup>		X			100%	Closed
47. Petition 269-05, Report No. 82/07, Miguel Angel Moncada Osorio and James David Rocha Terraza (Bolivia) <sup>43</sup>		X			100%	Closed
48. Petition 788-06, Report No. 70/07, Víctor Hugo Arce Chávez (Bolivia) <sup>44</sup>		X			100%	Closed
49. Case 12.350, Report No. 103/14, M.Z. (Bolivia) <sup>45</sup>		X			100%	Closed
50. Case 11,426, Report No. 270/23, Marcela Porco (Bolivia) <sup>46</sup>	N/A	X			100%	Closed
51. Case 11.289, Report No. 95/03, José Pereira (Brazil)	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreements of Brazil that are subject to monitoring</a>		X		83%	Active
52. Cases 12.426 and 12.427, Report No. 43/06, Raniê Silva Cruz, Eduardo Rocha da Silva and Raimundo Nonato Conceição Filho (Brazil) <sup>47</sup>		X			100%	Closed

<sup>41</sup> See IACHR, Annual Report 2018, Chapter II, Section G. "Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR."

<sup>42</sup> See IACHR, Annual Report 2009, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 109-114.

<sup>43</sup> See IACHR, Annual Report 2009, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 115-119.

<sup>44</sup> See IACHR, Annual Report 2009, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 120-124.

<sup>45</sup> See IACHR, Friendly Settlement Report No. 103-14, Case 12.350, (M.Z. Bolivia), dated November 7, 2014. See IACHR, Annual Report 2015, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 290.

<sup>46</sup> See IACHR, Report No. 270/23, Case 11.426. Friendly Settlement. [Marcela Alejandra Porco. Bolivia. November 30, 2023].

<sup>47</sup> See IACHR, Annual Report 2008, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 162-175.



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
53. Case 12.674, Report No. 111/20, Marcio Lapoente Da Silveira (Brazil)			X		87%	Active
54. Case 12.277, Report No. 136/21, Fazenda Ubá (Brazil)			X		44%	Active
55. Case 12,673, Report No. 114/23, Jose Dutra Da Costa (Brazil)			X		50%	Active
56. Case 11.715, Report No. 32/02, Juan Manuel Contreras San Martín et al. (Chile) <sup>48</sup>	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreements of Chile that are subject to monitoring</a>	X			100%	Closed
57. Case 12.046, Report No. 33/02, Mónica Carabantes Galleguillos (Chile) <sup>49</sup>		X			100%	Closed
58. Petition 4617/02, Report No. 30/04, Mercedes Julia Huenteao Beroiza et al. (Chile)			X		92%	Closed 2024
59. Case 12.337, Report No. 80/09, Marcela Andrea Valdés Díaz (Chile) <sup>50</sup>		X			100%	Closed
60. Petition 490-03, Report No. 81/09 "X" (Chile) <sup>51</sup>		X			100%	Closed
61. Case 12.281, Report No. 162/10, Gilda Rosario Pizarro et al. (Chile) <sup>52</sup>		X			100%	Closed

<sup>48</sup> See IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 187-190.

<sup>49</sup> See IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 191-194.

<sup>50</sup> See IACHR, Annual Report 2010, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 298-302.

<sup>51</sup> See IACHR, Annual Report 2010, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 303-306.

<sup>52</sup> See IACHR, Annual Report 2011, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 337-345.



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
62. Case 12.195, Report No. 163/10, Mario Alberto Jara Oñate (Chile) <sup>53</sup>	<a href="#">Link to monitoring sheets on matters related to reports of</a>	X			100%	Closed
63. Case 12.232, Report No. 86/11, María Soledad Cisternas (Chile) <sup>54</sup>		X			100%	Closed
64. Petition 687-11, Report No. 138/19, Gabriela Blas Blas and her daughter C.B.B. (Chile) <sup>55</sup>		X			100%	Closed
65. Case 12.190; Report No. 37/19, Jose Luis Tapia, and Other Members of the Carabineros (Chile) <sup>56</sup>		X			100%	Closed
66. Case 12.233, Report No. 137/19, Víctor Amestica Moreno and Others (Chile) <sup>57</sup>		X			100%	Closed
67. Petition 1275-04 A, Report No. 23/20, Juan Luis Rivera Matus (Chile) <sup>58</sup>		X			100%	Closed
68. Case 11.141, Report No. 105/05, Massacre of Villatina (Colombia) <sup>59</sup>		X			100%	Closed

<sup>53</sup> See IACHR, Annual Report 2011, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 346-354.

<sup>54</sup> See IACHR, Annual Report 2012, Chap II, Section D: Status of Compliance with IACHR Recommendations, paras. 408-412.

<sup>55</sup> See IACHR, [Annual Report 2023, Chapter II, Section C, Advances and challenges on negotiation and implementation of friendly settlement agreements](#).

<sup>56</sup> See IACHR, IACHR, Report No. 37/19, Case 12.190. Friendly Settlement. José Luis Tapia and Other Members of the Carabineros. Chile. April 16, 2019.

<sup>57</sup> See [IACHR, Annual Report 2019, Chapter II, Section G, Friendly Settlements](#).

<sup>58</sup> See IACHR, Annual Report 2020. Chapter II. Section F. Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>.

<sup>59</sup> See IACHR, Annual Report 2020. Chapter II. Section F. Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>.



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
69. Case 10.205, Report No. 53/06, Germán Enrique Guerra Achuri (Colombia) <sup>60</sup>	<a href="#">friendly settlement agreements of Colombia that are subject to monitoring</a>	X			100%	Closed
70. Petition 477-05, Report No. 82/08 X and relatives (Colombia) <sup>61</sup>		X			100%	Closed
71. Petition 401-05, Report No. 83/08 Jorge Antonio Barbosa Tarazona <i>et al.</i> (Colombia) <sup>62</sup>		X			100%	Closed
72. Case 12.376, Report No. 59/14, Alba Lucía, Rodríguez (Colombia)			X		57%	Active
73. Case 12.756, Report No. 10/15, Massacre El Aracatazzo Bar (Colombia) <sup>63</sup>		X			100%	Closed
74. Petition 108-00, Report No. 38/15, Massacre of Segovia (28 family groups) (Colombia) <sup>64</sup>		X			100%	Closed
75. Petition 577-06, Report No. 82/15, Gloria González, and family (Colombia)			X		83%	Active
76. Case 11.538, Report No. 43/16, Herson		X			100%	Closed

<sup>60</sup> See IACHR, Annual Report 2010, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 329-333.

<sup>61</sup> See IACHR, Annual Report 2010, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 339-344.

<sup>62</sup> See IACHR, [Annual Report 2023, Chapter II, Section C. Advances and challenges on negotiation and implementation of friendly settlement agreements](#).

<sup>63</sup> See IACHR, *Annual Report 2022*, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreements. Available in: [https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022\\_Cap\\_2\\_EN.pdf](https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022_Cap_2_EN.pdf).

<sup>64</sup> See IACHR, [Annual Report 2023, Chapter II, Section C. Advances and challenges on negotiation and implementation of friendly settlement agreements](#).



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
Javier Caro (Colombia) <sup>65</sup>						
77. Case 12.541, Report No. 67/16, Omar Zuñiga Vásquez and Amira Isabel Vásquez de Zuñiga (Colombia)			X		33%	Active
78. Case 11.007, Report No. 68/16, Massacre of Trujillo (Colombia)			X		62%	Active
79. Case 12.712, Report No. 135/17, Rubén Darío Arroyave (Colombia) <sup>66</sup>		X			100%	Closed
80. Case 12.714, Report No. 136/17, Belen Altavista Massacre (Colombia)			X		80%	Active
81. Case 12.941, Report No. 92/18, Nicolasa, and Family (Colombia)			X		43%	Active
82. Petition 799-06, Report No. 93/18, Isidoro León Ramírez, et al. (Colombia)		X			100%	Closed 2024
83. Case 11.990 A, Report No. 34/19, Oscar Orlando Bueno Bonnet et al. (Colombia)			X		44%	Active

<sup>65</sup> See IACHR, *Annual Report 2022*, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreements. Available in: [https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022\\_Cap\\_2\\_EN.pdf](https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022_Cap_2_EN.pdf).

<sup>66</sup> See IACHR, *Annual Report 2023*, Chapter II, Section C. Advances and challenges on negotiation and implementation of friendly settlement agreements.



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
84. Case 11.144, Report No. 109/19, Gerson Jairzinho González Arroyo (Colombia)			X		66%	Active
85. Case 13.776, Report No. 1/20, German Eduardo Giraldo, and family (Colombia)			X		67%	Active
86. Case 13.728, Report No. 21/20, Amira Guzmán Alonso (Colombia) <sup>67</sup>		X			100%	Closed
87. Case 12.909, Report No. 22/20, Gerardo Bedoya Borrero (Colombia)			X		90%	Active
88. Case 13.370, Report No. 8/20, Luis Horacio Patiño and family (Colombia)		X			100%	Closed 2024
89. Petition 595-09, Report No. 84/20, Jorge Alberto Montes Gallego, and family (Colombia) <sup>68</sup>		X			100%	Closed
90. Case 13.319, Report No. 213/20, William Fernández Becerra, and family (Colombia)			X		27%	Active

<sup>67</sup> See IACHR, *Annual Report 2022*, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreements. Available in: [https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022\\_Cap\\_2\\_EN.pdf](https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022_Cap_2_EN.pdf).

<sup>68</sup> See IACHR, *Annual Report 2023*, Chapter II, Section C. Advances and challenges on negotiation and implementation of friendly settlement agreements.



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
91. Case 13.421, Report No. 333/20, Geminiano Gil Martinez and family (Colombia) <sup>69</sup>		X			100%	Closed
92. Case 13.642, Report No. 41/21, Edgar José Sánchez Duarte, and Family		X			100%	Closed 2024
93. Case 13.171, Report No. 115/21, Luis Argemiro Gómez Atehortua (Colombia)			X		80%	Active
94. Case 13.571, Report 336/21, Carlos Mario Muñoz Gómez, (Colombia)			X		75%	Active
95. Case 13.758, Report 337/21, Franklin Bustamante Restrepo (Colombia)		X			100%	Closed 2024
96. Case 14.291, Report No. 58/22, Captain N (Colombia)			X		50%	Active
97. Petition 53-17, Report No. 59/22, Luis Gerardo Bermudez (Colombia)			X		75%	Active
98. Petition 51-4-11, Report No. 60/22, Luis Hernando Morera Garzón (Colombia)			X		60%	Active

<sup>69</sup> See IACHR, [Annual Report 2023, Chapter II, Section C, Advances and challenges on negotiation and implementation of friendly settlement agreements](#).



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
99. Case 13.775, Report No. 63/22, Gabriel Angel Gómez Martínez and Family (Colombia)		X			100%	Closed 2024
100. Case 13.654, Informe No. 64/22, Juan Simón Cantillo Raigoza and Family (Colombia)			X		50%	Active
101. Case 14.306, Report No. 65/22, José Ramón Ochoa Salazar, and Family (Colombia)			X		60%	Active
102. Case 13.964, Report No. 66/22, Darío Gómez Cartagena, and Family (Colombia)			X		67%	Active
103. Case 13.436, Report No. 67/22, José Oleaguer Correa Castrillón (Colombia)		X			100%	Closed 2024
104. Case 13.125, Report No. 68/22, Ricardo Antonio Elías and Family (Colombia)			X		67%	Active
105. Petition 13 91-15, Report No. 94/22, Mario Antonio Cardona et al. (Colombia)			X		67%	Active
106. Petition 16 17-12, Report No. 169/22, Domingo José Rivas Coronado (Colombia)			X		86%	Active



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
107. Case 14.312, Report No. 170/22, Juan Carlos De La Calle Jiménez y Javier De La Calle Jiménez (Colombia)			X		75%	Active
108. Case 14.093, Report No. 285/22, Ernesto Ramírez Berrios			X		83%	Active
109. Case 13.226, Report No. 286/22, Dora Inés Meneses Gómez et al. (Colombia)			X		20%	Active
110. Case 13,710, Report No. 109/23, Julián Alberto Toro Ortiz and family, (Colombia)			X		33%	Active
111. Case 14,577, Report No. 110/23, Teobaldo Enrique Martínez Fuentes and family, (Colombia)			X		75%	Active
112. Case 13,840, Report No. 111/23, Edwin Hernán Ciro and family, (Colombia)			X		33%	Active
113. Case 14,070, Report No. 112/23, José Omar Torres Barbosa, (Colombia)			X		17%	Active
114. Petition 1478-12, Report No. 113/23, José Manuel Bello Nieves, (Colombia)			X		50%	Active



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
115. Case 13,232, Report No. 115/23, Omar Ernesto Vázquez Agudelo, (Colombia)			X		75%	Active
116. Case 14,719, Report No. 116/23, Geovanni Aguirre Soto, (Colombia)			X		33%	Active
117. Case 12,908, Report No. 208/23, Jorge Freytter Romero, (Colombia)			X		30%	Active
118. Case 13,780, Report No. 209/23, Hugo Ferney León Londoño, (Colombia)			X		50%	Active
119. Case 14,145, Report No. 210/23, Eleazar Vargas Ardila and Relatives, (Colombia)			X		33%	Active
120. Case 12,490, Report No. 218/23, Asmeth Yamith Salazar, (Colombia)			X		80%	Active
121. Case 14,003, Report No. 221/23, Maria Regina Ocampo, (Colombia)			X		50%	Active
122. Case 13,971, Report No. 271/23, Merardo Ivan Vahos Arcila and Familia, (Colombia)			X		50%	Active



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
123. Case 14,808, Report No. 272/23, Diego Felipe Becerra Lizarazo and Family, (Colombia)			X		50%	Active
124. Case 14,906, Report No. 273/23, Eladia Mendez Bautista, (Colombia)			X		50%	Active
125. Case 14,887, Report No. 274/23, Blanca Ruth Sanchez de Franco y Familia, (Colombia)			X		50%	Active
126. Case 13.711, Report No. 32/24, Levis Elcener Centeno Cuero, and family, (Colombia)			X		20%	Active
127. Case 12.843, Report No. 33/24, Luis y Leonardo Caisales Dogenesama, (Colombia)			X		14%	Active
128. Case 13.892, Report No. 159/24, Denys Del Carmen Olivera De Montes and family, (Colombia)			X		20%	Active



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
129. Case 13.602, Report No. 160/24, Nelson Enrique Giraldo Ramírez and family, (Colombia)			X		25%	Active
130. Case 13.974, Report No. 161/24, Claudia Baracaldo Bejarano et al., (Colombia)			X		10%	Active
131. Case 12.842, Report No. 163/24, Brainer Alexander Oquendo Santana, and family, (Colombia)			X		25%	Active
132. Case 14.802, Report No. 164/24, José Alirio Cañas Morales and family, (Colombia)			X		25%	Active
133. Case 12.942, Report No. 71/19, Emilia Morales Campos (Costa Rica) <sup>70</sup>	N/A	X			100%	Closed

<sup>70</sup> See IACHR, IACHR, Report No. 71/19, Case 12.942 Friendly Settlement. Emilia Morales Campos. Costa Rica May 15, 2019.



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
134. Case 11.421, Report No. 93/00, Edison Patricio Quishpe Alcivar (Ecuador) <sup>71</sup>	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreements of Ecuador that are subject to monitoring</a>		X		67%	Closed
135. Case 11.439, Report No. 94/00, Byron Roberto Cañaveral (Ecuador) <sup>72</sup>			X		67%	Closed
136. Case 11.445, Report No. 95/00, Angelo Javier Ruales Paredes (Ecuador) <sup>73</sup>		X			100%	Closed
137. Case 11.466, Report No. 96/00, Manuel Inocencio Lalvay Guzman (Ecuador) <sup>74</sup>			X		75%	Closed
138. Case 11.584, Report No. 97/00, Carlos Juella Molina (Ecuador) <sup>75</sup>			X		67%	Closed
139. Case 11.783, Report No. 98/00, Marcia Irene Clavijo Tapia, (Ecuador) <sup>76</sup>			X		67%	Closed

<sup>71</sup> See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

<sup>72</sup> See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

<sup>73</sup> See IACHR, Annual Report 2008, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 283-286.

<sup>74</sup> See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

<sup>75</sup> See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

<sup>76</sup> See [IACHR, 2019 Annual Report, Chapter II, Section G. Friendly Settlements](#). Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
140. Case 11.868, Report No. 99/00, Carlos Santiago, and Pedro Andrés Restrepo Arismendy (Ecuador) <sup>77</sup>			X		67%	Closed
141. Case 11.991, Report No. 100/00, Kelvin Vicente Torres Cueva (Ecuador) <sup>78</sup>			X		67%	Closed
142. Case 11.478, Report No. 19/01, Juan Climaco Cuellar et al. (Ecuador)			X		50%	Active
143. Case 11.512, Report No. 20/01, Lida Angela Riera Rodríguez			X		50%	Closed
144. Case 11.605, Report No. 21/01, René Gonzalo Cruz Pazmiño (Ecuador) <sup>80</sup>			X		50%	Closed

agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

<sup>77</sup> See IACHR, Annual Report 2020, Chapter II, Section F, Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf> Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

<sup>78</sup> See IACHR, Annual Report 2020, Chapter II, Section F, Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

<sup>79</sup> See IACHR, Annual Report 2018, Chapter II, Section G, "Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR." At the request of the petitioner, the Commission decided, in accordance with Articles 42 and 48 of its Rules of Procedure, to conclude its monitoring of compliance with the friendly settlement agreement and to close the matter. The IACHR considers that the State did not comply with the justice measure set forth in the friendly settlement agreement.

<sup>80</sup> See IACHR, Annual Report 2020, Chapter II, Section F, Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
145. Case 11.779, Report No. 22/01, José Patricio Reascos (Ecuador) <sup>81</sup>			X		50%	Closed
146. Case 11.441, Report No. 104/01, Rodrigo Elicio Muñoz Arcos et al. (Ecuador) <sup>82</sup>			X		50%	Closed
147. Case 11.443, Report No. 105/01, Washington Ayora Rodríguez (Ecuador) <sup>83</sup>			X		50%	Closed
148. Case 11.450, Report No. 106/01, Marco Vinicio Almeida Calispa (Ecuador) <sup>84</sup>			X		50%	Closed
149. Case 11.542, Report No. 107/01, Angel Reiniero Vega Jiménez (Ecuador) <sup>85</sup>			X		50%	Closed

<sup>81</sup> See IACHR, Annual Report 2018, Chapter II, Section G. “Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR.” At the request of the petitioner, the Commission decided, in accordance with Articles 42 and 48 of its Rules of Procedure, to conclude its monitoring of compliance with the friendly settlement agreement and to close the matter. The IACHR considers that the State did not comply with the justice measure set forth in the friendly settlement agreement.

<sup>82</sup> See [IACHR, 2019 Annual Report, Chapter II, Section G. Friendly Settlements](#). Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

<sup>83</sup> See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

<sup>84</sup> See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

<sup>85</sup> See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
150. Case 11.574, Report No. 108/01, Wilberto Samuel Manzano (Ecuador) <sup>86</sup>			X		50%	Closed
151. Case 11.632, Report No. 109/01, Vidal Segura Hurtado (Ecuador) <sup>87</sup>			X		50%	Closed
152. Case 12.007, Report No. 110/01, Pompeyo Carlos Andrade Benítez (Ecuador) <sup>88</sup>			X		50%	Closed
153. Case 11.515, Report No. 63/03, Bolívar Franco Camacho Arboleda			X		50%	Closed
154. Case 12.188, Report No. 64/03, Joffre José Valencia Mero, Priscila Fierro, Zoreida Valencia Sánchez, Rocío Valencia Sánchez (Ecuador) <sup>90</sup>			X		50%	Closed

<sup>86</sup> See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

<sup>87</sup> See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

<sup>88</sup> See IACHR, Annual Report 2021, Chapter II, Section F. Negotiation, and implementation of friendly settlement agreements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement. Available in: <http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap2-en.pdf>.

<sup>89</sup> See IACHR, Annual Report 2018, Chapter II, Section G. "Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR." At the request of the petitioner, the Commission decided, in accordance with Articles 42 and 48 of its Rules of Procedure, to conclude its monitoring of compliance with the friendly settlement agreement and to close the matter. The IACHR considers that the State did not comply with the justice measure set forth in the friendly settlement agreement.

<sup>90</sup> See IACHR, Annual Report 2018, Chapter II, Section G. "Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR." At the request of the petitioner, the Commission decided, in accordance with Articles 42 and 48 of its Rules of Procedure, to conclude its monitoring of compliance with the friendly settlement agreement and to close the matter. The IACHR considers that the State did not comply with the justice measure set forth in the friendly settlement agreement.



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
155. Case 12.394, Report No. 65/03, Joaquín Hernández Alvarado, Marlon Loor Argote and Hugo Lara Pinos (Ecuador) <sup>91</sup>			X		50%	Closed
156. Case 12.205, Report No. 44/06, José René Castro Galarza (Ecuador)			X		50%	Closed 2024
157. Case 12.207, Report No. 45/06, Lizandro Ramiro Montero Masache (Ecuador) <sup>92</sup>			X		50%	Closed
158. Case 12.238, Report No. 46/06, Myriam Larrea Pintado (Ecuador) <sup>93</sup>			X		60%	Closed
159. Case 12.558, Report No. 47/06, Fausto Mendoza Giler and Diogenes Mendoza Bravo (Ecuador) <sup>94</sup>			X		50%	Closed

<sup>91</sup> See IACHR. Annual Report 2020. Chapter II. Section F. Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

<sup>92</sup> See IACHR, Annual Report 2018, Chapter II, Section G. "Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR." At the request of the petitioner, the Commission decided, in accordance with Articles 42 and 48 of its Rules of Procedure, to conclude its monitoring of compliance with the friendly settlement agreement and to close the matter. The IACHR considers that the State did not comply with the justice measure set forth in the friendly settlement agreement.

<sup>93</sup> See IACHR. Annual Report 2020. Chapter II. Section F. Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

<sup>94</sup> See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
160. Petition 533-05, Report No. 122/12, Julio Rubén Robles Eras (Ecuador) <sup>95</sup>			X		67%	Closed
161. Case 12.631, Report No. 61/13, Karina Montenegro et al. (Ecuador)			X		88%	Active
162. Case 12.957, Report No. 167/18, Luis Bolívar Hernández Peñaherrera (Ecuador) <sup>96</sup>		X			100%	Closed
163. Case 11.626 A, Report No. 81/20, Fredy Oreste Cañola Valencia (Ecuador) <sup>97</sup>			X		67%	Closed
164. Case 11.626 B, Report No. 82/20, Luis Enrique Cañola Valencia (Ecuador) <sup>98</sup>			X		67%	Closed
165. Case 11.626 C, Report No. 83/20, Santo Enrique Cañola			X		67%	Closed

agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

<sup>95</sup> See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

<sup>96</sup> See IACHR, Annual Report 2021, Chapter II, Section F. Negotiation, and implementation of friendly settlement agreements. Available in: <http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap2-en.pdf>.

<sup>97</sup> See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

<sup>98</sup> See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
González (Ecuador) <sup>99</sup>						
166. Case 11.312, Report No. 66/03, Emilio Tec Pop (Guatemala) <sup>100</sup>	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreements of Guatemala that are subject to monitoring</a>		X		67%	Closed
167. Case 11.766, Report No. 67/03, Irma Flaquer (Guatemala)			X		92%	Active
168. Case 11.197, Report No. 68/03, Community of San Vicente de los Cimientos (Guatemala)			X		71%	Active
169. Case 9.168, Report No. 29/04, Jorge Alberto Rosal Paz (Guatemala)			X		80%	Active
170. Petition 133-04, Report No. 99/05, José Miguel Mérida Escobar (Guatemala) <sup>101</sup>			X		89%	Closed
171. Case 11.422, Report No. 1/12, Mario Alioto López Sánchez (Guatemala) <sup>102</sup>		X			100%	Closed
172. Case 12,546, Report No. 30/12, Juan Jacobo Arbenz			X		88%	Closed

<sup>99</sup> See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

<sup>100</sup> See IACHR, [Annual Report 2023, Chapter II, Section C. Advances and challenges on negotiation and implementation of friendly settlement agreements](#).

<sup>101</sup> See IACHR, Annual Report 2021, Chapter II, Section F. Negotiation, and implementation of friendly settlement agreements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided to end monitoring of compliance with the friendly settlement agreement and close the matter. Available in: <http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap2-en.pdf>

<sup>102</sup> See IACHR, Annual Report 2022, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreements. Available in: [https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022\\_Cap\\_2\\_EN.pdf](https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022_Cap_2_EN.pdf).



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
Guzmán (Guatemala) <sup>103</sup>						
173. Case 12.591, Report No. 123/12, Angelica Jeronimo Juárez (Guatemala) <sup>104</sup>		X			100%	Closed
174. Petition 279-03, Report No. 39/15. Fredy Rolando Hernández Rodríguez et al. (Guatemala) <sup>105</sup>		X			100%	Closed
175. Case 12.732, Report No. 86/20, Richard Conrad Solórzano Contreras (Guatemala)			X		50%	Closed 2024
176. Case 10.441 A, Report No. 214/20, Silvia María Azurdia Utrera and Others (Guatemala) <sup>106</sup>			X		80%	Closed
177. Case 10.441 B, Report No. 215/20, Carlos Humberto Cabrera Rivera (Guatemala) <sup>107</sup>			X		80%	Closed
178. Case 12.737, Report No. 114/21, Carlos Raúl Morales Catalan (Guatemala)			X		67%	Active

<sup>103</sup> See IACHR. Annual Report 2020. Chapter II. Section F. Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>.

<sup>104</sup> See IACHR. Annual Report 2013, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 879-885.

<sup>105</sup> See IACHR. Annual Report 2020. Chapter II. Section F. Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>.

<sup>106</sup> See IACHR, [Annual Report 2023, Chapter II, Section C, Advances and challenges on negotiation and implementation of friendly settlement agreements](#).

<sup>107</sup> See IACHR, [Annual Report 2023, Chapter II, Section C, Advances and challenges on negotiation and implementation of friendly settlement agreements](#).



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
179. Petition 1287-19, Report No. 61/22, Roberto Molina Barreto, Zury Mayte Ríos Sosa and MWR (Guatemala) <sup>108</sup>		X			100%	Closed
180. Case 11.805, Report No. 124/12, Carlos Enrique Jaco (Honduras) <sup>109</sup>	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreements (Honduras).</a>	X			100%	Closed
181. Case 12.547, Report No. 62/13, Rigoberto Cacho Reyes (Honduras) <sup>110</sup>		X			100%	Closed
182. Case 12.961 C, Report No. 101/19, Marcial Coello Medina, and Others (Honduras) <sup>111</sup>		X			100%	Closed
183. Case 12.961 D, Report No. 104/19, Jorge Enrique Valladares Argueñal and Others (Honduras) <sup>112</sup>		X			100%	Closed
184. Case 12.961 A, Report No. 105/19, Bolívar Salgado Welban and Others (Honduras) <sup>113</sup>		X			100%	Closed

<sup>108</sup> See IACHR, [Annual Report 2023, Chapter II, Section C. Advances and challenges on negotiation and implementation of friendly settlement agreements.](#)

<sup>109</sup> See IACHR, Friendly Settlement Report No. 124/12, Case 11.805 (Carlos Enrique Jaco), dated November 12, 2012.

<sup>110</sup> See IACHR, Annual Report 2014, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 956-960.

<sup>111</sup> See IACHR, Report No.101/19, Case 12.961 C. Friendly Settlement. Marcial Coello Medina and Others., Honduras. July 13, 2019.

<sup>112</sup> See IACHR, Report No.104/19, Case 12.961 D. Friendly Settlement. Jorge Enrique Valladares Argueñal and Others, Honduras. July 13, 2019.

<sup>113</sup> See IACHR, Report No. 105/19, Case 12.961 A. Friendly Settlement. Bolívar Salgado Welban and Others. Honduras. July 28, 2019.



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
185. Case 12.961 F, Report 20/20, Miguel Angel Chinchilla Erazo, and others (Honduras) <sup>114</sup>		X			100%	Closed
186. Case 12.891, Report No. 212/20, Adan Guillermo López Lone et al. (Honduras)			X		68%	Active
187. Case 12.972, Report No. 334/20, Marcelo Ramón Aguilera Aguilar (Honduras) <sup>115</sup>		X			100%	Closed
188. Case 11.562, Report No. 40/21, Dixie Miguel Urbina Rosales (Honduras)			X		67%	Active
189. Case 12.961E, Report No. 42/21, Ecar Fernando Zavala Valladares and Others (Honduras) <sup>116</sup>		X			100%	Closed
190. Case 11.545, Report No. 204/21, Martha María Saire (Honduras)			X		80%	Active
191. Case 12.961J, Report No. 205/21, Faustino García Cárdenas and Other (Honduras) <sup>117</sup>		X			100%	Closed

<sup>114</sup> See IACHR. Annual Report 2020. Chapter II. Section F. Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>.

<sup>115</sup> See IACHR. Annual Report 2020. Chapter II. Section F. Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>.

<sup>116</sup> See IACHR, Report No. 42/21, Case 12.961 E. Friendly Settlement. Ecar Fernando Zavala Valladares, Honduras. March 20, 2021.

<sup>117</sup> See IACHR, Report No. 205/21, Case 12.961 J. Friendly Settlement. Faustino García Cárdenas and other. Honduras. Honduras. September 4, 2021.



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
192. Case 12.960, Report No. 269/21, Ronald Jared Martínez (Honduras) <sup>118</sup>		X			100%	Closed
193. Case 12.960 H, Report No. 287/22, Juan González, and others. (Honduras) <sup>119</sup>		X			100%	Closed
194. Case 12.960 I, Report No. 288/22, Transito Edgardo Arriaga López and others. (Honduras) <sup>120</sup>		X			100%	Closed
195. Case 11.807, Report No. 69/03, José Guadarrama (Mexico) <sup>121</sup>	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreements of Mexico that are subject to monitoring</a>	X			100%	Closed
196. Petition 388-01, Report 101/05 Alejandro Ortiz Ramírez (Mexico) <sup>122</sup>		X			100%	Closed
197. Petition 161-02, Report No. 21/07, Paulina del Carmen Ramírez Jacinto (Mexico) <sup>123</sup>		X			100%	Closed
198. Case 11.822, Report No. 24/09, Reyes Penagos Martínez et al. (Mexico) <sup>124</sup>		X			100%	Closed

<sup>118</sup> See IACHR, Report No. 269/21, Case 12.960. Friendly Settlement. Ronald Jared Martínez et al. Honduras. October 5, 2021.

<sup>119</sup> See IACHR, Report No. 287/22, Case 12.961 H. Friendly Settlement. Juan Gonzalez and Others. Honduras, November 8, 2022.

<sup>120</sup> See IACHR, Report No. 288/22, Case 12.961 I. Friendly Settlement. Transito Edgardo Arriaga López and Others. Honduras, November 8, 2022.

<sup>121</sup> See IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 552-560.

<sup>122</sup> See IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 561-562.

<sup>123</sup> See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 833-844.

<sup>124</sup> See IACHR, *Annual Report 2022*, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreements. Available in: [https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022\\_Cap\\_2\\_EN.pdf](https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022_Cap_2_EN.pdf).



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
199. Case 12.642, Report No. 90/10, José Iván Correa Arevalo (Mexico) <sup>125</sup>		X			100%	Closed
200. Case 12.660, Report No. 91/10, Ricardo Uacán Seca (Mexico) <sup>126</sup>		X			100%	Closed
201. Case 12.623, Report No. 164/10, Luis Rey García (Mexico) <sup>127</sup>		X			100%	Closed
202. Petition 318-05, Report No. 68/12, Geronimo Gomez Lopez (Mexico) <sup>128</sup>		X			100%	Closed
203. Case 12.769, Report No. 65/14, Irineo Martínez Torres and Other (Mexico) <sup>129</sup>		X			100%	Closed
204. Case 12.813, Report No. 81/15, Blanca Olivia Contreras Vital et al. (Mexico) <sup>130</sup>		X			100%	Closed
205. Petition 1171-09, Report No. 15/16, Ananias Laparra, and relatives (Mexico)			X		72%	Active
206. Case 12.847, Report No. 16/16, Vicenta Sanchez Valdivieso (Mexico) <sup>131</sup>		X			100%	Closed

<sup>125</sup> See [IACHR, Annual Report 2019, Chapter II, Section G, Friendly Settlements](#).

<sup>126</sup> See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 876-881.

<sup>127</sup> See IACHR, Annual Report 2011, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 982-987.

<sup>128</sup> See IACHR, Friendly Settlement Report No. 68/12, Petition 318-05, (Geronimo Gómez López vs. Mexico), dated July 17, 2012.

<sup>129</sup> See IACHR, Annual Report 2018, Chapter II, Section G. "Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR."

<sup>130</sup> See [IACHR, Annual Report 2019, Chapter II, Section G, Friendly Settlements](#).

<sup>131</sup> See IACHR, Annual Report 2021, Chapter II, Section F. Negotiation, and implementation of friendly settlement agreements. Available in: <http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap2-en.pdf>.



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
207. Case 12.627, Report No. 92/17, Maria Nicolasa Garcia Reynoso (Mexico) <sup>132</sup>		X			100%	Closed
208. Petition 1014-06, Report No. 35/19, Antonio Jacinto Lopez (Mexico)			X		80%	Active
209. Case 13.408, Report No. 43/19, Alberto Patisthán Gómez (Mexico) <sup>133</sup>		X			100%	Closed
210. Case 12.986, Report No. 106/19, José Antonio Bolaños Juárez (Mexico) <sup>134</sup>		X			100%	Closed
211. Case 12.915, Report No. 2/20, Angel Díaz Cruz et al. (Mexico) <sup>135</sup>		X			100%	Closed
212. Petition 735-07, Report No. 110/20, Ismael Mondragon Molina (Mexico)		X			100%	Closed 2024
213. Case 11.824, Report No. 216/20, Sabino Diaz Osorio and Rodrigo Gomez Zamorano, (Mexico) <sup>136</sup>		X			100%	Closed

<sup>132</sup> See IACHR, Annual Report 2021, Chapter II, Section F. Negotiation, and implementation of friendly settlement agreements. Available in: <http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap2-en.pdf>.

<sup>133</sup> See IACHR, Report No. 106/19, Case 12.986. Friendly Settlement. José Antonio Bolaños Juárez. Mexico. July 28, 2019.

<sup>134</sup> See IACHR, Annual Report 2020. Chapter II. Section F. Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>.

<sup>135</sup> See IACHR, Annual Report 2021, Chapter II, Section F. Negotiation, and implementation of friendly settlement agreements. Available in: <http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap2-en.pdf>.

<sup>136</sup> See IACHR, Annual Report 2020. Chapter II. Section F. Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>.



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
214. Case 12.610, Report No. 208/21, Faustino Jiménez Álvarez (Mexico)			X		88%	Active
215. Case 13.007, Report No. 171/22, José Alfredo Jiménez Mota, and Family. (Mexico)			X		71%	Active
216. Case 11,734, Report No. 213/23, Modesto Patolzin Moicen, (Mexico)			X		80%	Active
217. Case 11,733, Report No. 214/23, Víctor Pineda Henestrosa, (Mexico)			X		50%	Active
218. Case 14.073, Report No. 162/24, Zenon Alberto Medina López and family, (Mexico)			X		29%	Active
219. Case 12.848, Report No. 42/16, Mrs. N, (Panama) <sup>137</sup>	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreements (Panama)</a>				100%	Closed
220. Case 13.017 C, Report No. 91/19, Relatives of Victims of the Military Dictatorship in Panama, October 1968 to December 1989 (Panama)			X		25%	Active
221. Case 13.017 A, Report No. 102/19, Relatives of Victims of the Military Dictatorship in Panama, October			X		0%	Active

<sup>137</sup> See IACHR, Report No. 42/16, Case 12,848. Friendly Settlement. Mrs. N. Panama. September 25, 2016.



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
1968 to December 1989 (Panama)						
222. Case 12.358, Report No. 24/13, Octavio Rubén González Acosta (Paraguay)	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreements of Paraguay that are subject to monitoring</a>		X		86%	Closed 2024
223. Petition 1097-06, Report No. 25/13, Miriam Beatriz Riquelme Ramírez (Paraguay) <sup>138</sup>		X			100%	Closed
224. Case 12.699, Report No. 130/18, Pedro Antonio Centurion (Paraguay) <sup>139</sup>		X			100%	Closed
225. Case 12.374, Report No. 85/20, Jorge Enrique Patiño Palacios (Paraguay) <sup>140</sup>		X			100%	Closed
226. Petition 747-05, Report No. 256/20, Y'akâ Marangatú Indigenous community of the Mbya People (Paraguay)			X		50%	Active
227. Case 12.330, Report No. 206/21, Marcelino Gómez and Other (Paraguay)			X		94%	Active

<sup>138</sup> See IACHR, Annual Report 2014, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 1101-1105.

<sup>139</sup> See IACHR, [Annual Report 2023, Chapter II, Section C, Advances and challenges on negotiation and implementation of friendly settlement agreements](#).

<sup>140</sup> See IACHR, Annual Report 2021, Chapter II, Section F. Negotiation, and implementation of friendly settlement agreements. Available in: <http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap2-en.pdf>.



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
228. Case 12.035; Report No. 75/02(bis), Pablo Ignacio Livia Robles (Peru) <sup>141</sup>	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreement of Peru that are subject to monitoring</a>	X			100%	Closed
229. Case 11.149, Report No. 70/03 Augusto Alejandro Zuñiga Paz (Peru) <sup>142</sup>		X			100%	Closed
230. Case 12.191, Report No. 71/03, María Mamerita Mestanza (Peru)			X		75%	Active
231. Case 12.078, Report No. 31/04, Ricardo Semoza Di Carlo (Peru) <sup>143</sup>		X			100%	Closed
232. Petition 185-02, Report No. 107/05, Roger Herminio Salas Gamboa (Peru) <sup>144</sup>		X			100%	Closed
233. Case 12.033, Report No. 49/06, Romulo Torres Ventocilla (Peru) <sup>145</sup>		X			100%	Closed
234. Petition 711-01 et al., Report No. 50/06, Miguel Grimaldo Castañeda Sánchez et al.; Petition 33-03 et al., Report No. 109/06, Héctor Nuñez Julia et al. (Peru); Petition 732-01 et al., Report 20/07			X		75%	Closed

<sup>141</sup> See IACHR, Annual Report 2005, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 332-335.

<sup>142</sup> See IACHR, Annual Report 2005, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 336 and 337.

<sup>143</sup> See [IACHR, Annual Report 2019, Chapter II, Section G. Friendly Settlements](#).

<sup>144</sup> See IACHR, Annual Report 2013, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 1094 and 1107.

<sup>145</sup> See IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 613-616.



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
Eulogio Miguel Melgarejo et al. (Peru); Petition 758-01, Report No. 71/07, Hernán Atilio Aguirre Moreno et al. (Peru) <sup>146</sup>						
235. Petition 494-04, Report No. 20/08, Romeo Edgardo Vargas Romero (Peru)		X			100%	Closed 2024
236. Petitions 71-06 et al., Report No. 22/11, Gloria José Yaquetto Paredes et al. (Peru)			X		80%	Active
237. Case 12.041, Report No. 69/14, M.M. (Peru) <sup>147</sup>		X			100%	Closed
238. Petition 288-08, Report No. 6916, Jesús Salvador Ferreyra González (Peru) <sup>148</sup>		X			100%	Closed
239. Petition 1339-07, Report No. 70/16, Tito Guido Gallegos Gallegos, (Peru) <sup>149</sup>		X			100%	Closed
240. Case 12.383, Report No. 137/17, Nestor Alejandro Albornoz Eyzaguirre (Peru) <sup>150</sup>		X			100%	Closed
241. Petition 1516-08, Report No. 130/18, Juan		X			100%	Closed

<sup>146</sup> See IACHR, [Annual Report 2023, Chapter II, Section C, Advances and challenges on negotiation and implementation of friendly settlement agreements](#).

<sup>147</sup> See IACHR, Friendly Settlement Report No. 69/14, Case 12.041 (M.M. vs. Peru), dated July 25, 2014.

<sup>148</sup> See IACHR, Annual Report 2018, Chapter II, Section G. "Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR."

<sup>149</sup> See IACHR, Annual Report 2018, Chapter II, Section G. "Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR."

<sup>150</sup> See IACHR, Annual Report 2018, Chapter II, Section G. "Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR."



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
Figueroa Acosta (Peru) <sup>151</sup>						
242. Case 12.095, Report No. 3/20, Mariela Barreto (Peru)			X		75%	Active
243. Case 12.174, Report No. 12/31, Israel Geraldo Paredes Acosta (Dominican Republic) <sup>152</sup>	N/A	X			100%	Closed
244. Petition 228-07, Report No. 18/10, Carlos Dogliani (Uruguay) <sup>153</sup>		X			100%	Closed
245. Petition 1224-07, Report No. 103/19, David Rabinovich (Uruguay) <sup>154</sup>	N/A	X			100%	Closed
246. Petition 1376-19, Report No. 183/22, Silvia Angelica Flores Mosquera (Uruguay) <sup>155</sup>		X			100%	Closed
247. Case 12.555, Report No. 110/06, Sebastián Echaniz Alcorta and Juan Víctor Galarza Mendiola (Venezuela) <sup>156</sup>	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement</a>			X	0%	Closed

<sup>151</sup> See IACHR, Annual Report 2020, Chapter II, Section F, Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>.

<sup>152</sup> See IACHR, Friendly Settlement Report No. 31/12, Case 12,174 (Israel Gerardo Paredes Acosta vs. Dominican Republic), dated March 20, 2012.

<sup>153</sup> See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 1033-1039.

<sup>154</sup> See IACHR, Report No. 103/19, Petition 1224-07, Friendly Settlement, David Rabinovich, Uruguay, July 16, 2019.

<sup>155</sup> See IACHR, [Annual Report 2023, Chapter II, Section C, Advances and challenges on negotiation and implementation of friendly settlement agreements](#).

<sup>156</sup> See IACHR, Annual Report 2018, Chapter II, Section G, "Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR." The Commission notes the lack of progress in compliance with the friendly settlement agreement since its approval. Therefore, on January 8, 2019, the IACHR decided, in accordance with Articles 42 and 48 of its Rules of Procedure, to conclude its monitoring of compliance with the friendly settlement agreement and to close the matter. The IACHR considers that the State did not comply with any of the measures set forth in the friendly settlement agreement and therefore compliance with it is pending.



CASE/PETITION <sup>21</sup>	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>22</sup>	STATUS OF COMPLIANCE
248. Case 11.706, Report No. 32/12, Yanomami Indigenous people of Haximú (Venezuela)	<a href="#">agreements of Venezuela that are subject to monitoring</a>		X		60%	Active
249. Case 12.473, Report No. 63/13, Jesús Manuel Cárdenas et al. (Venezuela) <sup>157</sup>			X		25%	Closed
<b>Total FSAs published = 249</b>						<b>Active matters: 98</b>
<b>Total FSAs in Active Monitoring Phase = 98</b>		<b>Full compliance = 110</b>	<b>Partial compliance = 137</b>	<b>Pending compliance = 2</b>		<b>Closed matters: 151</b>

## 5. Good practices in implementing Friendly Settlement Agreements observed in 2024

138. On this occasion, the Commission learned that the State of Brazil has created, within its National Attorney General's Office for International Affairs, a specialized team to advance friendly settlement agreements and compliance with recommendations. Within this framework, dialogues have been held with the State to bring together the experiences of other States in the region in the use of the friendly settlement mechanism and thus contribute to efforts to install institutional capacity to move forward more quickly in the use of the FSP. The aforementioned is consistent with the Commission's pronouncements through which it has highlighted as a good practice, in terms of administrative frameworks or structures for the negotiation and implementation of friendly settlement agreements, the creation of specialized groups or units to promote negotiations, with personnel trained in human rights, the Inter-American Human Rights System and alternative dispute resolution.<sup>158</sup> The Commission hopes that this will soon translate into greater participation by the Brazilian State in the use of the friendly settlement mechanism and invites it to continue to develop actions to this end.

139. On the other hand, the Commission recognizes as a good practice of the Colombian State that its National Agency for Legal Defense (ANDJE) designed a [microsite](#), as part of an impact strategy, through a specialized section on its website dedicated to friendly settlements and compliance with the recommendations issued by the IACHR. The site has a modern, innovative, and accessible design so that people can consult and follow up on the measures of satisfaction and guarantees of non-repetition agreed upon in the framework of the FSAs. Likewise, the Commission learned that the Colombian State launched a series of podcasts on the friendly settlement mechanism, to provide information to the public on [What are friendly settlement agreements?](#), [How to access a friendly settlement agreement?](#) and, [Are friendly settlement agreements fulfilled?](#). Through this initiative, as reported by the State, it aims to disseminate the friendly settlement mechanism to victims, their representatives and State entities, in everyday and simple language, to educate the public about this procedure. The director of International Legal Defense, as well as the friendly settlement group and the ANDJE communications team participated in its preparation. Furthermore, the Colombian State announced the

<sup>157</sup> See IACHR, [Annual Report 2023, Chapter II, Section C, Advances and challenges on negotiation and implementation of friendly settlement agreements](#).

<sup>158</sup> IACHR, [Report on the Impact of the Friendly Settlement Procedure, 2018 Edition](#). Parr. 274.



launch of the [\*"Informative Newsletter on Friendly Settlements and Compliance with Recommendations in Colombia: a mechanism for reconciliation"\*](#) developed by ANDJE itself, which will be published annually, in order to monitor the implementation of high-impact measures.

140. To this regard, the Commission values and welcomes these initiatives presented by the Colombian State and considers that these efforts not only allow for greater visibility of the work carried out by Colombia in the area of friendly settlements, but also contribute to the preservation of the historic memory of the cases, to the dignity of the victims, and to the non-repetition of the events that gave rise to these friendly settlements.

141. Similarly, the Commission positively highlights the signing of FSAs and/or recognition of responsibility in a hybrid format in the following cases with respect to the Colombian State: [\*Case 13.711, Levis Elcener Centeno Cuero\*](#), [\*Case 12.843, Luis and Leonardo Caisales Dogenesama\*](#), [\*Case 12.842, Brainer Alexander Oquendo Santana\*](#), [\*Case 13.892, Denys del Carmen Olivera and family\*](#), [\*Case 13.602, Nelson Enrique Giraldo Ramírez and family\*](#) and in the [\*Case 14.802, José Alirio Cañas Morales and family\*](#). Regarding the latter, the State also [\*produced an audiovisual piece on the dignity of the victim\*](#). To this respect, the Commission again highlights that this good practice of using electronic media and social media, which has allowed for greater participation of the victims, their families and their representatives, as well as the participation of the Commission, through its country rapporteur and the technical team of the IACHR, in these spaces that are very important in the friendly settlement mechanism and allowing for greater proximity with the States and the victims.

## **6. Challenges and setbacks in implementing Friendly Settlement Agreements observed in 2024**

142. The Commission has identified the persistent lack of inter-institutional coordination as one of the main challenges in some States in the region. The Commission has noted the lack of consultations that must be held prior to the expression of interest by the State to initiate a friendly settlement process, with the entities that are responsible for the negotiation and implementation of friendly settlement agreements. The Commission has also noted the lack of efforts by States to design transition mechanisms for outgoing and incoming authorities in the contexts of changes of administration. In this regard, during the current year, the Commission noted a significant delay in the time taken by some States to provide a response on the viability of the victims' requests within the framework of the FSA negotiations, despite the fact that these matters had already been transferred to the negotiation portfolio, and on which the round of consultations on the technical viability of the negotiation and confirmation of the willingness of the authorities involved should have been carried out before deciding to initiate the process of dialogue. This has resulted in an unnecessary drain on the technical and material resources of both the State and the victims of human rights violations, who have placed their trust in the friendly settlement mechanism and are awaiting a resolution within this framework.

143. The Commission again regrets the lack of progress in the implementation of the friendly settlement agreement signed in the Case 13.017A (Relatives of Victims of the Military Dictatorship, October 1968-December 1989), despite that five years have elapsed since its approval. In this regard, the Commission once again urges the State of Panama to make efforts to implement these measures, reminding it that, as subjects of international law, States have the obligation to comply with the decisions of the bodies of the Inter-American system.

144. Furthermore, in relation to Case 14.093 Ernesto Ramírez Berrios of Colombia, the Commission observed, in the framework of the follow-up carried out this year, that the 135th Judicial Prosecutor's Office II for Administrative Affairs of Bogotá filed an appeal against a decision issued by the Administrative Tribunal of Cundinamarca, through which the conciliation agreement was approved in the process of Law 288 of 1996, to comply with the economic compensation measure agreed upon in the FSA reached in that case and which was the subject of Approval Report No. 285/22 of the IACHR. Among the arguments of the Prosecutor's Office were issues of alleged incompetence of the ANDJE to assume international State responsibility in these instruments, and the appeal is currently pending a decision before the Council of State.



145. The Commission regrets that the State, through the actions of the Office of the 135th Judicial Prosecutor II for Administrative Matters of Bogotá, has not recognized the commitment made in this friendly settlement agreement, and it expresses its concern about the legal effects that this stance could have in this case in particular, and in other proceedings of this nature. The Commission recalls that Law 288 of 1996 arose precisely as a measure of reparation within the framework of the friendly settlement reached in *the Case of the Trujillo Massacre*, and in such a way that the Colombian State recognized the need that existed, at the time, to create a mechanism that would allow the victims of human rights violations access to fair and timely compensation.

146. The Commission further notes that the repeated practice of the Colombian State has been to include a standard clause in almost all of the friendly settlement agreements it has signed in the last decade, which includes the procedure of Law 288 of 1996 for economic compensation. This has achieved significant compliance levels that are a benchmark for other States in the region, which is why the actions of the Office of the Attorney General are surprising and disregards the work that the Colombian State has done in the area of friendly settlements through the ANDJE.

147. The Commission recalls that the mechanism of Law 288 of 1996 has been highlighted as a good practice due to the positive results achieved by the Colombian State in the execution of this type of measures<sup>159</sup>, but also because it has the effect of allowing the depersonalization of the negotiations and the management of expectations that might not otherwise be met in the framework of these dialogues when the parties become entangled in the negotiation regarding the amounts for economic compensation. By establishing an independent and regulated procedure, legal certainty is given to the victims that the economic compensations will be set in accordance with the applicable jurisprudential criteria for the type of violation suffered. This allows the friendly settlement processes to advance more promptly, both in the stage of defining the content of a FSA, and in its implementation, with the exception of the situation observed in this case, which is manifestly exceptional.

148. In addition, it should be noted that the Commission's experience shows that building a relationship of trust between petitioners and States is essential, both in the negotiation phase and in the phase of compliance with friendly settlement agreements. This implies that the States must comply fully and in good faith with the commitments assumed within the framework of the friendly settlement agreement<sup>160</sup>.

149. Therefore, the Commission urged the Colombian State to move forward as soon as possible with the ruling on the appeal pending before the Council of State, so that the substance of this end of the agreement materializes as soon as possible.

150. From another part, the Commission reiterates that the greatest challenges to moving forward with friendly settlement processes involve some States' lack of willingness to execute the measures of reparation contained in the agreements, particularly the measures related to issues of justice. It is therefore crucial for States to develop mechanisms for independent, impartial, and specialized investigation to enable them to make it a priority to comply with completing the investigations derived from international decisions.

151. The Commission also emphasizes that many of the clauses subject to supervision through this monitoring process are too broad and require the parties to hold a mutual dialog and keep minutes or memoranda of understanding to determine the content and definition of what was agreed upon, establishing components for clear measurement and roadmaps for short-term work to complete execution. The Commission makes itself available to users of the friendly settlement mechanisms to facilitate dialogue focused on securing that consensus.

---

<sup>159</sup> IACHR, [Impact of the Friendly Settlement Procedure](#), Second Edition 2018, OEA/Ser.L/V/II.167, Doc.31, 1 march 2018, Original: Spanish, P. 85 and ss.

<sup>160</sup> IACHR, [Impact of the Friendly Settlement Procedure](#), Second Edition 2018, OEA/Ser.L/V/II.167, Doc.31, 1 march 2018, Original: Spanish, P. 123.



152. Lastly, the Commission reminds that it is fundamental for States to move forward in establishing administrative, legislative, or other mechanisms to streamline the processes to negotiate and implement friendly settlement agreements and guarantee that the commitments made are fully executed.

#### **D. Cases before the Inter-American Court of Human Rights**

153. The Commission continued to exercise its conventional and statutory mandates before the Inter-American Court during 2024, which included the following areas: i) submission of contentious cases; ii) appearance and participation in public and private hearings; iii) observations on requests for advisory opinions submitted by the States, and iv) submission of written observations on State reports in cases in monitoring of compliance.

154. Likewise, as of September 1, 2022, the Court began notifying its rulings in a public manner. In the acts of notification of the judgment, the Court reads the main points and resolutions of the corresponding judgment. During 2024, the Commission participated in 26 acts of judgment reading.

155. The activities and results obtained during the year are described below.

##### **1. Submission of contentious cases**

156. The referral of cases to the Inter-American Court is based, in accordance with Article 45 of the Rules of Procedure, on the criterion of obtaining justice, which is determined based on the status of compliance with the recommendations issued and other criteria established in said Article<sup>161</sup>, including the position of the petitioning party.

157. In accordance with Article 51 of the American Convention and Article 45 of the Rules of Procedure, during the year 2024, the Commission submitted 26 cases to the jurisdiction of the Inter-American Court. In those cases, when evaluating the request for additional extensions, the Commission observed that, despite the existence of State efforts in some cases, substantive progress had not been made in complying with the recommendations, and therefore, taking into account the need for justice and reparation for the victims, it decided to proceed with the submission.

158. The referral of these cases allows the Inter-American Court to rule on the responsibility of the States and issue the corresponding reparations in favor of the victims. In addition, the Court will have the opportunity to develop or deepen its jurisprudence in relation to the aspects of Inter-American public order raised by these cases, as well as on the scope of the rights recognized in the American Convention on Human Rights and other Inter-American instruments, with an impact that transcends the interest of the parties involved.

159. The Commission has 60 active cases that have been processed by the IACHR Court. In the proceedings before the Court, the IACHR participates in all matters, in accordance with the provisions of the American Convention and the Court's Rules of Procedure. Among other actions, the Commission presents its observations in relation to possible preliminary objections and acknowledgements of responsibility, offers expert evidence when the inter-American public order is affected in a relevant manner, and presents its oral and written observations in relation to the arguments of the parties, as well as with respect to the evidence that may be presented subsequently. Likewise, the IACHR participates in the hearings in those cases in which the Court summons it.

160. Among the public policy aspects of the matters submitted to the Inter-American Court in 2024 are the following: i) the obligation of States to investigate with due diligence affectations to the right to life, integrity and health of children in the framework of the care provided in health centers; ii) the measures that

---

<sup>161</sup> Such complementary criteria are: a. the position of the petitioner; b. the nature and gravity of the violation; c. the need to develop or clarify the jurisprudence of the system; and d. the possible effect of the decision on the legal systems of the member states.



States must adopt to comply with their obligations of supervision and oversight of cultural activities carried out by private individuals in public spaces; iii) the requirements to be observed in contentious electoral processes in order to be compatible with the American Convention, in particular, with respect to reasonable time, the participation of the parties and third parties involved, as well as with respect to the precautionary measures that may be imposed in these circumstances; iv) the standards applicable to the protection of the right to freedom of expression in the face of public interest speech and the incompatibility of strategic lawsuits against public participation (SLAPP); v) the criteria relating to the use of lethal force in the framework of the obligation of States to guarantee security and maintain public order within their territory in situations of protests and demonstrations; vi) the right of the elderly with disabilities in the area of health and the duty of States to guarantee the rights of persons under their custody in geriatric institutions; vii) the principles applicable to the sanctioning processes against justice operators; viii) the obligations of States to guarantee the right to collective ownership and control of lands and resources, as well as the cultural rights of indigenous peoples in voluntary isolation and initial contact, with respect for the principle of self-determination of peoples and the principle of no contact; ix) the duties of States with respect to the labor-related business activities of workers, including those who are members of trade unions; x) the obligations of States with respect to the right to associate in non-governmental organizations or non-profit associations for the defense of human rights; and xi) the general obligations of States with respect to the right to autonomy or self-government of indigenous and tribal peoples.

161. With regard to the number of cases sent to the Court this year, it should be noted that, as stated *above*, the Commission found that in several of the cases in the transition stage, the requirements for granting an extension in the terms of Article 46 of the Rules of Procedure had been met, so that at the time it did not consider it necessary to send the case to the Inter-American Court. Additionally, the Commission emphasizes that it decided not to send 13 cases to the Inter-American Court and to proceed with their publication, since it did not consider that there was a need to obtain justice in such cases that merited sending them to the Inter-American Court, in the terms of Article 45 of the Rules of Procedure of the IACHR and 51.1 of the ACHR, fundamentally, given the substantive progress of the recommendations of the merits report.

162. The following is a description of the cases that were submitted to the Inter-American Court, including a breakdown by date of submission and by country.

Case No.	Name	Country	Date of submission
11.755	<u>Carlos Alberto López de Belva and Arturo Jorge Podestá</u>	ARG	January 20, 2024
13.926	<u>Jason Puracal and family members</u>	NIC	March 1, 2024
14.174	<u>José Luis Parada Sanchez</u>	VEN	March 12, 2024
12.242	<u>Pediatric Clinic of Região dos Lagos</u>	BRA	March 22, 2024
13.506	<u>Marcela Brenda Iglesias and others</u>	ARG	March 28, 2024
13.645	<u>Leonela Zelaya</u>	HON	April 11, 2024
13.726	<u>Héctor René Pérez Reyes and family</u>	GUA	April 21, 2024
14.142	<u>Julio Haron Ygarza and others</u>	VEN	May 16, 2024



13.105	<u>José Segundo Zambrano and Pablo Marcelo Rodríguez</u>	ARG	June 30, 2024
12.686	<u>Aldo Zuccolillo Moscarda</u>	PAR	July 2, 2024
14.746	<u>Ángel Eduardo Gahona López</u>	NIC	July 4, 2024
12.582	<u>Andrés Trujillo and others</u>	VEN	July 9, 2024
12.926	<u>Leandro Héctor Parpaglione et al.</u>	ARG	July 12, 2024
14.679	<u>Santos Sebastián Flores Castillo</u>	NIC	July 22, 2024
13.342	<u>Rosa Angela Martino</u>	ARG	July 25, 2024
13.546	<u>Mario Francisco Tadic Astorga et al.</u>	BOL	July 26, 2024
12.434	<u>José Milton Cañas and others</u>	COL	July 28, 2024
13.455	<u>María Cristina Aguirre</u>	ARG	August 6, 2024
13.071	<u>Eduardo José Antonio Moliné O'Connor</u>	ARG	August 20, 2024
14.500	<u>Elio Artola Navarrete</u>	NIC	October 1, 2024
13.572	<u>Mashco Piro, Yora, and Amahuaca Indigenous Peoples</u>	PER	November 1, 2024
12.542	<u>Central American Fertilizer Company workers</u>	LRC	November 13, 2024
13.469	<u>Juan Eduardo Cejas</u>	ARG	December 16, 2024
14.777	<u>Members of CENIDH</u>	NIC	December 26, 2024
13.660	<u>Indigenous People of Muy Muy and its Uluse Community</u>	NIC	December 27, 2024
14.677	<u>Agustín Jarquín Anaya</u>	NIC	December 30, 2024

- **Carlos Alberto Lopez de Belva and Arturo Jorge Podestá vs Argentina.**

163. The case refers to the international responsibility of the Argentine State for violations of due process committed in the criminal proceedings against Arturo Jorge Podestá and Carlos Alberto López de Belva, in the exercise of their professional duties as attorneys representing a third party in a civil suit for damages that their client brought against the Municipality of La Matanza.



164. Mr. Podestá and Mr. López de Belva were linked to a criminal proceeding in the framework of case No. 22,2040, which was processed before the First Instance Criminal Court No. 5 of the Judicial Department of San Martín for the crime of attempted fraud, which was initiated as a result of a criminal complaint filed by the General Counsel of the Government of the Province of Buenos Aires for alleged unlawful acts committed during the process of execution of a civil judgment in which the petitioners acted as attorneys.

165. The petitioners acted as counsel for Mr. Amilcar Cascales in a suit for damages initiated as a result of the interruption of the concession he enjoyed over the Municipal Slaughterhouse of the Municipality of La Matanza. In June 1987, the Municipality of La Matanza was found liable for breach of contract and ordered to pay a sum of money to Mr. Cascales. During the process of execution of the judgment, which lasted several years, the victims processed on behalf of their client a series of partial settlements according to a methodology of updating the amount of money owed due to the hyperinflationary process that the country was going through, which were consented to by the legal representatives of the municipality. In November 1990, the intervening judge decided to carry out an expert accounting appraisal of all the settlements made. The result of this expert appraisal was a financial loss for the municipal government's coffers due to the inaccurate calculation of the liquidations, which resulted in an accumulative effect of interest that caused the debt to grow disproportionately.

166. On May 7, 1991, Criminal Court No. 5 of San Martín, headed by Judge Juan Carlos Sorondo, issued an indictment against the petitioners for the crime of attempted fraud against the public administration. In the indictment, the intervening magistrate made assertions that implied an advanced opinion regarding the criminal liability of the petitioners. On October 8, 1991, the magistrate issued a remand order, in which he again expressed his opinion regarding the criminal liability of the petitioners, stating that "there is semi-evidence of the criminally responsible co-perpetration in the facts described of Arturo Jorge Podestá, Carlos Alberto López de Belva...". The same magistrate, on March 1, 1993, sentenced Mr. López de Belva and Mr. Podestá to 2 years and 9 months imprisonment.

167. In response to the decision of March 1, 1993, the petitioners' attorneys filed an appeal and a motion for annulment in which they alleged that the proceedings were null and void due to the prejudgment allegedly incurred by the trial judge in advancing his opinion during the preliminary investigation. On December 26, 1995, Chamber I of the Court of Appeals of the Judicial Department of San Martín decided to dismiss the nullities and uphold the conviction imposed on the victims. The petitioners also filed an appeal of inapplicability of the law alleging the unconstitutionality of Article 350 of the Code of Criminal Procedure in that it established only "the applicability of the extraordinary appeal for cases in which the final judgment reverses an acquittal or imposes a sentence of more than three years' imprisonment."

168. On March 21, 1996, Chamber I of the Criminal and Correctional Court of Appeals of San Martín decided not to uphold the claim of unconstitutionality of section 350 of the Code of Criminal Procedure and denied the appeal of inapplicability of the law. On December 16, 1997, the Supreme Court of Justice of the Province of Buenos Aires declared "well denied" the appeal of inapplicability of the law and the appeals for annulment filed in favor of Mr. Podestá and Mr. López de Belva. Against this decision, the petitioners' attorneys filed an extraordinary federal appeal, which was denied by the Supreme Court of Justice of the Province of Buenos Aires and their subsequent appeal was dismissed by the Supreme Court of Justice of the Nation through a decision dated March 31, 1999. On December 29, 1999 the Supreme Court of Justice of the Province of Buenos Aires held that the sentence imposed had the authority of *res judicata*.

169. On the other hand, two magistrates who intervened in the case *Municipalidad de La Matanza v. Amilcar Cascales*, sued the petitioners for damages related to the complaint and request for impeachment that the petitioners filed against the judges for allegedly improper performance of their duties. In the context of these proceedings, on October 31, 2000, the Judge in charge of Civil and Commercial Court No. 1 of La Plata ordered Mr. Podestá and Mr. López de Belva to pay 40,000 and 50,000 pesos, respectively, in compensation. Both sentences were confirmed by the First Chamber of the First Court of Appeals and the federal extraordinary appeals were declared inadmissible by the Supreme Court of Justice of the Nation.



170. In its Merits Report 291/21, the Commission noted that, although the successive intervention of the same judicial authority in the preliminary investigation stage and subsequently in the plenary or trial stage is not in itself incompatible with the guarantee of an impartial judge, judges who - in accordance with the judicial organization of the jurisdiction in which they serve - are called upon to intervene in both the pre-trial and trial stages must exercise their functions with special care not to perform acts that could be seen as advancing an opinion or that could give rise to a well-founded fear of partiality on the part of the parties. In the instant case, the Commission considered that in the resolutions of May 7 and October 8, 1991, the examining magistrate included evaluations on the degree of conviction of the evidence gathered in the case file and with respect to the merits of the proceeding. The Commission indicated that the judge recorded various opinions on the criminal responsibility of the petitioners that would be more appropriate for a pronouncement at the trial stage and that these resolutions deprived the judge of his necessary objective impartiality and should have disqualified him from continuing to hear the case during the plenary or trial stage, especially considering that, at the end of this second stage, the judge imposed prison sentences on Mr. Podestá and Mr. López de Belva.

171. In this regard, the Commission considered that it is possible that the participation of Judge Juan Carlos Sorondo during the investigation may have generated reasonable doubts in the petitioners regarding his impartiality at the time of intervening in the trial or plenary stage. Consequently, it considered that the guarantee of an impartial judge was affected in its objective aspect and that the Argentine State is responsible for the violation of the right to due process.

172. Likewise, the Commission indicated that the normative limitation in Article 350 of the Code of Criminal Procedure of the Province of Buenos Aires for the applicability of the law to a sentence of less than three years' imprisonment in force at the time of the facts constituted a restriction incompatible with the right to judicial protection, since as a consequence of having been sentenced to a sentence of less than three years' imprisonment, Messrs. Podestá and López de Belva did not have at their disposal the remedy of inapplicability of the law that was the key to access to the courts of the highest provincial court. The Commission considered that this circumstance meant that the petitioners did not have an effective remedy to protect the rights they alleged were violated by the conviction handed down by the Court of Appeals.

173. In addition, the IACHR emphasized that neither the Supreme Court, at the time of declaring the inadmissibility of the petitioners' appeal for inapplicability of the law, nor the Argentine State, throughout the proceedings, gave reasons that would allow for adequately justifying the existence of the difference in treatment between the universe of persons sentenced to more than three years in prison *vis-à-vis* those sentenced to less than three years in prison. Likewise, it pointed out that no reasons have been provided to explain why the three-year prison term was used as a parameter and requirement for the admissibility of the appeal for non-applicability of the law. In this sense, the Commission considered that the rejection of the appeal for non-applicability of the law based exclusively on the amount of the sentence imposed on the petitioners affected the principle of equality before the law.

174. Based on said considerations of fact and law, the Commission concluded that the Argentine State is responsible for the violation of the rights to be tried by an impartial judge, to judicial protection and to equality before the law enshrined in Articles 8(1), 25 and 24 of the American Convention, respectively, in relation to Article 1(1) and 2 of the same instrument, to the detriment of Mr. Carlos Alberto López de Belva and Mr. Arturo Jorge Podestá.

- **Jason Puracal and family members vs. Nicaragua.**

175. The case refers to the international responsibility of the Republic of Nicaragua for the illegal and arbitrary detention of Mr. Jason Puracal, his deprivation of liberty in prison conditions that constituted cruel, inhuman or degrading treatment and his subjection to criminal proceedings in violation of due process as a result of which he was deported from Nicaragua.

176. At the time of the facts, Mr. Puracal was 33 years old, born in the State of Washington in the United States and worked in real estate in Nicaragua. On November 11, 2010 he was in his office in the city of



San Juan del Sur, when he was raided by the National Police. The officers seized Mr. Puracal's assets and proceeded with his arrest. Simultaneously, the police raided his home. These acts were carried out without a warrant. On November 12, 2010, the Chief of Judicial Assistance of the National Police, under Article 246 of the Code of Criminal Procedure (CPPN) requested the validation of the acts under investigation before the competent judge, which was granted on the same day.

177. On November 13, 2010, Mr. Puracal was transferred to the Rivas prison and on November 15, 2010, he entered the "El Chipote" prison, where he remained until he was transferred to the "La Modelo" prison on November 17, 2010. According to the victim's statement, once in "El Chipote", he was placed in an "individual cell of 8" x 10" with 8 feet high" dark and dirty, without access to natural light, without clothing or bedding. Similarly, during his stay in the Modelo prison, he was in a cell of approximately 3.6 x 4.5 meters with 8 or 9 other people, among other inhumane conditions. Mr. Puracal stated that he was not provided with treatment for the various health problems he presented, including his asthma condition.

178. On November 13, 2010, the Prosecutor presented the accusation against Puracal before the Criminal District Judge of Rivas, which led to the opening of the trial for the crimes of organized crime, international transportation of narcotics, psychotropic and controlled substances, money laundering, property and assets. On November 14, 2010, the Judge held the preliminary hearing with the presence of the accused, being this the first opportunity in which the detainee would have been presented before a judicial authority after his arrest.

179. On September 6, 2011, the District Trial Court of the city of Rivas, sentenced Jason Puracal for the crimes of Organized Crime, money laundering and illegal international transportation of narcotics. This sentence was appealed on October 5, 2011. On September 12, 2012, the Court of Appeals of the Southern District, Criminal Chamber, decided that the appealed sentence lacked motivation and grounds, and therefore declared the nullity of the trial and ordered the release of the defendants. Faced with this decision, on July 23, 2015, the Supreme Court of Justice, in the Criminal Chamber, decided "to deny the appeals of Criminal Cassation of form and substance".

180. On September 14, 2012, the Directorate of Migration and Aliens by Resolution No. 090/2012 ordered the deportation of Jason Puracal "for considering that he constitutes a danger to public safety and public order and the State reserves the right not to allow his entry into the country".

181. During the years he was detained, his relatives filed a series of appeals, including a motion to exhibit the risks to Mr. Puracal's physical and psychological integrity in the facilities of "El Chipote", as well as complaints and requests before the Ministry of the Interior due to the lack of specialized medical assistance, isolation and denial of conjugal visits.

182. In its Merits Report No. 389/22, the IACHR first referred to the circumstances in which Mr. Puracal was detained. Regarding the legality of the detention, the Commission observed that, in the arrest record issued by the National Police, the officers simply checked the box designated for flagrante delicto offenses, without recording the reasons that, in application of the grounds established by law, would have justified his detention or the constituent elements of flagrante delicto. Therefore, the Commission concluded that the detention was illegal. The Commission also considered that the victim was not informed of the reasons for his detention and that the State did not provide information that would allow it to conclude that Mr. Puracal was notified of his right to communicate with a consular official of his country in order to seek the assistance recognized in Article 36.1.b of the Vienna Convention on Consular Relations.

183. Regarding the judicial review of the detention without delay, the Commission noted that Mr. Puracal's appearance before a judicial authority did not take place until three days after his detention and that the State did not present any justification as to why he was not taken immediately, without delay, before a judge. Furthermore, under the remedy of habeas corpus, the judicial authority did not carry out an adequate judicial control over the victim's detention.



184. In this sense, the IACHR considered that the State is responsible for the violation of the right to personal liberty, in various aspects, namely: the legality of the detention, information of the reasons for detention, the right to be informed about the right to consular assistance and the right to judicial control without delay of the detention.

185. With regard to the preventive detention measure, the Commission observed that the judge who imposed Mr. Puracal's detention did so based on Article 173 of the CPPN, which establishes this measure on the basis of the seriousness of the crime, without allowing an analysis of the procedural purposes of preventive detention and whether it is appropriate, necessary and proportional, and that, in fact, the judge did not conduct such an analysis in his decision. The Commission also noted that the preventive detention lasted 22 months, which, considering the arbitrariness and disproportionality of the measure, was unreasonable. The Commission also observed that no evidence was provided to establish that Mr. Puracal's preventive detention was duly and periodically reviewed by the competent judge and that the remedy of habeas corpus was not effective in determining his whereabouts, nor the legality of his detention, and therefore the protection afforded through this remedy was illusory.

186. Regarding the presumption of innocence, the Commission reiterated that the decision of the judge who ordered the preventive detention was neither justified nor motivated and that he simply applied article 173 of the CPPN, which was arbitrary. Therefore, the Commission considered that the prolongation of the deprivation of liberty until the decision of the Grenada Court of Appeals was tantamount to an anticipated sentence, contrary to the presumption of innocence.

187. In this regard, the IACHR concluded that the Nicaraguan State, by establishing that pretrial detention is the rule and not the exception in the cases provided by law, and by failing to provide sufficient motivation regarding the achievement of a legitimate aim compatible with the Convention when decreeing pretrial detention, is responsible for the violation of the right to personal liberty and the presumption of innocence.

188. On the other hand, the Commission observed that, during Mr. Puracal's stay at the "El Chipote" prison, his personal integrity was affected and that he suffered cruel, inhuman or degrading treatment. It also noted that the State did not indicate that it had conducted an exhaustive investigation into these circumstances, in addition to the particular conditions of Mr. Puracal's detention, as he was an arbitrarily detained person, a foreigner and was not guaranteed consular assistance, elements that aggravated his situation.

189. Regarding the prison conditions in "La Modelo" prison, the IACHR observed that Mr. Puracal remained 22 months deprived of liberty in this center under prison conditions that were not in accordance with the minimum principles for persons deprived of liberty, suffered from overcrowding, lack of access to drinking water, and did not have sufficient access to sunlight. It also considered that these conditions of detention meant an affectation of Mr. Puracal's right to live in a detention regime compatible with his personal dignity, and included forms of punishment in addition to the deprivation of liberty itself, which entailed serious injuries, suffering and damage to his health.

190. The Commission noted that the victim, his next of kin and his attorney informed the various prison, judicial and executive authorities of the situation in which Mr. Puracal was being detained; however, the State did not provide evidence to demonstrate that an investigation had been opened to clarify the facts. Likewise, the IACHR considered that the medical examination upon Mr. Puracal's admission to the "La Modelo" prison was untimely, that he did not have a medical examination upon admission after the transfers to which he was subjected, and that he did not receive proper medical attention during his stay in the prisons, without being able to have a check-up by his private physician. The Commission also noted that the victim shared a cell with persons who had already been convicted and with persons who were still being prosecuted, for which reason the State failed to comply with its obligation to keep the accused separate from the convicted. In light of these considerations, the IACHR concluded that the State of Nicaragua is responsible for the violation of the right to humane treatment for the events that occurred during his detention in both prisons.



191. Additionally, it determined that the State is responsible for the violation of the guarantees of due process and judicial protection in the framework of the criminal proceedings against Mr. Puracal. In particular, the IACHR noted that: (i) the State did not guarantee the right to be informed of his right to consular assistance because he was a foreign citizen; (ii) the length of the criminal proceeding was contrary to the guarantee of reasonable time; (iii) the restrictions on communication with his attorney did not allow him to exercise his right to have adequate means of defense; iv) the remedy of habeas corpus was not effective, since the enforcement judge did not accurately determine where Mr. Puracal was; v) the State has not investigated, tried or punished those responsible for the cruel, inhuman or degrading treatment to which the victim was subjected.

192. On the other hand, the Commission considered that the State is responsible for the violation of the right to the protection of honor and dignity, specifically the protection of the home, since there was no motivation or just reasons for the search of Mr. Puracal's offices and home. Likewise, the State is responsible for the violation of the right to property because the decision to validate the seizure of the assets was arbitrary and no evidence was provided to demonstrate the return of the assets that were seized and/or occupied in the criminal investigation against Mr. Puracal, nor the payment of fair monetary compensation for these assets.

193. Finally, the Commission emphasized that the minimum guarantees for Mr. Puracal's expulsion or deportation procedure were not complied with and that, in particular, he was not notified of the procedure before the General Directorate of Migration and Alien Affairs nor of the charges against him, the reasons for the expulsion or deportation; nor was he informed of his rights during the process. In this sense, the Commission indicated that the State is responsible for the violation of the right to movement and residence.

- **José Luis Parada Sánchez vs. Venezuela.**

194. The case refers to the international responsibility of the Venezuelan State for the deprivation of liberty of José Luis Parada Sánchez in the context of a criminal proceeding that was not conducted in accordance with the guarantees of due process, as well as for the lack of medical care while he was deprived of liberty.

195. Mr. Parada Sánchez held various positions within Petróleos de Venezuela S.A. (PDVSA) since 1990. Specifically, between January 2007 and September 2008 he served as General Manager of Exploration and Production West. On May 21, 2008, Mr. Parada was denounced by members of the workers union called "SINUTRAPETROL" for allegedly committing irregularities in the bidding and contracting of services.

196. On May 23, 2009, the Twenty-fifth Prosecutor's Office of the Zulia State Public Prosecutor's Office initiated an investigation. On February 1, 2015, in compliance with an arrest warrant issued by the Eighth Criminal Control Court, the victim was detained by SEBIN officers at the "La Chinita" International Airport in Maracaibo when he was about to board a private flight Maracaibo-Valencia. The SEBIN members went to the place of detention in a van with no visible license plates. The petitioner claims that the SEBIN officers did not identify themselves as such at the time of the arrest, nor did they inform the victim of the reasons for the arrest or of the existence of the arrest warrant.

197. On February 3, 2015, the victim was presented before the Court, which decreed ordinary proceedings for the crimes of fraudulent embezzlement in degree of continuity and association to commit a crime and imposed a measure of preventive judicial deprivation of liberty, in addition to the preventive blocking and immobilization of bank accounts. On March 20, 2015, the Public Prosecutor's Office filed a formal accusation.

198. The preliminary hearing was postponed by the Court up to 35 times due to the SEBIN's failure to transport the victim to the Court's headquarters, despite the Court's express and repeated requests. The concurrence of these non-attendances led to the fact that the preliminary hearing, initially scheduled for April 15, 2015, ended up taking place on September 22, 2017 after the victim submitted a brief to the Court, by means



of which he declared himself contumacious with the justice system and delegated his representation to his private defense in order to allow the preliminary hearing to take place without his presence.

199. In the preliminary hearing, the Eighth Court of Criminal Control decided to order the order to open a trial against the victim for the crime of continuous fraudulent embezzlement, to declare the dismissal of the crime of criminal association, and to maintain the alternative precautionary measure to the deprivation of liberty.

200. According to the information provided by the petitioner, between August 4 and September 17, 2015, the Eighth Criminal Control Court issued at least six requests to the Director of SEBIN, so that Mr. Parada could be transferred from Helicoide to different health centers where he was to undergo medical evaluations related to his hypertension problems and other suspicious pathologies.

201. On September 23, 2015, the Dr. Jiménez Rojas Surgical Medical Institute issued a medical report diagnosing the victim with various pathologies, which was complemented with the result of a biopsy performed on Mr. Parada. According to the information available in the case file, the Eighth Criminal Control Court reportedly sent up to eight times to the SEBIN to order the transfer of the victim to the different health centers where he could receive the appropriate treatment for his condition. However, the SEBIN permanently showed its refusal to carry out these transfers, which limited Mr. Parada's possibilities of receiving timely attention.

202. On October 2, 2015, the victim's legal defense filed an amparo action together with a request for a humanitarian measure before the Constitutional Chamber of the Supreme Court of Justice, explaining his situation, particularly Mr. Parada's diagnosis of colorectal cancer and the risk factors he was facing. There is no record in the case file that the Constitutional Chamber has pronounced on the admission or admissibility of the amparo action or resolved the merits of the appeal.

203. On May 18, 2016, the Eighth Court of Criminal Control, replaced the preventive detention measure by one of house arrest with prohibition to leave the country, considering the seriousness of the victim's illness, which became effective on June 15, 2016. On March 1, 2017, the Eighth Criminal Control Court agreed the substitution of the house arrest for a measure of periodic presentation, which was notified to SEBIN on the same day, ordering the immediate release of the victim, and reiterated up to eight times between April 21 and August 8, 2017. This court order was not complied with by SEBIN officials.

204. During the month of March 2017, the legal representation of the victim filed two writs of amparo in the form of habeas corpus before the Constitutional Chamber of the Supreme Court of Justice and before the Court of First Instance in Guard Functions of the Criminal Judicial Circuit of Caracas, which received no response. On December 30, 2017, Mr. Parada took advantage of an oversight in SEBIN custody to flee from his residence.

205. In its Admissibility and Merits Report No. 393/22, the Commission noted that there is no document or evidence in the case file to prove that the victim's detention was carried out in a manner consistent with the American Convention. In particular, the Commission noted that the SEBIN officials failed to identify themselves as such and that they did not inform the victim at the time of his arrest of the existence of an arrest warrant against him, nor of the grounds on which it was based. The victim indicated that she had the opportunity to access the arrest warrant two days after her arrest, when she was brought before the court. The Commission determined that this constituted a violation of the victim's personal liberty.

206. Regarding the preventive detention measure, the IACHR observed that it took into account a presumption of danger of flight provided for in Article 237 of the Organic Code of Criminal Procedure of Venezuela, which is incompatible with inter-American standards on the matter, and that the court used other types of reasoning that were also incompatible with the procedural purposes that preventive detention should pursue. In view of the foregoing, the Commission considered that from the beginning the preventive detention



was arbitrary and constituted a punitive and not a precautionary measure, in violation of both the right to personal liberty and the principle of the presumption of innocence.

207. On the other hand, the Commission noted that pretrial detention was replaced by house arrest and that on March 1, 2017, the Eighth Court replaced house arrest with periodic presentation of the victim. However, SEBIN repeatedly refused to comply with the order issued by the court. Consequently, the Commission found that, at least from the time the March 1 decision came into effect, the victim's deprivation of liberty not only lacked a normative basis, but also became arbitrary because it lacked any justification whatsoever.

208. The IACHR also found that the victim did not have an effective remedy to obtain his release and that, despite the fact that the habeas corpus remedy would be suitable to protect the right to personal liberty against arbitrary detentions, neither of the two amparos initiated by the victim's defense resulted in the release order being complied with by SEBIN. On the contrary, the IACHR found that, despite the urgency of the situation, more than four years having elapsed since their filing, neither of the two appeals had been resolved on the merits. Consequently, the IACHR considered that the State did not provide the victim with an effective remedy that would allow him access to judicial control of his detention, once it became illegal and arbitrary.

209. Based on these considerations, the Commission indicated that the State of Venezuela is responsible for the violation of the right to personal liberty in its various dimensions, as well as the right to the presumption of innocence, to judicial guarantees and to judicial protection.

210. In addition, the Commission observed that the victim did not have the possibility of receiving timely and adequate health care while in the custody of the State and that the State did not provide the victim with an adequate and effective remedy to protect her from the harm she suffered. In this sense, the Commission considered that the State is responsible for the violation of the right to humane treatment, to health and to judicial protection.

211. Finally, the Commission observed that the criminal proceeding against the victim began on May 21, 2008 and that, despite the fact that more than 10 years had passed since the criminal complaint was filed, the proceeding had not only not concluded, but did not even have a first instance judgment. In view of this, the Commission concluded that the State is responsible for the violation of the right to due process and judicial protection.

212. Based on the findings of fact and law, the Inter-American Commission concluded that the State is responsible for violations of Articles 5(1) and 5(2) (right to humane treatment), 7(1), 7(2), 7(3), 7(4), 7(5) and 7(6) (right to personal liberty), 8(1) and 8(2) (right to fair trial), 25(1), 25(2)(c) (right to judicial protection) and 26 (progressive development) of the American Convention on Human Rights, in relation to the obligations established in Articles 1(1) and 2 of the same instrument.

- **Clínica Pediátrica Da Região Dos Lagos vs Brazil.**

213. The case concerns the international responsibility of the Brazilian State for violations that occurred in the context of the investigations into the deaths of 96 babies between June 1996 and March 1997 as a result of medical negligence by employees of the Clínica Pediátrica da Região dos Lagos.

214. CLIPEL was created in 1995 as a private for-profit clinic. It was located in the internal area of the Santa Izabel Hospital, in the city of Cabo Frio, in the state of Rio de Janeiro. CLIPEL received funds from the State within the scope of SUS for the Neonatal Intensive Care Unit (UTI).

215. The victims were born in the state of Rio de Janeiro as healthy babies, and most of the mothers had no health problems during pregnancy that could have put the babies' lives at risk. Due to different circumstances, including respiratory complications, prevention reasons, prematurity or lack of places in other hospitals, the babies were taken to CLIPEL's neonatal ICU.



216. Once the victims were hospitalized at CLIPEL, their relatives declared to authorities that they had observed irregularities in the medical treatment and lack of hygiene, among other issues of concern. In particular, one of the victims stated that: (i) when she went to visit her daughter, the health professionals gave her a gown that had already been used by other people, a fact that she saw repeated with the parents of the other hospitalized babies; (ii) when entering the ICU, she was not told to cover her mouth with a mask; (iii) nurses and doctors had contact with several children without washing their hands when passing from one to another; (iv) doctors wore the same clothes that had been worn by other doctors before entering the ICU and also did not wear a mask; and (v) some doctors leaving the ICU, hung up their gown, smoked cigarettes, put on the same clothes and entered the ICU again.

217. According to the Regional Council of Medicine of the State of Rio de Janeiro (CREMERJ), the competent body to supervise the ethical conduct of the medical professionals involved in the events, between 1995 and 1997, the mortality rate of the children hospitalized at CLIPEL was approximately 21.20% and of these deaths, at least 37 were said to have been caused by "sepsis". On the other hand, according to the Fernandes Figueiroa Institute of the Oswaldo Cruz Foundation (IFF/Fiocruz), a body attached to the Ministry of Health, between May 1996 and April 1997, the infant mortality rate in the neonatal ICU of CLIPEL was "totally abnormal". In particular, this institute indicated that during that period there was neonatal sepsis in at least 60.8% of the deaths and that in December 1996 alone, 10 of the 11 infants who died had sepsis. In this context, between April 1996 and March 1997, more than 80 newborn babies died at CLIPEL.

218. These deaths were allegedly caused by hospital infections and medical negligence. The death certificates indicated as causes of death neonatal sepsis, pulmonary hemorrhage, prematurity, respiratory distress, cardiopulmonary arrest, respiratory distress syndrome or rubella. In particular, one of the death certificates indicated that the baby was "the newborn of a diabetic mother". According to the statements of the mothers and fathers of the babies, and the results of the blood tests performed by the Osmani Sobral Rezende Clinical Biochemistry Laboratory, it was found that the babies had been infected by a germ of hospital origin, and the presence of the *Klebsiella Pneumoniae* bacterium was recognized in the blood of the victims. In this regard, the expert report of IFF/Fiocruz concluded that it was impossible to attribute the abnormal mortality rate at CLIPEL to factors other than hospital contamination.

219. Several experts affirmed that, once the outbreak of hospital infection was confirmed, the doctors and directors of CLIPEL should have ordered the interdiction of the clinic and the sterilization of the place. According to the police investigation report, the findings led to the conclusion that there was negligence on the part of CLIPEL's directors, and that the health professionals treated the neonatal babies in a negligent and careless manner.

220. As a consequence of the facts described above, at least five administrative proceedings were initiated: (i) before the Health Inspection Coordination of the Health Secretariat of the State of Rio de Janeiro (COFISA), in which the victims' relatives did not obtain answers about the events that occurred; (ii) before CREMERJ which was initiated in 1997 to investigate the conduct of the medical director of CLIPEL, and in 2000 concluded that the referred physician had not committed wrongdoings; (iii) before the Ministry of Health, which was initiated in 1998 to determine the responsibility of the physician Luiz Cavalcanti Lopes, and which in the same year concluded that he was not responsible for the deaths of the victims; (iv) before the Cabo Frio City Council; and (v) finally a civil investigation before the Public Prosecutor's Office, which was closed in 2006 because it was considered that the complaints constituted administrative offenses and were not within the competence of the Criminal Prosecutor's Office.

221. Also, on April 7, 1997, Mrs. Marilucy Dias de Souza and other relatives of the deceased babies denounced to the Public Prosecutor's Office the death of more than 30 newborns at CLIPEL, as well as the suspicion of an outbreak of hospital infection and staff negligence. On April 8, 1997, the Public Prosecutor's Office of the state of Rio de Janeiro requested the 4th Regional Division of the Civil Police to initiate an investigation into the facts. The police investigation report of September 4, 1997 concluded that the Director of the CLIPEL neonatal ICU should be charged with homicide because of causality between his conduct and the deaths in question.



222. On December 21, 1999, the Public Prosecutor's Office presented its complaint to the judge of first instance of the Criminal Court of Cabo Frio. It indicated that eight doctors were responsible for negligent homicide of the newborns due to hospital infection.

223. On February 23, 2000, the first hearing was held before the Cabo Frio Criminal Court, in which the defendants were interrogated and statements were taken from two experts. On February 24, 2003, a sentence was issued by which, based on Article 386, paragraph II of the Criminal Procedure Code, the defendants were acquitted of the charge of manslaughter. The Judge considered that, due to the absence of negligent behavior and causal nexus, the typical act of negligence did not exist, but that the deaths occurred due to force majeure. However, the Judge warned that "we need to comment on the complaint, because despite the brilliance of the undersigned, it is practically inept, since it did not individualize the conduct of each of the defendants, attributing to all the same conduct, without bothering to discriminate the defendants who had contact with the victims as doctors on duty".

224. The parties appealed the sentence on June 5, 2003 and July 28, 2003. On March 15, 2005, the Fourth Criminal Chamber of the Court of Justice of the State of Rio de Janeiro upheld the acquittal.

225. Some of the victims filed direct reparation actions against CLIPEL for the death of their sons and daughters. However, all were declared inadmissible. In addition, the Public Prosecutor's Office opened an investigation for a public civil action to inquire into the petitioners' allegations. As part of this investigation, on June 28, 2002, it made a technical visit to CLIPEL to determine irregularities, and concluded that in 2002 the infrastructure of the clinic was adequate for care. On April 4, 2006, the prosecutor in charge of the civil investigation requested that it be closed, because the allegations would constitute, in principle, administrative offenses, and therefore it was not within the jurisdiction of the Criminal Prosecutor's Office to conduct the investigation.

226. In its Merits Report 267/22, the Commission noted that, at the time of the facts, there was an abnormal incidence of hospital infections in CLIPEL, factors of overcrowding and lack of professionals, as well as situations associated with poor hygiene and cleanliness of the environment, which constituted a situation of real and imminent risk to the rights of children that the State knew or should have known about if it had complied with its duties of supervision and oversight. Faced with this situation, the Commission concluded that the State did not adopt effective measures to prevent the occurrence of the health effects and subsequent death of the 96 infant victims in this case, with respect to whom it had a particularly reinforced duty, taking into account their extremely vulnerable situation as newborns. Consequently, the IACHR determined that the Brazilian State is responsible for the violation of the rights to life, health and personal integrity to the detriment of the 96 newborns who died inside CLIPEL in relation to its duty to guarantee the rights of the child.

227. With respect to the investigation of the facts and the proceedings in the domestic jurisdiction, the Commission first observed that, in the criminal proceedings, as noted by the judge who heard the case, the Public Prosecutor's Office did not identify the criminal conduct attributable to each of the accused physicians and that this omission, which reflects the failure to observe a fundamental element of individual criminal responsibility, was decisive in the judicial outcome that acquitted the defendants.

228. With regard to the first instance judgment, the IACHR noted that the judge considered, in essence, that there were no elements to determine that the doctors were at fault and that there was no causal link between the deaths of the babies and the conduct of the defendants. The Commission considered that the judge based his decision mainly on reports issued by the competent health entities that did not carry out regular and effective control tasks. In this regard, the Commission noted that, despite the fact that the petitioners denounced before the Public Prosecutor's Office the technical soundness of the technical reports of the health authorities and that other specialists expressly mentioned their serious shortcomings, the State did not show that it had conducted an exhaustive investigation aimed at contrasting or questioning their validity. The Commission indicated that the decision to acquit the doctors was reached in the context of serious irregularities in the investigation, including the failure to incorporate the blood tests offered by the petitioners with the



diagnosis of infection of the children, the failure to incorporate technical expertise, as well as the loss of testimonial statements of the accused.

229. Regarding the second instance decision, the Commission noted that the ruling recognized a series of irregularities in the CLIPEL but concluded that a causal nexus had not been accredited due to the omission of the physicians involved in the absence of further evidence that would offer greater certainty. The Commission noted that precisely this lack of certainty resulted from the lack of sufficient evidence to clarify what happened. In this sense, the Commission considered that the ruling established a conclusion that was not the product of a diligent investigation.

230. With respect to the administrative and civil proceedings, the IACHR considered that the State did not provide sufficient information to indicate that steps were taken by the health authorities to clarify the facts, nor information that would allow it to conclude that the victims' next of kin were heard in the context of these administrative proceedings. In particular, it emphasized that within the framework of the investigation that it processed before the Ministry of Health, the aforementioned body stated that the manifestations of the victims' next of kin were "uproar, sensationalism, lack of attention and hasty attitudes".

231. The Commission also noted that all the civil actions brought by family members against CLIPEL were declared inadmissible and that, in at least two cases, the decision was based on the fact that the fault of the doctors had not been proven, without any actions to establish liability in this area having been demonstrated and despite the fact that civil liability is independent of criminal liability under Brazilian domestic law. The Commission also noted that the decisions in the civil sphere did not adequately consider that adulterated antibiograms and medical reports were performed. Thus, the Commission noted that there was a lack of due diligence on the part of the authorities in charge of these proceedings.

232. On the other hand, the IACHR asserted that the civil investigation before the Public Prosecutor's Office was filed under the argument that the alleged facts could constitute an administrative offense, which were not within the competence of the Criminal Prosecutor's Office. In this regard, it emphasized that, under the terms of Law 7.347 of July 24, 1985, the Public Prosecutor's Office has the authority to file "public civil actions" in cases of damages in matters of diffuse or collective interest, such as the right to health. In this sense, the Commission considered that the Public Prosecutor's Office could have acted diligently and evaluated the possibility of filing a public civil action before the investigation was closed.

233. In addition to the above, the Commission considered that the delay of almost ten years to obtain a final decision in criminal proceedings was linked to the conduct of the authorities in charge and that, beyond the complexity of the case, it was unreasonable that the Public Prosecutor's Office only in June 2002 had carried out proceedings on events that occurred in 1996 and 1997, and therefore determined that the State violated the guarantee of reasonable time.

234. In light of the foregoing considerations, the IACHR concluded that the Brazilian State failed to comply with its duty to investigate and prosecute with due diligence, within a reasonable time and in accordance with its duty to provide reasons, to the detriment of the children's next of kin.

235. It also considered that the State did not adopt concrete measures to investigate the facts from an intersectional gender perspective that would consider the situation of vulnerability of the mothers in a state of puerperium and the race of these women and families. On the contrary, the Commission observed that the authorities of the Ministry of Health and the judicial system acted by applying gender stereotypes referring to the lack of prenatal care and previous health conditions of the mothers as a cause of the death of the babies, and that the application of these gender stereotypes affected, in general, the State's duty to investigate. In this sense, the Commission concluded that the State of Brazil is responsible for the violation of the principle of equality and non-discrimination to the detriment of the victims' mothers.



236. Finally, the Commission considered that the loss of their loved ones and the absence of truth and justice caused suffering and anguish to the members of the families of the victims of the infectious outbreak, in violation of their right to psychological and moral integrity.

237. Based on the findings of fact and law, the Inter-American Commission concluded that the Brazilian State is responsible for the violation of the rights to personal integrity, to life, to judicial guarantees, to equality before the law and non-discrimination, to judicial protection and to health, as well as the rights of children, enshrined in Articles 4(1), 5(1), 8(1), 19, 24, 25 and 26 of the American Convention on Human Rights with respect to the obligations established in Article 1(1) of said instrument, as well as Article 7 of the Convention of Belém do Pará.

- **Marcela Brenda Iglesias et al. v. Argentina.**

238. The case refers to the international responsibility of the Argentine State for the violation of the rights to life, to personal integrity, to the protection of children, to judicial guarantees and to judicial protection for the death of Marcela Brenda Iglesias Ribaudó and for the impunity in the investigation of the facts.

239. The child Iglesias Ribaudó was born on October 19, 1989 and, at the time of the facts, she was 6 years old. On February 15, 1999, Marcela Brenda participated in an activity for the sons and daughters of the Hipotecario Nacional bank which consisted of a walk to the "Paseo de la Infanta" recreational complex. Most of the children were playing in the area designated for pedestrian traffic and in this same space was located a 250 kg iron sculpture called "Elements" created by the artist Danilo Dazinger. Suddenly, the sculpture collapsed, causing the immediate death of Marcela Iglesias.

240. On the occasion of Marcela Brenda's death, the National Court of First Instance in Correctional Matters N° 11 intervened in the criminal proceedings in which the sculptor of the work, the person in charge of the art gallery "Der Brücke" who had the custody and care of the work, the General Director of the National Police, the Director of Routine Inspections of the Municipality of Buenos Aires, the Head of Department of Zone III of the Municipal Police and the official who signed the resolution that allowed the commercial activities on the premises were charged.

241. The process was developed for the crimes of culpable homicide, culpable injuries, and omission of the duty of care of public officials. During the investigation it was proved that the "metallic structure was in an evident state of oxidation and corrosion; that, in spite of its large part and weight, it was only fastened at two ends with a single welding point; and that it had never been properly secured, taking into account its weight and proportion".

242. On March 1, 1999, the Prosecutor requested that the case be referred to trial and on November 19, 1999, the case was referred to oral trial before National Correctional Court No. 3. During this stage, the petitioner reported that the accused filed "multiple motions for annulment, requests for extensions of time, recusals and objections to jurisdiction, with the purpose of delaying the continuation of the proceedings and consequently slowing down the conduct of the oral trial".

243. On March 10, 2003, the magistrate in charge of Correctional Court No. 3 declared the criminal action for the crime of failure to perform the duties of a public official extinguished with respect to one of the accused. Subsequently, according to the petitioner, the defenses of the other defendants filed nullity and prescription of the criminal action and appeals for cassation, which were rejected and, at the same time, a trial date was set on one occasion.

244. On March 15, 2005, the Federal Chamber of Criminal Cassation decreed the extinction of the criminal action due to the statute of limitations and acquitted the rest of the accused persons. According to the information provided by the petitioner and the public information on the reason for the decision, the judicial authority retroactively applied a new regulation that established another way of counting the statute of



limitations, which was more favorable for the defendants. On December 14, 2005, Chamber IV of the Chamber of Cassation rejected the cassation appeal filed by the plaintiff.

245. On November 8, 2006, Attorney Esteban Righi filed an opinion before the Supreme Court requesting that the case be reopened. In this regard, he requested that the extraordinary appeals filed by the petitioner be declared well-founded and that the declaration of extinction of the criminal action due to the statute of limitations be annulled. On December 11, 2007, the Supreme Court of Justice of the Nation declared the extraordinary federal appeal inadmissible, maintaining the statute of limitations of the criminal action for the wrongful death of Marcela Iglesias.

246. In its Merits Report No. 266/22, the Commission considered that the State did not adopt measures in the face of the actions of third parties and that its omission was of such magnitude that it did not attempt to prevent the damage caused by risky activities, despite the fact that persons of special protection, such as children who went to the Promenade for recreational purposes, were passing through the place. The Commission pointed out that the State should have been aware of the logical situation of risk implied by the exposure of large weighty structures in a public space, and yet it did not adopt any reasonable measure to avoid the configuration of such risk.

247. In particular, it considered that the Argentine State did not adopt measures of supervision and oversight of the companies that developed their Art Galleries in a public space with transit of people, including children, which would have identified effective measures to prevent the risks of the poorly secured and welded "Elements" structure, whose fall caused the death of Marcela Brenda Iglesias. For this reason, the Commission considered that it was responsible for the violation of the right to life and personal integrity and protection of children.

248. Likewise, the IACHR observed that after the death of the girl Brenda Iglesias, a criminal investigation was initiated that progressed until the summons to trial of individuals and State officials on December 13, 1999; however, years later, the judicial authorities declared the statute of limitations on the criminal action by applying a new regulation on the calculation of the statute of limitations. In this regard, the Commission analyzed whether the proceedings were conducted in accordance with inter-American standards on due diligence in the investigation.

249. The Commission also pointed out that the petitioner presented a series of proceedings in the trial that demonstrate that multiple appeals and challenges were filed by the defendants' defense attorneys. Some of these appeals were resolved by the trial court and others were processed before the Chamber of Cassation. The Commission also noted that there was a change of judicial authority, as in 2000 a new judge took over the case. The Commission noted that the requests for statute of limitations by the defense were frequent, appealed and prevented the trial from being carried out, which ended with the application of the statute of limitations due to the passage of time.

250. In turn, it considered that, although the investigation was not a complex matter, the multiplicity of defendants and the different petitions that they made to the administration of justice had an unquestionable impact on the passage of time without the criminal trial for the death of Marcela Brenda Iglesias. It also noted that the judicial authorities had not adopted measures to prevent the diversity of appeals from leading to a delay in the process that would culminate in its statute of limitations due to the passage of time.

251. Likewise, the Commission found that the appeals filed at various levels by the defendants in succession, as well as the time taken by the administration of justice to resolve them and return the case, prevented the aforementioned trial from being held on several occasions. Therefore, the Commission considered that this lack of conduct of the process to bring it to a conclusion with a trial decision implied a violation of the due process rights and judicial protection of the Iglesias Ribaldo family. In this sense, it determined that the State is responsible for the violation of the rights to due process and judicial protection.



252. Based on the findings of fact and law, the Inter-American Commission concluded that the State of Argentina is responsible for the violation of the rights to life, humane treatment and protection of children established in Articles 4, 5 and 19 of the American Convention in relation to Article 1(1) of the same instrument, to the detriment of Marcela Brenda Iglesias. Likewise, that the State of Argentina is responsible for the violation of the rights to due process and judicial protection set forth in Articles 8 and 25 of the American Convention, in relation to Article 1(1) of the same instrument, to the detriment of Eduardo Iglesias and Nora Esther Ribaudo.

- **Leonela Zelaya vs. Honduras.**

253. The case refers to the international responsibility of the Honduran State for the death of Leonela Zelaya, who was a trans woman, and for the situation of impunity of the facts.

254. Leonela Zelaya was born in the department of Cortés and was registered at birth as Oscar Zelaya. She attended only elementary school and grew up in an environment of violence and discrimination by her family members because of her gender identity. According to the petitioner, Leonela was diagnosed with HIV in the early 1990s.

255. At the time of the facts, Leonela was 34 years old, she was a sex worker and lived with Talía Rodríguez in a room in the city of Tegucigalpa. Talía said that Leonela was like her sister, they shared festivities and celebrations together, and gave each other emotional and economic support.

256. According to the petitioner, on August 15, 2004, Leonela Zelaya was beaten with truncheons and pistol butts by agents of the Preventive Police of Police Station Number 4 of Comayagüela. The petitioner reported that as a result of this aggression, Leonela had bruises and swelling on her legs, face, back and arms, fever and headache.

257. Talía Rodríguez stated that on the night of September 6, 2004, she went out to work with Leonela and that, although she asked her to return home together, she indicated that she would "wait a little longer". Around 5:00 a.m. the following day, Leonela's body was found on a public street in the city of Comayagüela, by a woman selling candy in the area.

258. On September 7, 2004 at 6:45am, the prosecutor of the Public Prosecutor's Office performed the removal of the body. The coroner concluded that Leonela was killed by a knife. Her identity was recorded as "a male person whose name is unknown (Homosexual)".

259. The death was registered at the center for the reception of complaints at the General Directorate of Criminal Investigation (DGIC) on September 8, 2004 under file number 963-04 to the detriment of "unknown victim". On September 20 of the same year, an order was issued requesting an investigation for the crime of homicide. However, the petitioner indicated that the authorities did not take any steps to identify witnesses or gather any other type of evidence at the scene of the facts in order to determine the cause, manner and time of the events. In fact, the Commission did not have any documentation on the performance of procedural steps or acts between that date and January 2017

260. On August 28, 2019, the State told the Commission that the Secretary of State's Office conducted an investigation and determined that the person responsible for the homicide was Luis Alberto Sosa Ardón and that the motive was an attempted robbery. It also informed that Mr. Ardón died in 2007.

261. In its Merits Report No. 450/21, the Commission considered that the nature and conditions in which the body of Leonela Zelaya was found, and the additional evidence that emerges from the context of violence in which the events occurred, allows characterizing what happened as a murder based on prejudice regarding gender identity and expression as a trans woman and, therefore, a transfemicide. In particular, the Commission noted that the judicial file of the case contained a photograph showing that the victim's body was found with her chest uncovered, which could be indicative of sexual violence, despite the fact that there is no information on the respective analyses carried out to rule out the possibility that Leonela Zelaya was a victim



of sexual violence. Likewise, the Commission observed that Leonela Zelaya was killed with a knife and that her body was found in the street; elements consistent with the findings of the IACHR in relation to how most hate crimes are committed against trans women, on several occasions in situations related to sex work, as in the present case.

262. It also warned that the Honduran State was aware of the existence of the context of historical discrimination against LGBTI persons, particularly against trans persons and sex workers at the time of Leonela's murder. This context has also been known by the Court in the case of *Vicky Hernandez v. Honduras*. Despite this, the State did not adopt measures to confront it and prevent its continuation. On the contrary, from the information provided, the Commission highlighted that, on at least one occasion, Leonela was the victim of aggressions by State agents, in such a way that her death, in addition to having developed in a situation of great vulnerability and exposure to risk created by the State itself, even suggests the possible participation of State agents, which was not disproved in the internal investigation.

263. In this sense, the Commission concluded that the State is responsible for the violation of the rights to life, personal integrity, privacy, honor and dignity, freedom of expression, equality and non-discrimination, as well as the right to live free from violence.

264. With respect to the criminal investigation, the IACHR observed that the State did not design or implement logical lines of investigation derived from the evidence and context surrounding the facts of the case, following only the line of investigation consisting of the hypothesis that the homicide of Leonela Zelaya was the result of an argument or confrontation with an unknown civilian and completely omitting from the investigation the analysis of the multiple elements that indicated that the act could be framed within the concept of hate crime and the possible participation of state agents.

265. In addition, it considered that the internal investigative process was deficient and the evidentiary activity was minimal. In particular, the IACHR observed that, in the notes of the investigation of the case contained in the judicial file, it was stated that the body found was "supposedly called Leonela". The Commission considered that this shows that the authorities who carried out the removal of the body were aware of its identity from the moment the first steps were taken. However, this information was not recorded in any of the reports of the removal of the body, nor in the record of the complaint. Instead, Leonela was registered as an "unknown person", which resulted in a serious omission in the State's due diligence activities, and reinforces gender stereotypes.

266. In relation to the reasonable time period, the Commission observed that more than 17 years had passed since the investigation into Leonela's death without any steps having been taken to clarify the facts and punish the persons responsible, and even that the State acknowledged that the case file had been lost for more than a decade. The Commission considered that from the available information it is evident that the State has not complied with its duty to investigate with due diligence and within a reasonable period of time.

267. Consequently, the IACHR concluded that the State is responsible for the violation of the rights to judicial guarantees, to equality and non-discrimination, and to judicial protection.

268. Finally, taking into account that the concept of family should not be restricted exclusively to the nuclear family, and that in particular those who are part of the trans community, due to the factors of economic and social vulnerability to which they are exposed, build community networks and bonds of friendship, sisterhood, economic support and creation of forms of common lives, the Commission recognized Talía Rodríguez as a relative of Leonela Zelaya. In this sense, it held that the State is responsible for the violation of the right to personal integrity to the detriment of Talía Rodríguez due to the loss of her loved one, the seriousness of the events that occurred, in addition to the lack of clarification and adequate and timely judicial response.

269. Based on the findings of fact and law of the report, the Inter-American Commission concluded that the State is responsible for the violation of the rights to life, personal integrity, judicial guarantees, honor



and dignity, freedom of expression, equality and non-discrimination, and judicial protection established in Articles 4.1, 5.1, 8.1, 11, 13, 24 and 25.1 of the American Convention, in relation to Article 1.1 of the same instrument; and Article 7 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, to the detriment of Leonela Zelaya and Talía Rodríguez.

- **Héctor René Reyes Pérez and family v. Guatemala.**

270. The case refers to the international responsibility of the State of Guatemala for the violation of the rights to life, personal integrity, personal liberty, judicial guarantees and judicial protection due to the disappearance of Mr. Reyes Pérez in September 2003.

271. At the time of his disappearance, Mr. Reyes Pérez was 52 years old and had been working since 1995 as general manager of the Nueva Linda farm located in the town of Retalhuleu, where he lived with his wife and 6 children. Mr. Reyes Pérez was also a member of a peasant organization called "Mayas sin Tierra", in the framework of which he had been awarded a plot of land for cultivation and housing on the Montecristo farm, in response to which he decided to request his dismissal from the Nueva Linda farm and the respective labor indemnity from his employer, Mr. Carlos Vidal Fernández Alejos.

272. Mrs. Floridalma Toledo Chávez, wife of Mr. Reyes Pérez, stated that on September 5, 2003, at 4:00 a.m., a security guard named Víctor de Jesús Chinchilla Morales went to her home and left with her husband in a vehicle owned by the Nueva Linda farm to leave fertilizer at the San Miguel Mapán farm located in Santa Lucía Cotzumalguapa. Since then, the whereabouts of Mr. Reyes Pérez are unknown.

273. On September 6, 2003, Mrs. Toledo Chávez reported the disappearance of her husband to the citizen's attention office of the Retalhuleu substation of the National Civil Police, and on September 8, she ratified the complaint before the District Prosecutor's Office of Retalhuleu. On September 24, 2003, Mrs. Toledo Chávez gave a new statement in which she expressed her suspicions regarding Mr. Chinchilla Morales and Mr. Vidal Fernández Alejos, owner of the Nueva Linda farm.

274. Based on the facts of this case, the national authorities carried out several investigations, including i) an investigation by the District Prosecutor's Office of Retalhuleu since September 2003; ii) an investigation by the Special Prosecutor's Office for Human Rights of the Public Ministry since November 2003; iii) an investigation by the District Prosecutor's Office of Coatepeque since May 2004 and iv) an investigation by a Special Prosecutor appointed by the Attorney General of the Republic on December 2, 2004.

275. The State carried out a series of diligences as part of the investigation. A luminol test was carried out on the vehicle in which Mr. Reyes Pérez was last seen, resulting positive for blood stains inside the cab, and interviews were taken from the wife of Mr. Reyes Pérez and leaders of the Coordinadora de Comunidades Indígenas y Campesinas Sur Occidente, who held Mr. Vidal Fernández Alejos and Mr. Chinchilla Morales responsible for the disappearance. Also, the exhumation of a body buried in Finca Santa Clara Las Arenas and of unidentified bodies buried in the General Cemetery of Santa Lucía Cotzumalguapa was carried out, concluding that none of them corresponded to that of Mr. Reyes Pérez. At the date of approval of the report, the investigation remained open without having been able to identify and punish those responsible or locate the remains of Mr. Reyes Pérez.

276. In addition, in the Peace Court of the Municipality of La Gomera, Department of Escuintla, a proceeding was initiated on September 20, 2003 for the presence of a male corpse located on the beach of the Pacific Ocean, at the mouth of the Coyolate River. According to the visual inspection report, the body had no identification and had several holes from firearm projectiles in different parts of the body. The body was buried in the General Cemetery of Santa Lucía Cotzumalguapa and the case was filed on March 18, 2004, without any other steps being taken to facilitate the identification of the body.

277. The Assistant Prosecutor of the Special Prosecutor's Office that heard the case stated that there were many similarities between the body found in the Coyolate River and buried in the General Cemetery



of Santa Lucía Cotzumalguapa with the existing data on Mr. Reyes Pérez. He also stated that it was not possible to find the photographs of the body in the archives of the Criminal Investigation Service of the National Civil Police of Escuintla, even though they were registered, and that it was very difficult to search for the body because "the notebook of the administrator of the cemetery of Santa Lucía Cotzumalguapa, which was used to keep the registry of the persons buried, only contained blank spaces for the period from August to November of two thousand three".

278. In its Merits Report No. 398/21, the Commission considered that, from an overall analysis of the manner in which the investigation has been conducted, it can be concluded that it has been characterized by the lack of immediate adoption of timely and effective evidentiary measures, as well as by the existence of numerous negligence and irregularities. The Commission noted that, for many moments, the investigation lacked a comprehensive strategy that would allow an effective search for the whereabouts of Mr. Reyes Pérez and the identification and punishment of those responsible for his disappearance.

279. Likewise, the IACHR verified that the constant changes in the conduct of the investigation and the long periods of inactivity that occurred between each transition from one prosecutor's office to another harmed the progress of the investigations. In particular, it highlighted the delays that occurred when ended the intervention of the Special Prosecutor and the case returned to the District Prosecutor's Office of Retalhuleu, where the case was assigned for three months without the prosecutor's knowledge. Likewise, the overlapping of investigative bodies and the lack of coordination between them caused some proceedings to be repeated on several occasions, such as the taking of Mrs. Toledo Chávez's testimony, increasing the risk of causing her a revictimizing situation.

280. The Commission also noted that the officials of the Public Prosecutor's Office in charge of the investigation did not take appropriate measures to determine whether the body of Mr. Reyes Pérez had been located in other jurisdictions and buried as an unidentified person. Reyes Pérez had been located in other jurisdictions and buried as an unidentified person and highlighted the informality existing in the General Cemetery of Santa Lucía Cotzumalguapa during those months regarding the records of burials of unidentified corpses and the lack of measures to try to correct such omissions, which made the forensic investigation tasks in the cemetery and the successive exhumations of corpses very difficult.

281. All of these circumstances engaged the international responsibility of the Guatemalan State for the violation of the duty to investigate the facts with due diligence and explain to a large extent the failure to clarify the fate of the victim. In this sense, the Commission concluded that the State is responsible for the failure to comply with its obligation to investigate, prosecute and punish, within a reasonable time and with due diligence, the disappearance of the victim and is therefore responsible for the violation of the rights to judicial guarantees and judicial protection.

282. The IACHR also found that the State knew from the first hours of Mr. Reyes Pérez's disappearance that he was at risk, that the very nature and seriousness of the facts reported by Mrs. Toledo Chávez could reasonably lead to the conclusion that Mr. Reyes Pérez was in danger of his life, and that the authorities in charge of the investigation did not act diligently during the first days of the disappearance or throughout the entire process. In this sense, the Court determined that the State is responsible for having violated its duty to protect the rights to life, liberty and personal integrity of Mr. Reyes Pérez.

283. Finally, the Commission considered that the disappearance of Mr. Reyes Pérez has generated a deep sense of pain, anguish and uncertainty in his next of kin, who have appealed to various authorities and have undertaken multiple judicial and extrajudicial search actions that have proved fruitless; feelings that have deepened due to the lack of an effective and diligent investigation. Likewise, the Commission emphasized that - as a result of the multiple changes in the conduct of the investigation and the lack of coordination among the investigators - the wife of Mr. Reyes Pérez has been called to testify on numerous occasions, a circumstance that has undoubtedly generated feelings of revictimization and anguish. Accordingly, the Commission considered that the State violated the right to humane treatment to the detriment of the next of kin.



284. Based on the findings of fact and law in the report, the Inter-American Commission concluded that the Republic of Guatemala is responsible for the violation of the rights to life, humane treatment, personal liberty, fair trial and judicial protection enshrined in Articles 4, 5(1), 7, 8(1) and 25(1) of the American Convention on Human Rights, respectively, in relation to Article 1(1) of the same instrument. Likewise, the Commission concluded that the State is internationally responsible for the violation of the right to humane treatment enshrined in Article 5(1) of the American Convention with respect to the wife of Mr. Reyes Pérez and their six children mentioned in paragraph 63 of the report.

- **Julio Haron Ygarza et al. v. Venezuela.**

285. The case refers to the international responsibility of the Venezuelan State to the detriment of Norma Estela Guarulla Garrido, Julio Haron Ygarza and Romel Edgardo Guzamana for the violation of their right to be tried without undue delay and of their political rights, after having been elected as deputies to the National Assembly.

286. On December 6, 2015, elections Venezuela held election for deputies for the 2016-2021 constitutional term. The voting results, published on the official website of the National Electoral Council (CNE), showed the election of a total of 167 deputies, of which 109 belonged to the political organization "Mesa de la Unidad Democrática" (Democratic Unity Roundtable), in opposition to the government, 55 to the ruling political party "Partido Socialista Unido de Venezuela" (United Socialist Party of Venezuela), and 3 to indigenous representation.

287. This distribution not only granted an important parliamentary majority to the government opposition but also allowed the elected deputies of the opposition and those elected for the seats of indigenous representation to reach the qualified majority of two thirds of the deputies of the National Assembly established by the Constitution for the exercise of certain constitutional powers. In the voting, Norma Estela Guarulla Garrido and Julio Haron Ygarza were elected for the state of Amazonas, both belonging to the political organization Mesa de la Unidad Democrática, as well as Romel Edgardo Guzamana as main deputy for the indigenous representation for the Southern Region.

288. Each of the candidates was proclaimed as such by the CNE as indicated in the Organic Law of Electoral Processes, and, on December 8, 2015, they were issued the corresponding credential. On the same date, in addition, they began to enjoy parliamentary immunity within the framework of the provisions of Article 200 of the Constitution of the Venezuelan State.

289. On December 29, 2015, former candidate Nicia Marina Maldonado Maldonado, filed a brief of electoral litigation appeal before the Electoral Chamber of the Supreme Court of Justice (TSJ), together with a request for precautionary measure for the protection of constitutional rights and a measure of suspension of effects against the voting act held in the electoral circuit of the state of Amazonas. The appellant questioned the validity of the voting act of the parliamentary elections, "for being vitiated of ABSOLUTE NULLITY, being the product of the manipulation of the free and secret voting of the voters of the State of Amazonas and that as a whole constitutes a structural and massive fraud that affects the Venezuelan electoral system".

290. On January 4, 2016, the day before the installation session of the new National Assembly, the Electoral Chamber published on the website of the TSJ Decision No. 260 dated December 30, 2015, by which it declared itself competent to hear and decide the electoral litigation appeal together with a request for precautionary action for the protection of constitutional rights and declared it to be admissible. Consequently, the Chamber ordered "provisionally and immediately the suspension of the effects of the acts of totalization, adjudication and proclamation issued by the subordinate bodies of the National Electoral Council with respect to the candidates elected by uninominal vote, list vote and indigenous representation in the electoral process held on December 6, 2015 in the state of Amazonas for the election of deputies to the National Assembly".

291. Despite the notification of Decision No. 260, the National Assembly swore in the victims as deputies on January 6, 2016. This act motivated that on January 11, 2016, the Electoral Chamber declared the



Board of Directors of the National Assembly and the victims in contempt. By means of the same resolution, the Electoral Chamber ordered the National Assembly to leave without effect the act of swearing in the victims and to proceed to their immediate disincorporation. Furthermore, the Electoral Chamber added that, as long as the incorporation of the victims as deputies of the Assembly is maintained, all acts issued and issued by said institution would be considered absolutely null and void.

292. The victims filed an opposition against the precautionary measure declared admissible by the Electoral Chamber through its Decision No. 260. In accordance with the deadlines established by the Organic Law of the TSJ, the Electoral Chamber should have issued a decision on the opposition to the precautionary measure no later than January 26, 2016, but failed to do so.

293. Regarding the merits of the electoral litigation appeal, on February 25, 2016, the Electoral Chamber opened the case for the submission of evidence and should have set the opportunity for the oral hearings on April 7, 2016 at the latest. However, this did not happen either, therefore the electoral litigation proceeding has been paralyzed at least until October 15, 2020, a situation that has been replicated with the precautionary measure ordered within its framework.

294. In its Admissibility and Merits Report No. 407/21, the Commission noted that the victims were unable to assume the positions to which they were elected based on the proceeding promoted in December 2015 and which remains unfinished to date. Based on this, the IACHR evaluated the duration of the electoral proceeding in light of the elements of reasonable time and its impact on the political rights of the victims.

295. With respect to the complexity of the case, it was considered that the inherent characteristics of the electoral litigation appeal, as well as those present in the case, demonstrate that it was not of notable complexity. In particular, the Commission noted that elements such as the complexity of the evidence presented in the proceeding, the plurality of the procedural parties or the number of victims, the time elapsed since the infringement heard by the Court, the particularities of the proceeding regulated in the internal regulations of the State or the very context in which the facts took place, do not clearly demonstrate that the appeal to be resolved by the Electoral Chamber involved a high level of complexity to the point of requiring more than 4 years to be decided.

296. Regarding the procedural activity of the interested party, the Commission noted that the petitioner claimed not to have incurred in any dilatory conduct in the proceedings and that, from the information in the file, it does not appear, for example, that the victims have filed a variety of appeals in the proceeding that could justify a certain delay in it, or that it has been engaged in obstructive procedural conduct.

297. With regard to the conduct of the judicial authorities, it was noted that, according to the provisions of the Organic Law of the TSJ, as well as the arguments of the petitioner, the Electoral Chamber had exceeded all the deadlines set for conducting the measures necessary for the development of the proceedings. Specifically, the Electoral Chamber did not rule within the legal time limit on the brief opposing the precautionary measure filed by the victims, nor did it set a date for oral arguments within the time limit provided for by the Organic Law.

298. With respect to the effects on the legal situation of the person involved in the proceeding, the IACHR noted that the delay in the actions of the Electoral Chamber has been seriously affecting the rights of the victims, who, despite having been elected as deputies, have been prevented from joining the National Assembly due to the effects of the precautionary protection granted by the Electoral Chamber. In this regard, it stressed that, in the two opportunities in which the Assembly decided to swear in the elected and proclaimed deputies, the TSJ declared this legislative body in contempt in order to block any possibility for the victims to occupy their positions, which simultaneously meant a limitation to the exercise of the constitutional mandate of the Assembly.

299. In view of these considerations, the IACHR considered that the duration of the electoral proceeding that prevented the victims from finally taking office was contrary to judicial guarantees and judicial



protection, also impacting both the right to active and passive vote and, ultimately, affecting the right of the victims to hold office.

300. Based on the findings of fact and law, the Inter-American Commission concluded that the State of Venezuela is responsible for the violation of the rights to judicial guarantees and judicial protection protected by Articles 8(1) and 25(1) of the American Convention on Human Rights, and of the political rights contained in Article 23(1) of the same treaty, in relation to Article 1(1) of the American Convention, to the detriment of Julio Haron Ygarza, Nirma Estela Guarulla Garrido and Romel Edgardo Guzamana.

- **José Segundo Zambrano and Pablo Marcelo Rodríguez vs. Argentina.**

301. This case concerns the international responsibility of the Argentine State for the forced disappearance and subsequent execution of José Segundo Zambrano and Pablo Marcelo Rodríguez.

302. At the time of the facts, José Segundo Zambrano and Pablo Marcelo Rodríguez were 28 and 25 years old respectively and were friends. There are several statements in the case concerning Mr. Zambrano's relationship with police officers. In particular, several witnesses indicated that he was in contact with members of the Mendoza Police.

303. Stella Maris, mother of Mr. Zambrano, stated that on March 25, 2000, in the morning hours, he left her house in a blue Peugeot 205, informing her that he was going to the Automobile Section of the Police Investigations Department. In turn, Sonia Veronica Fernandez, Pablo Rodríguez's wife, indicated that he left his house around 12:30 pm in the company of José Zambrano. That was the last day they were seen alive by their relatives.

304. The bodies of the victims were found on July 3, 2000, half-buried in the foothills of the department of Godoy Cruz, a few kilometers from the center of Mendoza. The necroscopic report determined that the victims died from bullet wounds. Although according to the prosecutor's investigation the murders allegedly occurred on the same day of their disappearance, according to forensic reports of July 18, 2000 and May 2004, the death allegedly occurred between April 5 and 6, 2000.

305. According to what is stated in the brief for elevation to trial, on March 25, 2000, the victims, accompanied by an individual identified as Mario Díaz, and on board a blue Peugeot car, arrived at the Los Barrancos racetrack in the foothills of the department of Godoy Cruz. Mr. Díaz allegedly guided them to that place on the instructions of police officer Felipe Gil, who was waiting for them at the racetrack in the company of four other people. Mr. Gil approached the left window of the vehicle and shot José Zambrano, who was in the driver's seat, in the head, while two other people shot Pablo Rodríguez, who tried to flee and was hit in the abdomen and head. The Public Prosecutor's Office qualified the facts as double homicide with the involvement and premeditated joinder of more than two persons. For his part, Mr. Díaz made several statements in which he maintained that there was police participation in the facts.

306. The case file shows that the victims' next of kin filed two habeas corpus petitions on June 1, 2000, before the Ninth Preliminary Examining Court in connection with the facts of this case. According to the information provided by the petitioner, two files were established as a result of these habeas corpus; however, both petitions were rejected because the police authorities reported that neither Zambrano nor Rodríguez were being held in police custody.

307. Also, on March 29, 2000, a report of the disappearance of the two victims was filed with the police authorities, giving rise to the file "Av. Paradero" in the Fourth Examining Court of the First Judicial District. On May 11, 2004, the Seventh Criminal Court issued Ruling No. 987, by which it acquitted the two defendants, Mario Díaz Rivero and Felipe Gil Fernández "as the degree of absolute certainty required for this procedural stage had not been reached". The chamber pointed out, in particular, that Mr. Díaz's right not to testify against himself had been violated, which constituted a violation of Article 296 of the Code of Criminal Procedure.



308. In spite of the above, the Court pointed out the existence of elements that “contribute to the positive suspicion that both the accused Diaz and the accused Gil are not alien to the facts that they are accused of”. Stella Maris Loria and Elsa Colucci filed an appeal for cassation as private plaintiffs. On December 16, 2004, the Supreme Court of Mendoza rejected the appeal.

309. In its Admissibility and Merits Report No. 330/22, the Commission considered that in the face of the indications according to which State agents had participated in the facts related to the disappearance and death of the victims, the State did not provide an alternative hypothesis based on a diligent and effective investigation. In this regard, it held that this gives probative force to the evidence of the participation of State agents, in the absence of clarification and investigation. In this sense, the Commission considered that the legal qualification that corresponds to the facts is that of a forced disappearance that ceased with the execution of the victims.

310. In this regard, the IACHR noted that the elements of forced disappearance of persons were established since the victims were deprived of their liberty on March 25, 2000, and continued until their remains were found on July 3, 2000. It emphasized that, during this period of time, there was a refusal to recognize their whereabouts, which was evidenced by the deficient response and ineffectiveness of the appeals and complaints filed. In addition, it considered it relevant to recall that, according to a newspaper article offered as evidence, the public authorities of Mendoza had allegedly characterized José Zambrano and Pablo Rodríguez as fugitives, and not as missing. In light of this, it concluded that the Argentine State is responsible for the violation of the rights to recognition as a person before the law, to life, to personal integrity and to personal liberty.

311. With respect to the investigation of the facts, the Commission considered, first, that the omission to carry out a search for 48 hours after the State became aware of the serious and imminent risk in which the victims could find themselves through the first report of disappearance, constitutes, in itself, a breach of the duty to investigate with due diligence. Likewise, the Commission observed that, as the State itself acknowledged, there was a lack of diligence in the investigation carried out by the Fourth Examining Court, which led to the annulment of the testimony given by the main witness, and according to which the prosecutor’s hypothesis was sustained. The Commission emphasized that these faults in the proceeding resulted in the acquittal of two of the accused, one of them a police officer, and that a new investigation of the facts as ordered by the court was not carried out.

312. In addition, the IACHR noted that another component of the failure to comply with the duty of due diligence in the present case is related to the lack of follow-up of logical lines of investigation, a situation that, according to Inter-American standards, is particularly serious in the case of a hypothesis that involved State agents.

313. With regard to the duration of the proceedings, the Commission found that more than 22 years had passed since the facts occurred and that, despite an express order from the Seventh Criminal Court to resume the investigations of the case, the State has not, according to the information available, taken any additional steps, and the proceedings have stalled without any substantive action since 2004. For these reasons, the Commission concluded that the State violated the rights to judicial guarantees and judicial protection.

314. Finally, it concluded that the State violated the right to psychological and moral integrity of the victims’ next of kin.

315. Based on the findings of fact and law in the report, the Inter-American Commission concluded that the State is responsible for the violation of the rights to recognition as a person before the law, to life, to humane treatment, to personal liberty, to fair trial and to judicial protection enshrined in Articles 3, 4(1), 5(1), 7(1), 8(1) and 25(1), in relation to Article 1(1) of the same instrument, to the detriment of José Segundo Zambrano and Pablo Marcelo Rodríguez. The Commission also concluded that the State is responsible for the violation of Articles I(a) and (b) of the Inter-American Convention on Forced Disappearance of Persons.



- **Aldo Zuccolillo Moscarda vs Paraguay.**

316. This case concerns the international responsibility of Paraguay for violations of the right to freedom of expression, the principle of legality and judicial guarantees to the detriment of Aldo Zuccolillo Moscarda.

317. Aldo Zuccolillo Moscarda was director of the newspaper “ABC Color”, a newspaper of large circulation in Paraguay, founded by himself in August 1967. He was a renowned journalist in Paraguay and internationally; he held executive positions in the Inter-American Press Association, as well as in other professional associations committed to journalistic activity.

318. On December 24, 1998, Juan Carlos Galaverna, a Paraguayan politician and former senator of the Republic, filed a criminal complaint against the newspaper “ABC Color” and Mr. Zuccolillo Moscarda, for the crimes of slander, defamation and libel, before Criminal Court No. 7 of the city of Asunción. In his filing he claimed that the newspaper “ABC Color” had published at least 15 “manipulative, lying, distorted and biased” publications. In support of his claim, the plaintiff attached various clippings from publications of the newspaper “ABC Color” which, he argued, were intended to discredit and ridicule him.

319. On April 30, 2001, the judge in charge of Criminal Settlement and Sentencing Court No. 7 sentenced Aldo Zuccolillo Moscarda, as editor of the newspaper “ABC Color”, for the crimes of defamation, slander and libel to the maximum non-custodial sanction established in the Paraguayan Criminal Code: 360 days-fine. On May 16, 2001, an appeal was filed against this decision.

320. On February 11, 2002, the First Chamber of the Court of Criminal Appeals modified the final judgment of first instance, since it considered that the facts could not be subsumed within the criminal types of slander and libel, but constituted the crime of defamation, this being an “aggravated species of the genus libel”. On the other hand, it was decided to increase the amount of the fine, due to the fact that “the offense investigated and judged was materialized through an organ of the written press of wide circulation, a vehicle that has a powerful influence as a generator of public opinion [...] therefore the pernicious effect inferred by the punishable act and the unlawful conduct is greater”.

321. The plaintiff Galaverna filed an extraordinary appeal for cassation, through which he requested that the sentence issued by the Court of Criminal Appeals be annulled, and that Mr. Zuccolillo be sentenced to a prison sentence, to pay the penalty of composition, and that he be obliged to publish the sentence. At the same time, he filed an action of unconstitutionality before the Supreme Court of Justice.

322. For his part, on February 22, 2002, Mr. Zuccolillo filed an action of unconstitutionality before the Supreme Court of Justice of Paraguay against the decision issued by the Court of Criminal Settlement and Sentencing No. 7 and that issued by the First Chamber of the Court of Appeals. In his brief he alleged the violation of the rights to defense, due process of law, freedom of expression and thought and requested his acquittal. Likewise, he indicated in the unconstitutionality appeal that one of the violations was the determination of the sum of the fine without the expression, reasonable and founded, of the parameters to determine Mr. Zuccolillo’s income.

323. On December 28, 2005, the Supreme Court decided not to uphold the unconstitutionality action filed by the parties. However, with respect to the extraordinary appeal for cassation filed by the plaintiff, on December 28, 2005, by majority, it declared it admissible and qualified the facts attributed to Mr. Zuccolillo again as constituting the crimes of slander, defamation and libel, despite the fact that the Court of Appeals had classified them only as defamation. In this regard, the Supreme Court concluded that Mr. Zuccolillo had engaged in conduct that evidently met the elements to qualify as slanderous and that he had performed acts to injure Mr. Galaverna’s honor, since he had repeatedly disseminated false writings over a prolonged period of time. By decision of the majority, the Court imposed on Mr. Zuccolillo the additional penalty of composition, for which he was ordered to pay in total the sum of two hundred and ninety-five thousand six hundred and eighty-seven dollars.



324. In its Merits Report No. 398/22, the Commission considered that the criticisms made by Mr. Zuccolillo referred to issues of obvious public interest, since they pointed out possible acts of corruption of a senator of the Republic of Paraguay, and therefore his expressions were protected in a special way, being of high importance in the framework of a democratic society, and therefore criminal law was not applicable, since it is contrary to the American Convention to protect the honor of public officials by framing them in conducts typified by criminal law.

325. It also noted that the criminal definitions of defamation, slander and libel contained precepts that did not provide the necessary clarity with respect to the conduct that could constitute an act contrary to the Criminal Code. Thus, the Commission pointed out that expressions such as *“to affirm or divulge...a fact referring to another, capable of injuring his honor...”* implies a broad range of conducts that is neither precise nor clear, in contravention of the requirement of maximum clarity pursued by the requirement of legality. The Commission also emphasized that statements such as *“expressing a negative value judgment to another or to a third party with respect to the former...”* are too broad and can cover a multiplicity of expressions and activities, which is contrary to the precision and exhaustivity that restrictions to freedom of expression must observe, especially if it is taken into account that restrictions to freedom of expression were contained in criminal legislation, the greatest manifestation of the punitive power of the State.

326. For these reasons, the IACHR concluded that, although the crimes of slander, defamation and libel were previously established in the Paraguayan Criminal Code, the ambiguity and breadth of the cited articles imply a breach of the requirement of strict legality in the imposition of restrictions on the right to freedom of expression.

327. Similarly, the Commission considered that the sanction imposed on Mr. Zuccolillo constituted an undue restriction on his right to freedom of expression, as it failed to comply with the criteria of legality, necessity and proportionality, in addition to inhibiting democratic debate and citizen control over public officials on matters of public interest.

328. Additionally, it noted that in the judicial decisions issued against Mr. Zuccolillo, it was pointed out that the last conduct charged had taken place on January 5, 1999; while the penalty of composition was incorporated into Paraguayan criminal law on November 28, 1998, so that only one publication reported would fall within the period in which the additional penalty of composition would already be in force. In this sense, the IACHR considered that the Supreme Court of Paraguay made a retroactive application of criminal law, sentencing Mr. Aldo Zuccolillo to the additional penalty of composition, with respect to facts that had taken place prior to the entry into force of the legislation establishing such penalty. Therefore, it concluded that Paraguay violated the principle of legality and non-retroactivity of criminal law.

329. Finally, the Commission considered it proven that the State of Paraguay violated the reasonable time limit, taking into account that the entire criminal proceeding lasted from 1998 to 2005, without the State having been able to justify such a long period of time, as well as the violation of the duty to give reasons for a judgment due to the lack of clarity regarding the reasons on the basis of which the amount of the pecuniary penalty imposed on Mr. Zuccolillo was determined.

330. Based on the considerations of fact and law contained in the report, the IACHR concluded that the State of Paraguay violated the rights recognized in Articles 13 (freedom of thought and expression), in relation to Article 8 (right to a fair trial) and 9 (freedom from ex post facto law) of the American Convention; all of these, in relation to Articles 1(1) (obligation to respect rights) and 2 (domestic legal effects) of said instrument, to the detriment of Mr. Aldo Zuccolillo.

- **Ángel Eduardo Gahona López vs. Nicaragua.**

331. The case refers to the international responsibility of the Nicaraguan State for the extrajudicial execution of journalist Ángel Eduardo Gahona López by State agents, as well as for the situation of impunity in which such acts remain.



332. The present case is framed in the context of serious human rights violations that occurred during the mass protests that began in mid-April 2018 and expanded throughout the country in the following months.

333. At the time of the events, Mr. Gahona López was 42 years old, a journalist by profession and director of the independent news program “El Meridiano”. In mid-April 2018, young environmentalists carried out protests as a consequence of the measures taken by the State to address the severe forest fire that affected the Indio-Maíz Biological Reserve. Days later, massive protests began throughout Nicaragua against the approval of proposed reforms to the Social Security Law. Although the Government withdrew the reform proposal a few days later, the protests continued and extended to other demands.

334. On April 21, 2018, a demonstration took place in the city of Bluefields, which turned violent in the afternoon hours. Several journalists went to cover the events, including Ángel Gahona and Engels Downs. Around 18:00 hours, a confrontation between a group of youths and a group of riot police in front of the judicial complex took place. Engels Downs, together with Mr. Gahona crossed from Reyes Park to the mayor’s office, while transmitting live in order to record the damage caused. Angel Gahona climbed the stairs of the mayor’s office, a detonation was heard and he fell to the right onto the sidewalk, with a visible wound to his head. According to the videos provided by the petitioner and the testimony of Engels Downs, Neyda Dixon and Jessileth Henríquez, a second detonation was heard seconds later. In other videos, up to two more shots were recorded.

335. Mr. Gahona López was assisted by civilians. Various testimonies provided to the IACHR are consistent in indicating that the National Police did not assist the victim. The victim arrived at the Ernesto Sequeira Blanco hospital with vital signs, dying at 19:00 hours due to irreversible severe cranial encephalic trauma.

336. On May 7, 2018, the Prosecutor in charge charged two individuals, Brandon Lovo and Glen Slate for their responsibility as perpetrators and necessary cooperators of the crime of murder to the detriment of Ángel Gahona, respectively. According to the accusatory thesis the responsibility on the facts corresponded to the two young men, whose intention would have been to shoot at the police, hitting the journalist by mistake. On May 8, 2018, the Judge of the Sixth Criminal District of the Managua District Court admitted the accusation formulated by the prosecutor, ordered the preventive detention of the accused and referred the case to oral trial.

337. On August 14, 2018, the oral trial began. On August 30, 2018, the Titular Judge of the Sixth Criminal District Trial Court Managua District, issued Judgment No.103-2018 by which he considered that it had been proven beyond reasonable doubt that defendants Brandon Lovo and Glen Slate were perpetrator and necessary cooperator of the murder, in addition to other charges related to the injuries caused to officer Anselmo Rodriguez, exposure to danger of the journalists and possession of weapons. Brandon Lovo was sentenced to 20 years and six months in prison, and Glen Slate to 12 years and six months.

338. The State reported that on June 10, 2019, Law No. 996, Amnesty Law, was published, which “granted broad amnesty to all persons who participated in the events that took place throughout the national territory from April 18, 2018 until the date of entry into force. This Amnesty was extended to persons who have been investigated, who are in the process of investigation, in criminal proceedings to determine responsibilities and in execution of sentences.” On June 11, 2019, the Ministry of the Interior of the State issued a press release by which it announced that, in compliance with the provisions of the Amnesty Law, the General Directorate of the National Penitentiary System released 56 people who were being held in prison for crimes against common security and public tranquility. Among those released were Brandon Lovo and Glen Slate.

339. The petitioner complained that since the death of Ángel Gahona, his family members began to be victims of intimidation and threats, which continue to this day.



340. In its Merits Report No. 37/23, the Commission first noted that numerous evidentiary elements point to the fact that the shot that caused the death of Mr. Gahona López came from a State agent and that there are elements of conviction to conclude that the murder was related to his journalistic work, since at that very moment, he was carrying out that work: he was reporting live on the protests organized against the State. The Commission pointed out that this is in addition to the threats he had previously received and the highly relevant public issues that the journalist was investigating.

341. In relation to the use of force by police officers, the IACHR observed that the State did not present information on compliance with the requirements of legitimate purpose, absolute necessity, and proportionality. On the contrary, the Commission remarked that the exercise of journalistic work carried out in the context of a demonstration does not constitute, in any case, a legitimate purpose that justifies the use of force by the security forces. It also indicated that the audiovisual records available to the Commission indicate that the victim did not present any type of danger or threat and that it was up to the State to demonstrate that it adopted the strictly necessary and proportional measures to control any perceived risk to public order or to the rights of individuals.

342. Likewise, it emphasized that the responsibility of the State for the excessive use of force also arises from the omission of the authorities to prevent these violations and that, in the instant case, the State did not present information on how it adequately regulated the use of force, including the participation of anti-riot groups, nor the type of adequate training provided to its different police forces so that they could carry out their work of maintaining public order with due professionalism and respect for human rights, and that there is no evidence that the State has adopted the protection measures that the special risk posed by the exercise of journalistic activity merited.

343. With respect to the investigation into the death of the victim and the subsequent trial and punishment of the alleged perpetrators, the Commission considered that this was not compatible with the rights to judicial guarantees and judicial protection. In particular, it pointed out that the expert opinions in the case were not carried out with due diligence and that the State did not exhaust the lines of investigation linked to the practice of journalism, which implicated State agents as the material authors of Ángel Gahona's death.

344. Additionally, it considered that by issuing Law 966, Amnesty Law, whose purpose was to prevent the investigation, prosecution, capture, prosecution and conviction of the human rights violations perpetrated in the context of the protests, the State violated the articles of the right to judicial guarantees and judicial protection.

345. Finally, the IACHR considered that the loss of their loved one, the absence of justice and truth about what happened, as well as the constant threats have caused deep suffering and anguish to Ángel Gahona's family, in violation of their right to psychological and moral integrity.

346. Based on the findings of fact and law of the report, the Inter-American Commission concluded that the State is responsible for the violation of the rights to life, to a fair trial, to freedom of expression and to judicial protection established in Articles 4(1), 8(1), 13 and 25(1), in relation to Articles 1(1) and 2 of the same instrument, to the detriment of Ángel Gahona. It also concluded that the State violated Article 5(1) of the American Convention, in relation to Article 1(1) of the same instrument, to the detriment of Ángel Gahona's next of kin.

- **Andrés Trujillo et al. v. Bolivarian Republic v. Venezuela.**

347. The case concerns the international responsibility of the Venezuelan State for the illegal repression of a demonstration in April 2002 and the disproportionate use of lethal force by State agents that resulted in the injury of five people and the death of seven people.



348. The Venezuelan Federation of Chambers of Commerce and the Venezuelan Workers' Confederation called for a demonstration on April 11, 2002, as a result of the layoffs made by the then government to employees of the state-owned oil company Petróleos de Venezuela (PDVSA).

349. On April 11, 2002, this demonstration took place, where the victims were present. The demonstration began at the PDVSA headquarters, in the Chuao neighborhood of the city of Caracas, and at around 11:30 a.m. they proceeded along the Francisco Fajardo Highway towards the Miraflores Palace. According to the photographic material in the file before the Commission, dozens of agents of the National Guard were on said highway and launched tear gas towards the demonstrators. The demonstration continued towards the Miraflores Palace and near the "El Silencio" subway station, agents of the National Guard and other unidentified persons fired shots and threw stones at the demonstrators.

350. In this context, according to the information provided by the petitioner, Jhonny Palencia, Juan David Querales and Víctor Emilio Reinoso died and Fernando Joel Sánchez Colmenares was shot in his left arm, which was not disputed by the State. According to the photographic record provided, near the lifeless body of Jhonny Palencia there were National Guard agents carrying firearms, as with Mr. Querales and Mr. Reinoso. The IACHR took note of the statement of the then Chief Inspector of the Directorate of the Preventive Intelligence Services, who acknowledged that, in that area, the National Guard "repelled them with firearms, pistols, sub-machine guns and shotguns".

351. After such events, the demonstrators continued advancing towards the Llaguno Bridge. The Caracas Metropolitan Police placed armored trucks at the "La Pedrera" corner. According to the documentation provided, the state agents threw tear gas bombs, and a confrontation with weapons and stones took place between the authorities, some people who had infiltrated the demonstrations, and other unidentified people who allegedly were part of the "Círculos Bolivarianos" (Bolivarian Circles).

352. According to the audiovisual documentation provided, in that area, Jesús Orlando Arellano was shot in the chest by an unidentified person who was behind a tree, which caused his death. The petitioner also reported that Jesús Mohamad Capote, Orlando Rojas, and José Antonio Gamallo died as a result of gunshot wounds, and that José Antonio Dávila Uzcátegui, Elías Belmonte Torres, and Jean Carlos Serrano were shot and wounded. Likewise, Andrés Trujillo was wounded by firearm in the right inguinal region, was transferred by ambulance and was ordered to undergo surgery and hospitalization.

353. Statements by public agents indicated that in the coordination meetings prior to and during the demonstration, there was coordination with members of the "Bolivarian Circles" to counteract the march. For example, then General Manuel Rosendo explained that in the coordination meetings "the use of the Bolivarian Circles (...) in the areas where the concentrations would take place was highlighted" and that "the Minister of Defense was coordinating via telephone the summoning of the Bolivarian Circles to move towards Miraflores".

354. In view of the events that occurred in the present case, several complaints were filed, including a formal imputation action against the then President of the Republic, the Minister of Defense and the Attorney General of the Republic filed on June 25, 2002, before the Full Chamber of the Superior Court of Justice due to their acts and omissions during the violence of April 11, 2002, which resulted in the death and injuries of the victims. On December 5, 2006, the indictment was extended against four Generals of the National Guard. On July 6, 2006, the Court of Proceedings of the Plenary Chamber of the Superior Court of Justice declared the indictment action inadmissible.

355. An investigation was also initiated against three private individuals who allegedly participated in the violence against the victims. On October 3, 2003, the Court decided to absolve these individuals of criminal responsibility, stating that the defendants "made use of the weapons they were carrying in legitimate self-defense".



356. On August 29, 2005, Mohamad Merhi, in his capacity as President of the Civil Association VIVE, requested access to the files related to the deaths of Jesús Mohamad Capote, Orlando Rojas, Jesús Orlando Arrellano, Johnny Palencia and Juan David Querales. On September 12, 2005, the corresponding Prosecutor's Offices denied such request.

357. In addition, other investigations were initiated before the Public Prosecutor's Office. The State indicated that on June 20, 2007, the Criminal Investigations Division of Regional Command No. 5 reported that, as a result of the events of April 11, 2002, five National Guard officers were charged by the Thirty-ninth Prosecutor's Office of the Public Prosecution Service and that a preliminary hearing was pending. The Commission did not have updated information on the status of the investigations that remain open.

358. In its Merits Report No. 313/23, the Commission considered that in relation to the events that occurred near the "El Silencio" subway station, there is no dispute that State agents used lethal force, and that Jhony Palencia, Juan David Querales and Víctor Emilio Reinoso died as a result of gunshots; and Fernando Joel Sánchez Colmenares was wounded as a result of gunshots.

359. Regarding the events that occurred near the "La Pedrera" area, the IACHR noted the lack of controversy that State agents and the "Bolivarian Circles" used lethal force, and that Jesús Orlando Arellano, Jesús Mohamad Capote, Orlando Rojas and José Antonio Gamallo died as a result of gunfire; and José Antonio Dávila Uzcátegui, Elías Belmonte Torres, Jean Carlos Serrano and Andrés Trujillo were wounded as a result of gunfire. Regarding these events, visual material was observed of State agents and other unidentified persons who were allegedly part of the "Bolivarian Circles" armed and shooting at the demonstrators. In this regard, the Commission considered that there are sufficient elements to determine that the facts of this case attributable to the "Bolivarian Circles" occurred with the collaboration or at least the acquiescence of the Public Force.

360. In view of this situation, the Commission noted that in the instant case the State did not demonstrate that its agents had made a legitimate, necessary and proportionate use of lethal force and concluded that Venezuela is responsible for the violation of the right to life and the right to humane treatment.

361. In relation to the right to assembly, the IACHR noted that the purpose of the demonstration was to protest against the then government's decision to dismiss workers from a company. In this regard, it noted that all the victims, except José Antonio Dávila Uzcátegui who was on the roof of his building, were participating in the demonstration and, consequently, were exercising their right to assembly.

362. In this regard, it pointed out that although during the demonstration some persons who participated or infiltrated the demonstration resorted to violent means, the victims were engaged in peaceful activities, and that the State did not present any documentation to prove that the victims were armed or engaged in any type of attack against the State authorities, nor did it demonstrate the legitimate, necessary and proportionate use of lethal force by its agents against the victims. Therefore, the Commission concluded that the State is responsible for the violation of the right to assembly.

363. In addition, taking into consideration that after more than two decades the facts have not been clarified and no one has been convicted, the IACHR affirmed that to date there is still a situation of impunity for the facts of the case. It also noted that the State has failed to comply with its duty to guarantee an adequate investigation to identify and, if applicable, punish all persons responsible for the death and injuries of the victims in this case. For these reasons, it concluded that the State violated the rights to judicial guarantees and judicial protection.

364. With respect to the guarantee of reasonable time, the Commission found that in the instant case, more than 20 years have passed since the facts occurred without a resolution in the criminal justice system. To date, the facts have not been clarified, and no person has been punished. In this regard, the Commission noted that the State did not allege elements that justify the complexity of the case, that there were various shortcomings and irregularities in the investigation, and that the State did not report on multiple



periods of procedural inactivity. The Commission also noted that there was no information that the victims had in any way obstructed the investigation and emphasized that, given the injuries to the surviving victims, the harm to their physical integrity could constitute an element to be considered to accelerate the investigations in order to clarify what happened. In this sense, the Commission concluded that the State is responsible for the violation of the right to a fair trial.

365. Finally, it considered that the death and injury of a person in a context such as the one described in the instant case, as well as the absence of a complete and effective investigation, which in turn causes suffering and anguish for not knowing the truth, constitutes in itself an infringement of the psychological and moral integrity of the members of the victims' families. Consequently, the Commission concluded that the State violated the right to psychological and moral integrity to the detriment of the members of the victims' families.

366. Based on the considerations of fact and law contained in the report, the Inter-American Commission concluded that the State of Venezuela violated the rights enshrined in Articles 4 (right to life), 5 (right to humane treatment), 8(1) (right to a fair trial), 15 (right to assembly) and 25(1) (right to judicial protection) of the American Convention, in relation to Article 1(1) of said instrument, to the detriment of the persons identified in the various sections of the report.

- **Leandro Héctor Parpaglione et al. vs Argentina.**

367. The case concerns the international responsibility of the Argentine State for violations of the right to appeal a judgment and to judicial protection to the detriment of twelve victims.

368. The petitioners in the instant case were all tried and sentenced to various prison terms in the context of criminal proceedings governed by the rules of the Argentine Code of Criminal Procedure (CPPN) enacted by Law No. 23.984 of August 21, 1991. Pursuant to Section 456 of said Code, an appeal for cassation against a first instance judgment may only "be filed on the following grounds: 1°) Non-observance or erroneous application of the substantive criminal law and 2°) Non-observance of the rules established by this Code under penalty of inadmissibility, lapse or nullity, provided that, with the exception of cases of absolute nullity, the appellant has timely claimed the correction of the defect, if possible, or reserved the right to appeal in cassation". In those cases in which the oral courts of first instance denied the admissibility of the appeal for cassation and the appeal to the National Chamber of Criminal Cassation was not successful, the extraordinary federal appeal to the Supreme Court of the Nation was available, regulated in articles 14 of Law 48 and 6 of Law 4055.

369. In September 2005, the Supreme Court of Justice issued a decision in the case "Casal Matías Eugenio y otros/ robo simple en grado de tentativa" (Casal Matías Eugenio and others/ attempted simple robbery). In this case law precedent, the Supreme Court referred to the restrictive way in which the judges of the lower courts interpreted the scope of the subject matter reviewable by the appeal for cassation and, in particular, with respect to the differentiation between questions of interpretation of the substantive law and questions of facts and evidence. Although the Supreme Court did not declare the unconstitutionality of any rule in the "Casal" decision, said precedent established an interpretative guideline that extends the scope of the subject matter reviewable by appeal for cassation.

370. All of the convictions imposed on the petitioners in this case occurred prior to the Supreme Court's issuance of the "Casal" decision.

371. In its Merits Report No. 96/22, the Commission observed that the normative reforms and jurisprudential changes adopted by the Argentine State were not applicable to the specific situation of the victims in the instant case. In particular, the Commission noted that it has not been demonstrated that the "Casal" judgment is a criterion that has general and binding effects beyond the specific case and that said judgment was subsequent to the proceedings against the victims. Furthermore, the Commission noted that until the enactment of the Federal Code of Criminal Procedure in December 2014 - which to date has not yet



been fully implemented - there were no legal reforms that incorporated the doctrine of the “Casal” ruling into the text of the criminal procedure nor was any provision enacted that extends the effects of the ruling to those proceedings already concluded previously.

372. The IACHR emphasized that, from a reading of the various judgments handed down by the National Criminal Cassation Chamber, it is clear that it applied a restrictive interpretation of Article 456 of the CPPN, which according to its literal wording was not designed to guarantee “factual, evidentiary and legal issues on which the contested judgment is based”. It also highlighted that the prevailing judicial practice at that time that understood the appeal for cassation with this type of limitations explained the decision to reject any review of grievances related to the way in which the evidence was incorporated and assessed by the court of first instance. In this sense, it considered that the decisions adopted by the National Chamber of Criminal Cassation in the proceedings against the victims in this case reflect the fact that they did not have a remedy that would guarantee a comprehensive review of the conviction.

373. In the case of Mr. Alberto Ricciardi, the Commission noted that his defense attorneys, when appealing the conviction before the Chamber of Cassation, argued that the statute of limitations had expired at the time the conviction was handed down and that there had been a violation of the principle of consistency between the indictment and the conviction. In this regard, it noted that, despite the fact that Mr. Ricciardi’s legal representation expressly invoked Article 8(2)(h) of the Convention and that the Oral Court granted the appeal for cassation, the Criminal Cassation Chamber did not enter into the study of the issues raised by the defense, alleging that they lacked sufficient motivation.

374. With respect to the situation of Mr. De Priete, the IACHR noted that the Oral Court denied the appeal for cassation on the grounds that the grievances were related to a discrepancy with the way in which the judges interpreted the facts and applied the law and stated that “the powers of the court with regard to establishing the convincing force of the evidence in the proceedings are not subject to the control of cassation”, which was confirmed by the Chamber of Cassation on the occasion of resolving the appeal of complaint for denial of the appeal for cassation.

375. In the case of Mr. Parpaglione, the Commission noted that the allegations made by his defense in the appeal for cassation were essentially related to a possible error in the way in which the trial court interpreted and applied the substantive law, as well as an alleged arbitrary assessment of the evidence available in the case. The Commission verified that Chamber IV of the National Chamber of Criminal Cassation did not enter into the study of the grievances formulated since, in the opinion of that court, they dealt with questions of fact “not reviewable” in that instance.

376. With regard to the case of Mr. Barraza, the IACHR observed that the victim’s defense went to the Chamber of Cassation alleging an error in the application of the substantive criminal law and, on the other hand, a violation of the rules of sound criticism in the evaluation of the evidence; however, these grievances were not addressed by the Chamber of Cassation.

377. With respect to Messrs. Franco and Roldan, the Commission verified that their counsel also raised a violation of the rules of sound criticism in the judges’ evaluation of the evidence and understood that the judges had reversed the burden of proof; however, both the Oral Court and the Chamber of Cassation itself pointed out that such grievances exceeded the scope of the cassation appeal.

378. Regarding Mr. Grego’s situation, the defense appealed for cassation alleging that an inadequate evidentiary assessment by the trial court had affected the rights of defense in trial and presumption of innocence, but the Court of Cassation decided to consider the appeal as “poorly granted” since from the reading of said brief “it is evident that all the criticisms fall unflinching on questions of fact and evidence whose review is beyond the scope of this extraordinary remedy”.

379. With regard to the case of Mr. Sánchez, the Inter-American Commission noted that his technical defense invoked in all available instances the right to full review of the conviction enshrined in Article



8(2)(h), using a similar argumentation to the one subsequently used by the Supreme Court of Justice in the “Casal” decision. However, the Court of Cassation understood that “all the criticisms inevitably fall into questions of fact and evidence whose review is beyond the scope of this extraordinary remedy” and, consequently, decided to reject the appeal.

380. Regarding Mr. Mutuverría’s claim, the Commission verified that his defense attorney, when filing the appeal for cassation, raised the existence of arbitrariness in the decision on the amount of the sentence imposed due to the assessment of a prior criminal record, as well as alleging the violation of the right to defense in trial, the erroneous application of substantive criminal law and the violation of the rules of sound criticism. The Commission found that, although some aspects of the appeal were duly analyzed and contested by the Oral Court and the Chamber of Cassation, there was no comprehensive review of the conviction, since both courts refused to review the decision on the grounds that they were “points that were outside the scope of the cassation instance”.

381. With regard to Mr. Hidalgo’s situation, his attorney appealed to the Cassation Chamber invoking a discrepancy with the way in which the Oral Court evaluated the testimonial and expert evidence in the case and the decision to classify the reproached conduct as aggravated homicide. The IACHR noted that, despite the fact that the Oral Court had granted the cassation appeal, the Cassation Chamber declared it “poorly granted” because it considered that the allegations of arbitrariness in the sentence “refer to the analysis of questions of fact and evidence outside the scope of cassation proceedings”.

382. The Commission noted, in the case of Mr. Romero, that the official defense counsel invoked at every possible procedural opportunity the right to a full review of the conviction as grounds for accessing the Chamber of Cassation and pointed out that the conviction was invalid because it suffered from arbitrariness in the evaluation of the evidence in light of the rules of sound criticism. The IACHR noted that the Court of Cassation, when declaring the appeal before it inadmissible, considered that the arguments offered by the defense were oriented “to provoke a new critical examination of the evidence on which the sentence was based, which - it is reiterated - is inadmissible in this extraordinary instance”.

383. Finally, with respect to the situation of Mr. Rainieri, the IACHR verified that his defense alleged that there was arbitrariness in the evaluation of the evidence since the witnesses for the prosecution and the victims of the illegal act had not identified his defendant. However, the Oral Court declared the appeal for cassation inadmissible, arguing that the complaints filed “only reflect a mere disagreement with the value assigned by the Court to the evidence”.

384. Finally, the Commission noted that in all the cases in which the petitioners’ attorneys explored the extraordinary federal remedy, said remedy was not granted by the Supreme Court of Justice of the Nation in application of Article 280 of the Code of Civil and Commercial Procedure of the Nation and, consequently, the limitations of the cassation remedy were not remedied by the Supreme Court.

385. Based on said determinations, it concluded that the legal framework in force at the time of the facts did not guarantee the right to appeal the conviction in accordance with the content of said right recognized by the Inter-American system. As a result, in the specific cases, said right was not guaranteed to the victims by the courts that ruled in their respective proceedings, nor did they have judicial protection in relation to such limitations.

386. Consequently, the Inter-American Commission determined that the Argentine State is internationally responsible for the violation of the rights to appeal the judgment and to judicial protection enshrined in Articles 8(2)(h) and 25(1) of the American Convention, respectively, in relation to the obligations established in Articles 1(1) and 2 of the same instrument, to the detriment of Messrs. Alberto José Ricciardi, José Ángel De Priete, Leandro Héctor Parpaglionne, Carlos Osmar Barraza, Oscar Franco, Carlos Roldán, César Alberto Grego, Alejandro Alcides Sánchez, Christian Walter Mutuverría, Miguel Félix Hidalgo, Fabio Walter Romero and Gustavo Rainieri.



- **Santos Sebastián Flores Castillo vs. Nicaragua.**

387. The case refers to the international responsibility of the Republic of Nicaragua for the subjection of Santos Sebastián Flores Castillo to acts of torture, as well as for his death while deprived of his liberty.

388. Mr. Flores Castillo was an attorney and notary public. According to the petitioner, Mr. Flores Castillo complained to non-governmental organizations such as the Nicaraguan Center for Human Rights (CENIDH) and the Permanent Human Rights Commission (CPDH), as well as to the office of the President, that in 2005 the current President of Nicaragua, Daniel Ortega Saavedra, had begun a relationship with his fifteen-year-old sister, with whom he allegedly had a daughter. This aspect was disputed by the State. The petitioner indicated that, as a result of these allegations, a persecution began against the entire family and, in particular, against Mr. Flores Castillo.

389. On February 4, 2013, the Public Prosecutor's Office filed an accusation against Mr. Flores Castillo for the crime of aggravated rape. On February 5, the judicial body issued an arrest and search warrant and, on June 19, 2013, the National Police placed the accused at the order of the office, ordering his internment in the National Penitentiary System of Tipitapa ("La Modelo"). After the oral trial, on August 14, 2013, the Second District Court Specializing in Violence of Managua handed down a conviction against him for the crime of aggravated rape against L.N.C.G., sentencing him to 15 years in prison. The petitioner alleged that the crime was fabricated out of revenge for the complaints made. Mr. Flores Castillo was held in La Modelo for eight years and almost five months, until November 8, 2021, when the state authorities reported his death.

390. In March and April 2015, Elpidia Castillo, the victim's mother, denounced to the Nicaraguan Human Rights Ombudsman and the Minister of the Interior that the victim was being subjected to inhumane conditions of detention and to torture. Both the victim and his mother made several complaints about inhumane conditions and acts of torture, as well as his health condition, including complaints to the Minister of the Interior, the Peace, Defense, Governance and Human Rights Commission of the National Assembly and to the Humanitarian Committee of La Modelo.

391. According to Elpidia Castillo, during her visit to her son on September 15, 2015, she saw him in very poor health, alleging that he had lost weight excessively, was pale, could not walk, had sores on his body, and fungus on his hands and feet. Mrs. Castillo also said that the victim had reiterated the torture to which he was subjected, pointing out that he was still in solitary confinement, bolted 24 hours a day, without access to the sun, handcuffed hand and foot, and that he was denied food and did not receive medical attention.

392. According to the petitioner, as a result of numerous requests and complaints, on October 30, 2015, he was able to have the victim transferred to Gallery 8. However, she indicated that he had been placed in cells with highly dangerous subjects, who threatened him with death, so the victim was afraid and asked to be removed.

393. On June 28, 2019 and February 18, 2020, Elpidia Castillo informed the IACHR that Mr. Flores Castillo continued to be subjected to torture. On those occasions, she pointed out that he was in a state of isolation, in maximum security cells, chained 24 hours a day, that he was being given medication against his will, that he was not being provided with food, that he was in a very delicate state of health and that the visiting schedule was not being respected.

394. Mrs. Elpidia Castillo indicated that on November 8, 2021, Néstor Moncada Lau, who claimed to be President Ortega's personal assistant, informed her daughter, Elvia Flores, that the victim had died of an alleged heart attack. According to the death certificate issued by the Ministry of Health, Mr. Flores Castillo died on November 8, 2021 at 11:00 a.m., establishing "acute pulmonary edema" as the direct cause of death. This was rejected by the petitioner, who stated that "[o]nce in the house, we undressed him and observed that he had injuries to his neck, thorax and left arm caused by a knife, bruises on his face, signs of bites on his stomach,



his tongue was cut out, and he was hung by his feet, which indicated that his cause of death was not a heart attack, the signs show that he was strangled and that he was in a serious state of malnutrition”.

395. In its Merits Report No. 106/23, the Commission took note of the facts of prolonged isolation, the lack of access to adequate food and drinking water, the sanitary conditions and even the constant stomach ailments, diarrhea and vomiting suffered by the victim, as well as the lack of medical attention, the restrictions on visitation and the inhumane housing conditions to which Mr. Flores Castillo was subjected.

396. It also noted the petitioner’s repeated allegations of physical and psychological torture against the victim by state agents during his incarceration, including allegations that he was kept naked, deprived of food and water, forced to drink contaminated water, forced to consume substances against his will, kept chained hand and foot, kept awake, had his arm broken, beaten, and that inmates were brought into his cell to abuse him.

397. In particular, the IACHR observed in the photographs of the victim’s lifeless body provided by the petitioner that the neck area showed a dark purple color, an open wound on the left arm and multiple small marks on the arm and thorax. The Commission noted that the case file does not contain an autopsy that clearly explains what caused these marks and that the State did not provide a convincing and satisfactory explanation for the death of the victim in its custody, as required by its international obligations. By virtue of the foregoing, the Commission considered it proven that the victim was intentionally mistreated, causing him intense physical and mental suffering, and that said acts were associated with the complaints made by the victim, thus constituting the elements of torture.

398. The Commission also noted that Mr. Santos Flores died on November 8, 2021, while deprived of his liberty at the La Modelo penitentiary, and that the death certificate submitted to the proceedings, prepared by the Public Prosecutor’s Office, stated that the direct cause of death was “acute pulmonary edema”, without there being an autopsy in the file to clarify the causes of death and the circumstances that led to this certificate, which was essential in view of the marks on his body, as well as the fact that he died while deprived of his liberty. Consequently, the Commission indicated that, taking into account that there is a presumption that the State is responsible for the injuries sustained by a person who has been in the custody of State agents and that the State has not presented any explanation or sufficient evidence to refute the allegations of its responsibility in the death and mistreatment caused to Mr. Santos Flores, it must be concluded that the State is responsible for what happened to the victim.

399. In addition, it found that, despite the seriousness of the information provided by the petitioner at different times and the knowledge that State agents had through various communications, the State did not report that competent authorities initiated and conducted an *ex officio* investigation into the allegations of torture and ill-treatment. For these reasons, the Commission concluded that the State violated the rights to judicial guarantees and judicial protection, as well as the obligations contained in the Inter-American Convention to Prevent and Punish Torture.

400. Finally, taking into account that the State is responsible for subjecting Mr. Santos Flores to torture and cruel treatment during his incarceration and subsequent death, as well as for not having investigated with due diligence despite the petitioner’s repeated complaints, and taking note of the allegations of threats to several members of the Flores family, it considered that the State is responsible for causing suffering and anguish to the victim’s next of kin, in violation of their right to psychological and moral integrity.

401. Based on the findings of fact and law in this report, the Inter-American Commission concluded that the State is responsible for the violation of the rights to life, to humane treatment, to protection of honor and dignity, to protection of the family, to a fair trial and to judicial protection established in Articles 4, 5, 11, 17, 8 and 25 of the American Convention, in relation to Article 1(1) of the same instrument and Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture to the detriment of Santos Sebastián Flores Castillo and his next of kin, in the terms described in the report.



- **Rosa Angela Martino vs. Argentina.**

402. The case refers to the international responsibility of the Argentine State for the violations to personal integrity, judicial guarantees, judicial protection and health in the context of the internment of Mrs. Rosa Angela Martino in the Ayelén Geriatric Institute.

403. Mrs. Rosa Angela Martino suffered from “Alzheimer's type dementia with a history of progressive cognitive impairment”, for which her treating physician recommended her admission to the Ayelén Geriatric Institute located in the town of Villa Ballester, San Martín, province of Buenos Aires, in order to receive care and obtain a better quality of life. This public institute is attached to the Comprehensive Medical Program of the National Institute of Social Services for Retirees and Pensioners (INSSJP-PAMI). Mrs. Martino was hospitalized from November 26, 2005 to April 11, 2006.

404. Mrs. Martino's daughter, María Cristina González decided to remove her mother from said geriatric institution because she alleged that the victim suffered continuous abandonment and neglect by the institution's personnel, that “she lost 10 kilos, remained dirty and disheveled, sometimes without any clothes, and with excrement remains on her body”. She also indicated that there was only one nursing assistant for 44 people, that the nurse in charge of Mrs. Martino belonged to the Federal Police and treated her rudely, and that although she reported these problems to the nursing home managers, they did not take any action. As a result, Mrs. Martino was transferred to the private institute San Micael, where she was diagnosed with malnutrition, anemia, dehydration and urinary infection. The victim received care at that medical center and her condition improved.

405. On November 9, 2006, Mrs. González filed a criminal complaint with the Departmental Investigative Court No. 4, against the Ayelén Geriatric Institute, for the crime of abandonment of persons, typified in article 106 of the Argentine Criminal Code. On March 20, 2007, a report was submitted by the departmental medical expert indicating that it was not possible for her to carry out an expert opinion because she did not have the necessary documents. On May 21, 2007, on the basis of the expert report, the Departmental Investigative Court N°4 decided to archive the proceedings, arguing that there was not enough evidence to affirm the illicit materiality of the act.

406. On June 4, 2007, the petitioner filed a request for the case to be reopened, alleging that she had not had access to the file, and on September 19, 2007, she requested that the medical expert opinion presented be expanded, taking into account that the expert had not issued an opinion on the documentary evidence provided in the complaint. According to the State's allegation, on May 30, 2008, the prosecutor's office sent the proceedings again to the Expert Advisory Office so that the experts who had already participated in the case could report on the extensions made by the petitioner, and on July 21, 2008, both experts concluded that the new documentation provided did not modify the position adopted previously. The State also indicated that on July 25, 2008, the intervening Prosecutor ordered the proceedings to be closed.

407. On the other hand, in April 2009, Mrs. González filed an action for the protection of constitutional rights with precautionary measure before the National Court 5/10 against the National Institute of Social Services for Retirees and Pensioners, for the neglect suffered, requesting that said institution pay the victim's medical expenses at the San Micael Geriatric Hospital. The fifth court granted the precautionary measure and ordered the respondent institution to reimburse the petitioner for the sums paid for the expenses and fees for the hospitalization of her mother at the San Micael Institute. The petitioner indicated throughout the proceedings that the precautionary measure was never complied with by the State.

408. Finally, in February 2009, the petitioner sent a letter to the Superintendence of Health, requesting that it take all legal steps to ensure that the National Institute of Social Services for Retirees and Pensioners comply with its health care obligations to Mrs. Martino in her capacity as a member. According to the information contained in the file, the Superintendence did not take any action in this regard.



409. In its Merits Report No. 444/21, the Commission observed that the facts denounced occurred in a geriatric institution of a public nature, for which reason the conduct or omissions of the personnel of said institution engage the international responsibility of the State. It also noted that, during the processing of the petition, the State did not provide evidence or arguments to demonstrate that the medical personnel who treated Mrs. Martino at the Ayelén Institute complied with their obligation to care for her in an adequate manner, in accordance with her situation as an elderly person with a progressive degenerative mental illness, nor did it attach information on the regulation or audits carried out at the aforementioned public institution that would demonstrate that their actions were compatible with the State's obligations in this area.

410. In this regard, the IACHR considered that the State had the burden of demonstrating the medical treatments that the Ayelén Institute provided to the victim and their effectiveness on her health, taking into account that she was under its custody in a public geriatric institute and due to her condition as an elderly person with disabilities.

411. On the other hand, the Commission noted that, based on the complaint filed by the victim's daughter, the State's duty to investigate with due diligence what happened to Mrs. Martino was triggered. In this regard, the Commission found that the decision to close the case did not specifically and clearly determine the reasons and arguments that led the prosecutor's office to make such a decision. The Commission considered that this lack of individualization of facts, as well as the absence of a list of evidence, made it impossible to understand the assessment made by the Departmental Investigative Court, and that the lack of due motivation was not corrected by the Acting Attorney General who ratified the closing of the case on August 24, 2007.

412. Likewise, after a comprehensive analysis of the pieces of the case file available to it, the Commission observed that there were several shortcomings in the investigation, such as the lack of information for the performance of the expert opinions, the fact that the medical personnel or other persons who might have been hospitalized in the Institute were not questioned, and that Mrs. Martino's testimony was not even taken into account. Consequently, the Commission considered that it was not proven that the authorities acted in accordance with the special diligence required to guarantee the victim's rights by providing her with effective protection.

413. In this regard, the Commission concluded that the State is responsible for the impairment of Mrs. Martino's right to health and physical integrity, and that the State failed to investigate with due diligence the complaint of abuse and abandonment filed by Mrs. María Cristina González, in violation of the rights to judicial guarantees and judicial protection.

414. In relation to the State's actions regarding social security benefits, the IACHR observed that the Superintendence of Health did not take any action to ensure that the National Institute of Social Services for Retirees and Pensioners complied with its duty to provide the medical services required by the victim. This omission was even more serious due to the situation of vulnerability in which Mrs. Martino found herself due to her advanced age and delicate state of health.

415. In addition, it noted that the precautionary measure requested by the petitioner in the action for the protection of constitutional rights she had filed against the National Institute of Social Services for Retirees and Pensioners was granted on August 27, 2009 by the judicial authorities. However, the State did not adopt any measures for the prompt and effective compliance with the order, in order to guarantee Mrs. Martino's medical coverage at the San Micael geriatric institute. The Commission considered that, in such circumstances, the precautionary measure requested, together with the action for the protection of constitutional rights, became ineffective and delayed remedies and did not have the possibility of preventing and restoring the infringement on victim's right to health and social security. The Commission also observed that the prolongation of the execution of the sentence had an impact on the medical and legal situation of Mrs. Martino and her daughter, Mrs. María Cristina González. Consequently, the Commission considered that the State is responsible for the violation of the rights to judicial guarantees, judicial protection and health.



416. Based on these findings, the Inter-American Commission concluded that the Argentine State is responsible for the violation of the rights established in Articles 5 (personal integrity), 8(1) (right to a fair trial), 25 (judicial protection) and 26 (progressive development) of the American Convention on Human Rights, in relation to the obligations established in Article 1(1) of the same instrument, to the detriment of Mrs. Rosa Angela Martino and Mrs. María Cristina González.

- **Mario Francisco Tadic Astorga et al. v. Bolivia.**

417. The case refers to the international responsibility of the Bolivian State for the violations that occurred during a police operation at the Hotel Las Américas in the city of Santa Cruz.

418. On April 14, 2009, the Ministry of Government filed a complaint before the Departmental Prosecutor's Office of La Paz for serious crimes committed against the internal security of the State. Within the framework of this complaint, the prosecutor reported the initiation of preliminary investigations without determining specific facts or the identity of the perpetrators. In the early morning of April 15, 2009, a group of unidentified persons detonated an explosive device at the gate of Cardinal Julio Terrazas' house in the city of Santa Cruz de la Sierra, causing some damage to the façade of the building. On the same day the aforementioned representatives of the Ministry of Government extended the complaint they had filed the day before for the events occurred in the house of Cardinal Terrazas.

419. In the early morning of April 16, 2009, a contingent of the Unidad Táctica de Resolución de Crisis (UTARC), an elite group of the Bolivian Police, entered the Hotel Las Américas in the city of Santa Cruz, fired shots on the fourth floor and burst into the rooms firing their firearms. As a result of this operation Michael Dwyer and two other people were killed and Elöd Tóásó and Mario Tadic were arrested

420. Mr. Tadic and Mr. Tóásó stated that during their detention and transfer, their hands were tied, their heads were covered with cloth, while they were repeatedly beaten and subjected to various interrogations. This was disputed by the State. Almost at noon on April 16, 2009, from the city of Santa Cruz, the prosecutor Marcelo Soza issued the arrest warrant, arguing that there it was probable that the individuals were the perpetrators of the attack on the Cardinal's house and that there was a risk of flight because they were foreign citizens.

421. The victims reported that they have denounced that they were victims of torture in the hearing of precautionary measures that took place on April 18, 2009, but that the judge of the Seventh Court of Criminal Instruction of the city of La Paz rejected any request in this regard. In said hearing, the preventive detention of the victims was ordered, and they were subsequently transferred to the penitentiary center of San Pedro and locked in a punishment cell in the sector called "La Grulla". On April 11, 2017, the First Sentencing Court Judge issued a resolution by which he informed that the convicted persons underwent an abbreviated procedure, "being free and having returned to their country of residence".

422. Michael Dwyer was an Irish citizen who at the time was 25 years old. In the early morning of April 16, 2009, he was sleeping in room 457 of the Las Américas Hotel in the city of Santa Cruz. According to the report of the Special Multiparty Commission of the Chamber of Deputies, his body was found in that room.

423. The autopsy protocol identified six firearm projectile impacts in the thorax and abdomen and established that "the cause of death was hypovolemic shock and multiple wounds in the thorax by firearm projectiles". In several statements, Elöd Tóásó affirmed that Michael Dwyer had survived the police operation in the Las Américas hotel and that he was executed in one of the Santa Cruz airports, which was disputed by the State. When Michael Dwyer's body arrived in Ireland, a second autopsy was performed on April 27, 2009, which identified injuries not detected in the original autopsy, including the fatal heart injury.

424. Juan Carlos Guedes and Alcides Mendoza were detained by armed members of UTARC on April 28, 2009 in the city of Santa Cruz. The victims stated that they were forcibly put into a van and transported by land to the city of La Paz, with plastic bags over their heads, their hands tied and blindfolded with *masking* tape.



Five days later they were ordered to be placed under house arrest. Mr. Mendoza indicated that they were forcibly removed from their homes and transported to La Paz despite the precautionary measure in their favor and without a court order. Both were held in the San Pedro prison.

425. The victims denounced that on several occasions their cell was raided, that they were overcrowded and that they were punished with confinement in “La Grulla”. According to public information, Mr. Guedes and Mr. Mendoza remained in preventive detention for more than ten years. In November 2019 they requested the cessation of their preventive detention, which was accepted by the First Sentencing Court of La Paz. Subsequently, the Court issued the resolution to close the criminal proceedings for terrorism offenses and ordered the acquittal of the defendants.

426. In its Merits Report 394/21, the Commission first analyzed whether the death of Michael Dwyer was attributable to the State and whether it engaged its international responsibility for failure to comply with the obligations established in the Convention. In this regard, the Commission noted that there is a dispute between the parties as to the time at which the death occurred. On the one hand, the petitioner argued that Mr. Dwyer was executed arbitrarily at an airport in the City of Santa Cruz, after the operation took place at the hotel; on the other hand, the State argued that his death occurred as a result of the confrontation or crossfire that took place at the hotel itself when they tried to arrest him.

427. The IACHR emphasized that, due to the lack of an investigation and clarification of what happened, it is not possible to clearly establish the precise circumstances in which Mr. Dwyer’s death occurred, which is the responsibility of the State itself. However, it indicated that even assuming the hypothesis that his death had occurred in the context of the operation, the State did not comply with the obligations related to the respect and guarantee of the right to life that were required of it in the use of lethal force. In addition, it noted with deep concern the consistent statements of Mr. Tadic and Mr. Tóásó, which indicate that Mr. Dwyer’s death occurred after the operation, while he was in a situation of total defenselessness and subjection to the police agents of the UTARC. In view of the foregoing, the Commission concluded that the death of Michael Dwyer is attributable to the State and constituted an arbitrary deprivation of life, in violation of the duty to respect and guarantee the right to life.

428. It also considered it proven that, since the early morning of April 16, 2009, Mr. Tadic and Mr. Tóásó were in the custody of the State and that, according to the forensic medical reports, the victims had multiple contusions, bruises, edema and ecchymosis in different parts of their bodies as a result of their detention. By virtue of these facts, the Commission understood that the State, in its role as guarantor, should have provided a convincing explanation of what happened to rebut the presumption of its responsibility for the injuries of the victims who were in its custody. In this sense, the Commission concluded that the State is responsible for the injuries exhibited by Mr. Tadic and Mr. Tóásó while in its custody and consequently for the violation of their right to humane treatment.

429. The Commission also observed, with respect to Mr. Mendoza and Mr. Guedes, that, according to press reports, they arrived at the Prosecutor’s Office building in the city of La Paz handcuffed and blindfolded with *masking* tape and that, according to their statements, they were repeatedly beaten and threatened during the transfer, while firearms were pointed at their heads. In this sense, the Commission considered that the physical and mental mistreatment suffered by Mr. Guedes and Mr. Mendoza during their transfer constituted a violation of their right to personal integrity.

430. Additionally, it was determined that the acts perpetrated against Mr. Tadic and Mr. Tóásó, during and after their detention, and against Mr. Guedes and Mr. Mendoza, during their transfer to La Paz, constituted acts of torture, and that the conditions of detention in the San Pedro prison violated the right of the inmates to live in a detention regime compatible with their personal dignity, and included forms of punishment in addition to the deprivation of liberty itself, which entailed serious injuries, suffering and damage to their health. In this sense, the Commission considered that the State is responsible for the violation of the right to personal integrity and its obligations under the Inter-American Convention to Prevent and Punish Torture.



431. On the other hand, it was found that the arrests of Mario Tadic and Elöd Tóásó took place illegally and arbitrarily, that they were not informed of the reasons or motives for their detention and that they were not immediately brought before a judicial authority in the city of Santa Cruz, in violation of their right to personal liberty.

432. The commission established that the detention of Juan Carlos Guedes and Alcides Mendoza was carried out illegally and arbitrarily, that there is no evidence to prove that the victims had been informed orally or in writing of the reasons for the detention and that they were not immediately handed over to the Santa Cruz judicial authorities as established in the Constitution but were transferred to La Paz. In this sense, it indicated that their right to personal liberty was violated.

433. In addition, the IACHR noted that, despite the complaints made, no serious, diligent and immediate investigation was carried out into the torture suffered by Mr. Tadic, Mr. Tóásó, Mr. Guedes and Mr. Mendoza, violating the right to judicial guarantees and judicial protection of the four victims.

434. Finally, regarding the criminal proceedings against Mr. Tadic, Mr. Tóásó, Mr. Guedes and Mr. Mendoza for the crime of terrorism, the Commission found that without any legal basis, the victims were brought before a judge in La Paz instead of Santa Cruz and that the first two were held in preventive detention from April 2009 to March 2015, that is, for almost 6 years, while Mr. Guedes and Mr. Mendoza were held in preventive detention for more than 10 years. In this sense, it found a violation of the judicial guarantees of the four victims, including the right to be judged by the natural judge

435. It also considered that the right to the presumption of innocence was violated given that Mr. Tadic, Mr. Tóásó, Mr. Guedes and Mr. Mendoza were exhibited before the media as perpetrators of the crimes of terrorism and sedition, when they had not yet been legally prosecuted or convicted. The Commission concluded that as a result of its actions and omissions while the victims were deprived of their liberty, the Bolivian State violated their right to personal liberty, judicial guarantees, protection of their honor and dignity, and judicial protection.

436. Based on these findings, the Inter-American Commission concluded that the Bolivian State is responsible for the violation of the rights to life, humane treatment, personal liberty, right to a fair trial, protection of honor and dignity, and judicial protection, established in Articles 4, 5, 7, 8, 11 and 25 of the American Convention in relation to the obligations established in Article 1(1) of the same instrument, as well as Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture, all to the detriment of the victims identified in the report.

- **José Milton Cañas and other vs. Colombia.**

437. The case concerns the international responsibility of the Colombian State for the death of seven people and the forced disappearance of twenty-five people by paramilitaries in 1998 in Barrancabermeja in the context of the internal armed conflict.

438. Barrancabermeja is a municipality in Colombia, located in the department of Santander, in the Magdalena Medio region. According to what the bodies of the Inter-American system have stated in various cases, in the mid-1980s in the Magdalena Medio region there was intense fighting by the Army and the self-defense groups against the guerrillas, in which the high military commanders of the area supported the self-defense groups. Many of these groups became criminal groups commonly known as “paramilitaries”, which spread to other regions of the country. According to a report by the Vice-Presidency of Colombia in the early 1990s, in the departments of Norte de Santander, Santander and Cesar, self-defense groups settled in the area with the aim of reducing guerrilla activities, particularly due to the existence of illicit crops and strategic corridors. In this context, the Autodefensas Unidas de Santander y Sur del Cesar (AUSAC), among others, was founded.



439. On May 16, 1998, between 8:30 and 9:00 p.m., a group of 20 to 50 AUSAC men entered the southwest area of Barrancabermeja in five vehicles. The men were dressed in civilian clothes, were hooded and wore bulletproof vests. They also carried machetes, bladed weapons, and short- and long-range weapons. According to Amnesty International, some of the vests worn by these individuals appeared to bear the insignia of the DAS. In addition, two witnesses stated that some were wearing green vests like those used by the army.

440. The AUSAC first stopped at the bar “La Tora” and proceeded to hold Juan de Jesús Valdivieso and Pedro Julio Rondón Hernández, whom they mistreated and forced to get into one of the vehicles in which they were traveling. Pedro Julio Rondón Hernández was later executed on the soccer field. Then, the AUSAC went to the Campestre neighborhood, to the home of José Libardo Londoño Avendaño, a 75-year-old carpenter, and forced him into one of the vehicles in which they were traveling.

441. Subsequently, they entered a party on the soccer field where hundreds of people were present and began shouting at them. Some of the people present at the party were hit with rifle butts. The AUSAC forced José Octavio Osorio, Orlando Martínez Castillo, José Milton Cañas Cano, Diego Fernando Ochoa Lopez, Alejandra María Ochoa Lopez Giovanni Herrera Cañas, Oswaldo Enrique Vázquez, Ender González Baena, José Reinel Campo Arévalo, Fernando Ardila Landinez, Oscar Leonel Barrera Santa, Luis Fernando Suárez Suárez, Robert Wells Gordillo Solano and José Javier Jaramillo Díaz, the latter 17 years old, into one of the vehicles. Pedro Julio Rondón Hernández, who was captured at the bar “La Tora”, tried to escape and the paramilitaries proceeded to slit his throat. José Javier Jaramillo Díaz, who was captured at the party, was found dead the following day on the road leading from Barrancabermeja to Bucaramanga.

442. They also entered a billiards establishment adjacent to the soccer field. Wilfredo Pérez Serna, manager of the establishment, was insulted and beaten by the paramilitaries, who put him in one of their vehicles. The AUSAC also detained Jaime Yesid Peña Rodríguez, 16 years old, who was outside his house.

443. They then went to the 9 de Abril neighborhood and split up to go to a mini-shuffleboard court and a billiards hall. There, Germán León Quintero tried to flee and was shot in the leg by one of the paramilitaries and subsequently shot and killed. The paramilitaries also forced Melquisedec Salamanca Quintero, Carlos Arturo Alaixt Prada and Carlos Enrique Escobar Jiménez, the latter 17 years old, into one of the vehicles in which they were traveling. In the billiards hall, the paramilitaries forced Daniel Campos Pérez, Juan Carlos Rodríguez Arenas, Luis Jesús Arguello Solano and Diomidio Hernández Pérez into one of the vehicles in which they were traveling.

444. They then continued towards the La Esperanza neighborhood and forced Eliécer Quintero Orozco, Nehir Enrique Guzmán Lázaro and Luis Fernando Suárez Suárez to get into one of the vehicles in which they were traveling. They also forced Ricky Nelson García and Wilson Pacheco Quiroz to get off their motorcycles and were also forced into one of their vehicles. Once they reached the La Esperanza neighborhood, the paramilitaries killed Nehir Enrique Guzmán Lázaro. After an hour and a half from entering Barrancabermeja, the AUSAC returned through the entrance where the El Retén base was to be located. The paramilitaries approached a restaurant where they captured Gary Pinedo Rangel and forced him into their vehicles. The paramilitaries killed Luis Jesús Arguello Solano, Diomidio Hernández Pérez, Eliecer Javier Quintero Orozco and José Javier Jaramillo Díaz, who were previously captured. Their bodies were found the following day. Finally, the AUSACs headed towards the city of Bucaramanga.

445. Several statements made reference to the link between the AUSAC and the Barrancabermeja Public Forces to commit the acts that occurred on May 16, 1998.

446. During the AUSAC raid, the relatives of the hostages denounced what had happened to police authorities, the DAS and the Colombian army. According to witness statements, the police agents “did not carry out any operation aimed at capturing those responsible and rescuing the hostages”.

447. On May 18, 1998, the National Human Rights Unit of the Attorney General’s Office opened an investigation into the events that occurred. On July 29, the Unit issued a resolution in which it opened the



investigation and ordered that the Second Corporal of the National Army Rodrigo Pérez Pérez, member of the Artillery and Anti-Aircraft Defense Battalion No. 2 of Nueva Granada, who according to witness statements, was one of the persons who participated in the events together with the AUSAC, for the crimes of multiple aggravated homicide and kidnapping for extortion, be linked to the process. However, on November 29, 2001, the National Human Rights Unit issued a resolution of preclusion of the investigation against Mr. Perez.

448. For its part, the Unit refused to link various military agents who allegedly participated in the uprising at the “El Retén” base on the day of the events to the criminal proceedings in a timely manner. The Unit limited itself to pointing out that there was no evidence to prove that they knew what was going to happen.

449. On March 30, 2006, the Delegated Prosecutor’s Office before the Court ordered to link six military agents and two Administrative Department of Security (DAS) agents to the proceedings. On November 29, 2013, the Special Prosecutor’s Office for Human Rights and International Humanitarian Rights decided the legal situation of the eight members of the Public Force who had been linked to the investigation. The Prosecutor’s Office decided to impose preventive detention against the six military agents for co-perpetration of the crimes of aggravated homicide and forced disappearance and refrained from imposing a security measure against the DAS agents.

450. The petitioner argued that, although most of the Army and Police officers accused of these acts are deprived of their liberty, this is not the case of Colonel Joaquín Correa Lopez, with respect to whom the necessary actions to apprehend him were not taken.

451. On the other hand, between June 1999 and January 2001, the National Human Rights Unit of the Attorney General’s Office issued preventive detention orders for the crimes of multiple homicide, extortive kidnapping and paramilitarism against 4 members of the AUSAC. According to the information provided by the State, a group of paramilitaries were prosecuted under Law No. 975 of Justice and Peace, and several advance sentences were issued against them. The IACHR also noted that to date, other paramilitaries are still being prosecuted and are reportedly in the investigative stage.

452. In its Merits Report No. 141/21, the IACHR noted that there are various pieces of evidence that the AUSAC coordinated with military agents for the events of May 16, 1998, including the context declared by Inter-American bodies, witness and paramilitary statements, State reports, reports from civil society organizations, reports from international organizations, among others. It also noted that among the paramilitaries there were people wearing army and Administrative Department of Security (DAS) uniforms, and that some of the people who participated in the operation were allegedly state agents.

453. Consequently, for the events of May 16, 1998, the Commission concluded that the State is responsible for the violation of the right to life, to the detriment of Julio Rondón Hernández, José Javier Jaramillo Díaz, Germán León Quintero, Diomidio Hernández Pérez, Luis Jesús Arguello Solano, Nehir Enrique Guzmán Lázaro and Eliécer Quintero Orozco. The Commission also found the State responsible for the violation of the rights to personal liberty, personal integrity, life, and recognition as a person before the law to the detriment of Juan de Jesús Valdivieso, José Libardo Londoño Avendaño, José Octavio Osorio, Orlando Martínez Castillo, José Milton Cañas Cano, Diego Fernando Ochoa López, Alejandra María Ochoa López, Giovanny Herrera Cañas, Oswaldo Enrique Vázquez, Ender González Baena, José Reinel Campo Arévalo, Fernando Ardila Landinez, Oscar Leonel Barrera Santa, Robert Wells Gordillo Solano, Wilfredo Pérez Serna, Daniel Campos Pérez, Juan Carlos Rodríguez Arenas, Carlos Enrique Escobar Jiménez, Melquisedec Salamanca Quintero, Carlos Arturo Alaixt Prada, Ricky Nelson García, Luis Fernando Suárez Suárez, Wilson Pacheco Quiroz, Yesid Peña Rodríguez and Gary Pinedo Rangel.

454. Additionally, the IACHR noted that José Javier Jaramillo Díaz and Carlos Enrique Escobar Jiménez were 17 years old at the time of the facts and that Yesid Peña Rodríguez was 16 years old, for which reason it considered that the State ignored its obligation to provide special protection to children, especially in a context of armed conflict.



455. Regarding the investigation of the facts, the Commission noted that several family members and residents of the area immediately went to the police station to report the facts. However, during the first weeks, no State authority adopted measures to investigate the facts, locate the whereabouts of the missing persons, nor did it act with the minimum diligence to preserve evidence that directly linked the participation of members of the Armed Forces. In conclusion, it considered that from the first proceedings the State incurred in omissions and obstructions that hindered the knowledge of the truth of the facts and the punishment of those responsible. In addition, the Commission noted that, within weeks of the events, several witnesses received death threats without any specific measure of protection granted to protect the life and integrity of these persons, and to identify the causes of the risk.

456. Likewise, the IACHR observed that eight years after the events occurred, the Delegated Prosecutor's Office before the Court ordered the linking of six military agents and two DAS agents to the proceedings; and fifteen years after the events occurred, the Specialized Prosecutor's Office for Human Rights and International Humanitarian Rights decided to acquit the DAS agents, ordering the preventive detention of the other six military agents for the crimes of aggravated homicide and forced disappearance, with no information available on the status of the investigation.

457. The Commission also held that, despite the existing evidence, no effective action was taken to identify the criminal responsibility of other actors or to inquire into the participation of high-ranking members of the security agencies and other state agents in the events. Therefore, it considered that there was no effective line of investigation aimed at linking all the persons responsible, including the material and intellectual authors. In this sense, the Commission concluded that there was a clear lack of due diligence in the investigation, with which the State has perpetuated the situation of impunity in which the facts of this case are found.

458. On the other hand, with respect to the group of paramilitaries who were prosecuted under Law No. 975 of Justice and Peace, the Commission noted that to date the proceedings against other paramilitaries continue, and that they are still in the investigative stage, for which the Commission noted that there is an excessive delay in the proceedings that are still open, without any justification having been provided. The Commission emphasized that the confession of the accused cannot exempt the authorities from their obligation to diligently investigate the facts and establish the responsibilities to which they give rise, especially since, as indicated by the State, some 40 paramilitaries participated in the act. The Commission considered that the State has not complied with its obligation to investigate and pointed out that the case file does not contain information related to the proceedings carried out in the framework of the Justice and Peace Law in order to verify the statements of the paramilitaries prosecuted and convicted, in order to clarify the facts and, in particular, to identify the whereabouts of all the disappeared victims.

459. In addition, it considered that the lapse of approximately 23 years in which the criminal proceedings were before the ordinary jurisdiction exceeded a period that could be considered reasonable for the State to carry out the corresponding investigative procedures and constituted a denial of justice to the detriment of the victims' next of kin.

460. In addition, the Commission noted that several lawsuits were filed in the administrative litigation jurisdiction and that the proceedings were still pending at the time of the adoption of the report. Therefore, it considered that the administrative litigation jurisdiction would not have been an effective remedy to, in addition to the criminal proceeding, allow for reparations to the victims in the case.

461. In this sense, it concluded that the domestic investigations and proceedings have not been effective remedies to guarantee access to justice, to determine the truth of the facts, the investigation and punishment of those responsible, and reparations for the consequences of the violations, in violation of the right to judicial guarantees and judicial protection.

462. Finally, it pointed out that it is evident that the anguish experienced by the victims' next of kin in the search for justice for the murders and forced disappearance of their loved ones, the lack of effective protection and the profound suffering and radical change in their lives has affected their personal integrity.



Consequently, the Commission concluded that the State violated the right to psychological and moral integrity of the next of kin.

463. Based on these findings, the Inter-American Commission concluded that the State is responsible for the violation of the rights to juridical personality, life, humane treatment, personal liberty, fair trial, rights of the child and judicial protection, established in Articles 3, 4, 5, 7, 8(1), 19 and 25(1) of the American Convention on Human Rights, in relation to Article 1(1) of the same instrument, to the detriment of the persons indicated in each of the sections of the report. Likewise, the State is responsible for the violation of Articles I(a), I(b) and III of the Inter-American Convention on Forced Disappearance of Persons, since said treaty entered into force for Colombia.

- **María Cristina Aguirre vs. Argentina.**

464. The case concerns the international responsibility of the Argentine State for the violation of María Cristina Aguirre's right to appeal a criminal conviction against her.

465. On June 27, 2002, the Oral Federal Criminal Court No. 3 of San Martín issued a sentence in a criminal case against Mrs. Aguirre. According to the sentence, the conduct reproached to Mrs. Aguirre was the possession for commercial purposes of 44.86 grams of marijuana and 0.70 grams of cocaine hydrochloride, which was allegedly discovered on September 14, 2000, when personnel belonging to the *Dirección General de Investigaciones Complejas y Narcocriminalidad -Delegación Oeste-* proceeded to the raid of the house where she lived.

466. The official public defender assigned to Mrs. Aguirre argued that the search had been carried out in violation of the constitutional guarantees of due process and the inviolability of the home. In its decision, the Oral Court rejected such arguments of unconstitutionality of the search, considered that the reproached conduct was typified as "possession of narcotics for commercialization purposes" and consequently imposed to Mrs. Aguirre a principal sentence of four years and two months of imprisonment, plus the legal accessory penalties and costs.

467. On July 15, 2002, an official public defender filed an appeal for cassation against the sentence that convicted Mrs. Aguirre, arguing that the search of the house should be equated to a search carried out in the absence of a warrant because the conditions required by the investigating judge were not met. The defense counsel also claimed that the conviction had validated the unlawfulness of the search based on the false assumption that the search took place because the police noticed that the people in the house were trying to escape, when in fact the statements of the police officers had indicated that they observed the escape attempt after they had begun their attempts to enter the property.

468. On August 5, 2002, the Oral Federal Criminal Court No. 3 of San Martín granted the appeal for cassation and ordered that the proceedings be sent to the National Chamber of Criminal Cassation. On September 11, 2002, the National Criminal Cassation Chamber decided to declare the appeal for cassation "wrongly granted", stating that the grievance alleged by the defense was "a question of fact in the resolution of which, in principle, the court of merit is sovereign and that it cannot be argued in this instance except in cases of arbitrariness or absurdity, violation of the defense in trial or due process of law, which are not observed in the case under examination".

469. In a brief filed on September 25, 2002, an official public defender filed an extraordinary federal appeal against said decision. In such brief, the public defender argued that the appealed decision had violated, to the detriment of Mrs. Aguirre, the internationally recognized right to a double judicial instance and the constitutional guarantees of the defense in trial and due process.

470. This extraordinary federal appeal was declared inadmissible by the National Chamber of Criminal Cassation on October 24, 2002. In support of its decision, the Chamber stated that "[T]he extraordinary appeal is clearly inadmissible" and that "the Chamber, in declaring the appeal for cassation to be



improperly granted, complied with its legal obligation to examine the formal admissibility of the appeal without making any progress on the substantive merits of the exceptional remedy sought”.

471. Mrs. Aguirre sent from the center where she was deprived of her liberty a handwritten note dated November 21, 2002 and addressed to the National Chamber of Cassation in which she indicated “I appeal the sentence of the appeal of complaint”. This note was understood as the presentation in forma *pauperis* of a complaint appeal against the denial of the extraordinary appeal that had been filed in her favor. The complaint appeal was later founded by an official public defender. In the brief of substantiation, the public defender argued that the presentation made by Mrs. Aguirre should be considered temporary since any direct presentation by a justiciable person should be considered temporary when that person had not been informed by the attorney representing him/her of the decision that prejudiced him/her or of his/her right to appeal.

472. In the same brief, the public defender also argued that the regulations governing the criminal appeal for cassation at the federal level were incompatible with the State’s international obligations in terms of double jurisdictional instance because they regulated the appeal based on the principle of “intangibility of the facts established by the trial court”, thus preventing the Court of Cassation from reevaluating the facts. The public defender also denounced a tendency of the domestic courts to restrict the appeal for cassation even more than its already restrictive legal provision. On November 25, 2003, the Supreme Court of Justice of the Nation dismissed the complaint filed by Mrs. Aguirre as untimely, without expressly analyzing the arguments put forward by her defense to support that the appeal should be considered temporary.

473. In its Admissibility and Merits Report No. 329/22, the Commission considered it proven that Mrs. Aguirre’s right to appeal the conviction was materially violated because the cassation court automatically rejected her defense motions only because it considered them to be directed at questions of fact and evidence, a situation that was not remedied by the courts that heard the subsequently filed appeals.

474. The IACHR appreciated the information on jurisprudential developments that had occurred at the domestic level in relation to the right to appeal convictions. In particular, the Commission valued positively “the Casal ruling” as a first effort to make judicial practices compatible with Argentina’s international human rights obligations. However, the Commission emphasized that it took place after the facts of the case, and that limits have been identified as to its scope and enforceability. In view of the above, the Commission concluded that the Argentine State is responsible for the violation of the rights to appeal a judgment and to judicial protection.

475. With respect to the appeal filed in forma *pauperis* by Mrs. Aguirre and subsequently filed by a public defender, the Commission observed that the Supreme Court of Justice dismissed said appeal as untimely, without having conducted an explicit analysis or provided any type of response to the arguments that were raised by Mrs. Aguirre’s defense in an attempt to support the temporary nature of the appeal. On the contrary, the Commission noted that untimeliness was the only basis provided by the Court for the dismissal of the appeal.

476. On this point, it was indicated that the arguments raised by Mrs. Aguirre’s defense in support of the temporary nature could not be considered tangential or insubstantial, as they were directly and essentially related to the decision of the case, as well as to the guarantee of access to justice for a person who had been in a situation of vulnerability at the time she filed the appeal. Consequently, the IACHR considered that the decision adopted by the Supreme Court did not reflect a motivation that would allow it to consider that the victim and the arguments of her defense counsel had been effectively heard in a process that concerned her rights. In this sense, the Commission concluded that the State is responsible for the violation of the rights of access to justice, to be heard in proceedings related to the determination of her rights and to judicial protection.

477. Based on these findings, the Inter-American Commission concluded that the Argentine State is responsible for the violation of the rights to a fair trial and judicial protection, established in Articles 8 and 25 of the American Convention, in relation to Articles 1(1) and 2 of the same instrument, to the detriment of Mrs. Aguirre.



- **Eduardo José Antonio Moliné O'Connor vs. Argentina.**

478. The case concerns the international responsibility of the Argentine State for the dismissal of Eduardo Moliné O'Connor as Judge of the Supreme Court of Justice of the Nation.

479. On August 6, 1990, Mr. Moliné O'Connor assumed the position of judge of the Supreme Court of Justice of the Nation of Argentina. Thirteen years later, on June 4, 2003, the then president of Argentina, Néstor Kirchner, requested the National Congress to initiate an impeachment trial against some members of the Supreme Court. Likewise, representatives of the Executive Branch issued statements referring to the need to recompose the Court of Justice of the Nation.

480. On June 10, 2003, Congressmen Julio Gutiérrez and José Mirabile filed a complaint against Justice Moliné O'Connor and other justices in their capacity as judges of the Supreme Court, for their decision in the *"Magariños, Hector Mario"* case, referring to the disciplinary sanction imposed on a judge. Similarly, on June 4, 2003, Congressmen Carlos Raúl Iparraguirre and Margarita Stolbizer requested the Chamber of Deputies to initiate an impeachment proceeding against them for poor performance in the exercise of their duties due to the decision they issued in the case *"Meller Comunicaciones S.A.U.T.E. c/ Empresa Nacional de Telecomunicaciones"*. Likewise, on July 3, 2003, Congressmen Carlos Raúl Iparraguirre, Ricardo Nieto Brizuela and Juan Jesús Minguez requested the Chamber of Deputies to initiate an impeachment proceeding against Mr. Moliné O'Connor for poor performance in the exercise of his duties as Judge of the Supreme Court, due to his actions in the case called *"Macri, Franciso y Martínez & Evación Fiscal y presunto Contrabando"* (*Macri, Franciso y Martínez & Tax Evasion and alleged Smuggling*).

481. That same day, the Impeachment Committee of the Chamber of Deputies met with fourteen of its 32 members, analyzed the complaints and unanimously approved that they met the requirements to be declared admissible, and therefore ordered the initiation of an impeachment proceeding against him. On August 13, 2003, the Chamber decided to impeach Mr. Moliné O'Connor for malfeasance in office.

482. On August 21, 2003, the victim's representatives filed a recusal request before the Senate of the Nation against the senator and then president of the Senate Constitutional Affairs Committee, Cristina Fernández de Kirchner, due to the fact that she was related to the then President by virtue of their relationship as spouses; and for having stated on several occasions before public opinion her decision to request the impeachment of members of the Supreme Court of the Nation. However, on August 26, 2003, the referred Commission, by means of an opinion, advised the Senate of the Nation to reject the recusal.

483. On September 2, 2003, Mr. Moliné O'Connor's counsel filed a new recusal request, expanding on the grounds of lack of impartiality. On September 3 and 4, 2003, the Senate of the Nation confirmed the rejection of such recusal. In view of this decision, the victim's representatives filed an extraordinary federal appeal, which was dismissed on October 1, 2003 by the Senate of the Nation.

484. At the same time, on September 3, 2003, Mr. José Ricardo Falú and Mr. Carlos Iparraguirre, in their capacity as members of the Impeachment Committee and based on their majority opinion on the case, filed an accusation against Mr. Moliné O'Connor for malfeasance as a Supreme Court Justice. In such writ, they requested that he be suspended from the exercise of his functions while the impeachment trial is being substantiated, without pay; and that he be removed from his position for an indeterminate period of time to hold public office. On October 8, 2003, the Senate of the Nation resolved the preventive suspension of Mr. Moliné O'Connor from the exercise of his functions, without pay.

485. Pursuant to the provisions of Article 10 of the Rules of Procedure for impeachment proceedings, the Senate of the Nation began deliberating the case on December 3, 2003, and subsequently, at the same session, the Senate, by resolution DR-116/03, removed the victim from his position as a Supreme Court Justice for malfeasance in office, after approving two of the nine charges brought against him, both related to the "Meller" case.



486. Against this resolution, Mr. Moliné O'Connor filed an extraordinary federal appeal, which was rejected by the Senate of the Nation on February 24, 2004. In view of this, the victim filed a *de facto* appeal arguing the violation of his right to due process, due to the absence of judicial guarantees, and that he was being dismissed for the judgments he had signed. On June 1, 2004, the Supreme Court of Justice of the Nation dismissed the action, considering that there was no violation of the right to defense and that it did not have the power to analyze the merits of the impeachment trial.

487. In its Admissibility and Merits Report No. 30/23, the Commission first concluded that the norm used to initiate the impeachment trial against the victim was not compatible with the principle of legality, allowing it to initiate a proceeding aimed at removing him from office for his legal reasoning as a judge.

488. Likewise, with respect to the suspension measures adopted against the victim, the IACHR noted that the authorities never justified why the suspension was necessary to avoid a possible impact on the administration of justice. In this regard, the Commission considered that since this measure restricted the principle of judicial independence and the guarantee of Mr. Moliné O'Connor's stability, it was incumbent upon the Senate, in addition to respecting the principle of legality and arguing in a well-founded manner what was the legitimate end to be achieved, to demonstrate that the suspension was a suitable, necessary and proportional means. However, it observed that the decision to suspend the victim was never adequately justified, and the congressmen and congresswomen limited themselves to emphasizing that they had the competence to adopt such a decision. Therefore, the Commission considered that this measure affected the principle of judicial independence and the guarantee of stability.

489. On the other hand, with respect to the measure of dismissal, it was noted that, having used the legal reasoning issued by the victim in the so-called "Meller S.A." case as support for such determination, no argument was identified in the case file that explains to what extent the legal grounds used in the decision adopted by a collegiate court in the aforementioned case constituted truly serious conduct by Mr. Moliné O'Connor, for the purpose of justifying his dismissal. On the contrary, the IACHR noted that, according to Mr. Moliné O'Connor's defense, such decision only followed the jurisprudence of the Supreme Court of the Nation regarding the admissibility of the remedy of complaint. Therefore, the Commission considered that the dismissal was not duly sustained.

490. The Commission also considered that the impeachment proceeding involved authorities with a pre-established position, given their ties to the governing party and the authorities of the Executive Branch. In this sense, it held that the impeachment proceeding to which the victim was subjected did not observe the guarantees of due process of law and, in particular, did not comply with the requirement of impartiality of the authority in charge of the proceeding.

491. It also noted that, at the time of the facts, domestic law did not have a specific procedure regulating the presentation of challenges before the Chamber of Deputies and/or the Senate, which partially caused all the challenges presented by the victim throughout the impeachment trial not to result in an outcome in his favor, given that they were rejected by resolutions that lacked a legal motivation. For these reasons, the Commission concluded that the State violated the right to an impartial authority.

492. Similarly, it noted that the victim judicially challenged his suspension and dismissal as a judge and that the Supreme Court only analyzed the reasonableness of the deprivation of the victim's remuneration, without examining the legal basis for the suspension of his position as a judge. Therefore, in the Commission's opinion, Mr. Moliné O'Connor did not have a judicial pronouncement analyzing the reasonableness of the measure imposed against him, which meant that he did not have real access to justice.

493. Likewise, it considered that in the complaint in which the removal of Mr. Moliné O'Connor was questioned, the Court limited itself to analyzing whether the victim's right to judicial guarantees was respected, indicating that its power of review extended to that point, "without this meaning that it would issue an opinion on the merits of the substantive motives, since these are exclusive to the Congress of the Nation, which acts as a political body". Therefore, the Commission understood that he was denied the possibility of having an



effective judicial review of his removal, particularly if the removal had been grounded on the judge's legal criteria.

494. For the IACHR, it was also clear that the Supreme Court decided not to analyze the specific arguments regarding the victim's right to an impartial body and the exercise of his right to a defense, and therefore it considered that this part of the decision also failed to provide an effective judicial analysis of the alleged violations of the rights invoked. For these reasons, the Commission concluded that the State violated the right to judicial protection and the guarantee of due motivation.

495. On the other hand, the Commission pointed out that, because Mr. Moliné O'Connor was removed from office in a process in which violations of both due process and the principle of legality were committed, and because the impeachment trial was conducted in a manner incompatible with the principle of judicial independence, the State also violated the right of judges to have access to public office "under conditions of equality".

496. Finally, it noted that the Third Chamber of the Federal Administrative Litigation Chamber issued a decision that restored the life pension and ordered the State to pay the unpaid sums of money, and therefore considered that the State had complied with ceasing and remedying the situation denounced, with respect to the alleged violation of the rights to private property and social security. Notwithstanding, the Commission did not have information to prove that the sum of money had been effectively returned to the family of Mr. Moliné O'Connor and considered that the delay caused the victim to be unable to receive his pension, affecting his quality of life, and therefore considered that the State was responsible for the violation of the guarantee of reasonable time

497. Based on these findings of fact and law, the Inter-American Commission concluded that the Argentine State is responsible for the violation of the principle of judicial independence, the right to an impartial authority, the right to an adequate motivation, the right to a reasonable time, the principle of legality, the right to political participation and the right to judicial protection enshrined in Articles 8(1), 9, 23 and 25(1) of the American Convention, in relation to the obligations established in Articles 1(1) and 2 of the same instrument, to the detriment of Mr. Moliné O'Connor

- **Elio Artola Navarrete vs. Nicaragua.**

498. The case concerns the international responsibility of the Republic of Nicaragua for the violation of trade union rights against Elio Artola Navarrete.

499. Mr. Elio Artola is a physician specialized in plastic surgery who worked until his retirement for the Ministry of Health (MINSA), at the Antonio Lenin Fonseca Hospital (HEALF) and has served as a union leader in various organizations, including as president of the Board of Directors of the Union of said hospital. Since 2003, he has been working full time in his union duties, with the approval of MINSA.

500. On April 7, 2014, the doctors, in an Extraordinary General Assembly, elected the new Board of Directors of HEALF, which was formed by Mr. Artola as President, Roberto López as Vice President and Mauricio Vanegas as Organizing Secretary. On April 9, 2014, Elio Artola, in his capacity as President, sent a letter to the Head of Union Associations of the Ministry of Labor requesting that the certification of the new Board of Directors be approved, for which the corresponding information was attached. According to the information provided, Mr. Artola, together with other union leaders, filed an action for the protection of constitutional rights against the Ministry of Labor and others for having remained silent regarding the request for registration and obtaining the legal status of the new Board of Directors of the HEALF Union.

501. On February 4, 2015, the Constitutional Chamber of the Supreme Court of Justice issued judgment No. 26 by which it declared the action for the protection of constitutional rights appeal well founded and, consequently, ordered the authorities of the Ministry of Labor to grant the certification and registration requested by the New Board of Directors of the Union. According to the HEALF Union, subsequent to the



judgment, they made several approaches to the Directorate of Union Associations of the Ministry of Labor to issue the certification, however, this was denied. Subsequently, the union sent letters to various authorities requesting that, in compliance with the judgment, they comply with the registration and certification of the new Board of Directors, without obtaining a response.

502. According to the information provided by the petitioner, the dismantling of the trade union organizations that Mr. Artola led, in addition to the impossibility of continuing to perform his union work, had an impact on his physical and psychological integrity, which led him to undergo pharmacological treatment and suffer episodes of depression and suicidal ideas. According to the medical-psychological report provided in the file, he is facing old age with difficulties to take care of his health. According to this source, “he is forbidden to enter public hospitals, where he cannot even request medical assistance”. Additionally, there are medical reports in the file referring to his physical health that show hypothyroidism, problems in the lumbar spine and *dupuytren’s* disease in both hands.

503. In its Admissibility and Merits Report No. 308/23, the IACHR stated that Mr. Elio Artola’s rights were infringed in the case as a member of the union and that he was unable to exercise the position to which he was elected.

504. The Commission considered that the State, by not granting the certification of the Board of Directors, despite the order of the judicial body, and thus leaving the HEALF Union without representation, did not guarantee the functioning of the Union, affecting the victim’s rights of association and trade union freedom. Likewise, the Commission considered that more than 8 years after the judicial decision in favor of Mr. Artola without the execution of the sentence, as well as the ineffectiveness of the judicial mechanisms subsequently activated to achieve such compliance, constitute a violation of his right to effective judicial protection. Likewise, it understood that the excessive delay in complying with the judicial decision is not attributable to the complexity of the case or to the procedural activity of the victim or his representatives, but to the State authorities, being the duty of the State to enforce the final decisions, in such a way that the rights at stake are protected.

505. Based on these considerations, the IACHR concluded that the State is responsible for the violation of the rights to freedom of association, trade union freedom, judicial guarantees and judicial protection.

506. In addition, it observed that the facts of the case and, in particular, the failure to implement the decisions adopted by the authorities contributed to the infringement of Mr. Artola’s physical and psychological integrity. In this regard, the Commission noted that the petitioner alleged, without the State refuting it, that the disbanding of the trade union organizations led by Elio Artola, together with the impossibility of continuing to carry out his trade union work, had an impact on his physical and psychological integrity. In particular, the information available to the IACHR indicates that Mr. Artola underwent pharmacological treatment and that he suffers from episodes of depression and suicidal ideas, on which the State did not comment. Based on these considerations, it concluded that the State is responsible for the violation of the right to humane treatment.

507. Based on said considerations of fact and law, the Inter-American Commission concluded that the State of Nicaragua is responsible for the violation of the rights to humane treatment, to judicial guarantees, to freedom of association, to judicial protection, to progressive development and to trade union rights, established respectively in Articles 5, 8, 16, 25 and 26 of the American Convention and Article 8 of the Protocol of San Salvador, in relation to the obligations established in Article 1(1) of the Convention, to the detriment of Elio Artola, in the terms established in the report.



- **Indigenous Peoples Mashco Piro, Yora and Amahuaca v. Peru.**

508. The case relates to the international responsibility of the Peruvian State for the violation of rights to the detriment of the indigenous peoples in voluntary isolation and initial contact (hereinafter "PIACI") Mashco Piro, Yora and Amahuaca.

509. The Mashco Piro are an indigenous people in voluntary isolation that inhabits various parts of the Peruvian territory, including the Purús River basin in southern Ucayali and the Las Piedras and Manu river basins in northern and western Madre de Dios. The Yora are an indigenous people in initial contact, whose presence has been recognized within the Kugapakori, Nahua, Nanti and other Territorial Reserves and is also present within the Madre de Dios Territorial Reserve. The Amahuaca are an indigenous people in initial contact, located in the Murunahua Territorial Reserve and also in the Madre de Dios Territorial Reserve.

510. Both the petitioners and the State agree that, in Peru, there are legal figures that serve to categorize the lands and territories of indigenous peoples in isolation and initial contact, one of these being that contemplated in the legal regime of Law No. 28736 of May 18, 2006. Article 2.d of this law establishes that the indigenous reserves are the "lands delimited by the Peruvian State, of transitory intangibility, in favor of the indigenous peoples in isolation or in initial contact, and as long as they maintain such situation, to protect their rights, their habitat and the conditions that ensure their existence and integrity as peoples". However, the law allows the granting of rights for the use of natural resources whose exploitation is of public necessity for the State.

511. The State recognized the Mashco Piro people through Supreme Decree N°001-2014-MC of April 4, 2014, and has established their existence in spaces such as the Madre de Dios Territorial Reserve, the Murunahua Territorial Reserve, and the Mashco Piro Indigenous Reserve. To adapt this territorial reserve to the provisions of Law No. 28736 and its regulations, the recategorization process began in 2014, in order to acquire the status of Indigenous Reserve, which would grant the quality of intangibility to their territories.

512. As part of the categorization process, in 2016, the non-governmental organization World Wildlife Fund Peru conducted an Additional Categorization Study (hereinafter "EAC"), which determined the need to expand the current area of the reserve, given the identification of the continued presence of various indigenous peoples in voluntary isolation in areas not considered as part of the reserve.

513. The EAC was approved on November 30, 2016, by the Multisector Commission. According to the petitioner, the presence of the PIACI in areas not included within the recognized territorial or indigenous reserves is a point of particular concern, since they are in proximity to various activities carried out by third parties, which places them at risk of contact with third parties and puts their integrity and life at risk. The State has indicated that due to the overwhelming evidence of the presence of isolated Mashco Piro indigenous people that have been living outside of the Madre de Dios Territorial Reserve in recent years, the study proposed expanding the reserve's area on the eastern side of the reserve. Both the State and the petitioner have reported that to date, the process of categorizing the Madre de Dios Territorial Reserve has not been completed.

514. Despite being peoples in isolation, in recent years, there have been several sightings of members of the Mashco Piro people, as well as incidents with members of other native communities, which have even resulted in the death of a community member by the impact of Mashco Piro arrows. For example, between December 2019 and July 2020 a report recorded at least 15 sightings of members of these indigenous peoples, in the regions of the Nueva Océania Community and the Monte Salvado Native Community on the Tahuamanu River.

515. In addition, according to the information provided by the petitioner, several activities have been carried out within the Madre de Dios Territorial Reserve that have impacted the Mashco Piro, Yora and Amahuaca peoples.



516. These include logging activities, illegal logging activities, mining activities and infrastructure projects. With respect to the granting of forest concessions, although according to the information contained in the file, there are currently no forest concessions, forest harvesting units or productive forests overlapping the indigenous territory, the EAC identified 13 forest concessions, of which 10 are still in force.

517. Due to these facts, on June 2, 2008, the petitioner filed an action for the protection of constitutional rights before the First Mixed Court of Tambopata against the Ministry of Women and Human Development, the National Institute for the Development of Andean Amazonian Peoples and the Regional Agrarian Directorate of the Ministry of Agriculture of Madre de Dios due to the imminent danger to the property and lives of the PIACI due to illegal logging, hydrocarbon and infrastructure activities. On May 31, 2012, the First Mixed Court of Tambopata declared the nullity of all the proceedings, concluding the process and ordering its definitive archiving. Finally, on June 20, 2012, the resolution declaring the nullity was declared consented and the process was ordered to be filed.

518. In its Admissibility and Merits Report No. 397/22, the Commission determined that the State has not adequately recognized the ownership of the territories inhabited by the Mashco Piro, Yora and Amahuaca peoples, in non-compliance with its obligations regarding the right to property. In particular, although it took note of the progress made by the State in the recognition of the territories of the PIACI, it considered that the presence of indigenous peoples in voluntary isolation in areas of different legal categories demonstrates that the State has not guaranteed the full integrity of their territories and has generated in fact a kind of fragmentation that determines the existence of physical spaces that have greater protection than others.

519. Similarly, the IACHR noted that, in the initial delimitation of the Madre de Dios territorial reserve, the State did not demonstrate that it had adequately considered the movement and settlement patterns of the indigenous peoples, as well as their traditional mode of survival and ancestral practices, and that the process of recategorization of the reserve initiated in 2014 had not yet concluded, with the result that the expansion of the area has not been made viable by the authorities.

520. The Commission also observed that the current situation of the territories of the Mashco Piro, Yora and Amahuaca indigenous peoples, especially in the Madre de Dios territorial reserve, in the absence of a freehold title, does not allow for a clear delimitation of the extensions of these territories, which shows a level of protection that does not correspond to the highest level provided for by the domestic regulations. In addition, the Commission indicated that the lack of determination of the buffer zones prevents the existence of safeguards to avoid the effects of various kinds that could be caused by contact or activities carried out in adjacent areas. The Commission considered that this omission affects the right to collective property due to the risk situation to which they are exposed.

521. Additionally, it pointed out that the provision contained in Article 5 paragraph c of Law No. 28736 is not compatible with the duty to adopt regulatory provisions to guarantee the rights of indigenous peoples in voluntary isolation and initial contact, since it establishes an exception for the performance of activities of natural resources susceptible of exploitation whose exploitation is of “public necessity”, without considering the protection and subsistence of the PIACI and without establishing safeguards and regulations that define the contents and scope of the public necessity.

522. With respect to the projects developed in the territories of the PIACI, the IACHR concluded that the regulations in force, in their application in the specific case, did not effectively protect the intangibility of the territory of the Mashco Piro, Yora and Amahuaca indigenous peoples, nor guarantee that any restriction to their property would be compatible with Inter-American standards on the matter. In particular, it noted that, despite the adoption of regulations developed by the State to protect the PIACI, the lands where they live face constant pressures due to the presence of outsiders and forestry and hydrocarbon concessions, illegal logging and drug trafficking in their territories.

523. The Commission also pointed out that there is evidence of hydrocarbon exploration activities in Lots 157 and 187, located in the department of Madre de Dios and that, between 2008 and 2012, Lot 157



was concessioned to the PETROPERÚ - DISCOVER Consortium, and was included in subsequent bidding processes until 2015, as well as that in 2016 road infrastructure projects were approved that crossed the departments of Madre de Dios and Ucayali, in territories where the Mashco Piro, Yora and Amahuaca peoples carry out their traditional activities. The Commission noted that these concessions and bidding processes were granted without the State taking into account the intangibility that the PIACI territory should have and without taking the necessary measures to ensure a consultation process carried out in accordance with the no-contact principle. In this sense, the Commission considered that the State violated the right to prior consultation, the right to property and political rights.

524. On the other hand, the Inter-American Commission observed that, in the absence of protection of territorial rights, activities have been carried out by third parties that have had an impact on the territory of the victims. Therefore, it understood that the licenses granted, as well as the activities, even of an irregular nature, that are or have been carried out without the State having adopted the corresponding measures to protect the victims' territory, have affected their right to effectively control and have control and use of their territory without any type of interference.

525. The Commission found that the entry of state, private or third party companies into the Madre de Dios territorial reserve, and the fact that its territory has not been recognized by the State through the title that grants it the status of an indigenous reserve, prevents the Mashco Piro, Yora and Amahuaca indigenous peoples from having free access to their lands and exposes them to a situation of contact, thus affecting their traditions and their cultural and spiritual survival. For these reasons, it found that the State is responsible for the violation of the rights to property and self-determination.

526. Finally, with respect to the process initiated through the action for the protection of constitutional rights filed by the petitioner, the IACHR noted that it was extremely long, repetitive, delayed and formalistic, which in effect harmed the rights of the Mashco Piro, Yora and Amahuaca communities. It also indicated that this delay cannot be justified by the complexity of the process and that, on the contrary, it can be explained by the conduct of the judicial authorities. In this sense, taking into consideration the lack of effectiveness of the constitutional appeal, the indications of lack of due diligence in the process, as well as the unjustified delay of justice, the Commission considered that the rights to judicial guarantees and judicial protection were violated.

527. Based on the findings of fact and law, the Inter-American Commission concluded that the State is responsible for the violation of the rights established in Articles 8(1) (fair trial), 13 (freedom of expression), 21 (collective property), 23 (political rights), 25 (judicial protection) and 26 (cultural rights) of the American Convention, in relation to Article 1(1) of the same instrument, to the detriment of the Mashco Piro, Yora and Amahuaca peoples. The Commission also observed that the State violated Article 21 of the American Convention in relation to Article 2 of the same instrument.

- **Workers of Empresa de Fertilizantes de Centroamérica (FERTICA) v. Costa Rica.**

528. The case refers to the international responsibility of the Costa Rican State for the denial of justice in cases of dismissals and restrictions to union rights carried out by the company called Fertilizantes de Centroamérica (FERTICA) to the detriment of workers affiliated to the union Asociación de Trabajadores de Fertilizantes (ATFE).

529. The ATFE is an entity registered in the records of the Department of Social Organizations of the Ministry of Labor and Social Security of Costa Rica since March 27, 1969. The ATFE Union and the FERTICA Company had entered into several collective bargaining agreements since the 1970s; the agreement in force at the time of the facts was signed on September 15, 1992, for a term of 2 years. On April 12, 1995, the representatives of FERTICA and the ATFE Union agreed to extend the collective bargaining agreement in force until September 15, 1996.



530. On September 9, 1995, the private company FERTICA dismissed all its workers, 265 of whom were members of the ATFE union, including all the members of the union's board of directors, and cancelled all of the workers' benefits. The decision to dismiss the workers was not previously submitted to the ATFE union. In this regard, the Costa Rican judicial authorities considered it proven that the purpose of the liquidation of FERTICA was to extinguish the collective bargaining agreement and "to avoid continuing to provide its employees with the privileges contained in said agreement"; and considered that it was not proven that "the dismissals of the workers were made entirely for economic, productive, marketing or administrative reorganization of the company".

531. As of that date, FERTICA ceased to apply the collective bargaining agreement and the committees created by it, such as the Labor Relations Board, Labor Liability Fund, Housing Fund, Supplementary Retirement Fund, Supply Warehouse and others were deactivated. Subsequently, as of September 10, 1995, the company rehired 357 people under new conditions, governed by the Labor Code, among those rehired were the members of the Board of Directors of ATFE.

532. According to the information provided by the petitioner, on November 30, 1995, the ATFE union went on strike at FERTICA. In addition, the union leaders initiated a judicial procedure of Conciliation in Economic and Social Conflict to avoid reprisals due to the strike; the petitioners point out that in the framework of this process, a precautionary measure prohibiting dismissals without judicial authorization was issued. However, on December 4, 1995, the members of the Board of Directors of the ATFE and the other strikers were again dismissed for "absences from work and serious misconduct" as a result of their participation in the strike.

533. On June 8, 1996, the workers' assembly appointed a new board of directors of the ATFE union and Mr. Marco Antonio Guzmán began to exercise the position of General Secretary, for which he requested FERTICA on several occasions in writing that the checks for union dues and other items be delivered to him. On June 21, 1996, a new board of directors was appointed, different from the one that was already legalized, and Mr. Tomás Cortés was appointed as General Secretary in the new parallel board of the union called SITRAFER.

534. In connection with the internal proceedings, on August 1, 1995, the then General Secretary of the ATFE Union filed a complaint for union persecution and unfair practices against FERTICA with the Costa Rican Labor Inspectorate. On September 11, 1995, he filed another complaint with the same entity for violation of several articles of the collective bargaining agreement. The report of the labor inspectors issued on November 20, 1995 verified that FERTICA had "annulled the collective bargaining agreement in its entirety in violation of labor regulations"; it also proved the existence of sufficient elements to determine anti-union actions of union persecution and unfair practices against ATFE. This resolution was confirmed in higher courts and on September 10, 1996, the National Director and General Labor Inspector filed a complaint against the company for violation of labor laws before the Civil and Labor Mayor's Office of Puntarenas.

535. On June 26, 1997, the mayor's office rejected the request of the union's representative to intervene as a party in the process, despite the fact that the initial complaint before the labor inspectorate was filed by the representatives of ATFE. In this process, a first instance judgment was issued on two occasions. First, the Civil and Labor Mayor's Office declared the action time-barred on November 5, 1997, and subsequently, on April 23, 1998, the Small Claims Court of Puntarenas ruled that the action for violation of labor and social security laws was time-barred, which was confirmed in the second instance.

536. Similarly, FERTICA's workers filed two lawsuits before the labor courts. The first was filed on February 9, 1996, by the members of the board of directors of the ATFE union, claiming the reinstatement of the workers, payment of back wages, as well as damages. On November 30, 2007, the Labor Court of the Second Judicial Circuit of San José partially allowed the claim for damages and rejected the other claims. Subsequently, on February 29, 2008, the Labor Court, Fourth Section, Second Judicial Circuit of San José, revoked the first instance judgment, declared the dismissals of the workers null and void, ordered the reinstatement in their positions, the payment of back wages and legal interest, and rejected the payment of damages. The petitioner



pointed out that despite the existence of a judgment, the workers cannot enforce their rights, since due to the delay in the judicial process the company had time to dispose of its assets.

537. Also, the ATFE union filed a lawsuit on March 8, 1996, claiming the reinstatement of the Collective Bargaining Agreement and damages. On August 24, 2006, the Labor Court of the Second Judicial Circuit of San José ordered the reinstatement of the collective bargaining agreement, as well as the payment of salary increases to the workers. In addition, it denied the payment of damages to the workers and the union and rejected the request for a preventive seizure of the company's assets. This judgment was revoked on September 28, 2006, by the Labor Court, Fourth Section, Second Judicial Circuit of San José, which accepted the exception of lack of legal standing filed by the company. Finally, on March 30, 2007, the Second Chamber of the Supreme Court of Justice, hearing the cassation appeal, revoked the judgment and ordered the reinstatement of the collective bargaining agreement entered into in 1994 with the ATFE union and the payment of two million five hundred thousand colones to the plaintiffs. The petitioners indicated that, due to the excessive time taken by the judicial courts, the judgment was not enforced.

538. The petitioners also filed three constitutional appeals, denouncing the different situations generated by the mass dismissal and the annulment of the collective bargaining agreement. All the appeals were rejected by the Constitutional Chamber on the grounds that they should be filed and resolved through ordinary labor or administrative channels before the Ministry of Labor.

539. In its Merits Report No. 331/22, the Commission noted that, with respect to the complaints filed with the labor inspectorate, the decision adopted by the Puntarenas Civil and Labor Mayor's Office to reject the intervention of the secretary general of the ATFE union in the judicial process affected the right to due process of the FERTICA workers. In this regard, it recalled that the Committee on Freedom of Association of the International Labor Organization has established that neither legislation nor its application should limit the right of employers' and workers' organizations to represent their members, including in the case of individual labor claims. Furthermore, it noted that the aforementioned judicial authority did not make any assessment as to the relevance or otherwise of the possible participation or intervention of the workers whose rights were allegedly violated and limited itself to transcribing the procedural rules.

540. The IACHR also noted that this refusal disregarded the ATFE union representatives' status as complainants in the proceedings before the Labor Inspectorate, and led to their exclusion from a judicial process in which the existence of union persecution and the commission of unfair practices and violation of the collective bargaining agreement by the company were established.

541. On the other hand, it noted that the legal basis used by the Small Claims Court of Puntarenas to declare the statute of limitations of the case was the criminal law, specifically Article 82 of the Criminal Code, which establishes that the criminal action prescribes in eight months in the case of misdemeanors. This, despite the fact that the Labor Code itself, in force at that time, provided that the computation, suspension, interruption and other matters relating to the statute of limitations were governed by the provisions of the Civil Code. In this regard, it asserted that the classification of the facts denounced as contraventions, in light of the criminal provisions, as well as the application of a different regulation from the one contemplated by the Labor Code itself, determined the statute of limitations of the case and consequently severely affected the due process guarantees of FERTICA's workers.

542. In addition, the Commission considered that it was contradictory that the aforementioned judicial authority, when assessing the elements of the statute of limitations, considered that there was inertia on the part of the holders of the right, the workers of FERTICA, even though it expressly recognized that they had filed the complaint before the Labor Inspectorate on September 11, 1995, that is, two days after they had been dismissed. It pointed out that, given the previous procedure followed before the Ministry of Labor, any delay in the presentation of the case before the labor courts was attributable to said entity and not to the workers, who validly and in a timely manner went to the Labor Inspectorate with the purpose of finding a solution to the unjustified dismissal they had suffered. Therefore, it held that the State also failed to comply with its duty of due diligence in the labor proceedings.



543. It also warned that, despite the decision of April 2, 2001 by which the Small Claims Court of Puntarenas declared the company to be the author of labor practices to the detriment of the defendant ATFE, 22 years passed without any of the victims receiving the amounts due for the declared violation, for which reason it considered that there are sufficient elements to conclude that the State did not guarantee that the labor proceedings were processed within a reasonable period of time, particularly with regard to the enforcement of the judgments.

544. With respect to the ordinary labor lawsuits, the Commission observed that both proceedings lasted approximately 11 to 12 years from the filing of the lawsuits to the issuance of the final judgments that resolved the respective appeals and cassation appeals. The Commission noted that, although these rulings were favorable to the union's workers, they came with prolonged delays that were not duly justified and constitute, in and of themselves, violations of the guarantee of reasonable time.

545. It also noted that the State did not demonstrate that it had taken effective steps to achieve successful enforcement in these cases more than 15 years after the labor judgments were handed down. In this regard, the IACHR considered that the FERTICA workers were not guaranteed effective judicial protection, since, although they have been allowed to avail themselves of legally provided judicial remedies and obtain favorable decisions, these were not enforced due to unjustified delays on the part of the State.

546. In relation to the actions for the protection of constitutional rights filed, the Commission stated that these did not guarantee an analysis of the merits of the victims' claims of violations of rights such as labor, freedom of association, and strike. The Commission particularly noted that, in the case of the third action, the Constitutional Chamber of the Supreme Court did not even clearly establish the means of resolution since it referred the case indistinctly to the ordinary labor jurisdiction and to the administrative sphere under the responsibility of the Ministry of Labor. Consequently, the Commission determined that the victims did not have effective access to judicial protection in a simple manner because of the lack of certainty and clarity regarding the appropriate remedies to be presented in the face of their unjustified dismissals and the annulment of the collective bargaining agreement.

547. With respect to labor stability, the Commission considered that, in the face of the arbitrary dismissal by the company, the State did not adopt adequate measures to protect the violation of the right to work attributable to third parties. The Commission also noted that the State did not guarantee that the labor proceedings, especially those related to the enforcement of judgments, were processed within a reasonable period of time, and therefore, on the occasion of the arbitrary dismissal of FERTICA's workers, it determined that the State did not protect the right to labor stability, violating the right to judicial guarantees and judicial protection, as well as the right to work.

548. Finally, the Commission considered that the dismissal of the ATFE union representatives went beyond the violation of the individual right to freedom of association and deprived the FERTICA workers of the representation of their then union leaders. The Commission also found that the rejection of the union representative's request to intervene as a party in one of the judicial proceedings prevented the effective participation of the workers through their union representation. Consequently, the Commission concluded that the State is responsible for the violation of the right to freedom of association in labor matters.

549. Based on said considerations of fact and law, the IACHR concluded that the State is responsible for the violation of the rights established in Articles 8(1), 16(1) and 25 of the American Convention in relation to Articles 1(1) and 26 of the same instrument, to the detriment of the workers and the ATFE union of the FERTICA company.

- **Juan Eduardo Cejas vs. Argentina.**

550. The case concerns the international responsibility of Argentina for the violation of the right to appeal the conviction to the detriment of Mr. Juan Eduardo Cejas.



551. Mr. Cejas was arrested on January 23, 2001, while he was driving a car with another person. The police personnel who stopped the vehicle found four packages of marijuana inside. In its decision dated August 5, 2002, the Oral Court sentenced Mr. Cejas to four years imprisonment and a fine of \$225 for being criminally responsible for the crime of transporting narcotics as a perpetrator as defined in article 5.c of Law 23.737.

552. In view of the conviction handed down by the Oral Court, Mr. Cejas' public defender filed an appeal for cassation. In this brief, the defense pointed out that, although the facts of the case were proven, the participation that Mr. Cejas may have had was not established. In this line, the defense counsel asserted that the conviction did not prove the presence in the case of the intent required by the criminal offense of drug trafficking. In the same appeal, the defense counsel stated that the crime of transportation of narcotics was not proven since it should have been proven not only that the action of taking the narcotics from one place to another was carried out, but also that such transportation was carried out "within the chain of illicit trafficking, integrating a phase of the distribution process and with the knowledge of its subsequent introduction into the illegal trafficking".

553. On August 29, 2002, the Oral Federal Criminal Court No. 1 of the City of La Plata decided "to dismiss the appeal for lack of grounds". To decide in this way, the Court first pointed out that the arguments raised by the defense were "reiterations of the allegations that were dealt with" in the conviction and "mere divergences on the assessment of the facts and what was resolved" by that oral court. Likewise, the court pointed out that "the way in which the Oral Courts characterize a conduct is exempt from a new study by the Chamber of Cassation [...] since it is the Oral Court itself that issued the conviction who has evaluated each and every one of the evidence offered, provided and ordered". Finally, it concluded by stating that "since there was no violation of the applicable norms and only a discrepancy with the application of the facts [...], the appeal is not available, since it is only limited to overcoming the errors of law that the trial courts may have made".

554. In response to this decision, Mr. Cejas' Public Defender filed a complaint for denial of the cassation appeal. On September 13, 2003, Chamber I of the National Chamber of Criminal Cassation dismissed the complaint filed by the defense. In its judgment, Chamber I pointed out that, with respect to the complaint for the failure of the Oral Court to establish the intent to transport the drug, said issue was directly linked to the factual and evidentiary material on which the first instance court ruled.

555. In view of this decision, the Official Public Defender before the Chamber of Criminal Cassation filed an extraordinary federal appeal on behalf of Mr. Cejas. On October 16, 2002, Chamber I of the National Chamber of Criminal Cassation decided to declare the extraordinary appeal inadmissible. Finally, on March 7, 2003, the defense filed a complaint before the Supreme Court of Justice for denial of the extraordinary federal appeal. On September 23, 2003, the Supreme Court of Justice of the Nation decided to declare "inadmissible" the extraordinary appeal filed, in application of the provisions of article 280 of the Code of Civil and Commercial Procedure of the Nation.

556. In its Admissibility and Merits Report No. 391/22, the Commission noted that the normative limitation in the Code of Criminal Procedure of the Nation for the admissibility of an appeal in cassation against a conviction in force at the time of the facts made it impossible, in the specific case, for Mr. Cejas to exercise his right to a full review of the judicial decision issued by the court of first instance. The Commission observed that the decisions adopted reflect the fact that the victim did not have a remedy that would guarantee a comprehensive review of the conviction.

557. The Commission considered that the decision reached by the Oral Criminal Court should have been subject to a review by a higher body, in line with inter-American standards regarding the comprehensive review of the conviction.

558. On the other hand, the Commission noted that, in response to the conviction, the defense raised a second grievance related to the subsumption of the criminal offense of transporting narcotics to the conduct committed by Mr. Cejas. On this point, the Commission noted that the judgment of the National



Chamber of Criminal Cassation of September 13, 2002, did indeed address the grievance raised and, citing previous jurisprudence of that court, rejected the defense's argument that the transportation of narcotics must be carried out in the context of a chain of trafficking. However, neither the Chamber of Cassation nor any other higher court independently analyzed whether the conduct attributed to Mr. Cejas constituted the crime of drug trafficking. In this regard, the Commission concluded that the Argentine State did not guarantee Mr. Cejas' right to obtain a full review of his conviction.

559. Based on these considerations of fact and law, the Commission concluded that the State is responsible for the violation of the rights to appeal the conviction and to judicial protection enshrined in Articles 8(2)(h) and 25(1) of the American Convention, respectively, in relation to the obligations established in Articles 1(1) and 2 of the same instrument, to the detriment of Juan Eduardo Cejas.

- **Members of CENIDH vs. Nicaragua.**

560. The case refers to the international responsibility of the Nicaraguan State for the violation of the rights enshrined in the American Convention, as a consequence of the continuous acts of harassment, threats, criminalization, persecution, stigmatization and attacks against the members of the Nicaraguan Center for Human Rights (CENIDH), the arbitrary cancellation of the legal personality of CENIDH, the search and theft of its facilities, as well as the impossibility of accessing justice to the detriment of its members.

561. CENIDH is an organization for the promotion and protection of human rights in Nicaragua that was founded in May 1990 and obtained its legal status on September 26 of the same year. CENIDH and its members have been subjected to multiple attacks, accusations and harassment for more than a decade as a result of their work.

562. According to the information provided by the petitioner, this situation has worsened since April 18, 2018, and led to three main groups of infringements. First, since May 9, 2018, the State has carried out various acts of harassment, persecution and criminalization against the work of CENIDH and its members, which included, among others, stigmatization and disqualification on social networks and in the media, siege of the headquarters and monitoring by police officers, and cutting off internet service. The petitioner also reported aggressions committed particularly against sixteen members of the organization.

563. Secondly, CENIDH members suffered a series of attacks by police officers and members of the Sandinista Youth to the detriment of their right to social protest. Among others, these acts occurred on November 6, 2018, while accompanying the sit-in of the relatives of more than 500 political prisoners held outside the Central Judicial Complex in Managua, on December 9, 2018 when the National Police denied CENIDH authorization to hold a march in the framework of International Human Rights Day, when it denied authorization to hold the march "We are all April" called for April 17, 2019, during an activity commemorating Women's Day on the premises of the Nicaraguan feminist group "La corriente", and while accompanying journalist Carlos Fernando Chamorro on December 14, 2020, in commemoration of the raid on the media outlet "Confidencial".

564. Third, CENIDH suffered the cancellation of its legal personality, and the search and theft in its facilities. On December 10, 2018, CENIDH's facilities were surrounded by approximately 14 patrol cars with police forces that prevented CENIDH members from entering its offices, without explanation. According to allegations by both parties, on December 11, 2018, Sandinista deputy Filiberto Rodríguez filed, at the request of MIGOB, a petition for the cancellation of CENIDH's legal personality. As a result of such procedure, on December 12, 2018, the National Assembly issued the Decree of Cancellation of the Legal Personality of CENIDH, which was published in the Gazette of the Official Gazette on December 18, 2018. As a consequence of the cancellation of the legal personality of CENIDH, its assets were liquidated in accordance with the provisions of Article 25 of Law 147. On December 14, 2018, the Sixth District Criminal Court of the Managua District Court validated such decision.



565. In the framework of said cancellation, during the night of December 13, 2018 and the early morning of December 14, more than 40 members of the police force raided the CENIDH facilities, by entering through the roof and the back of the building. During the raid, the agents broke the locks on the doors of the offices and desks, and took at least 20 computers, two vans, printers and a photocopier, among other belongings. According to information provided by the petitioner, it was not until the afternoon of December 14, 2018, when the MIGOB notified CENIDH of the resolution to cancel the legal status of CENIDH, through which it was determined that, movable and immovable property and any other assets became the property of the State of Nicaragua, and CENIDH was urged to deliver within 72 hours the accounting books, minutes book and membership record book.

566. Faced with these facts, the members of CENIDH filed several appeals, both to claim for the cancellation of its legal personality, as well as against the raid of its offices and removal of assets. On January 25, 2019, an action for the protection of constitutional rights was filed against the Department of Registration and Control of Non-Profit Organizations of the MIGOB for ordering and executing the raid of CENIDH, without obtaining a response from the judicial authorities. On January 17, 2019, members of the organization filed a complaint against the Director General of the National Police, both for the theft of belongings of CENIDH members, as well as for the crime of simple kidnapping of Mr. José del Carmen Morales, guard of the offices, violation of domicile, illegal trespassing, aggravated robbery with force, usurpation of private domain and abuse of authority or functions. According to information made available to the Commission, to date, there has been no progress in the investigation of this complaint.

567. In its Merits Report No. 196/23, the Commission observed that in the framework of CENIDH's work in defense of human rights, its members have peacefully carried out and accompanied different demonstrations to demand the recognition and guarantee of various human rights. However, the Commission noted that these protests have been repressed and dissolved through the use of police force and that the legitimate exercise by CENIDH members of their right to freedom of association in favor of their work in defense of human rights was not guaranteed by the State and consequently led to the attacks they suffered to their personal integrity. The IACHR understood that this occurred, in general, through the dispersion of the demonstrations, the police belts that surrounded and pushed its members, and in particular, with the acts of physical violence suffered by Mr. SLM and Mr. Guillermo Gonzalo Carrión by members of the Sandinista Youth in front of agents of the National Police, which in turn, generated a violation to their detriment of their right to association.

568. Regarding the State's actions in relation to the exercise of the rights of assembly and freedom of expression exercised by the members of CENIDH, the Commission noted that, in addition to dissuading peaceful demonstrations, the State, through a resolution issued by the National Police, denied the holding of the march in commemoration of International Human Rights Day on the grounds that CENIDH was "defunct since April 25, 2018", making any action after that date "invalid". Similarly, the Commission noted that said resolution was based on Article 17 numeral 6 of Law 872, from which the National Police is empowered to issue licenses and permits for any event or activity in general and that it is incompatible with the Inter-American standards, since the requirement in itself of a prior permit to hold a demonstration unreasonably restricts the rights to freedom of assembly and freedom of expression. In addition, the Commission noted that the CENIDH was previously classified as a threat, thereby de facto restricting the right of its members to freedom of association and expression. By virtue of the foregoing, the Commission concluded that the State did not create the material conditions to guarantee the factual conditions in which the members of CENIDH could freely develop their right to association and personal integrity, nor their rights to assembly and freedom of expression. Consequently, the IACHR determined that the State is responsible for the violation of these rights.

569. Likewise, the Commission considered that the State is responsible for the cancellation of the legal personality of CENIDH in an arbitrary manner, without due motivation, without guaranteeing their right to be heard and to be able to defend themselves, as well as for not having complied with its conventional obligations in favor of guaranteeing the development of their activities in a free manner without the imposition of obstacles. The Commission understood that there were sufficient elements to consider that the violations caused to CENIDH members in general and the cancellation of the organization's legal personality in particular,



were related to its work in the defense of human rights. Thus, the Commission considered that the facts of the case had the consequence that they could not continue to exercise their freedom of association within the framework of that organization. As a result, the IACHR concluded that the State did not guarantee their freedom of association.

570. In addition, the Commission emphasized that the facts of this case implied a misuse of power, since a legal power of the State was used with the objective of silencing social dissidence through the cancellation of the legal personality of CENIDH. The Commission noted that this misuse of power had an impact on the exercise of freedom of expression, not only on the members of CENIDH, but also on the social dimension of this right, which not only restricted freedom of association and individual freedom of expression but also obstructed the work of promoting and defending human rights. Consequently, the Commission found it proven that the real purpose was to silence voices critical of the government, which in this case constituted an undue restriction on the exercise of the right to freedom of expression and association of the members of CENIDH. In view of the foregoing, the Commission concluded that the State was responsible for the violation of the rights to judicial guarantees, the principle of legality, freedom of expression and the right to association to the detriment of all the members of CENIDH.

571. On the other hand, the IACHR observed that as a result of the raid, the confiscation of their assets and the freezing of their accounts, the defense work of CENIDH members has been hindered and they have had to request support from other organizations in order to continue accompanying individuals and groups in situations of vulnerability. In particular, the IACHR noted with concern that, due to the impossibility of liquidating their assets prior to the raid, many of the case files on which members were working both nationally and internationally were lost. In this sense, the Commission considered as proven the infringement of the rights of the members of CENIDH and therefore the violation of their right to property. Consequently, the IACHR concluded that the State is responsible for the arbitrary dispossession of CENIDH's property, as well as for the lack of observance of judicial guarantees in light of the Inter-American standards, the right to legal guarantees and the right to property.

572. The Commission also warned that the State generally carried out actions of harassment, stalking and surveillance against CENIDH and its members between April and May 2018, as well as that in parallel to the acts of defamation and discrediting, the State additionally and specifically promoted and allowed a smear and criminalization campaign against Mrs. Vilma Núñez. In addition, the Commission warned that, despite the adoption and request for precautionary, urgent and protective measures granted in favor of the members of CENIDH by both the Commission and the Court, the State did not adopt the necessary measures for their protection and thus it did not prevent the violation of their personal integrity or their honor and dignity.

573. Finally, the Commission observed, from the information available to it, that during the raid on the CENIDH facilities, the National Police officers violently tied Mr. José Morales' hands and feet. Likewise, the IACHR noted that once tied up, they beat him, threw him to the ground and confiscated the money he was carrying without any justification, which constituted a violation of his personal integrity.

574. For these reasons, the IACHR concluded that with respect to the set of acts of violence, threats, harassment, persecution and criminalization that by their very nature are linked to the human rights activities of CENIDH, the State is responsible for the violation of the rights to personal integrity and to honor and dignity, to the detriment of the members of CENIDH and particularly responsible for the violation of the right to personal integrity to the detriment of Mr. Morales.

575. On the other hand, the Commission found that the proven facts show that as a result of the constant acts of harassment, persecution and criminalization against CENIDH in general and its members in particular, as well as the context of repression in Nicaragua, SLM, Braulio Abarca, Yader Valdivia, Juan Guadamuz, Juan Arce, Gonzalo Carrión, as well as Mrs. Wendy Mercedes Quintero, Juana Bermúdez, and Wendy Flores, were forced to leave Nicaragua and in the case of Mrs. Francely Navarro from her place of residence in



Nicaragua. For these reasons, the Commission considered that the State is responsible for the violation of the right to residence and movement.

576. In relation to said displacement, the Commission also considered that due to the effects caused as a consequence of the displacement, and given the lack of information presented by the State that would allow it to conclude that the aforementioned victims had received comprehensive humanitarian aid as a result of their displacement; or that the State had adopted measures to lessen their living conditions abroad; or to guarantee their safe return to Nicaragua, the State is responsible for the violation of the right to residence and movement in relation to the right to personal integrity. Likewise, due to the effects that this displacement had on the family dynamics of the victims, the Commission considered that the State is responsible for the violation of the right to family protection, as well as the rights of the child.

577. In relation to the constitutional appeals filed against the cancellation of CENIDH's legal personality and its withdrawal, the Commission considered that the lack of response to these appeals, filed almost four years ago, has been excessive and therefore in violation of judicial guarantees and judicial protection.

578. With regard to the criminal appeal filed for the raid of the CENIDH and the deprivation of liberty of Mr. José del Carmen Morales, the IACHR warned that, despite the filing of the complaint for the facts referred to, from the information provided by the parties, it does not appear that the Public Prosecutor's Office has conducted any investigation or brought any criminal action. Regarding the guarantee of reasonable time, the IACHR considered, after analyzing the corresponding elements, that the lack of action in the instant case, only in the investigation phase, excessively exceeds a period that could be considered reasonable for the State to carry out the corresponding investigative procedures and constituted a flagrant denial of justice to the detriment of Mr. José Morales and has contributed to the facts denounced remaining in impunity, thus affecting the situation of the interested parties.

579. For these reasons, the Commission considered that the authorities had failed to act with due diligence by not conducting and channeling the judicial proceeding in accordance with Inter-American standards, as well as by the delay in initiating a complete and effective investigation.

580. In relation to the acts of threats, harassment, persecution and criminalization exercised both by state agents and third parties related to the government against members of CENIDH, the Commission observed that the government did not carry out, according to information made available to it, any investigation, despite having knowledge of the facts at different times and by different means. For this reason, the IACHR indicated that it did not have elements that would allow it to conclude that the State had initiated any investigation into the acts of harassment, persecution, acts of criminalization and displacement. In sum, the IACHR concluded that the State did not guarantee the right to judicial guarantees and judicial protection.

581. Based on the findings of fact and law in said report, the Inter-American Commission concluded that the State is responsible for the violation of Articles 5(1) and 16 of the Convention, in relation to Article 1(1) thereof, as well as Articles 13 and 15 of the Convention, in relation to Articles 1(1) and 2 of the same instrument. Likewise, that it is responsible for the violation of the rights enshrined in Articles 8(1), 8(2), 9, 13 and 16 of the American Convention in relation to Articles 1(1) and 2 of the same instrument. Additionally, it is responsible for the violation of the rights enshrined in Articles 8(1) and 21 of the American Convention in relation to Article 1(1) of the same instrument; for the violation of the rights contained in Articles 5 and 11 of the American Convention in relation to Article 1(1) of the same instrument, as well as for the violation of the judicial guarantees and judicial protection enshrined in Articles 8(1) and 25(1) of the American Convention, in relation to Article 1(1), all to the detriment of members of CENIDH.

582. The Commission also concluded that the State of Nicaragua is responsible for the violation of Article 5(1) of the Convention, in relation to Article 1(1) thereof, to the detriment of Mr. José del Carmen Morales. On the other hand, the IACHR concluded that Nicaragua is responsible for the violation of Articles 5 and 22 of the American Convention, in relation to Article 1(1), to the detriment of Mr. SLM, Braulio Abarca,



Yader Valdivia, Juan Guadamuz, Juan Arce, Gonzalo Carrión, as well as Wendy Mercedes Quintero, Juana Bermúdez, Wendy Flores and Francely Navarro. Likewise, the IACHR concluded that Nicaragua is responsible for the violation of Article 17(1) of the Convention, in relation to Article 1(1) of the same instrument, to the detriment of the core group of victims.<sup>1</sup> of the same instrument to the detriment of the nuclear family of Mr. Juan Guadamuz, Juan Arce, Gonzalo Carrión, as well as of Mrs. Wendy Mercedes and Wendy Flores, and particularly, in relation to Article 19 of the same Convention to the detriment of the two year old son of Mr. Juan Guadamuz, the 6 and 11 year old daughters of Mr. Juan Arce, the minor daughter of Mr. Gonzalo Carrión, the 7 year old and 7 month old children of Mrs. Wendy Flores and LKDQ, the 17 year old daughter of Mrs. Wendy Mercedes, at the time of the facts.

- **Indigenous People of Muy Muy and its Uluse Community v. Nicaragua.**

583. The case refers to the international responsibility of the Nicaraguan State for the violation of rights enshrined in the American Convention on Human Rights, as a consequence of the failure to recognize, respect and protect the indigenous people of Muy Muy (hereinafter "Muy Muy people" or "PIMM") and their community of Uluse to live and develop under their own forms of political, administrative, social and cultural organization in accordance with their traditions; as well as for failing to prevent and investigate various acts of violence against them and due to the obstacles to access to justice.

584. The Muy Muy people are located in the municipality of Muy Muy, department of Matagalpa. Its total indigenous population is about 12 thousand people, most of them distributed in the communities of Muy Muy, Matiguas, San Ramon and Uluse located in the municipality of San Ramon. Its basic economic activity is livestock and agriculture, besides being a major producer of dairy products.

585. The central governing bodies of the indigenous people of Matagalpa consist of: i) the Board of Directors; ii) the Council of Elders; iii) the Cacique Mayor; and iv) Alcalde de Vara. The Board of Directors is the main legal-political institution, which deals with administrative matters and the execution of the activities agreed upon by the Council of Elders. The Council of Elders is the ancestral and traditional body made up of former community leaders, and its highest authority is the Cacique Mayor. The Alcalde de Vara is in charge of territorial management.

586. From 2003 to date, it has been denounced that municipal authorities have denied the indigenous people of Muy Muy their right to elect the configuration of their Boards of Directors made up of traditional authorities through the imposition of local authorities by the Municipality of Muy Muy. In particular, the petitioner has denounced that, in accordance with its values, uses and customs, at 2003 the indigenous people of Muy Muy held elections to elect a new Board of Directors, but that after said process, the municipal government denied recognition to the persons elected to form said body and illegally imposed other authorities, which has been repeated in the 2006 and 2010 elections.

587. The imposition of authorities has caused disorder in the use of lands, threats, as well as the granting of communal titles for the same territorial area to more than one person. In this context, among other events, in 2007 the municipal police of Muy Muy entered the home of Mr. V.E.G., Secretary General of PIMM and President of the Indigenous Electoral Board, without a warrant and proceeded to arrest him on charges of theft of public documents; on August 9, 2009, the authorities declared the Council of Elders of PIMM non grato and prohibited them from celebrating the International Day of Indigenous Peoples.

588. Furthermore, in 2010, Mr. V.E.G. received several bullet wounds in his home, as well as threats to burn down his house by the Government Delegate in Muy Muy and by the Political Secretary of the Frente Sandinista party in the municipality of Muy Muy. In addition, the petitioner stated that, as a result of the increase in tensions and conflicts within the community related to the imposition of authorities, Mr. Dionisio López and Mr. Adolfo Maradiaga Rodríguez, both members of the Uluse community, were seriously wounded with machetes by persons who invaded their land. Likewise, as a consequence of the advance in the occupation of the Uluse community, on March 28, 2013, Mr. Bayardo Alvarado Gómez was murdered when he tried to oppose the invasion by third parties.



589. On April 7, 2017, CENIDH issued a statement on the accompaniment it has provided to the indigenous community of Uluse in denouncing the actions of demobilizing groups of the Nicaraguan resistance and the Nicaraguan Army. This communication shows that such actions were aimed at dispossessing them of their lands, using intimidating acts and violent actions that have resulted in deaths and injuries; as well as affecting their form of self-determination, imposition of authorities, affecting their way of life, harassment and murders of indigenous people, as well as obstacles to access to justice and thus contexts of impunity.

590. With respect to the territorial conflict in this community, since 2006, the PIMM has denounced that the Nicaraguan resistance, by means of certificates of assignment granted by the delegation of the Matagalpa Property Office, has invaded their lands, has prohibited them from planting their plots, has built houses next to theirs, has cut down the small forests and has even prevented them from accessing the water sources they have always used, in addition to destroying their crops with the arrival of cattle. It also denounces the burning of 40 ranches belonging to indigenous families, and the desecration of their cemeteries by the planting of corn by third parties. On March 1, 2016 and April 7, 2017, these facts were reported to CENIDH, and have been publicly reported in various media.

591. On November 3, 2015, the representative of PIMM, filed a lawsuit before the First Civil District Court of Matagalpa North District with an accumulated action of absolute nullity of the judicial proceeding, nullity of the judgment of declaration of heirs and cancellation of the registry inscription against Mrs. Griselda del Carmen González González. As a result of the lawsuit, on March 4, 2019, the First Civil District Court of Matagalpa North District decided the lawsuit in favor of PIMM and reinstated its right over the property, since it was proved that the process of declaration of heirs was not notified to PIMM and, therefore, that it could not participate; and given that, according to articles 1557 and 1529 of the Civil Code, the usufruct is extinguished by death of the usufructuary, therefore, it cannot be transmitted to any person. The defendant appealed the decision before the Civil Chamber of the North District Court of Appeals, which, on October 12, 2020, declared it unjustified, and the first instance judgment in favor of PIMM became final.

592. In its Admissibility and Merits Report No. 89/24, the Commission noted that the indigenous people of Muy Muy have been prevented from freely determining their traditional authorities in accordance with their own law and traditions. The IACHR particularly noted that, repeatedly, the municipal government of Muy Muy has refused to recognize the persons elected by the PIMM to form its Board of Directors, during the election processes of 2003, 2006 and 2010. This has been denounced to the authorities according to several writings elaborated by the PIMM and is of public knowledge.

593. On the other hand, the authorities of the municipality of Muy Muy, in addition to not recognizing the persons selected by the PIMM in the formation of the Boards of Directors, from 2003 until the process carried out in 2019, have carried out parallel calls for the formation of said body. The Commission noted that, as a result: i) they have imposed people other than those selected by the PIMM, ii) they have integrated the Boards with people who do not belong to that community; iii) they have caused the duplication of governing bodies within the indigenous people of Muy Muy; and iv) they have generated various consequences in the peaceful use and enjoyment of their territory. The IACHR noted that even during the designation period that began in 2006, the Municipal Council of Muy Muy modified the composition of the Board of Directors on three occasions. Through letters addressed to the President of the Republic, as well as to the President of the Board of Directors of the National Assembly, the PIMM denounced that parallel Councils of Elders were formed in 2006 and 2009 to cover the election processes of the Boards of Directors with a veil of legality.

594. In this regard, the IACHR noted that the actions of the Municipal Council were contrary to the obligations contained in domestic law and considered that the internal dimension of political rights related to the right to autonomy or self-government had been violated, as the State did not recognize or allow the PIMM to freely elect its traditional authorities. Likewise, the IACHR considered that there is a breach of the obligation to adopt internal practices in accordance with human rights standards, derived from the inadequate implementation of the process of election, determination, recognition and certification of the PIMM's Boards of Directors carried out by the MC, by having subordinated the decision-making power of the indigenous



authorities to the decision-making bodies and processes of the Municipal Councils. This, in contravention of the State's obligation to guarantee the free exercise of the PIMM's right to elect their own authorities, based on traditional patterns that determine the ways in which the people organize themselves in different areas of their collective life.

595. In this same line, the Commission warned that, both for the disregard of the authorities elected by the people of Muy Muy, as well as for the realization of parallel processes and the imposition of authorities derived from these, as well as for the promotion of structures that disregard the right to self-determination of the indigenous peoples in relation to their right to determine their form of organization, the State is responsible for the violation of political rights.

596. Similarly, the IACHR considered that the lack of recognition and the State's failure to identify, delimit and ensure the ownership and peaceful possession by the PIMM through effective regulation did not allow for effective protection of the right to property and, therefore, constituted a violation of the right to property, as well as the State's failure to guarantee an adequate free, prior and informed consultation process on the titling and the entry of third parties to their territories, in the face of the issuance of property titles in favor of non-indigenous persons in the ancestral lands of the PIMM, which constituted a violation of the rights to private property, prior consultation and political rights.

597. In addition, the Commission considered that the lack of timely recognition and effective protection of the territory historically occupied by the indigenous people of Muy Muy has led to the generation of situations of insecurity and violence. In particular, the Commission observed that, as a consequence of these events, the PIMM have not been able to enjoy or live peacefully in their territory, not only because of the difficulties in enjoying the use of their natural resources, but also because they have not been able to peacefully carry out their subsistence activities. For these reasons, the Commission found that the State is responsible for the violation of the right to life with dignity and personal integrity, as well as to respect and protect the cultural values enshrined to the detriment of the indigenous people of Muy Muy, and that the State is responsible for the violation of the right to movement and residence to the detriment of the 15 families of the indigenous people of Muy Muy.

598. With respect to the right to judicial guarantees and judicial protection, the Commission concluded that the State did not guarantee an effective remedy to remedy the human rights violations analyzed, nor did it provide judicial protection of the rights of the PIMM as a result of the actions they undertook to gain access to effective protection. In particular, the IACHR found that the State failed to ensure an effective remedy, under an apparently neutral requirement to protect their form of organization, which had a disproportionate effect on the access and enjoyment of their lands and natural resources. Nor did it provide an effective remedy in favor of the protection of their ancestral territories and natural resources, nor in favor of the protection of their personal integrity. For these reasons, the IACHR concluded that the State is responsible for the violation of the rights to judicial guarantees, to equality before the law and to judicial protection.

599. Finally, the Commission found that the State is responsible for the lack of prevention of the murder of Mr. Alvarado Gómez that occurred on March 28, 2013, in violation of the right to life. On the other hand, with regard to the investigations and criminal proceedings concerning the aforementioned death, the Commission indicated that, despite the fact that the murder of Mr. Alvarado Gómez occurred on March 28, 2013, to date, no person has been determined to be responsible, nor is it clear from the information provided that a serious investigation or procedural momentum has been carried out to determine the truth of the facts and to punish the persons responsible. For these reasons, the Commission considered that the right to life, to judicial guarantees and to judicial protection were violated to the detriment of Mr. Bayardo Alvarado Gómez.

600. Based on the findings of fact and law in the report, the Inter-American Commission concluded that:

601. The State of Nicaragua violated the political rights enshrined in Article 23 of the American Convention, in relation to Articles 1(1) and 2 of the same instrument, by ignoring the authorities elected by the



PIMM, conducting parallel processes and imposing authorities derived from these; as well as by promoting structures that ignore the right to self-determination of the indigenous peoples in relation to their right to determine their form of organization, all to the detriment of the PIMM, in the terms of the merits report.

602. The State of Nicaragua violated the right to private property enshrined in Article 21 of the American Convention in relation to Article 1(1) of the same treaty, as a consequence of the State's failure to effectively identify, delimit and protect the territory of the PIMM through effective remediation, in the terms of the merits report.

603. The State of Nicaragua violated the rights to private property, freedom of thought and expression and political rights enshrined in Articles 21, 13 and 23 of the American Convention in relation to the obligations contained in Articles 1(1) and 2 of the same international instrument by failing to guarantee an adequate, prior, free and informed consultation process on the titling and entry of third parties into the territory of the PIMM, as well as by issuing property titles in favor of non-indigenous persons on that territory, in the terms of the merits report.

604. The State of Nicaragua violated the rights to life with dignity, to personal integrity and to progressive development contained in Articles 4, 5 and 26 of the American Convention, in relation to Article 1(1) of the same instrument, to the detriment of the indigenous people of Muy Muy; by not guaranteeing their physical and cultural survival as a people, in accordance with their ancestral ways of life. In particular, the IACHR determines that the State of Nicaragua is responsible for the violation of the right to freedom of movement and residence established in Article 22 of the American Convention, in relation to Article 1(1), for failing to prevent the displacement of 15 families of the PIMM, identified in the report, as a result of the acts of violence and intimidation exercised both by State agents and third parties to their detriment, in the terms of the merits report.

605. The State of Nicaragua violated the rights to judicial guarantees, to equality before the law and to judicial protection established in Articles 8(1), 24 and 25(1) of the American Convention, in relation to Articles 1(1) and 2 of the same treaty, due to the lack of an effective remedy that would allow the PIMM to protect the determination of its authorities, as well as the lack of an adequate and effective procedure to protect its right to property, and to live peacefully within the same, in the terms of the merits report.

606. The State of Nicaragua violated the rights to life, to judicial guarantees and to judicial protection enshrined in Articles 4, 8(1) and 25(1) of the American Convention, in relation to the obligations established in Article 1(1) of the same instrument, to the detriment of Mr. Bayardo Alvarado Gómez; by not preventing his murder and not carrying out a diligent investigation aimed at identifying and punishing the persons responsible, in the terms of the merits report.

- **Agustín Jarquín Anaya vs. Nicaragua.**

607. The case refers to the international responsibility of the Nicaraguan State for the dismissal of Mr. Agustín Armando Jarquín Anaya from his position as deputy, without respect for due process and without grounds on a cause previously established by law.

608. According to the information provided by the petitioner, the Christian Democratic Unity (UDC) signed agreements with the Sandinista National Liberation Front (FSLN), and both, in September 2000, formed the Municipal Electoral Convergence (Convergencia Electoral Municipal) together with other political parties. Likewise, he informed that this alliance was maintained during the 2006 presidential elections. Both parties agree that Mr. Agustín Armando Jarquín Anaya, as president of the political party UDC, held on February 12, 2011 the "Directory Congress" where it was resolved to ratify the political position of remaining in the referred alliance with the FSLN, called Alianza Unida Nicaragua Triunfa (United Alliance Nicaragua Triumphs).

609. According to the State, and not disputed by the petitioner, on November 6, 2011, 18 political organizations participated in the general elections. Among them was the Alianza Unida Nicaragua Triunfa,



headed by the FSLN party. Additionally, Mr. Jarquín Anaya was registered as a candidate for second deputy for the department of Managua, being elected and taking office on January 9, 2012. After one year of having started as deputy, Mr. Jarquín Anaya resigned from the Alliance with the FSLN and declared himself an independent deputy. In June of that same year, he joined the parliamentary bench called Bancada Democrática.

610. On April 9, 2013, the Supreme Electoral Council (CSE) notified Mr. Jarquín, in his capacity as president and legal representative of the UDC, the cancellation of the legal status of the political party, which they appealed to the Constitutional Chamber of the Supreme Court of Justice. On the following August 14, the Chamber decided that the appeal was dismissed.

611. On July 26, 2013, the CSE notified Mr. Jarquín of the cancellation of the certificate of inauguration and the credential with respect to the seat he occupied as a member of the United Alliance Nicaragua Triumphs bench and incorporated the alternate Aleyris Beldramina Arias Siezar. The parties stated that on August 23, 2013, Mr. Jarquín filed an action for the protection of constitutional rights before the Court of Appeals of Managua Civil Chamber No. 2, against the resolution of the CSE. On September 12, 2013, Mr. Jarquín was notified of the decision in which the Court rejected the appeal as notoriously improper according to the Law on Actions for the Protection of Constitutional Rights. This resolution states the violation of articles 2, 4, 5, 7, 25.3, 27, 34.8, 46, 47, 48, 49, 50, 51, 50, 30, 183 and 188 of the National Constitution and article 55.5 of the Law on Actions for the Protection of Constitutional Rights.

612. In view of this decision, on September 13, 2013, Mr. Jarquín appeared before the Constitutional Chamber of the Supreme Court of Justice and filed an action for the protection of constitutional rights against the magistrates of the CSE and the Board of Directors of the National Assembly “for violating the procedures to remove the deputies”. The information provided highlights that, based on the referred Article 43 of the Law on Actions for the Protection of Constitutional Rights, the Chamber considered under the supplementary application of Articles 477 and 481 of the Code of Civil Procedure (CPC) that, in order to file the appeal, the appellant should have requested, at his own expense, within the third day of the denial of the appeal, a copy of the documents. Likewise, the Chamber considered that the appeal should not have been filed against the magistrates of the CSE and the members of the Board of Directors of the National Assembly, but against the magistrates of the Court of Appeals of Managua Civil Chamber No. 2. According to information provided by both parties, the referred judgment was issued on November 27, 2013 declaring the appeal to be dismissed and was notified to Mr. Jarquín on March 25, 2014.

613. On August 13, 2013, Mr. Jarquín went to the National Assembly; however, the security guards did not allow him to enter, as instructed by their superiors. Given these facts, the petitioner indicated that he filed an actions for the protection of constitutional rights before Civil Chamber No. 1 of the Court of Appeals of Managua against the president of the National Assembly and that, on October 18, 2013, the Court of Appeals notified him of the decision of October 9, 2013 by which it declared the appeal inadmissible.

614. In response to this decision, Mr. Jarquín informed that on October 22, 2013, he filed a direct action for the protection of constitutional rights before the Constitutional Chamber of the Supreme Court of Justice, which was decided by resolution of November 27, 2013, which declared the appeal inadmissible; decision notified on January 16, 2014.

615. In its Merits Report No. 146/24, the IACHR highlighted that the legal controversy in the present case consists of determining whether the CSE's decision to cancel Mr. Jarquín's deputy status following his change of political party was in accordance with the State's obligations under the American Convention and, in general, the Inter-American standards on the matter. The Commission noted that it was after a constitutional reform in 2014 that the change of political party was included as a cause for the loss of deputy status. In this regard, the Commission considered that the CSE's decision restricting the victim's political participation was not in accordance with the principle of legality, since the ground for losing the status of deputy was not previously established in the law, being therefore arbitrary. Likewise, the Commission observed that the decision adopted entailed the removal of Mr. Jarquín from his functions as a deputy of the National Assembly,



as well as from all his powers, attributions, duties and rights as a member of the Legislative Branch, and that he was prevented from exercising public functions in his country as an elected deputy.

616. The Commission also took note that it was as a consequence of his resignation from the Alianza and his joining the Bancada Democrática, that Mr. Jarquín was sanctioned with the loss of his status as a deputy by the resolution under analysis of the CSE. In this regard, the IACHR considered that the CSE's decision had the effect of preventing him from being able to freely decide whether or not to join the political association of his choice. For these reasons, the IACHR considered that the State of Nicaragua is responsible for the violation of the principle of legality and retroactivity, the right to freedom of association and political rights.

617. With respect to the duty to state reasons, the IACHR observed that the articles indicated by the State as the basis for the CSE's resolution do not include a legal precept that would make it possible to know the facts and the legal consequences of these actions. Therefore, the Commission considered that this decision did not have a sufficient legal basis in accordance with the facts. On the contrary, the Commission noted that the particular situation of Mr. Jarquín was not foreseen in any of the grounds of this law at the time of the occurrence of the facts; and, consequently, neither was a procedure for this purpose contemplated in Article 25 of Law No. 606.

618. In addition, the IACHR noted that Article 186 states that "[t]he Plenary of the National Assembly is empowered to fill any omission and resolve any issue not contemplated in this law," from which it can be understood that, since the cause for which Mr. Jarquín's credential was cancelled was not foreseen for the occurrence of the facts, the competence to hear said case would correspond to the Plenary of the Assembly under the terms of Article 186 of Law No. 606. However, the Commission did not observe information provided by the State on the reasons why this procedure was not followed, nor does it have information on whether it would have allowed compliance with the guarantees of due process required by the Inter-American system in cases such as the present one.

619. Linked to this, the petitioner stated that during the proceedings before the CSE he was prevented from exercising his right to a defense, without the State providing any information to indicate that the victim was actually allowed to exercise his right to a defense during the proceedings, or to take part in the proceedings in general.

620. Regarding the action for the protection of constitutional rights, filed against the decision of the Court of Appeals Civil Chamber No. 2, the IACHR identified that the decision of the Constitutional Chamber addresses two aspects as a basis for declaring the appeal inadmissible: (i) alleged defects of form in its presentation in supplementary application of the Code of Civil Procedure and (ii) the authority against which it was filed. On the first point, the Commission observed that the Chamber reasoned that Article 43 of the Law on the Actions for the Protection of Constitutional Rights indicates that the rules of the CPC shall be followed in all matters not established in the law. The IACHR considered that the manner in which the provisions of the CPC were applied to resolve the appeal filed by the victim did not allow the required clarity to be observed. Therefore, the IACHR understood that in the case under review, the supplementary application of this requirement and the legal consequence of its non-compliance were not duly justified.

621. With respect to the second point, the IACHR found that the Constitutional Chamber's decision, in general, indicates that the appeal should not have been filed against the magistrates of the CSE and the members of the Board of Directors of the National Assembly, but rather against the magistrates of the Managua Court of Appeals Civil Chamber No. 2. The Commission noted that the decision does not support why the appeal was incorrectly filed by the victim, considering that Article 26 allows the appeal to be filed either against the authority that orders the alleged unconstitutional act or against the executing agent. The IACHR did not notice from the information provided that the decision rejecting the action as a matter of fact allowed the victim to know at least the legal basis of the decision and its application in the specific case. Therefore, the IACHR concluded that this decision was contrary to the guarantee of due motivation.



622. In relation to judicial protection, the Commission noted that in the present case there was no judicial remedy against the decision adopted by the CSE. This decision could not be reviewed, nor was there a form of jurisdictional control that would make it possible to determine whether the acts of this body were adopted in accordance with the law. The Commission considered that the possibility of judicially questioning the decision of the CSE was of particular importance in the present case, taking into account, among other aspects, that the act of inauguration and the credential that Mr. Jarquín held in the National Assembly were cancelled.

623. For these reasons, the Commission concluded that the State of Nicaragua is responsible for the violation of the rights to judicial guarantees and judicial protection.

624. Based on the findings of fact and law in this report, the Inter-American Commission concluded that the State is responsible for the violation of the rights to judicial guarantees, the principle of legality and retroactivity, freedom of association, political rights and judicial protection, established in Articles 8, 9, 16, 23 and 25 of the American Convention, in relation to Article 1.1 and 2 of the same instrument, to the detriment of Agustín Jarquín Anaya.

## 2. Requests for advisory opinions

625. During 2024, the Commission made no requests for advisory opinions to the Inter-American Court of Human Rights.

## 3. Submission of written observations in pending cases and in cases of supervision of compliance with the sentence

626. During 2024, the IACHR submitted 192 written observations to the Inter-American Court related to active cases in process and in the stage of supervision of compliance with the judgment in accordance with Article 69 of the Rules of Procedure of the Inter-American Court.

## 4. Appearance and participation in public and private hearings

627. In 2024, the Commission participated in a total of 30 hearings, of which 11 were related to ongoing contentious cases, 17 to supervision of compliance with a judgment, and two related to requests for advisory opinions. These hearings were:

### a. Public hearings of contentious cases in process

No.	Case	State	Date	Session Period
1	Ubaté and Bogotá	Colombia	January 30, 2009	164
2	Reyes Mantilla	Ecuador	February 5	164
3	Capriles	Venezuela	February 6	164
4	Aguirre Magaña	El Salvador	February 6	164
5	Galetovic Sapunar et al.	Chile	February 7th	164
6	Da Silva et al.	Brazil	February 8	164
7	Muniz da Silva	Brazil	February 9	164
8	Aguas Acosta and others	Ecuador	March 8	165
9	Adolescents in Temporary Detention Centers of SENAME	Chile	May 22	167
10	Carrión et al.	Nicaragua	July 3	168
11	Collen Leite and others	Brazil	July 5	168



**b. Private hearings of contentious cases under supervision**

No.	Case	State	Date	Session Period
1	El Mozote and surrounding areas	El Salvador	March 12	165
2	Gomes Lund et al.	Brazil	May 23rd	167
3	Barbosa de Souza et al.	Brazil	May 23rd	167
4	Xucuru Indigenous People and its members	Brazil	May 23rd	167
5	Petro Urrego	Colombia	June 20	168
6	Ramírez Escobar et al.	Guatemala	September 9	-
7	Xaman Massacre	Guatemala	September 9	-
8	Veliz Franco et al.	Guatemala	September 10	-
9	Velásquez Paiz et al.	Guatemala	September 10	-
10	Juvenile Reeducation Institute	Paraguay	September 20	-
11	Yakye Axa and Xákmok Kásek Indigenous Communities	Paraguay	September 20	-
12	Sawhoyamaxa Indigenous Community	Paraguay	September 20	-
13	Rodríguez Vera et al.	Colombia	September 23rd	-
14	Yarce et al.	Colombia	September 24	-
15	Villamizar Durán et al.	Colombia	September 24	-
16	Manuel Cepeda Vargas	Colombia	September 25	-
17	Pueblo Bello Massacre	Colombia	September 25	-

**c. Public hearing on request for advisory opinion**

No.	Subject	Applicant	Date	Session Period
1	On the content and scope of the right to care and its interrelation with other rights	Argentina	March 12-14	165
2	On climate emergency and human rights	Chile and Colombia	April 23-25, and May 24-29, 2010	166 y 167

**E. Status of compliance with IACHR recommendations issued in the merits reports published under Article 51 of the American Convention on Human Rights or Article 47 of the IACHR Rules of Procedure**
**1. The mandate to follow up on the recommendations of the Inter-American Commission**

628. Full compliance with the decisions of the Commission is essential to ensure the full enjoyment of human rights in the OAS member states and to strengthen the inter-American human rights system. For this reason, this section includes an analysis of the status of compliance with the decisions contained in the merits



reports published by the Commission since 2001, as well as an analysis of the recommendations whose follow-up was activated upon request by one of the parties in the case of reports published before 2001.<sup>162</sup>

629. On several occasions, the OAS General Assembly has encouraged member states to follow up on compliance with the Commission's recommendations. For example, resolution AG/RES. 1701 (XXX-O/2000) urged States to make their best efforts to implement the recommendations of the Inter-American Commission based on the principle of good faith (operative paragraph 5.d). The OAS General Assembly spoke similarly in resolution AG/RES. 2672 (XLI-O/11), which addresses observations and recommendations on the Annual Report of the Inter-American Commission on Human Rights (operative paragraph 3.b).

630. Likewise, the Commission considers that the effectiveness of the inter-American human rights system rests mainly on compliance with the decisions of its organs, which include orders, recommendations and agreements regarding comprehensive reparations for victims of human rights violations, both in the judgments of the Inter-American Court and in the merits reports issued by the Inter-American Commission. In this regard, the will of the States is fundamental to fulfill the objectives of the American Convention and the American Declaration of the Rights and Duties of Man in the application of the principle of *pacta sunt servanda*, which establishes that States must meet in good faith the obligations assumed in treaties.<sup>163</sup>

631. Both the American Convention on Human Rights (Article 41) and the Statute of the Commission (Article 18) explicitly grant the Commission the power to request information from the member states and to produce such reports and recommendations as it deems appropriate. Specifically, Article 48 of the Rules of Procedure of the IACHR provides as follows:

## **2. Follow-up**

632. Once the Commission has published a report on a friendly settlement or on the merits in which it has made recommendations, it may adopt follow-up measures as it deems appropriate, such as requesting information from the parties and holding hearings, to verify compliance with friendly settlement agreements and recommendations.

633. The Commission shall report as it deems appropriate on the progress made in complying with said agreements and recommendations.

## **3. Methodology for following up on recommendations: actions carried out in the year 2024**

634. In compliance with its conventional and statutory powers, and in accordance with the aforementioned resolutions and Article 48 of its Rules of Procedure, the Inter-American Commission requests information from the States regarding compliance with the recommendations included in the merits reports published under Article 51 of the American Convention on Human Rights and Article 47 of the Commission's Rules of Procedure. This practice began in 2001, and, since then, on an annual basis, the Commission requests information from the parties to the cases with published merits reports to follow up on its decisions and update the compliance status of each case. The Commission also receives information on compliance with recommendations in hearings or working meetings held during the year. Based on all the information collected, the Commission analyzes the status of compliance with the recommendations in each case.

635. The Commission has strengthened and consolidated its methodologies for collecting, systematizing and analyzing the information considered in the follow-up of its recommendations to optimize the development of this process and thus identify and draw attention to the individual and structural results of

<sup>162</sup> The Inter-American Commission *ex officio* follows up on the recommendations of the merits reports that have been published since 2001. With respect to the merits reports that were published prior to that year, the Commission follows up and prepares a file when one of the parties explicitly requests the activation of this mandate.

<sup>163</sup> United Nations, Vienna Convention on the Law of Treaties, A/CONF.39/27 (1969), Article 26: *Pacta sunt servanda*. Every treaty in force is binding upon the parties to it and must be performed by them in good faith.



compliance with its decisions. This progress was achieved within the framework of the Special Program to Monitor IACHR Recommendations (Program 21) of the Commission's 2017–2021 Strategic Plan and Programs 8 and 9 of the Commission's 2023–2027 Strategic Plan on strengthening the follow-up of recommendations and the inter-American recommendations monitoring system (SIMORE), and on multilevel dialogue and working agenda with States, respectively.

636. To update the information contained in this chapter, since August 2024 onwards, the Commission has requested the parties to cases with published merits reports subject to follow-up to submit, within one month, information relevant to the implementation of the recommendations. To this end, the Commission has sent requests for information with specific questions regarding the recommendations in each case that have not been declared fully compliant. These questions were prepared based on the latest level of compliance determined by the Commission to obtain relevant information on the progress achieved and the areas of opportunity identified, considering the special features of each case. In this regard, since 2021, the Commission has begun to develop these specific questions in each request for information to guide the States involved and to ask the representatives of the victims to provide relevant, updated and valuable information to analyze compliance with each recommendation.

637. When each request for information was sent, the Commission gave the parties one month to submit information on the progress made and the challenges faced in complying with the recommendations. Although, in principle, that one-month time frame was considered to be the deadline for receiving inputs for the preparation of this chapter, the Commission considered information received after that date in the following situations: in cases in which, after that date, working meetings were held that led to additional actions agreed upon by the parties; when the Commission granted extensions requested by any of the parties; when the petitioner or the State sent complementary information to that provided on time; or in cases in which internal administrative situations allowed for processing information received after the closing date, considering the time limits set for the approval of this chapter. The information not included in the preparation of this chapter will be analyzed in the 2025 Annual Report of the Commission.

638. Following the monitoring model and methodology proposed in 2018, the Commission includes in this chapter:

- i) A summary of the follow-up activities carried out in 2024 concerning the published reports on the merits, which have included enhanced follow-up of some cases.
- ii) A table of the cases in the follow-up stage of recommendations that includes information sheets for each case and that, since 2018, includes with more detail the progress and challenges identified in 2024 concerning each of the recommendations subject to follow-up. In this regard, since 2023, the Commission has simplified the design and structure of the monitoring sheets to present the information in a more accessible and practical manner.
- iii) A comprehensive presentation of the progress that, by 2024, the Commission identifies in terms of compliance with all the recommendations issued in the published merits reports, which include the compliance clauses of compliance agreements for those cases in which it is applicable. To present the results in terms of follow-up of and compliance with recommendations, the Commission highlights the relevant results concerning recommendations and cases based on the categories of full, substantial partial and partial compliance, which are described in the General Guidelines on the Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights, which were published in 2019 (General Guidelines for Follow-up).<sup>164</sup>

---

<sup>164</sup> IACHR, [General Guidelines on the Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights](#) (second edition) (only available in Spanish), OEA/Ser.L/V/II. doc.385/23, November 20, 2023.



639. Likewise, since 2023, in the exercise of its mandate to follow up on recommendations, the Commission identified that, during the follow-up of published merits reports, the lack of response to requests for information from the victims or their representatives, especially for prolonged periods, constitutes a serious obstacle to the development of this stage. In particular, the Commission has identified that this lack of response prevents the Commission from knowing the current status of implementation of the recommendations and, therefore, of the reparation measures; it delays follow-up procedures of cases as a whole, considering that the number of published merits reports that enter the follow-up stage increases over time; it also interrupts the optimization of the follow-up of recommendations, which hinders the strengthening of the exercise of this mandate in cases where the victim or their representatives have a clear interest in the follow-up.

640. Archiving is a procedural option under Articles 41 and 42.1 of the Commission's Rules of Procedure that is applicable to petitions and cases with files in process when the petitioner withdraws in writing or when its unjustified procedural inactivity constitutes a serious indication of lack of interest in the processing of the petition.<sup>165</sup> In this regard, the Commission has begun to alert the parties of the possibility of archiving or deactivating follow-up on their cases to optimize the monitoring of recommendations contained in published merits reports and to strengthen follow-up methodologies. The purpose for this is focusing the IACHR's efforts and institutional capacity on the cases in active monitoring phase in which victims' representatives have responded to the Commission's requests and show interest in the follow-up by providing clear, comprehensive and updated information that allows for an adequate evaluation of the levels of compliance with the recommendations.

641. In this context, in 2023, the Commission identified 19 cases in which the victims' representatives had not submitted information in the two years before June 30, 2023, and 45 cases in which the victims' representatives had not submitted information for three years or more. Based on that, the Commission sent a written communication to the relevant parties to alert them of the possibility of archiving their cases and grant them one month to submit updated information on the status of compliance with the recommendations.

642. In 10 out of these cases, the petitioners contacted the follow-up team to request the reactivation of the monitoring. Thus, the following files are reincorporated into the 2024 Annual Report along with their relevant monitoring sheet:

- Case 11.654, Riofrío Massacre, concerning Colombia
- Case 11.710, Report No. 63/01, Carlos Manuel Prada González and Evelio Antonio Bolaño Castro, concerning Colombia
- Case 12.414, Report No. 101/17, Alcides Torres Arias, Ángel David Quintero *et al.*, concerning Colombia
- Case 12.780, Report No. 25/20, Carlos Arturo Betancourt Estrada and Family, concerning Colombia
- Case 12.477, Lorenzo Enrique Copello Castillo *et al.*, concerning Cuba
- Case 12.525, Nelson Iván Serrano Sáenz, concerning Ecuador
- Case 12.158, Benedict Jacob, concerning Grenada
- Case 11.765, Paul Lallion, concerning Grenada
- Case 12.028, Donnason Knights, concerning Grenada
- Case 11.381, Milton García Fajardo *et al.*, concerning Nicaragua

643. Finally, since its creation in 2018, the Commission's Follow-up of Recommendations and Impact Section (SSRI for its acronym in Spanish) has been tasked with analyzing the merits reports published under Article 51 of the American Convention on Human Rights or Article 47 of the Commission's Rules of Procedure. This has helped the Commission to conduct a more specialized follow-up on the matters under its responsibility. The following is a separate and detailed description of the progress made in complying with the recommendations issued in merits reports. This description helps users to identify more clearly and quickly

<sup>165</sup> IACHR, *IACHR Rules of Procedure*, 2009.



the status of each issue, the actions taken in each case, their individual and structural impacts, and the challenges and issues in which it is still necessary to continue taking steps to achieve their full implementation.

#### 4. Categories of analysis

644. To provide the parties with objective information on the type of review carried out in each case, the Commission published the General Guidelines for Follow-up on Recommendations and Decisions of the Inter-American Commission on Human Rights,<sup>166</sup> a technical follow-up instrument that contains categories of analysis of the information provided in the follow-up processes. This document was updated in November 2023 to strengthen the criteria for: i) assessing the information received from the States, the civil society, victims, representatives and other stakeholders as regards the follow-up of recommendations; and ii) analyzing and determining the level of implementation of these decisions.

645. These categories help the Commission to make a more detailed analysis of the information available and the parties to know whether the information submitted is relevant and timely for the Commission to assess compliance with the recommendations issued in published merits reports. In this regard, the following are the categories of information analysis that were defined in the General Guidelines for Follow-up and that were applied to the updating of this chapter:

- **Relevant information provided:** when the information was submitted to the Commission within the time frame specified in the request—in the cases in which information was previously requested—and also the information was pertinent, comprehensive, objective and updated.
- **Nonrelevant information provided:** when the information was provided within the time frame specified by the Commission but does not refer to the measures adopted aimed at complying with at least one of the recommendations pending compliance, was incomplete or was outdated.
- **Information not provided:** when information on the measures adopted to comply with the recommendations issued was not provided; the Commission was expressly informed that the information would not be submitted; or the parties requested an extension(s) to provide information and, in the end, the information was not provided.

646. In addition, by means of its General Guidelines for Follow-up,<sup>167</sup> the Commission decided to expand the categories of analysis of its recommendations to raise the visibility of the States' compliance efforts and to classify the status of compliance with each recommendation. In this regard, the Commission approved the following categories for the individual analysis of recommendations:

- **Full compliance:** a recommendation is fully complied with when the State has initiated and successfully concluded the measures for its observance. Full compliance is achieved when the following phases are completed: i) initial phase, ii) discussion phase, iii) approval phase and iv) compliance measure execution phase.
- **Substantial partial compliance:** a recommendation reaches the level of substantial partial compliance when the State has adopted relevant measures for its implementation and has provided evidence of said measures, but the Commission considers that they have not been completed. In this case, the State has successfully completed the following phases: i) initial

<sup>166</sup> IACHR, [General Guidelines on the Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights](#) (second edition), OEA/Ser.L/V/II. doc.385/23, November 20, 2023.

<sup>167</sup> IACHR, [General Guidelines on the Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights](#) (second edition) (only available in Spanish), OEA/Ser.L/V/II. doc.385/23, November 20, 2023.



phase, ii) discussion phase and iii) approval phase. The iv) compliance measure execution phase is still in progress and is beginning to produce significant effects.

- **Partial compliance:** a recommendation is partially complied with when the State has taken some steps towards compliance, but additional measures are still required. This means that the State has successfully completed the following phases: i) initial phase and ii) discussion phase. The iii) approval phase is in the process of implementation.
- **Pending compliance:** compliance with a recommendation is pending when the State has not yet adopted any measures to implement the recommendation or when the measures are at an early stage and their adoption is very recent and have not yet produced concrete results.
- **Noncompliance:** a recommendation whose compliance was impossible because of the conduct of the State or because the State has explicitly indicated that it would not comply with the measure.

## 5. Status of compliance with the merits reports published under Article 51 of the American Convention on Human Rights or Article 47 of the Rules of Procedure of the Inter-American Commission

647. On the basis of the goals established in Program 8 of the 2023–2027 Strategic Plan on strengthening the follow-up of recommendations, the Commission made efforts to disclose and provide more accessible information on the progress achieved in implementing the merits reports it has published under Article 51 of the American Convention on Human Rights or Article 47 of its Rules of Procedure. In this regard, the Committee updated individual follow-up factsheets with the information received in each case throughout the year, including its analysis of the status of compliance with the recommendations that have not yet been declared fully complied with. The Commission analyzed each recommendation issued in the published merits reports and identified the compliance measures that were undertaken, the individual and structural results that were achieved and the challenges that persist, according to the information submitted by the parties involved in each case.

648. In addition, during 2023, merits reports were released for the following cases, which entered the follow-up stage in 2024 (the first follow-up factsheets thereof are included in the instant Annual Report):

- Case 14.196, Oswaldo Payá Sardiña and others, concerning Cuba.
- Case 13.352, Jurijus Kadamovas *et al.*, concerning United States.
- Case 12.446, Tracy Lee Housel, concerning United States.

649. It should be noted that, although Report No. 298/23 (Case 11.464, Alberto Augusto Zalles Cueto, concerning Ecuador) was also published in 2023, it was not included in the follow-up portfolio, inasmuch as the Commission declared full compliance with the recommendations issued therein.

650. Finally, the Commission recalls that, when it comes to cases whose merits reports have been released prior to 2001, follow-up is only activated upon request of one of the parties concerned. Following a request from the victims' representatives in Case 11.010, Hildegard María Feldman *et al.*, concerning Colombia, and Case 11.101, Caloto Massacre, concerning Colombia, the first follow-up factsheets on the relevant recommendations were included in this chapter.

651. Below is a list of the merits reports published since 2001, including those that are no longer subject to active follow-up, in addition to reports prior to that year for which the activation of follow-up has been requested with 81 factsheets updated for this annual report. Out of the total 147 cases, 80 continue open (54.4 percent); 13 are closed, including one that was closed in this annual report<sup>168</sup> (8.9 percent) and 54 are

<sup>168</sup> Case No. 14.469 (Chile).



under study for archiving (36.7 percent).<sup>169</sup> This table provides direct links to the follow-up factsheet files prepared by the Commission for each case in 2024. Thus, the follow-up status of the merits reports published as of December 31, 2024, is as follows:

CASE	Link to file	In process of determining level of compliance	Full compliance	Partial compliance	Pending compliance	Follow-up status
Case 11.732, Report No. 83/09, Horacio Aníbal Schillizzi (Argentina) <sup>170</sup>				X		Closed
Case 12.324, Report No. 66/12, Rubén Luis Godoy (Argentina)	<a href="#">Link</a>			X		Open
Case 12.632, Report No. 43/15, Adriana Beatriz Gallo, Ana María Careaga and Silvia Maluf De Christin (Argentina)	<a href="#">Link</a>			X		Open
Case 12.721, Report No. 460/21, Ángel Pedro Falanga (Argentina)	<a href="#">Link</a>			X		Open
Case 12.681, Report No. 268/21, Marcos Alejandro Martín (Argentina)			X			Closed <sup>171</sup>
Cases 12.067, 12.068 and 12.086, Report No. 48/01, Michael Edwards, Omar Hall, Brian Schroeter and Jeronimo Bowleg (Bahamas)				X		Under study for archiving
Case 12.265, Report No. 78/07, Chad Roger Goodman (Bahamas)				X		Under study for archiving
Case 12.513, Report No. 79/07, Prince Pinder (Bahamas)				X		Under study for archiving
Case 12.231, Report No. 12/14, Peter Cash (Bahamas)				X		Under study for archiving
Case 12.071, Report No. 459/21, Cuban and Haitian Nationals Detained at and Deported from the Carmichael Road Detention Center (Bahamas)	<a href="#">Link</a>				X	Open
Case 12.053, Report No. 40/04, Maya Indigenous Communities of the Toledo District (Belize)	<a href="#">Link</a>			X		Open
Case 12.051, Report No. 54/01, Maria da Penha Maia Fernandes (Brazil)	<a href="#">Link</a>			X		Open
Cases 11.286, 11.406, 11.407, 11.412, 11.413, 11.415, 11.416 and 11.417, Report No. 55/01, Aluisio Cavalcante <i>et al.</i> (Brazil)				X		Under study for archiving
Case 11.517, Report No. 23/02, Diniz Bento da Silva (Brazil)	<a href="#">Link</a>			X		Open
Case 10.301, Report No. 40/03, Parque São Lucas (Brazil)	<a href="#">Link</a>			X		Open
Case 11.556, Report No. 32/04, Corumbiara (Brazil)	<a href="#">Link</a>			X		Open

<sup>169</sup> See the archiving process described in paragraphs 10–13.

<sup>170</sup> In its 2018 Annual Report, the Commission informed the OAS General Assembly that it had communicated to the parties its decision based on Article 48 of its Rules of Procedure to proceed with the cessation of follow-up on compliance with the merits report and, therefore, the closure of the case. IACHR, 2018 Annual Report, Chapter II, [Follow-up factsheet of Report No. 83/09, Case 11.732, Horacio Aníbal Schillizzi, Argentina](#), para. 7.

<sup>171</sup> This case entered the follow-up phase for the first time in 2022, when the Commission also determined that all recommendations had been fully complied with by the State of Argentina and declared the case closed.



CASE	Link to file	In process of determining level of compliance	Full compliance	Partial compliance	Pending compliance	Follow-up status
Case 11.634, Report No. 33/04, Jailton Neri da Fonseca (Brazil)	<a href="#">Link</a>			X		Open
Case 12.001, Report No. 66/06, Simone André Diniz (Brazil)	<a href="#">Link</a>			X		Open
Case 12.019, Report No. 35/08, Antonio Ferreira Braga (Brazil)	<a href="#">Link</a>			X		Open
Case 12.310, Report No. 25/09, Sebastião Camargo Filho (Brazil)	<a href="#">Link</a>			X		Open
Case 12.440, Report No. 26/09, Wallace de Almeida (Brazil)				X		Under study for archiving
Case 12.308, Report No. 37/10, Manoel Leal de Oliveira (Brazil)	<a href="#">Link</a>			X		Open
Case 12.213, Report No. 7/16, Aristeu Guida da Silva and Family (Brazil)	<a href="#">Link</a>			X		Open
Case 12.332, Report No. 31/20, Margarida Maria Alves and Family Members (Brazil)				X		Under study for archiving
Case 12.586, Report No. 78/11, John Doe (Canada)				X		Under study for archiving
Case 11.661, Report No. 8/16, Manickavasagam Suresh (Canada)				X		Under study for archiving
Case 11.771, Report No. 61/01, Samuel Alfonso Catalán Lincoleo (Chile)	<a href="#">Link</a>			X		Open
Case 11.725, Report No. 139/99, Carmelo Soria Espinoza (Chile)	<a href="#">Link</a>			X		Open
Case 12.142, Report No. 90/05, Alejandra Marcela Matus Acuña <i>et al.</i> (Chile) <sup>172</sup>			X			Closed
Case 12.469, Report No. 56/10, Margarita Barbería Miranda (Chile) <sup>173</sup>			X			Closed
Case 12.799, Report No. 48/16, Miguel Ángel Millar Silva <i>et al.</i> (Radio Estrella del Mar de Melinka) (Chile)	<a href="#">Link</a>			X		Open
Case 12.880, Report No. 458/21, Edmundo Alex Lemun Saavedra and Others (Chile)	<a href="#">Link</a>			X		Open
Case 11.010, Report No.15/95, Hildegard María Feldman <i>et al.</i> (Colombia)	<a href="#">Link</a>			X		Open
Case 11.101, Report No. 36/00, Caloto Massacre (Colombia)	<a href="#">Link</a>			X		Open
Case 11.654, Report No. 62/01, Riofrío Massacre (Colombia)	<a href="#">Link</a>			X		Open
Case 11.710, Report No. 63/01, Carlos Manuel Prada González and Evelio Antonio Bolaño Castro (Colombia)	<a href="#">Link</a>			X		Open
Case 11.712, Report No. 64/01, Leonel de Jesús Isaza Echeverry (Colombia)	<a href="#">Link</a>			X		Open

<sup>172</sup> IACHR, 2008 Annual Report, Chapter III, [Section D: Status of compliance with the recommendations of the IACHR](#), paras. 216–224.

<sup>173</sup> IACHR, 2024 Annual Report, Chapter III, Section E: Status of compliance with the recommendations of the IACHR.



CASE	Link to file	In process of determining level of compliance	Full compliance	Partial compliance	Pending compliance	Follow-up status
Case 12.009, Report No. 43/08, Leydi Dayan Sánchez (Colombia) <sup>174</sup>			X			Closed
Case 12.448, Report No. 44/08, Sergio Emilio Cadena Antolinez (Colombia) <sup>175</sup>			X			Closed
Case 10.916, Report No. 79/11, James Zapata Valencia and José Heriberto Ramírez (Colombia)	<a href="#">Link</a>			X		Open
Case 12.414, Report No. 101/17, Alcides Torres Arias, Ángel David Quintero <i>et al.</i> (Colombia)	<a href="#">Link</a>			X		Open
Case 10.455, Report No. 45/17, Valentín Basto Calderón and Others (Colombia)	<a href="#">Link</a>			X		Open
Case 12.713, Report No. 35/17, José Rusbel Lara <i>et al.</i> (Colombia)				X		Under study for archiving
Case 11.656, Report No. 122/18, Marta Lucía Álvarez Giraldo (Colombia)	<a href="#">Link</a>			X		Open
Case 11.726, Report No. 96/19, Norberto Javier Restrepo (Colombia)	<a href="#">Link</a>			X		Open
Case 12.780, Report No. 25/20, Carlos Arturo Betancourt Estrada and Family (Colombia)	<a href="#">Link</a>			X		Open
Case 12.476, Report No. 67/06, Oscar Elías Biscet <i>et al.</i> (Cuba)	<a href="#">Link</a>			X		Open
Case 12.477, Report No. 68/06, Lorenzo Enrique Copello Castillo <i>et al.</i> (Cuba)	<a href="#">Link</a>				X	Open
Case 12.127, Report No. 27/18, Vladimiro Roca Antunez and Others (Cuba)					X	Under study for archiving
Case 13.639, Report No. 297/21, Yoani María Sánchez Cordero (Cuba)	<a href="#">Link</a>				X	Open
Case 14.196, Report No. 83/23, Oswaldo Payá Sardiñas and Others (Cuba)	<a href="#">Link</a>				X	Open
Case 11.992, Report No. 66/01, Dayra María Levoyer Jiménez (Ecuador)				X		Under study for archiving
Case 12.487, Report No. 36/08, Rafael Ignacio Cuesta Caputi (Ecuador)	<a href="#">Link</a>			X		Open
Case 12.525, Report No. 84/09, Nelson Iván Serano Sáenz (Ecuador)	<a href="#">Link</a>			X		Open
Case 12.393, Report No. 44/17, James Judge (Ecuador) <sup>176</sup>			X			Closed
Case 11.624, Report No. 92/19, Jorge Darwin García and Family (Ecuador)				X		Under study for archiving

<sup>174</sup> IACHR, 2016 Annual Report, Chapter II, [Section D: Status of compliance with the recommendations and friendly settlements of the IACHR](#), paras. 602–614.

<sup>175</sup> IACHR, 2009 Annual Report, Chapter III, [Section D: Status of compliance with the recommendations of the IACHR](#), paras. 274–280.

<sup>176</sup> IACHR, [Case 12.393](#), Report No. 44/17, James Judge, Ecuador, paras. 115–116.



CASE	Link to file	In process of determining level of compliance	Full compliance	Partial compliance	Pending compliance	Follow-up status
Case 11.444, Report No. 457/21, Amparo Constante Merizalde (Ecuador)	<a href="#">Link</a>			X		Open
Case 12.931, Report No. 328/21, Daría Olinda Puertocarrero Hurtado (Ecuador)			X			Closed <sup>177</sup>
Case 12.249, Report No. 27/09, Jorge Odir Miranda Cortez <i>et al.</i> (El Salvador)				X		Under study for archiving
Case 11.481, Report No. 37/00, Monsignor Oscar Arnulfo Romero y Galdámez (El Salvador)	<a href="#">Link</a>			X		Open
Case 9.903, Report No. 51/01, Rafael Ferrer Mazorra <i>et al.</i> (United States)				X		Under study for archiving
Case 12.243, Report No. 52/01, Juan Raúl Garza (United States)					X	Under study for archiving
Case 11.753, Report No. 52/02, Ramón Martínez Villarreal (United States)	<a href="#">Link</a>			X		Open
Case 12.285, Report No. 62/02, Michael Domingues (United States) <sup>178</sup>			X			Closed
Case 11.140, Report No. 75/02, Mary and Carrie Dann (United States)	<a href="#">Link</a>				X	Open
Case 11.193, Report No. 97/03, Shaka Sankofa (United States)				X		Under study for archiving
Case 11.204, Report No. 98/03, Statehood Solidarity Committee (United States)	<a href="#">Link</a>				X	Open
Case 11.331, Report No. 99/03, César Fierro (United States)				X		Under study for archiving
Case 12.240, Report No. 100/03, Douglas Christopher Thomas (United States)				X		Under study for archiving
Case 12.412, Report No. 101/03, Napoleón Beazley (United States)				X		Under study for archiving
Case 12.430, Report No. 1/05, Roberto Moreno Ramos (United States)				X		Under study for archiving
Case 12.439, Report No. 25/05, Toronto Markkey Patterson (United States)				X		Under study for archiving
Case 12.421, Report No. 91/05, Javier Suárez Medina (United States)				X		Under study for archiving
Case 12.534, Report No. 63/08, Andrea Mortlock (United States)				X		Under study for archiving
Case 12.644, Report No. 90/09, Medellín, Ramírez Cárdenas and Leal García (United States)				X		Under study for archiving
Cases 12.561, 12.562, Report No. 81/10, Wayne Smith, Hugo Armendariz <i>et al.</i> (United States)	<a href="#">Link</a>				X	Open

<sup>177</sup> This case entered the follow-up phase for the first time in 2022, when the Commission also determined that all recommendations had been fully complied with by the State of Ecuador and declared the case closed.

<sup>178</sup> IACHR, 2005 Annual Report, Chapter III, [Section D: Status of compliance with the recommendations of the IACHR](#), paras. 185–186.



CASE	Link to file	In process of determining level of compliance	Full compliance	Partial compliance	Pending compliance	Follow-up status
Case 12.626, Report No. 80/11, Jessica Lenahan (Gonzales) (United States)				X		Under study for archiving
Case 12.776, Report No. 81/11, Jeffrey Timothy Landrigan (United States)					X	Under study for archiving
Cases 11.575, 12.333 and 12.341, Report No. 52/13, Clarence Allen Lackey <i>et al.</i> ; Miguel Ángel Flores; James Wilson Chambers (United States)					X	Under study for archiving
Case 12.864, Report No. 53/13, Iván Teleguz (United States)	<a href="#">Link</a>			X		Open
Case 12.422, Report No. 13/14, Abu-Ali Abdur' Rahman (United States)				X		Under study for archiving
Case 12.873, Report No. 44/14, Edgar Tamayo Arias (United States)				X		Under study for archiving
Case 12.833, Report No. 11/15, Félix Rocha Díaz (United States)	<a href="#">Link</a>				X	Open
Case 12.831, Report No. 78/15, Kevin Cooper (United States)	<a href="#">Link</a>			X		Open
Case 12.994, Report No. 79/15, Bernardo Aban Tercero (United States)				X		Under study for archiving
Case 12.834, Report No. 50/16, Undocumented Workers (United States)					X	Under study for archiving
Case 12.254, Report No. 24/17, Víctor Hugo Saldaño (United States)	<a href="#">Link</a>				X	Open
Case 10.573, Report No. 121/18, José Isabel Salas Galindo <i>et al.</i> (United States)	<a href="#">Link</a>				X	Open
Case 12.958, Report No. 71/18, Russell Bucklew (United States)					X	Under study for archiving
Case 13.570, Report No. 211/20, Lezmond C. Mitchell (United States)	<a href="#">Link</a>				X	Open
Case 13.361, Report No. 210/20, Julius Omar Robinson (United States)	<a href="#">Link</a>				X	Open
Case 13.356, Report No. 200/20, Nelson Iván Serrano Sáenz (United States)	<a href="#">Link</a>				X	Open
Case 12.865, Report No. 29/20, Djamel Ameziane (United States)	<a href="#">Link</a>				X	Open
Case 12.719, Report No. 28/20, Orlando Cordia Hall (United States)	<a href="#">Link</a>				X	Open
Case 12.754, Report No. 27/20, Nvwtohiyada Idehesdi Sequoyah (United States)					X	Under study for archiving
Case 12.545, Report No. 26/20, Isamu Carlos Shibayama, Kenichi Javier Shibayama, Takeshi Jorge Shibayama (United States)	<a href="#">Link</a>				X	Open
Case 12.505, Report No. 462/21, Marlin Gray (United States)	<a href="#">Link</a>				X	Open



CASE	Link to file	In process of determining level of compliance	Full compliance	Partial compliance	Pending compliance	Follow-up status
Case 13.394, Report No. 461/21, Pete Carl Rogovich (United States)	<a href="#">Link</a>				X	Open
Case 13.829, Report No. 456/21, Ramiro Ibarra Rubi (United States)	<a href="#">Link</a>				X	Open
Case 12.832, Report No. 455/21, Gregory Thompson (United States)	<a href="#">Link</a>				X	Open
Case 13.339, Report No. 453/21, Manuel Valle (United States)	<a href="#">Link</a>				X	Open
Case 13.478, Report No. 451/21, José Trinidad Loza Ventura (United States)	<a href="#">Link</a>				X	Open
Case 12.871, Report No. 333/21, Virgilio Maldonado Rodríguez (United States)	<a href="#">Link</a>				X	Open
Case 12.446, Report No. 264/23, Tracy Lee Housel (United States)	<a href="#">Link</a>				X	Open
Case 13.352, Report No. 263/23, Jurijus Kadamovas <i>et al.</i> (United States)	<a href="#">Link</a>				X	Open
Case 12.028, Report No. 47/01, Donnason Knights (Grenada)	<a href="#">Link</a>			X		Open
Case 11.765, Report No. 55/02, Paul Lallion (Grenada)	<a href="#">Link</a>			X		Open
Case 12.158, Report No. 56/02, Benedict Jacob (Grenada)	<a href="#">Link</a>			X		Open
Case 9.961, Report No. 62/90, José María García Portillo (Guatemala)	<a href="#">Link</a>				X	Open
Case 11.625, Report No. 4/01, María Eugenia Morales de Sierra (Guatemala)	<a href="#">Link</a>			X		Open
Case 9.207, Report No. 58/01, Oscar Manuel Gramajo López (Guatemala)				X		Under study for archiving
Case 10.626, Remigio Domingo Morales and Rafael Sánchez; Case 10.627, Pedro Tau Cac; Case 11.198(A), José María Ixcaya Pixtay <i>et al.</i> ; Case 10.799, Catalino Chochoy <i>et al.</i> ; Case 10.751, Juan Galicia Hernández <i>et al.</i> ; Case 10.901, Antulio Delgado, Report No. 59/01 (Guatemala)				X		Under study for archiving
Case 9.111, Report No. 60/01, Ileana del Rosario Solares Castillo <i>et al.</i> (Guatemala)	<a href="#">Link</a>			X		Open
Case 11.382, Report No. 57/02, Finca “La Exacta” (Guatemala)				X		Under study for archiving
Case 10.855, Report No. 100/05, Pedro García Chuc (Guatemala)				X		Under study for archiving
Case 11.171, Report No. 69/06, Tomás Lares Cipriano (Guatemala)				X		Under study for archiving
Case 11.658, Report No. 80/07, Martín Pelicó Coxic (Guatemala)				X		Under study for archiving
Case 12.264, Report No. 1/06, Franz Britton (Guyana)					X	Under study for archiving



CASE	Link to file	In process of determining level of compliance	Full compliance	Partial compliance	Pending compliance	Follow-up status
Case 12.504, Report No. 81/07, Daniel and Kornel Vaux (Guyana)				X		Under study for archiving
Case 11.335, Report No. 78/02, Guy Malary (Haiti)					X	Under study for archiving
Cases 11.826, 11.843, 11.846 and 11.847, Report No. 49/01, Leroy Lamey, Kevin Mykoo, Milton Montique and Dalton Daley (Jamaica)				X		Under study for archiving
Case 12.069, Report No. 50/01, Damion Thomas (Jamaica)				X		Under study for archiving
Case 12.183, Report No. 127/01, Joseph Thomas (Jamaica)				X		Under study for archiving
Case 12.275, Report No. 58/02, Denton Aitken (Jamaica)				X		Under study for archiving
Case 12.347, Report No. 76/02, Dave Sewell (Jamaica)				X		Under study for archiving
Case 12.417, Report No. 41/04, Whitley Myrie (Jamaica)				X		Under study for archiving
Case 12.418, Report No. 92/05, Michael Gayle (Jamaica)				X		Under study for archiving
Case 12.447, Report No. 61/06, Derrick Tracey (Jamaica)				X		Under study for archiving
Case 13.095, Report No. 401/20, T.B. and S.H. (Jamaica)	<a href="#">Link</a>				X	Open
Case 13.637, Report No. 400/20, Gareth Henry and Simone Carline Edwards (Jamaica)	<a href="#">Link</a>				X	Open
Case 11.565, Report No. 53/01, Ana, Beatriz and Celia González Pérez (Mexico)	<a href="#">Link</a>			X		Open
Case 12.130, Report No. 2/06, Miguel Orlando Muñoz Guzmán (Mexico)	<a href="#">Link</a>				X	Open
Case 12.228, Report No. 117/09, Alfonso Martín del Campo Dodd (Mexico)	<a href="#">Link</a>			X		Open
Case 12.551, Report No. 51/13, Paloma Angélica Escobar Ledezma <i>et al.</i> (Mexico)	<a href="#">Link</a>			X		Open
Case 12.689, Report No. 80/15, J.S.C.H. and M.G.S. (Mexico) <sup>179</sup>			X			Closed
Case 11.564, Report No. 51/16, Gilberto Jiménez Hernández “La Grandeza” (Mexico)	<a href="#">Link</a>			X		Open
Case 11.430, Report No. 43/96, José Francisco Gallardo Rodríguez (Mexico) <sup>180</sup>	<a href="#">Link</a>			X		Open
Case 11.740, Report No. 130/99, Víctor Manuel Oropeza (Mexico) <sup>181</sup>	<a href="#">Link</a>				X	Open

<sup>179</sup> IACHR, 2016 Annual Report, Chapter II, [Section D: Status of compliance with the recommendations and friendly settlements of the IACHR](#), paras. 1685–1708.

<sup>180</sup> The merits report of this case was published before 2001, which is why a factsheet was prepared to carry out the follow-up activated at the request of one of the parties.

<sup>181</sup> The merits report of this case was published before 2001, which is why a factsheet was prepared to carry out the follow-up activated at the request of one of the parties.



CASE	Link to file	In process of determining level of compliance	Full compliance	Partial compliance	Pending compliance	Follow-up status
Case 11.381, Report No. 100/01, Milton García Fajardo (Nicaragua)	<a href="#">Link</a>			X		Open
Case 11.506, Report No. 77/02, Waldemar Gerónimo Pinheiro and José Víctor Dos Santos (Paraguay)				X		Under study for archiving
Case 11.607, Report No. 85/09, Víctor Hugo Maciel (Paraguay)				X		Under study for archiving
Case 12.431, Report No. 121/10, Carlos Alberto Majoli (Paraguay) <sup>182</sup>			X			Closed
Case 11.800, Report No. 110/00, César Cabrejos Bernuy (Peru) <sup>183</sup>			X			Closed
Cases of Joint Press Release P-1193-CA of February 22, 2021 (Peru)	<a href="#">Link</a>	X <sup>184</sup>				Open
Case 12.269, Report No. 28/09, Dexter Lendore (Trinidad and Tobago)					X	Under study for archiving
Case 11.500, Report No. 124/06, Tomás Eduardo Cirio (Uruguay) <sup>185</sup>			X			Closed
Case 12.553, Report No. 86/09, Jorge, José and Dante Peirano Basso (Uruguay)	<a href="#">Link</a>			X		Open
<b>Total: 147</b>	<b>N/A</b>	<b>1</b>	<b>12</b>	<b>94</b>	<b>40</b>	Open cases: 80 <sup>186</sup> Closed: 13 Under study for archiving: 54

## 6. Activities carried out in the follow-up process in 2024

652. With regard to the follow-up of individual cases provided for in Article 48 of the Commission's Rules of Procedure, during 2024, the Commission focused on increasing the number of follow-up actions carried out throughout the year to build shared road maps for compliance with the recommendations and to re-establish or maintain contact with States, representatives of victims and victims of cases in relation to which it had not received information in recent years.

653. As part of the work to update the case factsheets to be included in the 2024 Annual Report, the Commission sent 162 letters to the States and petitioners (two for each of the 81 files under follow-up), requesting information on compliance with the recommendations this year. As a result, 92 response letters were received, which account for 56.7 percent of the total requests. Out of these responses, 42.39 percent were sent by States (39 letters) and 57.6 percent by petitioners (53 letters). In addition, 37 input documents were

<sup>182</sup> IACHR, 2012 Annual Report, Chapter III, [Section D: Status of compliance with the recommendations of the IACHR](#), paras. 904–908.

<sup>183</sup> IACHR, 2010 Annual Report, Chapter III, [Section D: Status of compliance with the recommendations of the IACHR](#), paras. 928–935.

<sup>184</sup> This is the only set of cases that, for methodological purposes, is classified as “in process of determining level of compliance,” inasmuch as the 2021 and 2022 follow-up factsheet prepared for the joint press release does not yet establish levels of compliance but aims to systematize the follow-up information as a step prior to determining levels of compliance.

<sup>185</sup> IACHR, 2010 Annual Report, Chapter III, [Section D: Status of compliance with the recommendations of the IACHR](#), paras. 1020–1027.

<sup>186</sup> This number includes the Joint Press Release No.1193 concerning Peru.



submitted by the parties prior to the formal requests sent by letter —22 were sent by petitioners (59.4 percent) and 15 by States (40.5 percent)—. Consequently, 63 cases of the portfolio (78.75 percent of the total) were updated with new information this year.

654. Furthermore, during 2024, the Commission continued to promote reinforced strategies for cases that have a structural impact by closely monitoring the process of implementation of recommendations. Said strategies include the following:

- **Joint Press Release No. 1193 concerning Peru.** This refers to the reinforced follow-up strategy that was devised for the 159 merits reports included in sections (c) and (d) of Joint Press Release P-1193-CA, which was signed in 2001 by the Commission and the State of Peru.<sup>187</sup> It should be noted that, prior to the preparation of the factsheet on the joint cases, this chapter included the follow-up of three cases involving the State of Peru whose reports had been released from 2001 onwards.<sup>188</sup> Taking into account that these three cases are included in sections (c) and (d) of the aforementioned press release, for methodological reasons, the follow-up thereof will be carried out together with that of the other cases mentioned in the press release, and the information on compliance will be incorporated into the relevant factsheet. Unlike the follow-up factsheets for the other cases included in this report, the factsheet for the cases in the above-mentioned file does not establish levels of compliance with the recommendations, although it is expected that the Commission and the parties will lay down specific commitments to be assessed annually to have a clear picture of the progress made. The purpose of this stage is to introduce a mechanism for systematizing information to show the State's efforts to comply with the recommendations and, in addition, to collect, centralize and unify all the information arising from the reports submitted by the parties, taking into consideration the large number of cases under follow-up.

This strategy entailed holding regular meetings (at first, bimonthly and now quarterly), each time addressing a different thematic area (investigation, search for missing persons, reparations, health and social redress and rehabilitation). During 2024, working and bilateral meetings were held on February 21, May 17, May 20 and June 15, as well as a portfolio meeting on September 18. Moreover, on November 15, 2024, within the framework of its 191<sup>st</sup> regular period of sessions, the Commission held a public hearing requested by the Asociación Pro Derechos Humanos (APRODEH) and the Center for Justice and International Law (CEJIL), aimed at addressing the impact of Law No. 32,107 —the Law Governing the Application and Scope of Crimes against Humanity and War Crimes in Peruvian Legislation— on the cases included in the joint press release.

- **Case No. 12.051, Maria da Penha, concerning Brazil.** Since 2022 and in close coordination with the Rapporteurship on the Rights of Women, bimonthly follow-up meetings have been held to promote a more dynamic oversight of the recommendations issued by the Commission. The purpose of the case is to enable the application of objective criteria and parameters to measure compliance with the recommendations that have a structural impact (aimed at prevention and nonrepetition). This strategy was proposed considering the effect that this case has had on the structural issue of domestic violence and violence against women both in Brazil and at the regional level. During the Commission's visit to the country in June 2024, President Roberta Clarke, Rapporteur for Brazil and for the rights of women, convened a working meeting to discuss a road map towards reaching agreements that will allow for full compliance with the recommendations. Additionally, a bilateral meeting was held with the State on May 17 and a portfolio meeting was held on September 26, 2024.

655. Furthermore, as part of the follow-up of Case 12.053, Maya Indigenous Communities of the Toledo District, concerning Belize, in 2023, it was agreed that a road map would be created to review the commitments made by both parties and coordinate their work, with quarterly meetings to evaluate the

<sup>187</sup> Joint Press Release P-1193-CA was issued on February 22, 2001, during the 110th regular period of sessions of the IACHR.

<sup>188</sup> Case 11.031, Report No. 111/00, Pedro Pablo López González et al., Peru; Case 10.247 and others, Report No. 101/01, Luis Miguel Pasache Vidal et al., Peru; Case 11.099, Report No. 112/00, Yone Cruz Ocalio, Peru.



progress achieved and the challenges faced in implementing the recommendations. In this regard, between October 15 and 18, 2024, the Commission conducted a follow-up visit to verify compliance with the recommendations of the case by means of a working meeting. This stage of the process is part of the priorities set forth in the Commission's Five-Year Strategy for the Caribbean (2023–2027), a plan focused on the region.

656. Moreover, meetings were held with the State of Argentina in its capacity as amicus curiae in Case 12.254, Víctor Saldaño, concerning the United States. These actions were carried out as part of the portfolio meeting with the State of Argentina on August 3, 2024.

657. In addition, as part of the its follow-up activities, the Commission held a significant number of bilateral online meetings with petitioners, victims and State representatives regarding the following cases: Case 11.010, Hildegard María Feldman, concerning Colombia (on January 5, 2024); Case 12.525, Nelson Iván Serrano Sáenz, concerning Ecuador (on January 29, 2024); Case 12.414, Alcides Torres Arias, Ángel David Quintero et al., concerning Colombia (on May 23, 2024); Case 12.487, Rafael Ignacio Cuesta Caputi, concerning Ecuador (on May 29, 2024); Case 12.553, Jorge, José and Dante Peirano Basso, concerning Uruguay (on June 6, 2024); and Case 11.625, María Eugenia Morales de Sierra, concerning Guatemala (on November 22, 2024). Furthermore, bilateral meetings were held in person to discuss cases involving Guatemala: Case 9.111, Ileana del Rosario Solares Castillo et al., and Case 9.961, José María García Portillo and Family (both on November 29, 2024). A working meeting was also held to address Case 12.469, Margarita Barbería Miranda, concerning Chile (on March 19, 2024), which was attended by both State and the petitioner representatives.

658. Throughout 2024, the Commission continued to promote portfolio review meetings, that is, coordination meetings with the States to discuss the progress achieved and the challenges faced in complying with the recommendations in the cases under follow-up. These meetings were held with the following States: Ecuador (March 26), Mexico (May 14), Guatemala (June 27), Brazil (September 26), Peru (September 18), Argentina (October 3) and Colombia (October 7).

659. By way of requests for information to the parties to each case, working meetings, bilateral and portfolio meetings, and the relay of information between the parties, in 2024, the Commission monitored compliance in 100 percent of the open cases whose merits reports were published after 2001 pursuant to Article 51 of the American Convention on Human Rights or Article 47 of its Rules of Procedure.

## 7. Relevant results

### a. Progress achieved in 2024 in the implementation of recommendations issued in published merits reports

660. Progress in complying with the recommendations issued by the Commission has been significant thanks to the promotion of this mandate in the Commission's work agenda, particularly within the framework of Program 8 of the 2023–2027 Strategic Plan. The Commission also acknowledges the valuable support and commitment that the States, the victims and their representatives have shown in the development of the follow-up process, which has led to favorable results in terms of levels of compliance. The following table shows the progress made each year in the implementation of the recommendations issued in all published merits reports that have been subject to follow-up.<sup>189</sup>

Categories	Number of cases <sup>190</sup>						Compliance percentage					
	2019	2020	2021	2022	2023	2024	2019	2020	2021	2022	2023	2024
Full compliance	9	9	9	11	11	12	8%	7.8%	7.3%	7.9%	7.8%	8.2%

<sup>189</sup> It should be noted that, during 2023, no compliance analysis was performed with respect to the cases whose deactivation and archiving was appropriate; therefore, the number of cases under follow-up dropped from 139 in 2022 to 66 in 2023.

<sup>190</sup> The table shows the progress achieved since 2019. To learn about the 2018 compliance percentages, see the 2023 Annual Report or earlier reports.



Partial compliance	85	88	91	95	95	94	75.2%	76.6%	74%	68.3%	67.8%	64.3%
Pending compliance	19	18	23	33	34	40	16.8%	15.6%	18.7%	23.7%	24.2%	27.3%
Total	113	115	123	139 <sup>191</sup>	140 <sup>192</sup>	146 <sup>193</sup>	100%	100%	100%	100%	100%	100%

661. The Commission notes that compliance with the recommendations and compliance agreements clauses is the result of a complex process that involves a sound and continuous interaction among the users of the inter-American human rights system. For this reason, the Commission reaffirms its commitment to implementing all measures within its reach to promote continuous and effective compliance with the recommendations issued to ensure greater enjoyment and safeguarding of human rights in the region. The progress made in the levels of compliance with the recommendations and the clauses of the compliance agreements signed by the parties is described below.

662. In 2024, the 80<sup>194</sup> cases whose merits reports were published under Article 51 of the American Convention on Human Rights or Article 47 of the Commission's Rules of Procedure and whose follow-up status was active comprised a total of 472 decisions under follow-up, which included 339 recommendations issued by the Commission and 133 clauses of compliance agreements signed by the parties. Moreover, out of the total 472 decisions, 241 (51 percent) have shown progress in their implementation (109 have reached full compliance, 33 have reached substantial partial compliance, 99 have reached partial compliance), 212 are pending compliance (44.9 percent) and 14 continue to be noncompliant (2.9 percent). In addition, five recommendations are classified as "under follow-up" (1 percent) because additional information is required to determine their status of compliance.

663. According to the information that the Commission received and analyzed in 2024, it was possible to determine that some progress had been made in the implementation of 22 recommendations included in published merits reports as well as of seven clauses of compliance agreements. To contribute to these results, the Commission reinforced the methodology applied to the analysis of compliance. Out of the 29 decisions—including recommendations and clauses—that experienced progress, as recorded in the follow-up analysis carried out in 2024, 17 are of individual impact and 12 are of structural impact. The Commission welcomes the progress achieved in complying with these measures during 2024.

664. Based on the follow-up carried out in 2024, the Commission determined that 13 reparation measures have reached full compliance, seven reparation measures have reached substantial partial compliance and nine reparation measures have reached partial compliance.

665. The following is a breakdown of the progress that the Commission observed in 2024 to determine full compliance with 13 reparation measures (including both recommendations and compliance agreement clauses).

<sup>191</sup> The table included in the 2022 Annual Report on the follow-up factsheets of the published merits reports comprised a total of 140 cases. It indicated that there was a total of 139 cases instead of 140 because the cases included in Joint Press Release P-1193-CA (Peru) were excluded. As explained above, this press release was not included in this table since the Commission has not yet determined levels of compliance with the recommendations issued in the reports contained therein.

<sup>192</sup> This figure showed the total number of cases whose merits reports were published after 2001, including those that are no longer subject to active follow-up plus cases whose reports are prior to 2001 and for which the activation of follow-up has been requested. However, in 2023, only 65 follow-up factsheets were updated, given that the other cases were closed or under analysis for archiving. Out of these, 64 files were taken into consideration to calculate the percentages of compliance with recommendations, since no levels of compliance have been determined for Joint Press Release P-1193-CA (Peru).

<sup>193</sup> Joint Press Release P-1193-CA (Peru) is excluded from the total of 147 files under follow-up, since levels of compliance have not been determined in this case.

<sup>194</sup> Out of the total of 81 cases that remained open during the preparation of the instant Annual Report, the Joint Press Release concerning Peru is excluded, since grouping together several cases does not allow for determining levels of compliance.



Case	Scope of the compliance measure	Recommendation or clause of the compliance agreement	Results reported	Level of compliance in 2024
<b>Brazil</b>				
Case 12.001, Simone André Diniz (Brazil)	Structural	Recommendation No. 10	The State has requested local governments to create police stations that specialize in crimes of racism and racial discrimination, which have already been set up in Alagoas, the Federal District, Maranhão, Minas Gerais, Pará, Paraíba, Paraná, Piauí, Rio de Janeiro, Rio Grande do Sul, Sergipe, São Paulo and Rondônia. The Commission considers that the State complied with the recommendation by undertaking this measure. However, it stresses that the number of specialized police stations is still insufficient and urges the State to create additional ones to guarantee widespread action.	Full
Case 12.001, Simone André Diniz (Brazil)	Structural	Recommendation No. 11	The State issued official letters to the Attorneys General to verify the existence of specialized institutional bodies to combat racism and indicated that these are in place in 24 of the 30 federal districts. The Commission concludes that the State complied with the recommendation to request the Offices of the Public Prosecutors to create specialized units to tackle racism and racial discrimination. However, it urges the State to continue promoting the creation of such bodies in all states of the country.	Full
Case 10.301, Parque São Lucas (Brazil)	Individual	Recommendation No. 4	The State reported that compensation payments in court cases was terminated.	Full
Case 11.634, Jailton Neri da Fonseca (Brazil)	Structural	Recommendation No. 5	In 2024, the State reported that it has offered three free courses for agents of the Unified Public Security System (SUSP), thus reaching almost 26,000 police officers. In addition, in 2023, the Directorate of Education and Research (DEP) was created to upskill agents by offering continuing training programs in line with the National Public Security Plan. In 2023 and 2024, three new courses were launched under the PRONASCI 2 program —focused on racial inequality—, which were attended by nearly 18,500 persons. The Commission thus concludes that the State has implemented educational measures to prevent racial discrimination in the field of public security and considers that the recommendation has been fully complied with. However, it stresses that police violence continues to be alarming and should be addressed as a priority within the framework of the country's public security policy, reinforcing human rights training to promote structural change and prevent institutional	Full



			violence, especially that exerted on youth of African descent.	
<b>Chile</b>				
Case 12.880, Edmundo Alex Lemun Saavedra and Others (Chile)	Individual	Recommendation No. 3	The State reported that the person responsible for the victim's death was subjected to disciplinary and criminal law measures; also, after being convicted by the ordinary courts, he was discharged from the Carabineros, which impeded further disciplinary proceedings against him. In relation to the Nafin Retamal Law, the request to reduce the perpetrator's sentence was overruled by the Oral Trial Court of Angol; this ruling was confirmed by the Court of Appeals of Temuco on January 3, 2024, and upheld by the Supreme Court on January 18, 2024. The Commission welcomes the information submitted on the final judgments and sanctions issued in this case, noting that disciplinary and criminal law measures against the official responsible for obstructing access to justice have been exhausted.	Full
Case 12.880, Edmundo Alex Lemun Saavedra and Others (Chile)	Structural	Clause A of the compliance agreement	Supreme Decree No. 1,364 was issued, which sets forth clear guidelines on the use of police force, including the periodic review and updating of Carabineros' operation protocols. The Commission notes that this regulatory framework constitutes significant progress in the implementation of the clause, thus guaranteeing adequate standards to maintain law and order.	Full
Case 12.880, Edmundo Alex Lemun Saavedra and Others (Chile)	Structural	Clause D of the compliance agreement	The State reported on the online course Use of Force in Judicial Proceedings, targeted at high-ranking judiciary staff, and on two mandatory in-person seminars on international obligations held in January and July 2024 as part of the Judicial Academy Training Program. The Commission notes that the State has implemented a series of training programs for Carabineros officers in the Araucanía region, which address international standards on the use of force. Consequently, the clause has been complied with.	Full
Case 12.469, Margarita Barbería Miranda (Chile)	Individual	Recommendation No. 3	A discretionary pension ( <i>Pensión de Gracia</i> ) for Mrs. Barbería was approved and processed on March 27, 2023, and payments began to be made on a monthly basis. In addition, on August 23, 2024, a resolution was issued providing for an additional economic compensation, which was arranged by the General Treasury and ready to be collected. The Commission notes that the State has complied with the agreed pecuniary reparations.	Full
Case 11.725, Carmelo Soria Espinoza (Chile)	Structural	Recommendation No. 2	The State reported that, in its judgment of conviction, the Supreme Court considered the Convention on the Prevention and Punishment of Crimes against Internationally Protected	Full



			Persons. In addition, it pointed to two rulings in which the Supreme Court had made reference to said Convention to support its decision. The Commission notes that the State provided information that evidences the application of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons in judicial rulings, which constitutes compliance with Recommendation No. 2.	
Grenada				
Case 11.765, Paul Lallion (Grenada)	Individual	Recommendation No. 5	The Commission considers that the recommendation is not applicable to the case because the victim was released in 2009. Therefore, this recommendation has been fully complied with.	Full
Case 11.765, Paul Lallion (Grenada)	Individual	Recommendation No. 6	The Commission considers that the recommendation is not applicable to the case because the victim was released in 2009. Therefore, this recommendation has been fully complied with.	Full
Case 12.028, Donnason Knights (Grenada)	Individual	Recommendation No. 5	The Commission considers that the recommendation is not applicable to the case because the victim was released. Therefore, this recommendation has been fully complied with.	Full
Case 12.158, Benedict Jacob (Grenada)	Individual	Recommendation No. 5	The Commission considers that the recommendation is not applicable to the case because the victim was released. Therefore, this recommendation has been fully complied with.	Full

666. The Commission applauds the steps taken by the States of Brazil and Chile in 2024 to achieve full compliance with some measures of reparation, including recommendations issued in published merits reports and clauses of compliance agreements, and welcomes the progress made in the implementation of these decisions. Furthermore, the Commission acknowledges the level of compliance reached in the cases concerning Grenada, but calls on the State to submit relevant information for the follow-up of the open files and pending recommendations in its portfolio. The Commission reiterates that such compliance is crucial to legitimize the inter-American system of human rights and to build trust and promote the principle of good faith as the foundations for the fulfillment of international obligations by the States. Moreover, the Commission takes this opportunity to urge all OAS member states to comply with the recommendations issued in its merits reports published in light of Article 51 of the American Convention on Human Rights, so that full compliance can be attained and progress can be made towards ceasing the monitoring of such matters.

667. Conversely, seven cases included one recommendation that changed its status to noncompliant:

- Case 11.634, Jailton Neri da Fonseca (Brazil): Regarding Recommendation No. 2 on the duty to investigate the facts, the State reiterates that the investigation and criminal proceedings cannot be reopened. In this regard, the Commission recalls that the *non bis in idem* principle is not applicable when the proceedings were not carried out independently or impartially and reiterates what was stated by the Inter-American Court of Human Rights in *Almonacid Arrellano et al. v. Chile*. The Commission emphasizes that, in cases of serious human rights violations, such as the present case, even if the State argues that punishing those responsible



is no longer possible due to its inability to reopen the investigation, international obligations on the matter prevail and remain in force. Thus, based on the reiterated argument that it is impossible to punish all persons who are responsible for the victim's death, the Commission determines that the State has failed to comply with the recommendation.

- Case 11.556, Corumbiara (Brazil): The State has failed to comply with Recommendation No. 1 for the same reasons as in Case 11.634.
- Case 12.019, Antonio Ferreira Braga (Brazil): The State has failed to comply with Recommendation No. 1 for the same reasons as in Case 11.634.
- Case 12.310, Sebastião Camargo Filho (Brazil): The State has failed to comply with Recommendation No. 1 for the same reasons as in Case 11.634.
- Case 11.517, Diniz Bento da Silva (Brazil): The State has failed to comply with Recommendation No. 1 for the same reasons as in Case 11.634.
- Case 12.213, Aristeu Guida da Silva and Family (Brazil): The State has failed to comply with Recommendation No. 1 for the same reasons as in Case 11.634.
- Case 11.740, Víctor Manuel Oropeza (Mexico): Regarding Recommendation No. 1, it is noted that the dismissal of the case is final, making it materially impossible to move forward with an investigation under the terms of the recommendation.

#### **b. Cases with no information submitted in 2024**

668. The Commission indicates that it did not receive information from any of the parties to the 17 cases below as of the closing date of the present report, neither in response to the Commission's requests for information to be used as input for the Annual Report nor prior to that request:

- Case 12.324, Rubén Luis Godoy (Argentina)
- Case 13.639, Yoani María Sánchez Cordero (Cuba)
- Case 13.361, Julius Omar Robinson (United States)
- Case 12.832, Gregory Thompson (United States)
- Case 12.505, Marlin Gray (United States)
- Case 10.573, José Isabel Salas Galindo and Others (United States)
- Case 11.140, Mary and Carrie Dann (United States)
- Case 12.833, Félix Rocha Díaz (United States)
- Case 12.864, Ivan Teleguz (United States)
- Case 12.831, Kevin Cooper (United States)
- Case 12.871, Virgilio Maldonado Rodríguez (United States)
- Case 12.865, Djamel Ameziane (United States)
- Case 12.719, Orlando Cordia Hall (United States)
- Case 13.478, José Trinidad Loza Ventura (United States)
- Case 13.339, Manuel Valle (United States)
- Case 13.352, Jurijus Kadamovas *et al.* (United States)
- Case 11.430, José Francisco Gallardo Rodríguez (Mexico)

669. The Commission urges the parties to submit updated information on the actions undertaken by the States to comply with the recommendations issued by the Commission in these cases.

#### **c. New processes for follow-up of published merits reports**

670. The Commission announces that the case below has entered the follow-up stage for the first time and is included in the *2024 Annual Report* (Article 48 of the Commission's Rules of Procedure):



- Case 13.083, [Report No. 8/24](#), Akawaio Indigenous Community of Isseneru and its Members (Guyana)

671. Although Report No. 1/24 (Case 12.549, Nasry Javier Ictech Guifarro, concerning Honduras) was released in 2024, it is not included in the follow-up portfolio, inasmuch as the report declared full compliance with the relevant recommendations.

672. The Commission thanks the parties for the information provided within the framework of the follow-up of recommendations up to the release of the instant report in 2024 and points out that it will continue to improve its follow-up processes to strengthen compliance with the recommendations issued in its published merits reports.

## **F. Precautionary Measures**

### **1. Introduction**

673. Precautionary measures in the Inter-American System of Human Rights are a protection mechanism of the Inter-American Commission on Human Rights (IACHR), through which it requests a State to protect one or more persons who are in a serious and urgent situation of suffering irreparable harm. Any person or organization may file a request for precautionary measures on behalf of a person or group of persons, identified or identifiable, who are at risk.

674. The precautionary measures mechanism has more than four decades of history in the inter-American system and has served as an effective tool to protect the fundamental rights of the inhabitants of the States under the jurisdiction of the Inter-American Commission. The power of the IACHR to request the adoption of precautionary measures shows a common practice in international human rights law. In the context of the region, it has operated as an effective instrument of protection and prevention in the face of possible serious and irreparable harm to persons or groups of persons facing situations that present an imminent risk.

675. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are provided for in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACHR. The mechanism of precautionary measures is set forth in Article 25 of the Commission's Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid irreparable harm to persons. In the process of reaching a decision, and in accordance with Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. "serious situation" refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. "urgent situation" refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. "irreparable harm" refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

676. The nature and purpose of the precautionary measures granted by the Inter-American Commission are different from those available in domestic jurisdictions. Precautionary measures fulfill two functions related to the protection of fundamental rights enshrined in the norms of the inter-American system. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual



nature, both protective and precautionary.<sup>195</sup> Regarding the precautionary character, the measures may be intended to prevent the execution of judicial, administrative or other measures, when it is alleged that their execution could render ineffective an eventual decision of the IACHR on an individual petition. The purpose of these measures is to preserve the rights potentially at risk until the petition before the inter-American system is resolved. In this way, they seek to ensure the integrity and effectiveness of the decision on the merits and, in this way, avoid harming the alleged rights, a situation that could render the final decision innocuous or detract from its useful effect (*effet utile*). An example of this can be seen in those situations in which the IACHR has urged the State to suspend the application of the death penalty, in order to allow the Commission to analyze later in the petition or case the alleged violations alleged by the petitioners in relation to the applicable instruments.

677. With regard to the protective nature, the measures seek to avoid irreparable harm and thus preserve the exercise of human rights. These considerations have led to the issuance of precautionary measures in a wide range of situations, particularly in order to avoid irreparable harm to the life and personal integrity of the beneficiary(ies). To this end, the IACHR must assess the problem posed, the effectiveness of the State's actions in the situation described, and the degree of vulnerability of the persons for whom the measures are requested if they are not adopted.<sup>196</sup> For example, issues related to disappearances, access to medical treatment, situations of threats, harassment, and persecution, including in connection with the work or affiliation of the beneficiary, among numerous other cases.

678. The Rules of Procedure of the IACHR indicate that the granting of such measures and their adoption by the State shall not constitute a prejudgment on the violation of the rights protected in the American Convention on Human Rights and/or other applicable instruments. Likewise, the IACHR emphasizes that, in accordance with Article 25(6) of its Rules of Procedure, the analysis of a request for precautionary measures is carried out taking into account the context, the particularities of each specific situation, and the nature of the risk and the harm sought to be avoided.

679. Precautionary measures have been invoked to protect thousands of persons or groups of persons at risk. In 2024 these groups included indigenous peoples, journalists, justice operators, persons deprived of their liberty, missing persons, human rights and environmental defenders, Afro-descendants, political opponents, persons deprived of their liberty, persons sentenced to death, as well as children and adolescents and women at particular risk.

## 2. Requests for precautionary measures

680. In 2024, the IACHR continued implementing [Resolution 3/2018 "Strengthening of the processing of requests for precautionary measures"](#), which allowed strengthening the methodology for the initial study of the requests received. Thus, requests for precautionary measures continue to be diagnosed<sup>197</sup> up to date and classified according to the information available on their respective urgency. This allows the IACHR to prioritize the requests in which greater elements of urgency are identified, in accordance with Article 25 of the Rules of Procedure, favoring more expeditious decision-making with respect to matters that present indications of imminent risk.

---

<sup>195</sup> I/A Court H.R., [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#), Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; [Case of Carpio Nicolle et al. v. Guatemala](#), Provisional Measures, Order of July 6, 2009, considerandum 16.

<sup>196</sup> See in this regard: I/A Court H.R., [Matter of Milagro Sala](#), Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; [Matter of the Criminal Institute of Plácido de Sá Carvalho](#), Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6.

<sup>197</sup> The initial diagnosis evaluates what the matter is about and assesses its degree of urgency, allowing the Commission to prioritize situations posing greater risk. This diagnosis is different from the legal evaluation of the matter, which refers to the technical analysis of whether a request meets the procedural requirements for the granting of a precautionary measure.



681. During the year 2024, the Commission received 1,412<sup>198</sup> new requests for precautionary measures, managing to evaluate 94.83% of them per year. This number represents an increase of 279 more requests than those received in the previous year. The increase was generated by the requests received regarding missing persons in Venezuela since the intensification of persecution against human rights defenders and political opponents in the post-electoral context; the continuity of the human rights crisis in Nicaragua and Cuba; and different electoral contexts, which tend to impact the number of requests for precautionary measures. This is also explained by the weaknesses of national protection mechanisms to respond to urgent situations presenting a high risk of irreparable harm in different countries.

682. At the same time, in 2024, the IACHR continued to advance in the review of the requests for precautionary measures pending a final decision based on chronological criteria. In this sense, the processing was concluded, taking a final decision, of all the precautionary measures registered for 2021, as well as 98,74% of the requests registered in 2022.

683. In this same sense, by means of the referred Resolution 3/2018, there was more agility in the processing of matters that, historically and consistently, the Commission has considered that they are not susceptible to be analyzed through the mechanism of precautionary measures, since they would imply an analysis of the merits of the matter, which is better suited to the petition and case system.<sup>199</sup> In addition, Resolution 3/2018 established criteria that allow the deactivation of requests for precautionary measures in which no response was received from the applicants during the established deadlines.<sup>200</sup>

684. In 2024, the IACHR granted and/or extended 77 precautionary measures through 73 resolutions, for the protection of more than 7,430 individuals and identifiable groups or collectives. Of the requests for precautionary measures under analysis this year, the IACHR granted or extended an average of 5,45%.<sup>201</sup>

685. The increase in the number of requests for precautionary measures this year also implied an additional effort to ensure the success in the timeliness of responses to high-risk requests, such as those related to the protection of persons whose whereabouts or fate is unknown.<sup>202</sup> In this sense, the Commission **was able to grant 76,62% of precautionary measures in less than 90 days after their registration, guaranteeing timely attention to imminent situations.** In previous years, the figures were: in 2020, 63.8% of the measures granted were processed in less than 3 months; in 2021, 34.9%; in 2022, 48%; and 67.3% in 2023. In specific matters, where the imminence of the risk does not admit delay, the IACHR granted precautionary measures in even shorter periods, for example, some precautionary measures from Venezuela were deliberated in up to seven days from their registration. One matter of alleged forced disappearance was processed, evaluated, deliberated and notified in less than 48 hours (862-24 María Andreina Oropeza Camacho regarding Venezuela).

686. Finally, it should be noted that in 2024, the IACHR deliberated on precautionary measures in 1076 consultations.

---

<sup>198</sup> Figure only surpassed in the year of 2018, in the context of the human rights crisis in Nicaragua, in which the Commission recorded 1,618 requests received.

<sup>199</sup> In this regard, the Commission recalls that, in accordance with its consolidated practice, the precautionary measures mechanism is not suitable to address requests that deal strictly with matters or claims such as: i) alleged failures to due process and judicial protection in the framework of criminal or civil proceedings (Articles 8 and 25 of the ACHR and Article XVIII of the American Declaration); ii) determining the compatibility, in abstract terms, of a regulation with the American Convention or other applicable instruments; iii) payment of pecuniary compensations, which includes civil, commercial and pension proceedings; iv) allegedly unjustified dismissals of private or public companies of non-popularly elected officials, payment of salaries, determinations on promotions and vacations; v) commercial or civil attachment of property and evictions where no situations presenting a risk to life or personal integrity are alleged; vi) requests for economic resources or support; and vii) purely administrative procedures, including the issuance of certifications, expedited proceedings and declaratory rulings. For more information, see [Resolution 3/2018 on "Strengthening the processing of precautionary measures"](#).

<sup>200</sup> The Commission recalls that a new request for precautionary measures may be filed again.

<sup>201</sup> This figure includes the evaluations for the extension of precautionary measures. As they represent a form of granting, they are reported together with the other grants. Details on extensions are discussed in the "Follow-up of precautionary measures in force."

<sup>202</sup> In 2024, 33.3% of granted/extended requests seek protection for persons whose whereabouts or fate is unknown.



### 3. Follow-up of precautionary measures in force

687. In light of [Resolution 2/2020 - “Strengthening the follow-up of precautionary measures in force”](#), in 2024, the Commission continued its commitment to the States, beneficiaries and their representatives to strengthen the follow-up of precautionary measures in force, as well as to promote transparency, predictability and legal certainty of the decisions. Resolution 2/2020 foresees the possibility for the IACHR to issue Follow-up Resolutions that merit a pronouncement to promote compliance with the protection measures; as well as to hold working meetings outside the Sessions; and to conduct on-site visits to get closer to the beneficiary(ies) and their representatives and State authorities, and to learn directly about the status of the implementation of the measures and assess the current risk.

688. In light of the foregoing, and in order to continue improving the monitoring of the measures in force, the Commission adopted a [working methodology](#) that allows for a periodic evaluation of the precautionary measures in force, both on the adequacy and effectiveness of the protection measures adopted by the States, as well as on the persistence of the procedural requirements. In this way, it is hoped that the Commission can continue to focus on those matters that, due to the existence of the risk in the terms of Article 25, require its due attention.<sup>203</sup> In this sense, the IACHR continued to adopt, at the same time, the Lifting Resolutions in those cases in which it is no longer able to consider that the procedural requirements have been met.<sup>204</sup> It should be recalled that the IACHR has assigned, since 2020, specialized personnel on a full-time basis to follow up on the measures in force, making up the [Special Protection Oversight Group](#).

689. In April 2024, the Commission reported on the four years of Resolution 2/20, publishing a balance of the results achieved and renewing its commitment to the beneficiaries of precautionary measures and the States with a view to seeking the mitigation and elimination of the risk factors identified.<sup>205</sup> The Commission emphasized that the follow-up carried out allows the IACHR to maintain closer contact with the parties in order to achieve the implementation of effective protection measures. Over four years, there was an increase of 134.12% of requests for information in precautionary measures in force from 2019 to 2023, and 86% of measures in force monitored per year. In the same period, there was a 37.7% increase in working meetings and the holding of 10 public hearings to follow up on precautionary measures out of a total of 141 precautionary measures. Similarly, up to 2023, the IACHR added 16 follow-up resolutions approved with respect to 10 countries, as well as six on-site visits to follow up on precautionary measures.

690. As of 2024, **the Commission carried out at least one monitoring action on 100% of the precautionary measures in force.**<sup>206</sup> This achievement shows a change in the supervision model for the measures in force, initiated in 2020, which allows for more periodic follow-up of the precautionary measures, as well as the updating of information to the IACHR in a timelier manner regarding the ongoing risk. Along the same lines, **the IACHR also managed to ensure that the reports of the parties are transferred at least once a year for 100% of the precautionary measures in force.**

691. In 2024, the IACHR was able to implement its strategy of conducting **on-site visits** to follow up on precautionary measures in force on five occasions:

- **From February 12 to 13, 2024, the IACHR conducted a follow-up visit to PM 551-03 José Rubén Zamora Marroquín and family regarding Guatemala.** Mr. Zamora Marroquín is the

<sup>203</sup> IACHR, [Press Release 201/20](#), IACHR Reports Implementation of Resolution 2/2020 on Strengthening of the Monitoring of Precautionary Measures in Force, August 17, 2020.

<sup>204</sup> According to Article 25(9) of the Rules of Procedure of the IACHR: The Commission shall periodically evaluate, ex officio or at the request of a party, the precautionary measures in force, in order to maintain, modify or lift them. At any time, the State may present a well-founded request for the Commission to annul the precautionary measures in force. The Commission shall request observations from the beneficiaries before deciding on the State's request. The presentation of such a request shall not suspend the validity of the precautionary measures granted. IACHR, [Rules of Procedure of the Inter-American Commission on Human Rights](#), 2013.

<sup>205</sup> IACHR, [Press Release 138/24](#), IACHR highlights results of 4 years of implementation of Resolution 2/20 on follow-up to precautionary measures, June 14, 2024.

<sup>206</sup> The IACHR has not been able to take action on six precautionary measures in force in which the representation does not have updated communication data.



founder of *El Periódico* de Guatemala and is the only journalist benefiting from precautionary measures deprived of liberty in the country, in a context of violations of judicial independence. A visit was made to the Mariscal Zavala barracks prison to meet with Mr. Zamora Marroquín about the conditions of his detention. Subsequently, the delegation met with the State entities involved in the execution of the precautionary measures. The IACHR urged the institutions present to promote coordination spaces to continue the implementation of the precautionary measures in a frank, transparent and constructive dialogue.<sup>207</sup>

- **From June 5 to 7, 2024, the IACHR conducted a working visit to Brazil.** Focused on the follow-up to PM-449-22 on behalf of Bruno Araújo, Dom Phillips and members of the Union of Indigenous Peoples of Vale do Javari (UNIVAJA), the visit was aimed at the participation of the IACHR in the event “Act in memory of Bruno Pereira and Dom Phillips” as part of the two-year anniversary of their deaths. During the visit, the IACHR encouraged the State to give continuity to the investigations of the case, as well as to guarantee the effective protection of the 11 members of UNIVAJA, current beneficiaries of the precautionary measure. The Commission reiterated its commitment to continue monitoring the precautionary measure and participated in a meeting of the Joint Working Group of PM 449-22, in follow-up to the Plan of Action approved by the IACHR. In this meeting, it reinforced the need for transparency and the need to guarantee broad participation of all parties in the development of the activities of the Working Group.<sup>208</sup>
- **From October 21 to 22, 2024, the IACHR conducted a working visit to the United States regarding PM 265-20 (persons deprived of liberty at the Northwest ICE Processing Center -NWIPC).** In order to follow up on the precautionary measures, the delegation met with organizations representing the beneficiaries, as well as held meetings with civil society organizations, local authorities in Washington State, the Washington State Attorney General’s Office, staff from the offices of various federal and state senators, individuals who were detained at the NWIPC in the past, and family members of individuals detained today. The IACHR visited the center, toured its facilities and spoke with the authorities responsible for the NWIPC, as well as interviewed several beneficiaries.<sup>209</sup>
- **On October 28, 2024, the IACHR conducted a follow-up visit to PM 1581-18 on behalf of Jorge David Glas Espinel regarding Ecuador.** The Commission visited the beneficiary in his detention center and toured the prison facilities. It also held an inter-institutional meeting with the State entities responsible for the implementation of the precautionary measures.
- **From October 30 to November 1, 2024, the IACHR conducted a working visit to Honduras.** In Tegucigalpa, the Commission met with authorities executing precautionary measures, such as the Office of the Inspector General (*Procuraduría General de la República*); the Secretariat of State in the Offices of Human Rights and Security; the National System for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators; and the Office of the Attorney General of the Nation. Between October 31 and November 1, the Commission traveled to Tocoa, in the Bajo Aguán region. There it met with the beneficiaries of PM 50-14, in favor of leaders of peasant movements in Bajo Aguán, and PM 137-23, in favor of members of the Municipal Committee for the Defense of Common and Public Goods of Tocoa and the Justice for the Peoples Law Firm, as well as their representatives. The IACHR encouraged the strengthening of state institutions in Bajo Aguán.<sup>210</sup>

692. Likewise, the IACHR highlights additional follow-up actions in 2024 to provide greater rapprochement between the parties. A total of 2,776 letters were sent to States and representatives, requesting

<sup>207</sup> IACHR, [Press Release 37/24](#), IACHR Completes Visit to Guatemala to Monitor Compliance With Precautionary Measures Concerning José Rubén Zamora Marroquín, February 20, 2024.

<sup>208</sup> IACHR, [Press Release 154/24](#), IACHR Concludes Working Visit to Brazil on the Precautionary Measures for UNIVAJA, Bruno Araújo Pereira, and Dom Phillips, and the Maria da Penha Case, July 2, 2024.

<sup>209</sup> IACHR, [Press Release 266/24](#), IACHR completes visit to Tacoma, United States, to monitor compliance with precautionary measures, October 29, 2024.

<sup>210</sup> IACHR, [Press Release 285/24](#), IACHR concludes working visit to Honduras, November 12, 2024.



specific information to monitor the implementation of such measures. The IACHR also held bilateral meetings, working meetings and public hearings. In 2024, a high number of bilateral meetings were held with some of the parties, 106 meetings were held with respect to 141 precautionary measures. In 2023, there were 107 bilateral meetings on 111 precautionary measures and, in 2022, 75 bilateral meetings on 80 precautionary measures. In addition, in 2024, 47 working meetings were held on 42 precautionary measures, as well as four public hearings<sup>211</sup> on 60 precautionary measures. Likewise, in 2024, the practice of holding working meetings outside of the sessions continued, with 19 meetings having been held. In addition, the IACHR held 14 portfolio meetings with the States of Argentina, Bolivia, Brazil, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay, and the Dominican Republic.

189th Period of Sessions			
Working Meetings			
No	PM	Beneficiaries	State
1	455-19	Nina D. R. S. V. and family	Peru
2	120-16	Residents of the Cuninico Community and the San Pedro Community	Peru
3	382-10	Traditional communities of the Xingu river basin, Pará - Belo Monte	Brazil
4	509-23	Lovely Lamour	Haiti
5	491-21	Ms. S.G.R.Q., her daughter A.S.R.Q. and her husband H.A.R.R.	Colombia
6	261-22	A.A.V.B. and his family	Colombia
7	388-12	Edgar Ismael Solorio Solís et al.	Mexico
8	112-16	Relatives of Berta Cáceres and members of COPINH	Honduras
9	196-23	Members of the Caribbean Indigenous Community of Chinese Landing	Guyana
10	551-03	José Ruben Zamora and family	Guatemala

190th Period of Sessions			
Working Meetings			
No	PM	Beneficiaries	State
11	273-11	Fray Tomás González Castillo, Ruben Figueroa, the staff of the Home-Refuge for Migrants 'La 72' et al.	Mexico
12	265-20	Migrants detained at the Northwest Detention Center	United States

<sup>211</sup> IACHR, [Hearings on Precautionary Measures](#).



13	1028-23	Brenda Evers Andrew	United States
14	455-19	D.R.S.V.	Peru
15	754-20	Members of the Guajajara and Awá Indigenous Peoples of the Indigenous Land Araribóia	Brazil
16	408-22	Benny Briolly Rosa da Silva Santos, Marcos Paulo Pereira Costa, Matheus Pereira Costa e Ariela do Nascimento Marinho	Brazil
17	339-09	Claudia Julieta Duque Orrego and MAGD	Colombia
18	890-23	9 journalists from radio stations	Colombia
19	137-23	Identified members of the <i>Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa</i> et al.	Honduras
20	376-15	Irene	Argentina
21	972-18	Semma Julissa Villanueva Villanueva Barahona, Karla Vanessa Beltran Cruz, Gregoria América Gómez	Honduras
22	95-10 e 1151-18	Jorge Fernando Jiménez Reyes and family and Members of the JOPRODEH Organization	Honduras

191st Period of Sessions			
Working Meetings			
No	PM	Beneficiaries	State
23	35-14	People present at Almafuerte and San Felipe Prison Complexes	Argentina
24	339-09	Claudia Julieta Duque Orrego and MAGD	Colombia
25	54-18	German Chirinos Gutierrez	Honduras
26	702-22	Carlos Santiago Vallejos Mora, Maria Nixel Mora Toro, Talia Isabela Benavides Mora, Carlos Alberto Vallejos Castro, Eliana Salome Vallejos Urbano, Ferney Alexander Urbano Toro, Deicy Yanet Andrade Mejia and Kely Katerin Mosquera Rodriguez	Colombia
27	137-23	Identified members of the <i>Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa</i> et al.	Honduras
28	455-19	Girl D. R. S. V. and family	Peru

Working Meetings outside the POS				
No	PM	Beneficiaries	State	Date



29	661-16	Ramón Cadena Rámila	Guatemala	8/04/2024
30	404-23	Members of the organization <i>Alternativa de Reivindicación Comunitaria y Ambientalista de Honduras</i> (ARCAH)	Guatemala	9/04/2024
31	416-13	Tolupan indigenous members of the Broad Movement for Justice and Dignity ( <i>Movimiento Amplio por la Justicia y la Dignidad</i> )	Honduras	9/04/2024
32	69-09	Inés Yadira Cubero González	Honduras	12/04/2024
33	322-11	Miriam Miranda	Honduras	22/04/2024
34	120-16	Residents of the Cuninico Community and the San Pedro Community	Peru	20/05/2024
35	892-22	Pascuala López López and her immediate family	Mexico	3/06/2024
36	102-10	Inhabitants of the Mixtec Indigenous Community of Zimatlán de Lázaro Cárdenas, Putla de Guerrero in Oaxaca	Mexico	26/08/2024
37	1050-21	Families from the Mixtec indigenous communities of Guerrero Grande and Ndoyonuyuji, et al.	Mexico	26/08/2024
38	120-16	Residents of the Cuninico Community and the San Pedro Community	Peru	26/08/2024
39	279-22	Triqui families from the community of <i>Tierra Blanca Copala</i> who are displaced in the neighboring community of Yosoyuxi Copala	Mexico	27/08/2024
40	99-23	1) A. A. Q. O.; 2) A. L. Q. O.; 3) O. E. Q. M.; 4) A. M. O. C.; 5) A. M. R.; 6) E. A. M. J.; and 7) M. C. Q., as well as the children 8) O.S.Q.M., 9) L.E.Q.M. 10) A.C.Q., and 11) V.C.Q	Mexico	27/08/2024
41	341-23	Gustavo Gorriti	Peru	28/08/2024
42	21-05	Wiwa Indigenous People of the Sierra Nevada of Santa Marta	Colombia	13/09/2024
43	104-09	29 displaced families from the municipality of Argelia, Cauca department	Colombia	13/09/2024
44	154-20	Yirley Judith Velasco Garrido	Colombia	16/09/2024
45	822-22	Jhon Anderson Ipia Bubu	Colombia	16/09/2024
46	973-22	Members of the Board of Directors of the Association of Displaced Persons of Catatumbo (ASODESCAT)	Colombia	17/09/2024
47	603-22	Girl K.L.R.	Mexico	3/10/2024

693. The public hearings allow the parties to dialogue with the plenary of the IACHR and present the challenges identified and the progress made in the implementation of the precautionary measures.

189th Period of Sessions			
Public Hearings			
No	PM	Beneficiaries	State

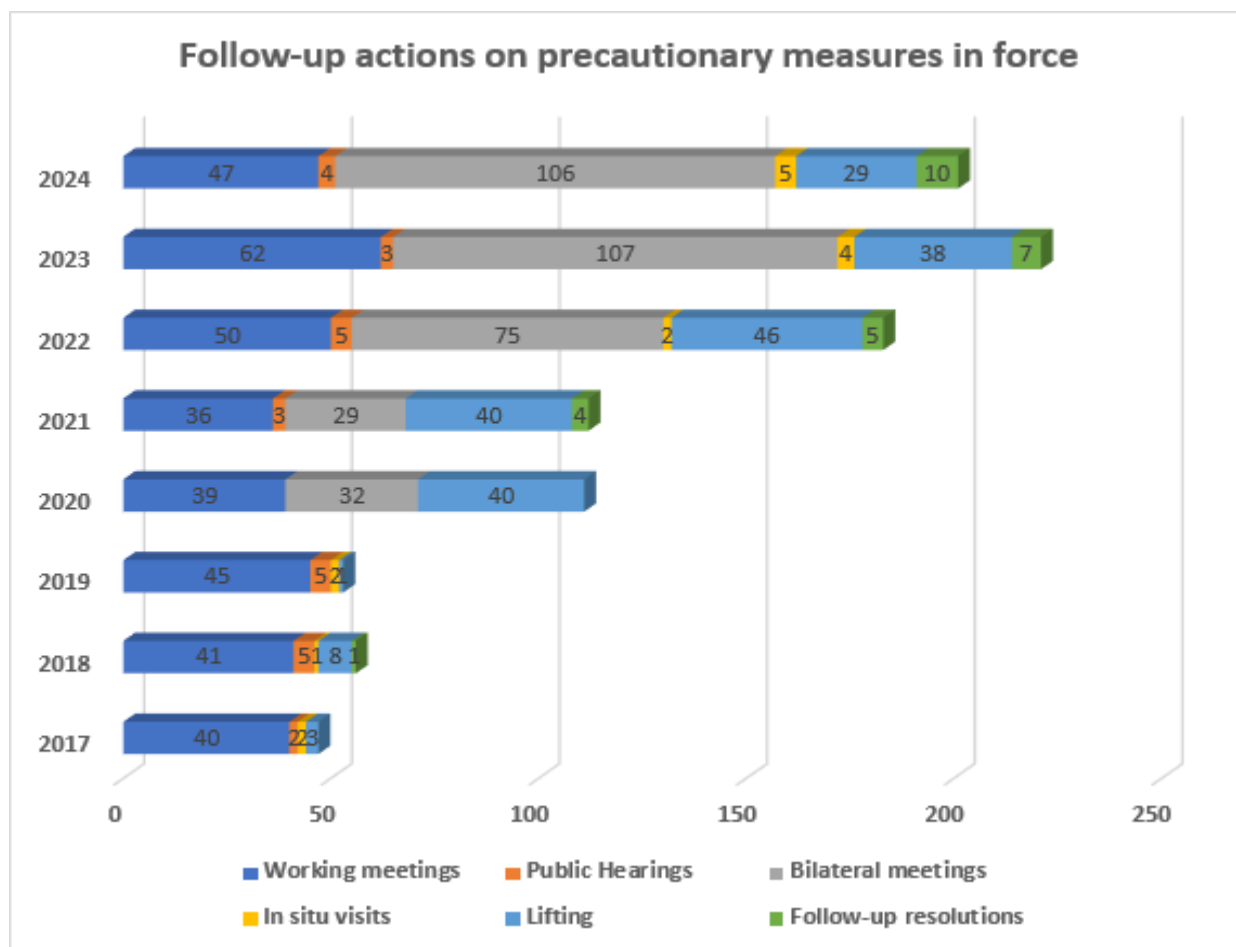


<b>1</b>	306-20; 44-18; 412-17; 860-17; 872-17; 121-11; 260-07	Precautionary measures in favor of indigenous communities	Guatemala
----------	---	---	-----------

190th Period of Sessions			
Public Hearings			
No	PM	Beneficiaries	State
<b>2</b>	309-17; 1039-17; 145-18; 1286-18; 1287-18; 1288-18; 1289-18; 150-19; 566-19; 545-19	10 precautionary measures on access to medical care and treatment	Venezuela

191st Period of Sessions			
Public Hearings			
No	PM	Beneficiaries	State
<b>3</b>	70-99; 83-99; 128-00; 131-00; 184-01; 187-01; 265-02; 629-03; 668-03; 705-03; 197-05; 273-06; 146-07; 301-08; 242-09; 319-09; 1-10; 359-10; 323-11; 225-12; 42-14; 113-14; 140-14; 218-14; 522-14; 658-16; 204-17; 210-17; 175-18; 154-20; 649-20; 491-21; 552-21; 799-21; 1113-21; 261-22; 903-22; 973-22; 523-23; 1036-23; 73-24; 376-24	Precautionary measures for human rights defenders	Colombia
<b>4</b>	449-22	Working Group for the Implementation of the PM in favor of Bruno Araújo Pereira and Dom Phillips; and 11 members of UNIVAJA.	Brazil





694. In 2024, the IACHR followed up on the Joint Working Group on the implementation of the precautionary measures in favor of Bruno Araújo, Dom Phillips and members of UNIVAJA in Brazil, created in 2023. The Joint Working Group is carried out in the framework of the follow-up process of Precautionary Measure 449-22 and aims to contribute to the full compliance with the precautionary measure, ensuring a space for articulation and complementarity between the national levels and the Inter-American Commission on Human Rights. The Working Group includes a Plan of Action prepared by the parties and approved by the IACHR through [Follow-up Resolution 76/23](#).<sup>212</sup> The Working Group is scheduled to last for two years. During 2024, the IACHR accompanied three meetings of the Working Group, including a face-to-face meeting during the [on-site visit](#) to follow up on these precautionary measures held between June 5 and 7, 2024, in which the IACHR also participated in the event “Act in memory of Bruno Pereira and Dom Phillips” in the framework of the two-year anniversary of their deaths.

695. At the same time, in the context of the Joint Working Group of PM 449-22, the Commission held a Public Hearing at its 191st POS. The IACHR recognized the advances in the protection of the beneficiaries and in the investigation of the murders of Bruno Araújo and Dom Phillips, encouraging the parties to expand dialogue and transparency. It recalled the rights of indigenous peoples to the effective enjoyment of their territory and the duties of the State to protect them. It maintains its availability for technical cooperation, as

<sup>212</sup> IACHR, [Press Release 286/23](#), IACHR welcomes installation of the Working Group for the precautionary measures of Bruno Araújo, Dom Phillips and UNIVAJA regarding Brazil, December 11, 2023.



foreseen in the Action Plan of the Working Group, and informed that it will continue to follow up on the precautionary measures.<sup>213</sup>

696. It should be noted that the granting of precautionary measures is of a temporary nature. For this reason, and under Article 25(9) of its Rules of Procedure, the IACHR periodically evaluates, ex officio or at the request of a party, the precautionary measures in force in order to maintain, modify or lift them. In this regard, in 2024, the Commission issued 38 resolutions in relation to 39 precautionary measures in force (see details of each Resolution below).

Resolutions			
PM	Type of resolution	Beneficiaries	State
14-18	Lift	Ericka Yamileth Varela Pavón and family	Honduras
150-11	Lift	Hildebrando Velez and Sandra Viviana	Colombia
81-18	Lift	Náthaly Sara Salazar Ayala	Peru
519-17	Lift	Eduardo Valencia Castellanos	Mexico
277-13	Lift	Members of the Otomí-Mexica Indigenous Community of San Francisco Xochicuaútl	Mexico
542-19	Lift	Clave Enero and his family	El Salvador
281-10	Lift	Oscar Siri Zúñiga and family	Honduras
402-17	Lift	Jair Krischke	Uruguay
53-99	Lift	Mary and Carrie Dann	United States
887-19	Follow-up	Families of the Nueva Austria del Sira Community	Peru
446-23	Lift	Piedad Córdoba	Colombia
264-10	Lift	Gerardo Vera Orcino, Javier Martínez Robles and Francisco de Asís Manuel	Mexico
438-15	Follow-up and extension	Members of the Venezuelan Human Rights Education-Action Program	Venezuela
484-11	Follow-up	José Daniel Ferrer García	Cuba
181-07	Lift	Lovinsky Pierre-Antoine	Haiti
382-12	Lift	Hector Sanchez and four others	Colombia
161-14	Lift	Pierre Espérance	Haiti
261-16	Lift	Daniel Ernesto Prado Albarracín	Colombia
533-17	Follow-up and modification	Williams Davila	Venezuela
359-16	Follow-up and modification	Americo de Grazia	Venezuela
395-18	Follow-up and extension	Authorities and members of the Gonzaya (Buenavista) and Po Piyuya (Santa Cruz de Piñuña Blanco) Reservations of the Siona Indigenous People (ZioBain)	Colombia
132-00	Lift	Jorge Cardona Alzate and Alba Patricia Ribera Uribe	Colombia
271-06	Lift	Marc-Arthur Mésidort and members of his family	Haiti
189-01	Lift	Gerardo Santibáñez Potes and 9 others	Colombia

<sup>213</sup> IACHR, [Summaries of Public Hearings](#), 191st Period of Sessions, November 11-15, 2024.



69-09	Lift	Inés Yadira Cubero González	Honduras
09-02	Lift	Afro-Colombian families in 49 hamlets in the Naya River Basin	Colombia
589-15	Lift	Ana Mirian Romero	Honduras
967-19	Follow-up, extension and modification	Delsa Jennifer Solórzano Bernal, her work team, and P.L.I.S.	Venezuela
457-03	Lift	Mario Minera, Héctor Amílcar Mollinedo and other members of the Center for Legal Action on Human Rights (CALDH)	Guatemala
409-23	Follow-up, extension and modification	Franklin Alfredo Caldera Cordero, Franklin Caldera Martinez and Yuraima Martinez	Venezuela
125-19	Follow-up and modification	María Corina Machado Parisca	Venezuela
143-13 y 181-21	Follow-up, extension and partial lifting	Identified members of the organization “Foro Penal”	Venezuela
185-07	Lift	Norma Cruz Córdova and Alan Maldonado Ordóñez	Guatemala
994-16	Lift	Lorenzo Mendoza and family	Venezuela
1165-18	Lift	Sergio López Cantera	Mexico
144-08	Lift	Persons detained at the Toussaint Louverture Police Station in Gonaïves	Haiti
1375-18	Lift	Daniel Ramírez Contreras and his family	Mexico
603-22	Lift	Girl K. L. R.	Mexico

697. Follow-up Resolutions are a practice that the IACHR decided to consolidate through [Resolution 2/2020](#). They present an opportunity for the Commission to evaluate the implementation and mitigation measures adopted by the State and to delve into the particular aspects of each case, taking into account the criteria established in the aforementioned Resolution 2/2020. **In 2024, the Commission established a historic number of follow-up resolutions, reaching the issuance of 10 resolutions regarding 11 precautionary measures, which are detailed below:**

- [Resolution No. 20/24](#) - PM 887-19 - Families of the Nueva Austria del Sira Community, Peru:

The Commission evaluated the actions taken by the State in favor of the beneficiaries and considered that a situation of risk persists, as well as making assessments regarding the scope of the measures. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission decided as follows:

- a) to continue to monitor the precautionary measures granted in favor of the families of the Nueva Austria del Sira Community in the terms of Resolution 57/2019;
- b) to request the State to reinforce the protection measures adopted and send the requested information, in the terms of this resolution;
- c) to request the representation to provide updated information on the risk situation of the families of the Nueva Austria del Sira Community in the terms of this resolution;
- d) to require that both parties continue carrying out the relevant concerted actions, in order to reach agreements aimed at mitigating the identified risk factors and the protection of the families of the Nueva Austria del Sira Community;



- e) to continue to promote the appropriate follow-up measures in terms of Article 25.10 and other provisions of its Rules of Procedure.
- [Resolution No. 26/24](#) - PM 438-15 - Members of the Venezuelan Program of Education-Action on Human Rights (PROVEA), Venezuela.

On April 29, 2024, the IACHR decided to follow up and extend precautionary measures in favor of members of the Venezuelan Program of Education-Action on Human Rights (PROVEA) in Venezuela. According to the request, the members of PROVEA are at risk in the context of their work as human rights defenders in the current situation in Venezuela, considering the visibility of the institution and its coordinators, the frequent stigmatizing remarks made by high-ranking state authorities in the media, and the surveillance and monitoring by state agents. Consequently, under the terms of Article 25 of its Rules of Procedure, the IACHR decided to request that Venezuela:

- a) adopt the necessary measures to guarantee the life and personal integrity of the persons identified as members of the PROVEA team;
- b) adopt the necessary measures so that the beneficiaries can carry out their activities as human rights defenders without being subjected to acts of violence, threats, and harassment;
- c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d) report on the actions taken to investigate the alleged facts that led to these precautionary measures, so as to prevent them from reoccurring.
- [Resolution No. 27/24](#) - PM 484-11 - José Daniel Ferrer García, Cuba

The Inter-American Commission on Human Rights adopted, on May 6, 2024, the Follow-up Resolution 27/2024, in relation to the situation of José Daniel Ferrer García, who is being held in inadequate conditions of deprivation of liberty in Cuba. The IACHR expressed particular concern about the State's unwillingness to engage in dialogue, noting that, on the contrary, all the information available, both in the instant matter and through the monitoring of the situation in the country, allows this Commission to affirm that State agents are taking actions that intensify the situation that places the beneficiary at risk, instead of mitigating it. Consequently, the Commission decided as follows:

- a) continue to follow up on the precautionary measures granted on November 5, 2012, in order to protect Mr. José Daniel Ferrer García's life and personal integrity;
- b) require that the State implement the necessary measures to ensure that the beneficiary's detention conditions comply with applicable international standards;
- c) request that the State adopt measures to protect the beneficiary's health in a timely and adequate manner;
- d) require the parties to consult and agree upon the measures to be implemented. The foregoing must include allowing the representation to access information regarding the detention conditions and welfare of the beneficiary, either via family members or other representatives; and
- e) request that the State report on the actions taken in order to investigate the events that led to the adoption of this resolution, so as to prevent such events from reoccurring.



- [Resolution No. 49/24](#) - PM 533-17 - Williams Dávila, Venezuela

The Inter-American Commission on Human Rights (IACHR) adopted on August 14, 2024, the Follow-up and Modification Resolution 49/2024 in relation to the situation of Williams Dávila in Venezuela. The IACHR expressed particular concern about the ongoing risk faced by the beneficiary since the granting of the PM, without the State having adopted protection measures in his favor, and that the risk has increased after his whereabouts have been unknown since August 8, 2024, following his alleged arbitrary detention by State agents in the Plaza de Los Palos Grandes, in Caracas, Venezuela. The IACHR took note of public information that a criminal complaint for “forced disappearance” was filed with the Public Prosecutor’s Office, highlighting the health situation of the beneficiary and recalling his status as an elderly person. After analyzing the submissions of fact and law, in light of the context of repression in the post-electoral protests in Venezuela, the Commission believes that the current situation of Williams Dávila is part of a cycle of events against him that seek to remove him from public debate. Therefore, pursuant to Article 25 of the Rules of Procedure, the IACHR requests that the State of Venezuela:

- a) adopt the necessary measures to guarantee the life and personal integrity of Mr. Williams Dávila;
- b) take the necessary measures to guarantee that Mr. Williams Dávila can carry out his activities as a member of the National Assembly without being subjected to threats, harassment, or acts of violence in the exercise of his functions;
- c) report whether the beneficiary is in the custody of the State and his circumstances, or the measures to determine his whereabouts or fate;
- d) consult and agree upon the measures to be implemented with the beneficiary and his representatives; and
- e) report on the actions taken to investigate the alleged facts that led to the adoption of this resolution, so as to prevent them from reoccurring.

- [Resolution No. 51/24](#) - PM 359-16 - Americo de Grazia, Venezuela

On August 17, 2024, the Inter-American Commission on Human Rights adopted Follow-up and Modification Resolution 51/2024 regarding the situation of Américo de Grazia in Venezuela. The IACHR expressed particular concern about the continued risk faced by the beneficiary since the granting of the PM, without the State having adopted protection measures in his favor, and that the risk has increased after his official whereabouts have been unknown since August 8, 2024, following his alleged arbitrary detention by State agents in Caracas, Venezuela. The IACHR took note of complaints filed before different bodies regarding these facts. Upon analyzing the submissions of fact and law, in light of the context of repression in the post-election protests in Venezuela, the Commission believes that the current situation of Américo de Grazia is part of a cycle of events against him that seek to remove him from public debate. Therefore, under the terms of Article 25 of the Rules of Procedure, the IACHR requests that the State of Venezuela:

- a) Adopt the necessary measures to protect the rights to life and personal integrity of the beneficiary;
- b) Implement the necessary measures to ensure that the proposed beneficiary can carry out his activities as opposition leader in Venezuela, without being subject to threats, harassment, or acts of violence;



- c) Report whether the beneficiary is in the custody of the State and his current circumstances, or provide information on the measures to determine his whereabouts or fate;
  - d) Consult and agree upon on the measures to be implemented with the beneficiary and his representatives; and
  - e) Report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.
- [Resolution No. 53/24](#) - PM 395-18 - Authorities and members of the Gonzaya (Buenavista) and Po Piyuya (Santa Cruz de Piñuña Blanco) reservations of the Siona People (ZioBain), Colombia.

The Inter-American Commission on Human Rights (IACHR) adopted on August 21, 2024, the Follow-up and Extension Resolution 53/2024 regarding the situation of the authorities and members of the Gonzaya and Po Piyuya reservations of the Siona Indigenous People in Colombia (PM-395-18). In the Resolution, the IACHR analyzed the information provided by the parties, positively evaluating the actions implemented by the State and considered that a risk identified in 2018 persists with respect to the reservations of the Siona Indigenous People. The Commission understands that the reported events are part of the actions of the illegal armed groups to consolidate their presence in the reservations and impose themselves on the indigenous authorities. The Commission also analyzed the situation of the human rights defender L.M.E.V., who has been the object of death threats from armed groups operating in the territory of the Indigenous Reservations. The Commission considered that the beneficiary is in a situation posing a serious risk to her rights to life and personal integrity. After analyzing the submissions of fact and law, the Commission considers that the risk has not ceased and, therefore, in accordance with the terms of Article 25 of the Rules of Procedure, the Commission:

- a) Requires the State to strengthen the implementation of necessary measures to effectively protect the life and personal integrity of the groups of beneficiaries identified in Resolution 53/2018, taking into account the assessments made in this Resolution;
  - b) Requests the State to extend the precautionary measures in favor of L.M.E.V. In this regard: (i) adopt the necessary measures to protect the rights to life and personal integrity of the beneficiary; (ii) implement the necessary protection measures so that the beneficiary can continue to carry out her human rights defense work, without being subject to threats, intimidation, harassment, and acts of violence; and (iii) report on the actions taken to investigate the alleged events that led to the adoption of measures in favor of L.M.E.V., so as to prevent such events from reoccurring;
  - c) Exhorts the parties to submit specific, detailed, and updated information on the situation of the beneficiaries with the aim of continuing to analyze their situation pursuant to Article 25 of its Rules of Procedure. At the time of providing this information, the Commission requests that they specify the situation of the beneficiaries or groups of beneficiaries, so that the Commission can adequately identify how these precautionary measures are being implemented with respect to each of the three groups. This includes, among other actions, reporting on individual and collective protection measures in place, concerted actions and agreements reached; and
  - d) Urges the parties to continue with the consultation and coordination spaces at the domestic level within the framework of the implementation of these precautionary measures.
- [Resolution No. 84/24](#) - PM 967-19 - Delsa Jennifer Solórzano Bernal, her work team, and P.L.I.S., Venezuela



On November 12, 2024, the Inter-American Commission on Human Rights (IACHR) adopted Follow-up, Modification, and Extension Resolution 84/2024 in relation to the situation of Delsa Jennifer Solórzano Bernal in Venezuela (PM-967-19). The IACHR considered that the risk that has been observed since the granting of the PM against the beneficiary continues and has been increased in the pre-electoral and post-electoral period of the 2024 presidential election, without the State having adopted protection measures in her favor. Likewise, it considered that certain identified persons of her team and P.L.I.S. share the risk, for which reason the measures in her favor were extended. Upon analyzing the submissions of fact and law, in the terms of Article 25 of its Rules of Procedure, the Commission concluded that the situation of Ms. Delsa Jennifer Solórzano Bernal continues to exist and decided to extend the precautionary measures in favor of Jonathan Gerardi, Eliannys Vidoza, Axel Espinoza, Daniel Murolo, María Isabel Gudiño, Valentina Rodríguez, and P.L.I.S. Therefore, the Commission requested that Venezuela:

- a) adopt the necessary measures to protect the rights to life and personal integrity of Delsa Jennifer Solórzano Bernal, the members of her work team, and P.L.I.S., duly identified in this resolution;
  - b) implement the necessary measures, with a gender perspective, to guarantee that the beneficiaries can carry out their political activities without being subjected to threats, harassment, or acts of violence;
  - c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
  - d) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.
- [Resolution No. 87/24](#) - PM 409-23 - Franklin Alfredo Caldera Cordero and family, Venezuela

The Inter-American Commission on Human Rights adopted on November 25, 2024, the Follow-up, Modification and Extension Resolution 87/2024 regarding the situation of Franklin Caldera Cordero in Venezuela. The IACHR considered that the risk that places the beneficiary at risk has been observed since the granting of the precautionary measure, continues, and has been extended to his son, Franklin Caldera Martínez, as well as to his wife, Yuraima Martínez. Upon analyzing the submissions of fact and law, in the terms of Article 25 of its Rules of Procedure, the Commission concluded that the situation of Franklin Alfredo Caldera Cordero remains and it is extended to his son, Franklin Caldera Martínez, as well as to his wife, Yuraima Martínez. Consequently, the IACHR decided:

- a) To continue to follow up on the situation of Franklin Alfredo Caldera Cordero;
- b) To extend the precautionary measures in favor of Franklin Caldera Martínez (son) and Yuraima Martínez;
- c) To modify the scope of these precautionary measures, and require that the State of Venezuela:
  - i. adopt the necessary measures to protect the rights to life and personal integrity of Franklin Alfredo Caldera Cordero, Franklin Caldera Martínez and Yuraima Martínez. In the case of Franklin Caldera Martínez, the measures must include those necessary to also protect his right to health;
  - ii. adopt the necessary measures to guarantee that Franklin Alfredo Caldera Cordero can continue to carry out his work as a human rights defender without being subjected to threats, intimidation, harassment or acts of violence in the exercise of his duties. In



particular, it must formally inform the beneficiary of the existence of any investigation process against him, including at least: the facts under investigation, the crimes he is accused of, the prosecutor's office in charge of the investigation, and the competent judicial authority in charge of the investigation. The State must allow the beneficiary and/or his representatives to have access to the entire criminal file against him, if it exists, allowing him to file the corresponding appeals and guaranteeing his security in its processing;

- iii. implement the necessary measures to ensure that the conditions of detention of Franklin Caldera Martínez (son) are compatible with the applicable international standards on the matter, among them: guarantee that he is not subjected to violence, threats, intimidation, aggression and torture inside the prison; guarantee access to adequate and specialized medical care, as well as to the necessary treatment and medication, and immediately carry out a comprehensive medical assessment of his health situation; and evaluate the possibility of granting alternative measures to the deprivation of liberty given the impossibility of protecting his rights in light of the current conditions of detention;
- iv. consult and agree upon the measures to be adopted with the beneficiaries and their representation; and
- v. report on the actions taken to investigate the alleged facts that gave rise to the adoption and validity of these precautionary measures, so as to prevent such events from reoccurring. In particular, the State is requested to conduct an investigation with due diligence into the threats, allegations of torture and other acts of violence reported, including those that could have taken place by State officials and/or agents against the beneficiaries.

- [Resolution No. 89/24](#) - PM 125-19 - María Corina Machado, Venezuela

The Inter-American Commission on Human Rights adopted on November 25, 2024, the Follow-up and Modification Resolution 89/2024 in relation to the situation of María Corina Machado Parisca in Venezuela. The IACHR considered that the risk that has been observed since the granting of the PM against the beneficiary continues, and has increased in the post-electoral period of the 2024 presidential election, without the State having adopted protection measures in her favor. After analyzing the allegations of fact and law, in the terms of Article 25 of its Rules of Procedure, the Commission concluded that the situation of Ms. María Corina Machado Parisca persists, and decided as follows:

- a) Continue to monitor the situation of María Corina Machado Parisca in Venezuela;
- b) Not to extend the precautionary measures in relation to the requested persons;
- c) Modify the scope of these precautionary measures and to require that the State:
  - i. adopt the necessary measures to protect the rights to life and personal integrity of Ms. María Corina Machado Parisca;
  - ii. implement the necessary measures to guarantee that the beneficiary can continue to carry out her political participation activities without being subjected to threats, harassment, or acts of violence in the exercise thereof; In particular, to formally inform the beneficiary about the existence of any investigation against her, including at least: the facts under investigation, the alleged offenses, the prosecutor's office in charge of the investigation, and the competent judicial authority overseeing the case.



The State must allow the beneficiary and/or her representation to have access to the entire criminal file against her, if it exists, thereby allowing her to submit the corresponding appeals and guaranteeing her security in the processing of the file;

- iii. consult and agree upon the measures to be adopted with the beneficiary and her representation; and
  - iv. report on the actions taken to investigate the alleged events that led to the adoption of these precautionary measures, so as to prevent such events from reoccurring. In particular, the State is requested to conduct an investigation with due diligence into the threats and acts of violence reported, including those that could have been against the beneficiary at the hands of State officials and/or agents.
- [Resolution No. 92/24](#) - PM 143-13, 181-19 - Identified members of the “Foro Penal” organization, Venezuela

On November 28, 2024, the IACHR identified that the risk persists with respect to four persons who were beneficiaries of precautionary measures through Resolution 8/2015, Resolution 7/2019, and Resolution 64/2019. It also decided to protect 10 additional persons who are members of the same organization. The IACHR regretted the lack of information and implementation of protection measures by the State, which reportedly places the beneficiaries in a situation of lack of protection in the context of the country. Upon analyzing the available information, the Commission decided:

- a) Extend the precautionary measures in favor of the following persons, currently members of the Foro Penal organization in Venezuela: Kennedy Tejeda, Mayela Fonseca, Lucía Quintero, Pedro Arévalo, Arelys Ayala, Wicza Santos Matiz, Laura Valbuena, Raquel Sánchez Carrero, Franyer Jose Hernandez Valladares, and Marbella Gutiérrez;
- b) Maintain the precautionary measures in favor of Alfredo Romero, Gonzalo Himiob Santomé, Luis Betancourt, and Olnar Ortiz;
- c) Continue to monitor the situation of Olnar Ortiz under the registry of Precautionary Measures 143-13;
- d) Lift the precautionary measures regarding Yoseth Colmenares and Robiro Terán;
- e) Not to extend the measures in favor of Orlando Moreno and the other members of Foro Penal, while keeping the possibility open to submit additional information for future assessment.
- f) Modify the precautionary measures and require that the State of Venezuela:
  - i. adopt the necessary measures to protect the rights to life and personal integrity of the members of Foro Penal duly identified in this resolution;
  - ii. implement the necessary measures to guarantee that the beneficiaries can carry out their human rights defense activities without being subjected to threats, harassment, or acts of violence. Specifically, the Commission requests a detailed report on the circumstances surrounding Kennedy Tejeda’s detention, including his current legal status and ensure that his relatives and trusted legal representatives can communicate with him. Regarding all beneficiaries, to formally inform about the existence of any investigation against them, including at least: the facts under investigation, the alleged offenses, the prosecutor’s office in charge of the investigation, and the competent judicial authority overseeing the case. The State



must allow the beneficiaries and/or their representation to have access to the entire criminal file against them, if it exists, thereby allowing them to file the corresponding appeals and guaranteeing their security in the processing of the file;

- iii. consult and agree upon the measures to be adopted with the beneficiaries and their representatives;
- iv. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

698. In the periodic evaluation of its precautionary measures, the IACHR analyzes whether they continue to meet the requirements of Article 25 of the Rules of Procedure, and may decide to lift them when there is no longer a serious and urgent risk of irreparable harm. In the process of supervising the implementation of the measures, the IACHR also takes into account contextual information and a differentiated approach in the case of groups in especially vulnerable situations and a gender, intercultural and age perspective, taking into account the risk that persons belonging to these groups may face in specific contexts.

699. In 2024, the IACHR decided to completely lift 28 precautionary measures in force and partially lift one. The lifting of precautionary measures refers to inactive cases, with loss of purpose or, in general, those in which no risk factors were verified to support their validity. As indicated in Article 25 of the Rules of Procedure, lifting decisions are issued by means of substantiated resolutions (see summaries below). The following aspects, among others, are taken into account: i) the existence or continuity of the situation presenting a risk; ii) whether it has changed throughout the implementation; iii) the effectiveness of the measures adopted by the State; iv) the mitigation of the risk; v) whether the beneficiaries continue to reside or have a presence in the State in question; vi) the inactivity or lack of response by the representatives to the requests for information made by the IACHR, so that it does not have information that justifies the validity of the precautionary measures. The above, within the framework of the strategy of keeping the portfolio more focused on those matters that, due to their current level of risk, require special attention from the IACHR.

#### **4. Resolutions adopted**

700. Next, reference is made to the 106 [resolutions](#) on precautionary measures, adopted during 2024, concerning: 70 precautionary measures granted; two extended precautionary measures; two extended precautionary measures with follow-up resolution; two extended precautionary measures with follow-up resolution and modification; one extended precautionary measure with follow-up resolution, modification and partial lifting; three modified precautionary measures with follow-up resolution; three precautionary measures with follow-up resolution and 28 measures fully lifted.

### **ARGENTINA**

#### **Resolution No. 3/24 (GRANT)**

##### **PM 999-23 - Juan Carlos Hollman, Argentina**

On January 12, 2024, the IACHR decided to grant precautionary measures in favor of Juan Carlos Hollman, who suffers from colon cancer and does not receive timely and adequate medical attention while in detention in Argentina. According to the applicant, Mr. Hollman has not been receiving cancer treatment for more than 23 months and has a prescription for a pending surgery. Although there are judicial decisions determining the provision of the prescribed medical care, he indicated that there are delays in the granting of medical appointments and appointments for examinations, as well as missed appointments due to lack of transportation. Considering the position of special guarantor of the State in relation to the persons under its custody and that the passage of time without receiving prescribed medical treatment may lead to a worsening of their health situation, and eventually, the death of the patient, the IACHR decided to grant precautionary measures under the terms of Article 25 of its Rules of Procedure. Therefore, it requested that Argentina:



- a. adopt the necessary measures to protect the rights to life, personal integrity, and health of Mr. Juan Carlos Hollman. In particular, provide the prescribed medical treatment in a timely and appropriate manner;
- b. consult and agree upon the measures to be adopted with the beneficiary and his representative; and
- c. report on the actions taken in order to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent them from reoccurring.

## BRAZIL

### Resolution No. 28/24 (GRANT)

#### PM 50-24 - Members of the Tapeba Indigenous People of Caucaia, Brazil

On May 9, 2024, the IACHR granted precautionary measures in favor of Members of the Tapeba Indigenous People of Caucaia regarding Brazil. According to the request, the beneficiaries are suffering episodes of violence and threats by organized crime and the police, as well as expulsions from their villages in the context of completion of the demarcation of their lands and protection of their territory. Therefore, in terms of Article 25 of its Rules of Procedure, the IACHR decided to require that Brazil:

- a. adopt the necessary and culturally appropriate measures to protect the life and personal integrity of the members of the Tapeba Indigenous People of Caucaia, including against acts perpetrated by third parties. These measures must allow the leaders of the Tapeba Indigenous People to continue carrying out their work in defense of human rights, as well as guarantee that the beneficiaries can return to their villages without being subjected to threats, persecution, or acts of violence;
- b. coordinate the measures to be implemented with the beneficiaries and their representatives; and
- c. report on the actions taken to investigate the events that led to this precautionary measure, so as to prevent such events from reoccurring.

### Resolution No. 38/24 (EXTENSION)

#### PM 61-23 - Members of the Pataxó Hã-Hã-Hãe Indigenous Peoples, Brazil

On June 3, 2024, the IACHR extended precautionary measures in favor of members of the Pataxó Hã-Hã-Hãe Indigenous People regarding Brazil. According to the request, the beneficiaries inhabit the Caramuru-Paraguaçu Indigenous Land in the south of the state of Bahia and are suffering episodes of violence and threats due to disputes over the definition of their territory, as well as the presence of organized crime groups in them. Consequently, under the terms of Article 25 of its Rules of Procedure, the IACHR decided to demand that Brazil:

- a. adopt the necessary and culturally appropriate measures to protect the life and personal integrity of the members of the Pataxó Hã-Hã-Hãe Indigenous People, including from acts perpetrated by third parties. These measures should allow the leaders of the Pataxó Hã-Hã-Hãe Indigenous People to continue carrying out their work in defense of human rights, as well as guarantee that the beneficiaries can return to their villages without being subjected to threats, intimidation or acts of violence;
- b. consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and



- c. report on the actions taken to investigate the facts that gave rise to this precautionary measure, so as to prevent them from reoccurring.

**Resolution No. 83/24 (GRANT)****PM 934-24 - Layrton Fernandes da Cruz's family, Brazil**

On November 12, 2024, the IACHR granted precautionary measures in favor of Layrton Fernandes da Cruz's family members, considering that he is in a serious and urgent situation presenting a risk of irreparable harm to his rights in Brazil. According to the request, the beneficiaries have received constant police raids on their residences, which have intensified after the death of Layrton, a relative of the proposed beneficiaries, which occurred on August 1, 2023, in a police operation carried out in Baixada Santista. The raids include the presence of state security agents armed with rifles under the justification of "combating drug trafficking in the region". The police entries were recorded by security cameras installed in the residences and allegedly occurred on at least 14 occasions and at different times, including in the early hours of the morning, and in the presence of children. Such events are said to have had an intimidating effect on Layrton's relatives, who allegedly felt intimidated and their mental health was affected.

For its part, the State indicated that the protection of the beneficiaries was the subject of a judicial precautionary measure at the domestic level, which was revoked after the proceedings investigating Layrton's death were shelved. It referred that the file of the investigation process was sent to Internal Affairs of the Military Police on July 4, 2024, and that the information on the threatening events was forwarded to the Military Justice and to the Public Prosecutor's Office responsible for the external control of the police activity.

Consequently, under the terms of Article 25 of the Rules of Procedure, the IACHR requested that Brazil:

- a. adopt the necessary measures to protect the rights to life and integrity of the beneficiaries;
- b. consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- c. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**COLOMBIA****Resolution No. 5/24 (LIFT)****PM 150-11 - Hildebrando Vélez and Sandra Viviana Cuéllar, Colombia**

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Hildebrando Vélez and Sandra Viviana Cuéllar. At the time of making the decision, the Commission assessed the actions taken by the State during the implementation, as well as the observations of the beneficiaries' representation. Following the State's request to have the measures lifted, the IACHR requested, on several occasions, observations from the representatives, who provided their observations. In this regard, given the nature of the precautionary measures and in light of the information available, the Commission considered that at present there is no information available to find that the terms of Article 25 of the Rules of Procedure are fulfilled. After failing to identify compliance with the procedural requirements, the IACHR decided to lift the precautionary measures at hand.

**Resolution No. 12/24 (GRANT)****PM 51-24 - Cindy Vanessa Arenas Fernández and her family, Colombia**

On March 22, 2024, the IACHR granted precautionary measures in favor of Cindy Vanessa Arenas Fernández and her family. Cindy Vanessa, an indigenous woman, was the victim of an attempted feminicide and is reportedly being threatened and persecuted, along with her family, by the identified aggressor and individuals



from his circle. Meanwhile, the State indicated that it had determined the application of protection measures, without specifying which ones and the beginning of their implementation. The Commission, after evaluating the various actions of the State, deemed them insufficient to prevent the threatening events from continuing. Furthermore, Cindy Vanessa continued to be subjected to death threats, surveillance, and persecution. The mentioned events also extended to members of her family.

Pursuant to Article 25 of the Rules of Procedure, the Commission requested that Colombia:

- c. adopt the necessary measures to protect the rights to life and personal integrity of Cindy Vanessa Arenas Fernández, Yu'usa Katleen Timaná Arenas, C.L.T.A., and H.S.S.T., with an intersectional approach that considers gender, ethnicity/race, and age, in accordance with the applicable international standards and obligations;
- d. consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- e. report on the actions taken in order to investigate the alleged facts that gave rise to the granting of these precautionary measures, so as to prevent such events from reoccurring.

**Resolution No. 19/24 (GRANT)**

**PM 73-24 - Thirteen members of the La Plata Bahía Málaga Community, Colombia**

On April 8, 2024, the IACHR decided to grant precautionary measures in favor of thirteen territorial authorities, social leaders and defenders of ethnic-territorial rights of the Community Council of the black communities of La Plata Bahía Málaga, located in Buenaventura, Valle del Cauca. According to the request, the Community Council has resisted claims of territorial control by illegal armed actors and has been suffering armed incursions by these illegal groups since January 2024. The IACHR highlighted the imminence of the risk, underlining the continuity of the threatening events. Consequently, under the terms of Article 25 of its Rules of Procedure, the IACHR decided to grant the precautionary measures and requested that the State of Colombia:

- a. adopt the necessary and culturally appropriate measures to safeguard the life and personal integrity of the beneficiaries. Among other things, it is requested to take the relevant measures to guarantee that they can safely return to their community;
- b. adopt the necessary protection measures so that the beneficiaries can continue carrying out their activities in defense of human rights without being subjected to threats, intimidation, harassment or acts of violence;
- c. consult and agree upon the measures to be adopted with the beneficiaries and/or their representatives; and
- d. report on the actions taken to investigate the alleged facts that gave rise to these precautionary measures, so as to prevent such events from reoccurring.

**Resolution No. 22/24 (LIFT)**

**PM 446-03 - Piedad Córdoba, Colombia**

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Piedad Córdoba in Colombia. In making the decision, the Commission assessed the State's actions during the implementation, as well as the observations of the beneficiary's representation. In February 2024, the parties reported the death of the beneficiary from natural causes in January of the same year. As a result of her death, the Commission considers that the measures are now spent and there is no further need for protection.



**Resolution No. 32/24 (GRANT)****PM 140-24 - Aldemar Solano Cuellar and his son, Colombia**

On May 16, 2024, the IACHR decided to grant precautionary measures in favor of journalist Aldemar Solano Cuellar and his son, Aldemar Felipe Solano Obando. The request argued that Solano Cuellar, director of the digital news program “Conexión”, has received death threats from the illegal armed group “Clan del Golfo”, which include details about his residence and family, and extortion demands. The threats have also been directed at his son, who has received similar intimidating calls. Despite complaints and requests for protection, no concrete measures have been implemented to safeguard their safety. The IACHR noted that the threats persist and that Solano Cuellar, after moving for safety, had to return to Villavicencio. The lack of protection has led him to confine himself to his home, affecting his journalistic work. Consequently, pursuant to Article 25 of its Rules of Procedure, the IACHR decided to grant the precautionary measures and requested that the State of Colombia:

- a. adopt the necessary measures to protect the rights to life and integrity of the beneficiaries;
- b. implement the necessary measures so that Aldemar Solano Cuellar can carry out his activities as a journalist without being subjected to threats, harassment, or other acts of violence in the exercise of his work;
- c. consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d. report on the actions taken to investigate the alleged facts that led to this precautionary measure, so as to prevent them from reoccurring.

**Resolution No. 33/24 (GRANT)****PM 1036-23 - Víctor Miguel Ángel Moreno Campaña, Colombia**

On May 20, 2024, the IACHR granted precautionary measures in favor of Víctor Miguel Ángel Moreno, community leader and legal representative of the Community Council of Black Communities of Pueblo Rico. According to the request, Mr. Moreno is at risk due to death threats and intimidation attributed to armed groups operating in the area. When analyzing the request, the Commission took into account the alleged facts in light of the context it has been monitoring in Colombia and assessed the protection measures that have been implemented over time. However, given the nature of the threats, the absence of information on progress in the investigative processes, as well as the need to reinforce the protection measures, it was considered that the risk has not been adequately mitigated.

Pursuant to Article 25 of its Rules of Procedure, the IACHR requested that the State of Colombia:

- a. adopt, with an ethnic differential approach, the necessary measures to protect the rights to life and integrity of the beneficiary;
- b. implement the necessary measures so that the beneficiary can carry out his human rights defense activities without being subjected to threats, harassment or other acts of violence in the exercise of his work;
- c. consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- d. report on the actions taken to investigate the alleged facts that gave rise to this precautionary measure, so as to prevent them from reoccurring.



**Resolution No. 34/24 (GRANT)****PM 376-24 - Sonia Chilgueso Dagua, Diana Montilla Moreno, and their families, Colombia**

On May 23, 2024, the IACHR granted precautionary measures in favor of Sonia Chilgueso Dagua, an indigenous woman, and Diana Montilla Moreno, a lawyer and human rights defender, and their respective families, who are being intimidated, harassed and threatened by armed groups in Colombia. Despite complaints and requests for protection to the authorities, adequate protection measures have not been implemented and there has been no progress in the investigations. The Commission concluded that the beneficiary families are exposed to threats, as well as to being declared military targets, being followed by armed groups, to forced displacement and kidnapping attempts, as in the case of Sonia's daughter, whose whereabouts are unknown, with allegations that she may have been killed in a confrontation between armed groups. The State's actions were not sufficient to mitigate the risks, reinforcing the need for the precautionary measures requested. The Commission considered that the matter meets *prima facie* the requirements of seriousness, urgency and irreparable harm.

In accordance with Article 25 of the Rules of Procedure, the Commission requires that Colombia:

- a. adopt the necessary and culturally appropriate measures to protect the rights to life and personal integrity of the beneficiaries, in accordance with applicable international standards and obligations. In particular, to determine the situation of V.C.D., daughter of Sonia Chilgueso Dagua, whose whereabouts or fate is unknown;
- b. implement the measures to be adopted with the beneficiaries and/or their representatives; and
- c. report on the actions taken to investigate the alleged events that led to this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 36/24 (LIFT)****PM 382-12 - Héctor Sánchez and four other persons, Colombia**

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Héctor Sánchez, Alexander Castrillón Cubides, Hugo Mejía, Claudia Fierro Camacho, and Neiret Escobar Vela, in Colombia. In the process of reaching a decision, the Commission evaluated the actions taken by the State during implementation as well as the observations submitted by the beneficiaries' representation. Despite several requests for updates, the representation has not sent any information to the Commission since 2020. Upon being notified that the current risk would be assessed, the representation still did not provide a response. Consequently, upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures.

**Resolution No. 47/24 (LIFT)****PM 261-16 - Daniel Ernesto Prado Albarracín, Colombia**

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Daniel Ernesto Prado Albarracín. The Commission evaluated the actions taken by the State during the time the measures were in force. Despite several requests for information, the representation has not provided a substantial response since the precautionary measures were granted in 2017. Upon being notified that an assessment was to be carried out to determine whether the risk persisted, the representation did not reply. Consequently, upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures.

**Resolution No. 53/24 (FOLLOW UP AND EXTENSION)****PM 395-18 - Authorities and members of the Gonzaya (Buenavista) and Po Piyuya (Santa Cruz de Piñuña Blanco) reservations of the Siona People (ZioBain), Colombia**



The Inter-American Commission on Human Rights (IACHR) adopted on August 21, 2024, the Follow-up and Extension Resolution 53/2024 regarding the situation of the authorities and members of the Gonzaya and Po Piyuya reservations of the Siona Indigenous People in Colombia (PM-395-18).

In the Resolution, the IACHR analyzed the information provided by the parties, positively evaluating the actions implemented by the State and considered that a risk identified in 2018 persists with respect to the reservations of the Siona Indigenous People. The Commission understands that the reported events are part of the actions of the illegal armed groups to consolidate their presence in the reservations and impose themselves on the indigenous authorities. The Commission also analyzed the situation of the human rights defender L.M.E.V., who has been the object of death threats from armed groups operating in the territory of the Indigenous Reservations. The Commission considered that the beneficiary is in a situation posing a serious risk to her rights to life and personal integrity. After analyzing the submissions of fact and law, the Commission considers that the risk has not ceased and, therefore, in accordance with the terms of Article 25 of the Rules of Procedure, the Commission:

- a. Requires the State to strengthen the implementation of necessary measures to effectively protect the life and personal integrity of the groups of beneficiaries identified in Resolution 53/2018, taking into account the assessments made in this Resolution;
- b. Requests the State to extend the precautionary measures in favor of L.M.E.V. In this regard: (i) adopt the necessary measures to protect the rights to life and personal integrity of the beneficiary; (ii) implement the necessary protection measures so that the beneficiary can continue to carry out her human rights defense work, without being subject to threats, intimidation, harassment, and acts of violence; and (iii) report on the actions taken to investigate the alleged events that led to the adoption of measures in favor of L.M.E.V., so as to prevent such events from reoccurring;
- c. Exhorts the parties to submit specific, detailed, and updated information on the situation of the beneficiaries with the aim of continuing to analyze their situation pursuant to Article 25 of its Rules of Procedure. At the time of providing this information, the Commission requested that they specify the situation of the beneficiaries or groups of beneficiaries, so that the Commission can adequately identify how these precautionary measures are being implemented with respect to each of the three groups. This includes, among other actions, reporting on individual and collective protection measures in place, concerted actions and agreements reached; and
- d. Urges the parties to continue with the consultation and coordination spaces at the domestic level within the framework of the implementation of these precautionary measures.

**Resolution No. 57/24 (GRANT)**  
**PM 833-24 - Adolescent S.J.C.A., Colombia**

On August 24, 2024, the IACHR granted precautionary measures in favor of the adolescent S.J.C.A., upon considering that she is at serious and urgent risk of irreparable harm to her rights in Colombia. According to the request, the beneficiary has been missing since April 20, 2024, after allegedly being recruited by the illegal armed group of Segunda Marquetalia. The adolescent was able to communicate with her parents through audio and text messages until August 2024. In these messages, she indicated that she was ill, had injuries on her body, and had suffered unspecified punishments for attempting to escape from the location where she is being held. In addition, the attached medical reports indicate that she has alleged health issues and reportedly requires special health care that is not being provided by the reported recruiters. Although reports have been made to various bodies, there have been no search actions. Given the lack of response from the State, the Commission has no elements to assess the actions that may have been initiated in her favor.

The IACHR considered the seriousness of the passage of time under the alleged conditions, the context in which she is immersed, as well as the deterioration of her health and the potential fatal consequences. Consequently, under the terms of Article 25 of its Rules of Procedure, it requested that Colombia:



- a. adopt the necessary measures to determine the situation and whereabouts of the beneficiary, in order to protect her rights to life, personal integrity, and health, and;
- b. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 59/24 (LIFT)****PM 132-00 - Jorge Cardona Alzate and Alba Patricia Ribera Uribe, Colombia**

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Jorge Cardona Alzate and Alba Patricia Ribera Uribe regarding Colombia. Despite several requests for updates, the accredited representation has not sent the Commission any information since 2021. Upon being notified that a risk assessment would be carried out, the representation did not respond. Consequently, upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures. Lastly, the Commission recalled that the Inter-American Court of Human Rights has been overseeing Jineth Bedoya Lima's situation as part of the ruling in the Case of Bedoya Lima et al. v. Colombia.

**Resolution No. 65/24 (GRANT)****PM 765-24 - William Stiven Rojas Rincon and his family unit, Colombia**

On September 19, 2024, the IACHR granted precautionary measures in favor of journalist, community and social leader William Stiven Rojas Rincon, considering that he is in a serious and urgent situation presenting a risk of irreparable harm to his rights in Colombia. According to the request, the beneficiary has been receiving death threats and being followed in a sustained manner. The alleged events are allegedly occurring as a direct consequence of his journalistic and social leadership activities. However, no progress has been made in the investigations. On July 17, 2024, the competent judicial authority ordered an additional security detail and ordered the UNP to conduct a new risk assessment. The request reported failures in the implementation of the granted detail and alleged that the new risk assessment study had not been carried out. For its part, the State informed that the risk assessment study has been underway since July 29, 2024, and that the proposed beneficiary purportedly has one ballistic protection vest, one means of communication, one protection person and transportation support. Finally, he indicated that payment of the August transportation support is pending. The Commission valued the work of the beneficiary, the ongoing threatening situations over time, the lack of progress in the investigation and the fact that a new risk assessment is still pending, despite the judicial determination. Therefore, in accordance with the terms of Article 25 of the Rules of Procedure, it requested that Colombia:

- a. adopt the necessary measures to protect rights to life and personal integrity of the beneficiaries, in accordance with applicable international standards and obligations;
- b. implement the necessary measures to ensure that William Stiven Rojas Rincon can carry out his work as a journalist and human rights defender without being subjected to threats, intimidation, harassment, or other acts of violence in the course of his duties;
- c. consult and agree upon the measures to be implemented with the beneficiaries; and
- d. report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 66/24 (GRANT)****PM 690-24 - G.O.F. and his family unit, Colombia**

On September 19, 2024, the IACHR decided to grant precautionary measures in favor of G.O.F. and his family members. The request argued that G.O.F., a patrol officer of the Colombian National Police, was subjected to death threats after he delivered explosives to the authorities that were allegedly to be supplied to the National



Liberation Army (ELN) by sub-inspector of the Anti-Narcotics Unit. As a result of his refusal to return the explosive material, G.O.F. and his family received threats and were persecuted, which forced them to move several times. For its part, the State reported that an investigation was opened into the threats and that there are internal protection mechanisms available for public officers and witnesses. The IACHR noted that the threats against G.O.F. and his family persist, and that no material protection measures have been adopted to guarantee their safety. It also considered that the leak of G.O.F.'s whereabouts aggravates his situation of vulnerability and puts his entire family at risk. Consequently, in the terms of Article 25 of its Rules of Procedure, the IACHR decided to grant the precautionary measures and requested that the State of Colombia:

- a. adopt the necessary measures to protect the rights to life and integrity of the beneficiaries, including putting in place appropriate protocols to ensure the confidentiality of all information about their status and whereabouts;
- b. consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- c. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 69/24 (GRANT)**

**PM 972-24 - Adolescent J.A.R.L and his father, Colombia**

On October 2, 2024, the IACHR granted precautionary measures in favor of adolescent J.A.R.L and his father, upon considering that they are at serious and urgent risk of irreparable harm to their rights in Colombia. The request for precautionary measures alleged that the proposed beneficiary J.A.R.L has been missing since August 21, 2024, after being allegedly kidnapped by the armed group called "Jaime Martínez" in Colombia. Following these events, J.A.R.L.'s father began to receive threats and intimidation while carrying out efforts to search for his son. Although complaints were filed, reportedly no search actions were initiated. The Commission considered the alleged facts in light of the context it has been monitoring in Colombia and acknowledged the commitment expressed by the State in this matter. Nevertheless, it expressed concern over the information presented, especially the absence of confirmation on the effective activation of the urgent search mechanism for the adolescent J.A.R.L, and the lack of protective measures for J.A.R.L.'s father or other efforts to support the search. Consequently, based on Article 25 of its Rules of Procedure, it requires that Colombia:

- a. adopt the necessary measures to determine the situation and whereabouts of the beneficiary, in order to protect his rights to life and personal integrity;
- b. implement the necessary measures to protect J.A.R.L.'s father from intimidation and other acts of violence while he continues to search for his son;
- c. consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- d. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 70/24 (LIFT)**

**PM 189-01 - Gerardo Santibáñez Potes and nine others, Colombia**

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of the members of the board of directors of SINTRAEMSDDES. At the time of making the decision, the Commission assessed the actions taken by the State during implementation, and the beneficiaries' current



situation. Following the requests to lift and upon not identifying compliance with the requirements outlined in Article 25 of its Rules of Procedure, the IACHR has decided to lift these measures.

**Resolution No. 72/24 (GRANT)**  
**PM 867-23 - Child Y.A.V.G., Colombia**

On October 13, 2024, the IACHR granted precautionary measures in favor of the child Y.A.V.G, considering that he is in a serious and urgent situation presenting a risk of irreparable harm to his rights in Colombia. According to the request, José Eduardo Vargas Parra, the father, has had no contact with his son, the child Y.A.V.G., since November 15, 2017, relying on judicial determinations on a regime of cohabitation between father and son. This situation has remained, despite administrative, civil, criminal and constitutional actions initiated by the father. This request is related to petition 1976-23.

After requesting information from the State, the Commission took note of the response provided by the Colombian institutional authorities regarding the proceedings and investigations underway. In this regard, the Commission observed that, even though the child has stated that he has not seen his father for the past seven years, the reports attached by the State do not mention any attempt to reconnect him, nor do they provide information suggesting that the absence of ties with him is based on the best interests of the child.

Therefore, in the terms of Article 25 of the Rules of Procedure, the IACHR requested that Colombia adopt the necessary measures to safeguard, in accordance with the best interests of the child, the rights to identity, family life, and personal integrity of the beneficiary. These measures are to remain in effect until the underlying dispute is resolved, in order to ensure the useful effect of any eventual decision made within the petition and case system. In the same way, it required that the State evaluate the impact of the alleged lack of relationship between father and son, according to the applicable international standards on cohabitation with both parents.

**Resolution No. 76/24 (LIFT)**  
**PM 9-02 - Afro-Colombian families in 49 hamlets in the Naya River, Colombia**

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of the Afro-Colombian families living in 49 hamlets located in the Naya River basin in Buenaventura. The Commission assessed the actions taken by the State during implementation, as well as the observations of the beneficiaries' representation. After several requests for information, the representation has failed to send a response since 2020. In this regard, given the nature of the precautionary measures mechanism and considering the information available, the Commission deemed that it did not have the elements to find compliance with the requirements of Article 25 of the Rules of Procedure. Consequently, the IACHR has decided to lift these precautionary measures and continue to follow up on the situation through its monitoring mechanisms.

**Resolution No. 86/24 (GRANT)**  
**PM 978-24 - Erika Vanessa Trochez Ortiz and Jazmín Elena Ortiz Urcue, Colombia**

On November 17, 2024, the Inter-American Commission on Human Rights (IACHR) granted precautionary measures in favor of Erika Vanessa Trochez Ortiz and Jazmín Elena Ortiz Urcue, after considering that they are in a serious and urgent situation presenting a risk of irreparable harm to their rights in Colombia. The applicant indicated that Erika Vanessa was recruited by an armed group on November 11, 2023, is being held against her will and her whereabouts are unknown at present. Likewise, her mother Jazmín Elena is reportedly receiving threats from the armed group in retaliation for searching for her daughter. Therefore, under the terms of Article 25 of the Rules of Procedure, the ICAHR requested that the State of Colombia:

- a. adopt the necessary measures to determine the situation and whereabouts of Erika Vanessa Trochez Ortiz, in order to protect her rights to life, personal integrity, and health; and protect the life and personal integrity of Jazmín Elena Ortiz Urcue;



- b. implement the necessary measures so that Jazmín Elena Ortiz Urcue can continue with her actions to search for and report on the situation of her daughter, without being subjected to threats, intimidation, harassment, and acts of violence;
- c. consult and agree upon the measures with the beneficiary Jazmín Elena Ortiz Urcue and their representatives; and
- d. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 95/24 (GRANT)****PM 203-24 - Antonio Miguel Rivera Escolar and Lenin Ernesto Rivera Escolar, Colombia**

On December 9, 2024, the IACHR granted precautionary measures in favor of Antonio Miguel Rivera Escolar and Lenin Ernesto Rivera Escolar. According to the request, the beneficiaries are human rights defenders and seek justice for the murder of their father Antonio María Rivera Movilla in 2003 by paramilitary groups. It is alleged that they have been subjected to extortion and threats by illegal armed groups when resuming productive activities on their father's farms. This request is related to Case 12.881, pending before the IACHR, regarding the murder of Mr. Rivera Movilla, father of the proposed beneficiaries. Upon analyzing the submissions of fact and law furnished by the parties, the Commission considers that the information presented shows prima facie that the beneficiaries are in a serious and urgent situation, given that their rights to life and personal integrity are at risk of irreparable harm. Therefore, it requested that Colombia:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Antonio Miguel Rivera Escolar and Lenin Ernesto Rivera Escolar;
- b. implement the corresponding actions so that the beneficiaries can continue their work of defense of human rights and search for justice in relation to the murder of their father;
- c. consult and agree upon the measures to be adopted with the beneficiaries and their representation; and
- d. report on the actions taken to investigate the alleged facts that led to this precautionary measure, so as to prevent them from reoccurring.

**Resolution No. 106/24 (GRANT)****PM 585-24 - Segundo Bolívar Madroñero Hernández and his sons, Colombia**

On December 31, 2024, the IACHR decided to grant precautionary measures in favor of independent journalist Segundo Bolívar Madroñero Hernández and his sons, due to threats, attacks, and harassment related to his journalistic work in Colombia. Since 2016, Madroñero has been subjected to threats and harassment by illegal armed groups linked to his investigations into organized crime and corruption in Nariño, a situation that has worsened in 2024. The State reported that protection measures have been implemented through the National Protection Unit (UNP) and the National Police. The IACHR observed that the protection measures granted by the State have been insufficient to mitigate the risk, which affects not only his safety, but also his right to freedom of expression. Consequently, under the terms of Article 25 of its Rules of Procedure, the IACHR decided to grant the precautionary measures and requested that the State of Colombia:

- a. adopt the necessary measures to protect the rights to life and integrity of the beneficiaries;
- b. implement the necessary measures so that Segundo Bolívar Madroñero Hernández can carry out his activities as a journalist without being subjected to threats, harassment, or other acts of violence in the exercise of his work;



- c. consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d. report on the actions taken to investigate the alleged facts that gave rise to this precautionary measure, so as to prevent such events from reoccurring.

## **COSTA RICA**

### **Resolution No. 90/24 (GRANT)**

#### **PM 330-24 - Reinaldo Picado Miranda, Costa Rica**

On November 25, 2024, the IACHR granted precautionary measures in favor of Reinaldo Picado, after considering that he is in a serious and urgent situation, given that his rights to life and personal integrity face a risk of irreparable harm. Consequently, and with the objective of assisting the State in the fulfillment of its obligations, Costa Rica is requested to adopt the necessary measures to guarantee the rights to life and personal integrity of Mr. Picado Miranda. In particular, refraining from deporting, expelling or extraditing the beneficiary to Nicaragua until the competent Costa Rican domestic administrative and/or judicial authorities have duly assessed, in accordance with applicable international standards and the principle of non-refoulement, the alleged risk that his rights to life and physical integrity would face if deprived of his liberty in Nicaragua under the current context of the country.

## **CUBA**

### **Resolution No. 21/24 (GRANT)**

#### **PM 280-24 - Julio César Góngora Millo, Cuba**

On April 10, 2024, the IACHR granted precautionary measures in favor of Julio César Góngora Millo. It was indicated that Mr. Millo is a human rights activist and has been identified as a “counterrevolutionary” or “dissident” by the State. As a result, he is reportedly suffering threats, intimidation, harassment and surveillance attributed to State agents. In addition to the above, it has been alleged that the beneficiary is being denied medical attention by the State as part of the retaliatory actions against him. After evaluating the available information, the Commission requested that the State of Cuba:

- a. adopt the necessary measures to protect the rights to life and personal integrity of the beneficiary;
- b. adopt the necessary protective measures so that the beneficiary can continue to carry out his work defending human rights, without being subject to threats, intimidation, harassment, and acts of violence. The foregoing implies, among other measures, that the State provide the corresponding medical care so that he can perform his duties; and
- c. report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

### **Resolution No. 24/24 (GRANT)**

#### **PM 352-23 - Aniette González García, Cuba**

On April 26, 2024, the IACHR granted precautionary measures to Aniette Gonzalez Garcia, who is deprived of her liberty and at risk due to the lack of adequate medical attention for her health problems in the conditions of detention in which she is being held. At the time of assessing the decision, the IACHR noted the conditions of detention and the lack of specialized medical care, which is aggravated by the insufficient food and supplies according to her current health condition. It also observed that she is being subjected to differential treatment by security agents. After analyzing the available information, the IACHR, in accordance with Article 25 of its Rules of Procedure, requested that Cuba:



- a. adopt the necessary measures to protect the rights to life, personal integrity and health of Aniette González García, with a gender perspective, in accordance with applicable international standards and obligations;
- b. implement the necessary measures to bring her conditions of detention into line with applicable international standards. In particular, ensuring that the corresponding medical diagnoses are made and that her medical treatment is defined;
- c. consult and agree upon the measures to be adopted with the beneficiary and her representatives; and
- d. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

**Resolution No. 27/24 (FOLLOW-UP)****PM 484-11 - José Daniel Ferrer García, Cuba**

The Inter-American Commission on Human Rights (IACHR) adopted on May 6, 2024 the Follow-up Resolution 27/2024, in relation to the situation of José Daniel Ferrer García, who is being held in inadequate conditions of deprivation of liberty in Cuba (PM-484-11). The IACHR expressed particular concern about the State's unwillingness to engage in dialogue, noting that, on the contrary, all the information available, both in the instant matter and through the monitoring of the situation in the country, allows this Commission to affirm that State agents are taking actions that intensify the situation that places the beneficiary at risk, instead of mitigating it. Consequently, the Commission decided as follows:

- a. continue to follow up on the precautionary measures granted on November 5, 2012, in order to protect Mr. José Daniel Ferrer García's life and personal integrity;
- b. require that the State implement the necessary measures to ensure that the beneficiary's detention conditions comply with applicable international standards;
- c. request that the State adopt measures to protect the beneficiary's health in a timely and adequate manner;
- d. require the parties to consult and agree upon the measures to be implemented. The foregoing must include allowing the representation to access information regarding the detention conditions and welfare of the beneficiary, either via family members or other representatives; and
- e. request that the State report on the actions taken in order to investigate the events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

**Resolution No. 29/24 (EXTENSION)****PM 96-15 - Marienys Pavó Oñate, Cuba**

On May 11, 2024, the IACHR extended precautionary measures in favor of Marienys Pavó Oñate regarding Cuba. According to the request, Ms. Pavó Oñate is the wife of Julio Alfredo Ferrer Tamayo, member of the Legal Information Center "Cubalex" and beneficiary of these precautionary measures. The representation alleged that she is being subjected to harassment by State agents since Ferrer Tamayo is outside the country, this is so in retaliation for the work that her husband carries out internationally in the field of human rights and with the objective of preventing him from returning to Cuba. Consequently, under the terms of Article 25 of its Rules of Procedure, the IACHR decided to request that Cuba:

- a. adopt the necessary measures to guarantee the life and personal integrity of Marienys Pavó Oñate;



- b. consult and agree upon the measures to be adopted with the beneficiary and the representation she designates; and
- c. report on the actions implemented to investigate the alleged facts that gave rise to these precautionary measures, so as to prevent such events from reoccurring.

**Resolution No. 30/24 (GRANT)**  
**PM 442-24 - D.M.P., Cuba**

On May 12, 2024, the IACHR granted precautionary measures to D.M.P., political opponent, who has been subjected to beatings, threats and mistreatment, after being deprived of his liberty. It was indicated that he does not receive adequate medical attention for his deteriorating health condition.

The Commission, at the time of evaluating the decision, observed the current conditions of detention of D.M.P., and that the risk factors could be attributed to State agents. For this reason, D.M.P.'s situation of lack of protection is accentuated, not only by the fact that he is classified as a political opponent, but also by the actions taken by the agents responsible for his security to put him at risk. The Commission considered the allegations of collusion between the proposed beneficiary's aggressors and prison officials, in addition to the lack of adequate medical care, to be particularly serious. In addition, the IACHR recognized that the conditions of detention are likely to continue and worsen over time. At the same time, there is no information from the State that would be sufficient to assess whether the alleged situation has been duly mitigated or has disappeared. After analyzing the available information, the IACHR, in accordance with Article 25 of its Rules of Procedure, requested that Cuba.

- a. adopt the necessary measures to protect the rights to life, personal integrity, and health of D.M.P.;
- b. ensure that the beneficiary's detention conditions are compatible with the applicable international standards on the matter;
- c. consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- d. report on the actions undertaken to investigate the alleged events that led to this precautionary measure, so as to prevent them from reoccurring.

**Resolution No. 40/24 (GRANT)**  
**PM 379-24 - J.M.M.B., Cuba**

On June 28, 2024, the IACHR granted precautionary measures in favor of human rights defender J.M.M.B., deprived of his liberty and at risk due to acts of violence against him. Upon analyzing the information furnished by the applicant in the context of Cuba, the Commission considered that J.M.M.B. has been subjected to acts of violence and physical aggression, including an attempted rape. This situation, in the Commission's opinion, reflects the state of lack of protection in which the proposed beneficiary currently finds himself, and the lack of supervision on the part of the prison authorities. In addition, the Commission noted the difficulties that the proposed beneficiary's family members have in reporting the threatening situations and that this limitation aggravates his situation of vulnerability. The Commission requested that Cuba:

- a. adopt the necessary measures to protect the rights to life and personal integrity of J.M.M.B.;
- b. implement the necessary measures so that his detention conditions align with applicable international standards. In particular, ensuring that he is not subject to threats, intimidation, harassment or violence;
- c. consult and agree upon the measures to be adopted with the beneficiary and his representative; and



- d. report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

**Resolution No. 41/24****PM 529-24 - Fray Pascual Claro Valladares, Cuba**

On June 30, 2024, the IACHR decided to grant precautionary measures in favor of Fray Pascual Claro Valladares, who is reportedly deprived of his liberty in Cuba. Claro Valladares, detained since August 24, 2022, for participating in peaceful protests, has been transferred between several prisons and subjected to severe conditions of isolation, interrogation and mistreatment. In April 2024, after being sentenced to ten years for sedition, he attempted suicide and was punished with solitary confinement instead of receiving the necessary psychiatric care. Prison authorities have threatened to withdraw all his benefits if he and his mother continue to denounce the violations suffered. The IACHR highlighted his special vulnerability due to his classification as a “counterrevolutionary” and the lack of response from the Cuban State. Consequently, under the terms of Article 25 of its Rules of Procedure, the IACHR decided to grant the precautionary measures and requested that the State of Cuba:

- a. adopt the necessary measures to protect the rights to life, personal integrity, and health of Fray Pascual Claro Valladares;
- b. implement the necessary measures to ensure that his detention conditions are compatible with applicable international standards. In particular, ensure that he is not subject to threats, intimidation, harassment, or violence. Furthermore, that the appropriate medical diagnoses be carried out, that his medical treatment be determined, and that such treatment is effectively provided;
- c. consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- d. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent them from reoccurring.

**Resolution No. 48/24 (FOLLOW-UP)****PM 602-24 - Joel Jardines Jardines, Cuba**

On August 13, 2024, the IACHR granted precautionary measures in favor of Joel Jardines Jardines, who is deprived of liberty in Aguacate, Cuba. It was indicated that he suffers from larynx carcinoma and since 2021 he should have undergone analyses to start a possible chemotherapy treatment. It was alleged that the beneficiary lacks a treatment plan for his ailments and suffered physical repression when he requested medical attention from the authorities. The State did not respond. The IACHR considered the seriousness of the lack of medical attention for a possibly malignant tumor, as well as the deterioration of his health or the eventual fatal consequences, as well as the allegations of repression in response to the beneficiary’s requests for medical attention. In accordance with Article 25 of the Rules of Procedure, the Commission requested that Cuba:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Joel Jardines Jardines;
- b. take the necessary measures to ensure his detention conditions comply with applicable international standards. In particular, ensuring that the corresponding medical diagnoses are made, that sufficient and timely medical information is provided; and that his medical treatment is defined, with the prior consent of the proposed beneficiary;
- c. consult and agree upon the measures to be adopted with the beneficiary and his representatives; and



- d. report on the actions taken to investigate the alleged events that gave rise to this resolution, so as to prevent such events from reoccurring.

## **EL SALVADOR**

### **Resolution No. 15/24 (LIFT)**

#### **PM 542-19 - Clave Enero and his family unit, El Salvador**

The Inter-American Commission on Human Rights (IACHR) decided to lift the precautionary measures in favor of Clave Enero and his family unit in El Salvador. At the time of making the decision, the Commission assessed the measures adopted by the State and identified the lack of response by the representation since January 2021, despite repeated requests for information. Upon not identifying compliance with the requirements set forth in Article 25 of the Rules of Procedure, the IACHR decided to lift these precautionary measures.

## **GUATEMALA**

### **Resolution No. 1/24 (GRANT)**

#### **PM 1088-23 - Irma Elizabeth Palencia Orellana, Guatemala**

On January 13, 2024, the IACHR granted precautionary measures in favor of Irma Elizabeth Palencia Orellana after considering that she is in a serious and urgent situation presenting a risk of irreparable harm to her rights in Guatemala. According to the request, Ms. Palencia Orellana, in her capacity as a sitting justice of the Supreme Electoral Tribunal of Guatemala (TSE), is being followed, monitored, threatened, and subjected to other events placing her at risk in the exercise of her position, given the current context of the country. Therefore, based on Article 25 of its Rules of Procedure, the Commission requested that the State of Guatemala:

- a. adopt the necessary measures to guarantee the rights to life and personal integrity of Irma Elizabeth Palencia Orellana;
- b. take the necessary measures to ensure that Irma Elizabeth Palencia Orellana can continue to perform her duties as a sitting justice of the Supreme Electoral Tribunal of Guatemala without being subjected to threats, intimidation, harassment, or acts of violence;
- c. consult and agree upon the measures to be implemented with the beneficiary and her representatives; and
- d. report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

### **Resolution No. 2/24 (GRANT)**

#### **PM 4-24 - Leyla Susana Lemus Arriaga, Guatemala**

On January 13, 2024, the Inter-American Commission on Human Rights (IACHR) decided to grant precautionary measures in favor of the sitting Justice of the Constitutional Court, Leyla Susana Lemus Arriaga, after considering that she is in a serious and urgent situation presenting a risk of irreparable harm to her rights in Guatemala. The request for precautionary measures alleged that on December 11, 2023, the National Civil Police (PNC) patrol car located in front of the beneficiary's home was set on fire by third parties and that this incident was related to her work as a Justice. The Commission considered that the events of December 11, 2023, occurred when PNC agents were not providing protection to the proposed beneficiary, due to her reassignment by orders of the institution itself and despite the protection detail determined by the State itself. Similarly, the Commission considered that the change in the said security detail was carried out in an uncoordinated manner with the proposed beneficiary and that the State did not designate replacement agents to continue with its



proper implementation. Consequently, in accordance with the provisions of Article 25 of its Rules of Procedure, the Commission requested that the State of Guatemala:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Leyla Susana Lemus Arriaga;
- b. adopt the necessary measures to ensure that the beneficiary can carry out her duties as a justice in safe conditions;
- c. consult and agree upon the measures to be adopted with the beneficiary and her representatives; and
- d. report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent them from reoccurring.

**Resolution No. 43/24 (GRANT)**

**PM 582-24 - Mirian Aída Reguero Sosa and her family unit, Guatemala**

On August 2, 2024, the Inter-American Commission on Human Rights (IACHR) granted precautionary measures in favor of Mirian Aída Reguero Sosa, prosecutor of the Public Prosecutor's Office of Guatemala, and her family, after considering that she is in a serious and urgent situation presenting a risk of irreparable harm to her rights in Guatemala. The requesting party alleged that the beneficiary has been subjected to two armed attacks against her life. In addition to severe bodily injury, the armed attacks resulted in the death of the beneficiary's then partner, in 2022, and her mother, in 2024. The State indicated that the information on the security detail provided to the beneficiary is classified as confidential; however, it added that this helps to reduce the risk scenarios to which she is exposed. The IACHR considered that the alleged risk has already materialized on two occasions, even with a security detail, which reflects that it was not effective in protecting her. It also noted that the situation of the beneficiary was known by the competent authorities, as well as that no relevant progress was reported in the investigations of the attacks. Consequently, pursuant to Article 25 of the Rules of Procedure, the IACHR requested that the State of Guatemala:

- a. adopt the necessary measures to protect the rights to life and personal integrity of the beneficiaries;
- b. ensure the necessary measures to guarantee that Mirian Aída Reguero Sosa can exercise her functions without being subject to threats, intimidation, harassment, or acts of violence;
- c. consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- d. report on the actions taken to investigate the alleged facts that gave rise to this resolution, so as to prevent such events from reoccurring.

**Resolution No. 44/24 (GRANT)**

**PM 638-24 - Gustavo Yaxón Meletz and his family, Guatemala**

On August 2, 2024, the IACHR decided to grant precautionary measures in favor of human rights defender Gustavo Yaxón Meletz and his family. The request argued that Yaxón Meletz, leader of the Committee for Peasant Unity (CUC) and representative of the Community Development Council of El Tablón before the municipality of Sololá, was the victim of an armed attack on June 5, 2024, which left him seriously wounded and also caused the death of his father, Marcelo Yaxón Pablo, and the lawyer José Domingo Montejo. The alleged inadequacy of the protection measures in place was highlighted, underlining that the beneficiary was the only witness to the events, which also put his family at risk. The IACHR noted that the current protection detail might not be sufficient to guarantee adequate protection, and emphasized the need to carry out an updated risk study to adjust the protection measures and guarantee the safety of Gustavo Yaxón Meletz and his family.



Consequently, pursuant to Article 25 of its Rules of Procedure, the IACHR decided to grant the precautionary measures and requested that the State of Guatemala:

- a. adopt the necessary measures to protect the rights to life and integrity of Gustavo Yaxón Meletz and his family unit;
- b. implement the necessary measures so that Gustavo Yaxón Meletz can carry out his activities as a human rights defender without being subjected to threats, intimidation, harassment, or other acts of violence in the exercise of his work;
- c. consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d. report on the actions taken to investigate the alleged facts that led to this precautionary measure, so as to prevent them from reoccurring.

**Resolution No. 85/24 (LIFT)**

**PM 457-03 - Mario Minera, Héctor Amílcar Mollinedo, and the other members of the Center for Legal Action on Human Rights (CALDH), Guatemala**

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Mario Minera, Héctor Amílcar Mollinedo, and the other members of the Center for Legal Action on Human Rights (CALDH, by its Spanish initialism), in Guatemala. Following the State's request to lift the said measures, the Commission assessed the protective actions taken in favor of the beneficiaries for the implementation of the precautionary measures. It has also considered the long period of time without facts that indicate an ongoing situation posing an imminent risk. Thus, given the nature of the precautionary measures and upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures.

**Resolution No. 96/24 (LIFT)**

**PM 185-07 - Norma Cruz Córdova and Alan Maldonado Ordóñez, Guatemala**

The Inter-American Commission on Human Rights (IACHR) decided to lift the precautionary measures in favor of Norma Cruz Córdova and Alan Maldonado Ordóñez, in Guatemala. Following the State's request to lift the measures, the Commission assessed the protective actions taken in favor of the beneficiaries for the implementation of the precautionary measures, as well as the extended period without relevant information from the representation to continue assessing whether these precautionary measures should remain in force. Consequently, upon not identifying compliance with the procedural requirements at present, the IACHR has decided to lift these precautionary measures.

**HAITI**

**Resolution No. 35/24 (LIFT)**

**PM 181-07 - Lovinsky Pierre-Antoine, Haiti**

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Lovinsky Pierre-Antoine regarding Haiti. At the time of making this decision, the Commission noted that 16 years have passed since the precautionary measures were granted, and there has been no updated information on the beneficiary's situation for more than 11 years. Therefore, the Commission considered that it did not have elements to continue to consider that the requirements of Article 25 of its Rules of Procedure have been met and, consequently, it decided to lift these precautionary measures.



**Resolution No. 42/24 (LIFT)**  
**PM 161-14 - Pierre Espérance and another person, Haiti**

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Pierre Espérance and an identified member of the National Human Rights Defense Network (RNDDH) regarding Haiti. At the time of reaching the decision, the Commission observed that, in the approximately 10 years that these precautionary measures have been in force, the representation has not submitted a written response to any of the requests for information issued by the Commission. The State has not sent a response either. Consequently, the Commission considered that there was no information to continue to determine that the requirements of Article 25 of its Rules of Procedure have been met. Therefore, it considered it appropriate to lift these precautionary measures.

**Resolution No. 60/24 (LIFT)**  
**PM 271-06 - Marc-Arthur Mésidort and members of his family unit, Haiti**

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Marc-Arthur Mésidort regarding Haiti. When making its decision, the Commission observed that the representation has not replied to the IACHR in the last 11 years. According to the last information sent in 2013, the representation reported that the beneficiary and his family were living abroad. The Commission notes with concern that the State has not provided a written response to the requests for information. Given the lack of information needed to meet procedural requirements, the IACHR has decided to lift these measures.

**Resolution No. 102/24 (LIFT)**  
**PM 144-08 - Persons detained at the Toussaint Louverture Police Station in Gonaïves, Haiti**

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of the people detained at the Toussaint Louverture Police Station in Gonaïves regarding Haiti. At the time of making the decision, the Commission noted that, during the nearly 16 years the precautionary measures have been in force, the State has not responded to the Commission. Moreover, the representation submitted information only up until 2013, and 11 years have therefore elapsed without any further communications from the State. In view of the lack of information that would allow the requirements of Article 25 of its Rules of Procedure to continue to be considered met, the Commission decided to lift these precautionary measures.

**HONDURAS****Resolution No. 4/24 (LIFT)**  
**PM 14-18 - Ericka Yamileth Varela Pavón and her family, Honduras**

The Inter-American Commission on Human Rights (IACHR) decided to lift the precautionary measures in favor of Ericka Yamileth Varela Pavón and her family in Honduras. At the time of making the decision, the Commission identifies the lack of response from the beneficiaries' representation since August 2021, despite the requests for information made. Similarly, the beneficiary and two of her children have been outside Honduras since July 2018. Upon not identifying compliance with the requirements set forth in Article 25 of the Rules of Procedure, the IACHR decided to lift these precautionary measures.

**Resolution No. 16/24 (LIFT)**  
**PM 281-10 - Oscar Siri Zúñiga and family, Honduras**

The Inter-American Commission on Human Rights (IACHR) decided to lift the present precautionary measures in favor of Oscar Siri Zúñiga and his family in Honduras. At the time of making the decision, the Commission assessed the measures adopted internally by the State, as well as the lack of information on risk events against the beneficiaries since 2017. In that regard, taking into account the nature of the precautionary measures and in light of the information available, the Commission considered that it is not possible to identify a situation of



risk under the terms of Article 25 of the Rules of Procedure at this time. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures.

**Resolution No. 56/24 (GRANT)****PM 511-24 - Rodsman Saadik Molina Ortezt, Honduras**

On August 26, 2024, the IACHR granted precautionary measures in favor of Rodsman Saadik Molina Ortezt, after considering that he is at serious and urgent risk of irreparable harm to his rights in Honduras. The proposed beneficiary is president of the Union of Workers of the Honduran Civil Aeronautics Agency (Sindicato de Trabajadores de la Agencia Hondureña de Aeronáutica Civil, SITRAAHAC). He is reportedly at risk due to threats and acts of violence by third parties allegedly in response to his union activities. Despite having a security detail in his favor, the request alleged implementation failures which were not adequately addressed by the State. In addition, the request mentioned the persistence of the situations which placed him at risk, which included his family members. For its part, the State confirmed the granted security detail and stated that it is coordinating with the relevant authorities on the status of the investigations.

Upon analyzing the submissions of fact and law, the IACHR considered the role of union leader that the proposed beneficiary fulfills, the ongoing situations that have been placing the proposed beneficiary at risk over time, the lack of investigation into these situations, and the absence of adjustments or new risk assessments to accurately outline the protection measures needed. In light of the current context in Honduras, and under the terms of Article 25 of its Rules of Procedure, the Commission requested that Honduras:

- a. adopt the necessary measures to protect the rights to life and personal integrity of the beneficiary and his family unit;
- b. implement the necessary measures to ensure that the beneficiary can exercise his functions as president of the Union of Workers of the Honduran Civil Aeronautics Agency (SITRAAHAC), without being subjected to threats, intimidation, harassment, or acts of violence;
- c. consult and agree upon the measures to be implemented with the beneficiaries and his representatives; and
- d. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 73/24 (LIFT)****PM 69-09 - Inés Yadira Cubero González, Honduras**

The Inter-American Commission on Human Rights (IACHR) decided to lift the precautionary measures in favor of Inés Yadira Cubero González, regarding Honduras. Following the State's request to lift the measures, the Commission reviewed the actions taken to implement the precautionary measures and considered the extended period without sufficient evidence of the beneficiary facing an ongoing imminent risk. In this regard, in light of the nature of the precautionary measures and the information available in this matter, the IACHR has decided to lift these precautionary measures pursuant to the provisions of Article 25 of its Rules of Procedure.

**Resolution No. 81/24 (LIFT)****PM 589-15 - Ana Mirian Romero *et al.*, Honduras**

The Inter-American Commission on Human Rights (IACHR) decided to lift the precautionary measures in favor of Ana Mirian Romero, the family units of Rosalio Vásquez Pineda and Ana Mirian Romero, and 13 other identified people, in Honduras. At the time of making the decision, the Commission assessed the actions taken by the State and the information presented by the parties. Upon not identifying compliance with the



requirements set forth in Article 25 of its Rules of Procedure, the IACHR has decided to lift these precautionary measures.

## **MEXICO**

### **Resolution No. 9/24 (LIFT)**

#### **PM 519-17 - Eduardo Valencia Castellanos, Mexico**

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Eduardo Valencia Castellanos. At the time of making the decision, the Commission assessed the measures that the State adopted internally, as well as the change in circumstances and lack of situations that put the beneficiary at risk, at this time. Taking into account the nature of the precautionary measures and in light of the information available, the Commission considered that it is not possible to identify a situation of risk under the terms of Article 25 of the Rules of Procedure at this time. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures.

### **Resolution No. 11/24 (GRANT)**

#### **PM 674-21 - J. Santos Rosales Contreras and twelve other members of the Nahua indigenous community of Ayotitlán, Mexico**

On March 8, 2024, the IACHR granted precautionary measures in favor of J. de Jesus Santos Rosales and twelve other members of the Nahua indigenous community of Ayotitlán, who are said to actively participate in actions against mining exploitation in their territory. For this reason, the beneficiaries are reportedly facing continuous threats, intimidation, surveillance, monitoring and other acts of violence by organized crime groups, among other actors. For its part, the State indicated that it is in the best disposition to attend the necessary working meetings to reach satisfactory agreements for the indigenous community of Ayotitlán. In addition, the State indicated that it is willing to establish a coordinated work plan between federal and state authorities to address the problem, especially in light of the allegations of the presence of organized crime groups. The State also reported on the incorporation of some of the beneficiaries into the Mechanism for the Protection of Human Rights Defenders and Journalists and the protection measures available to them. Although the Commission valued positively the various actions of the State to address the problem and provide security to the beneficiaries and other members of the Nahua community of Ayotitlán, it also considered that the implementation of the protection measures has not prevented the continuation of threatening events, following the murder of one of the leaders of the community in November 2023. In addition, the beneficiaries have continued to be subject to death threats, threats of disappearance, surveillance at their homes, extortion calls, among others. The aforementioned events have also extended to members of their families.

In accordance with Article 25 of its Rules of Procedure, the Commission requested that Mexico:

- a. adopt the necessary and culturally appropriate measures to guarantee the life and personal integrity of the duly identified beneficiaries;
- b. consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- c. report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

### **Resolution No. 14/24 (LIFT)**

#### **PM 277-13 - Members of the Otomí-Mexica Indigenous Community of San Francisco Xochicuautila, Mexico**

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Members of the Otomí-Mexica Indigenous Community of San Francisco Xochicuautila, in Mexico. At the



time of making its decision, the Commission assessed the actions taken by the State during implementation, as well as the lack of information from the representation despite requests issued by the IACHR. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

**Resolution No. 25/24 (LIFTED)****PM 264-10 - Gerardo Vera Orcino, Javier Martínez Robles and Francisco de Asís Manuel, Mexico**

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Gerardo Vera Orcino, Javier Martínez Robles and Francisco de Asís Manuel, in Mexico. At the time of making the decision, the Commission assessed the actions taken by the State during the implementation, as well as the lack of information from the representation since 2017. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

**Resolution No. 98/24 (LIFTED)****PM 1165-18 - Sergio López Cantera, Mexico**

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Sergio López Cantera, in Mexico. At the time of making the decision, the Commission assessed the actions taken by the State regarding implementation, as well as the lack of information from the representation during the time they were in force. Thus, in light of the nature of the precautionary measures, and upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures.

**Resolution No. 103/24 (LIFTED)****PM 1375-18 - Daniel Ramírez Contreras and his family, Mexico**

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Daniel Ramírez Contreras and his family unit, in Mexico. At the time of making the decision, the Commission assessed the actions taken by the State during their implementation, as well as the lack of information from the representation during the time these measures were in force. Thus, in light of the nature of precautionary measures, and upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures.

**Resolution No. 104/24 (LIFTED)****PM 603-22 - Girl K. L. R., Mexico**

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of the child K.L.R., in Mexico. At the time of making the decision, the Commission evaluated the actions taken by the State during the time the measures were in force and found a change of factual circumstances. Taking into account the nature of the precautionary measures and in light of the information available, the Commission believes it is not possible to establish a situation of risk under the terms of Article 25 of the Rules of Procedure at this time. Upon currently not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

**NICARAGUA****Resolution No. 7/24 (GRANTED)****PM 95-24 - Eddy Antonio Castillo Muñoz, Nelly Griselda López García, and Juan Carlos Baquedano, Nicaragua**

On March 1, 2024, the IACHR granted precautionary measures in favor of Eddy Antonio Castillo Muñoz, Nelly Griselda López García, and Juan Carlos Baquedano, who are identified or perceived as political opponents of the current Nicaraguan government, after considering that they are in a serious and urgent situation presenting a risk of irreparable harm to their rights in Nicaragua. The request for precautionary measures alleged that the



beneficiaries are deprived of their liberty in different prisons and despite suffering from a series of health problems, they do not have access to the necessary medical attention or medicines. In addition, they are reportedly being held in inadequate conditions of detention and are being subjected to aggression by prison officials. The Commission also found that the State did not provide any information regarding the measures adopted to mitigate the risk faced by the beneficiaries. In accordance with Article 25 of the Rules of Procedure, the Commission requested that Nicaragua:

- a. adopt the necessary measures to protect the rights to life, personal integrity, and health of Eddy Antonio Castillo Muñoz, Nelly Griselda López García, and Juan Carlos Baquedano;
- b. adopt the necessary measures to ensure that the beneficiaries' detention conditions are compatible with the applicable international standards on the matter, including: i. guarantee that they are not subjected to threats, intimidation, harassment, or aggression inside the prison; ii. guarantee access to adequate and specialized medical care, and immediately carry out a specialized medical evaluation of their health; iii. provide the necessary treatments and medications to treat their health issues; iv. guarantee regular contact and access to their family and legal representatives, and v. evaluate the possibility of granting alternative measures to imprisonment given the impossibility of protecting their rights in light of the current detention conditions;
- c. consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d. report on the actions taken in order to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

**Resolution No. 10/24 (GRANT)**

**PM 274-24 - Carlos Alberto Bojorge Martínez, Nicaragua**

On March 6, 2024, the IACHR granted precautionary measures in favor of Carlos Alberto Bojorge Martínez, after considering that he is in a serious and urgent situation presenting a risk of irreparable harm to his rights in Nicaragua. The request for precautionary measures alleged that Mr. Carlos Alberto Bojorge Martínez, who is a university student and poet, has been missing since January 1, 2024, after being arrested by police officers. It is alleged that on the day of his arrest, he attended a mass at the Metropolitan Cathedral in Managua, wearing a shirt of the Virgin Mary, a small Nicaraguan flag and a picture of Monsignor Arnulfo Romero in reference to the state persecution against the Catholic Church in the country. In the evening hours, he was detained by police officers who took him to an unknown destination, presumably without an arrest warrant and without the reasons for his detention being known. The Commission also found that the State did not provide any information on the measures adopted to mitigate the beneficiary's risk situation, or on the actions taken to determine the beneficiary's whereabouts or fate. In accordance with Article 25 of the Rules of Procedure, the Commission requested that Nicaragua:

- a. adopt the necessary measures to determine the situation and whereabouts of Mr. Carlos Alberto Bojorge Martinez, in order to protect his rights to life and personal integrity;
- b. report on the conditions of detention in which he is currently being held. In particular, the Commission also requests that Nicaragua report on the place of his detention, allowing access to his legal representatives and family members, as well as the necessary health care; and
- c. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent them from reoccurring.



**Resolution No. 23/24 (GRANT)****PM 384-24 - Walner Omier Blandón Ochoa and ten other persons of the “Puerta de la Montaña” ministry, Nicaragua**

On April 21, 2024, the IACHR granted precautionary measures in favor of Walner Omier Blandón Ochoa and ten other persons from the “Puerta de la Montaña” ministry, who are members of the evangelical church “Puerta de la Montaña,” after considering that they are in a serious and urgent situation presenting a risk of irreparable harm to their rights in Nicaragua. The request for precautionary measures alleged that the beneficiaries are deprived of their liberty in “La Modelo” prison and in the Women’s Comprehensive Correctional Facility and despite suffering from a series of health problems, they do not have access to the necessary medical attention or to the required medicines. In the case of Ms. Marisela de Fátima Mejía Ruiz, she is not receiving post-natal health care and adequate food, after having given birth prior to her detention. In addition, the proposed beneficiaries are said to be in inadequate conditions of detention. The Commission also found that the State did not provide any information regarding the measures adopted to mitigate the alleged risk. In accordance with Article 25 of the Rules of Procedure, the Commission requested that Nicaragua:

- a. adopt the necessary measures to protect the rights to life, personal integrity, and health of the beneficiaries. In particular, officially report on their current situation while in State custody;
- b. adopt the necessary measures to ensure that the beneficiaries’ detention conditions are compatible with the applicable international standards on the matter, among them: i. guarantee access to adequate and specialized medical attention, and immediately carry out a specialized medical assessment on their health; ii. ensure access to the necessary treatments and medications to treat their health issues, with the corresponding gender perspective; iii. guarantee regular contact and access to their families and lawyers; and iv. evaluate the possibility of granting alternative measures to the deprivation of liberty given the impossibility of protecting their rights in light of the current detention conditions. iv. evaluate the possibility of granting alternative measures to the deprivation of liberty given the impossibility of protecting her rights in light of the current detention conditions;
- c. consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

**Resolution No. 37/24 (GRANT)****PM 509-24 - Walner Antonio Ruiz Rivera, Nicaragua**

On June 3, 2024, the IACHR granted precautionary measures in favor of Walner Antonio Ruiz Rivera, after considering that he is in a serious and urgent situation posing a risk of irreparable harm to his rights in Nicaragua. It was alleged that the beneficiary is deprived of his liberty in “La Modelo” prison and despite suffering from a series of health problems, he does not have access to the necessary medical attention or the required medicines. In addition, he is being held in inadequate conditions of detention and is being subjected to acts of violence by prison officers. The Commission also found that the State did not provide any information regarding the measures adopted to mitigate the alleged risk. In accordance with Article 25 of the Rules of Procedure, the Commission requested that Nicaragua:

- a. implement the necessary measures to protect the rights to life, personal integrity, and health of Mr. Walner Antonio Ruiz Rivera. In particular, officially report on his current situation while he is in the custody of the State;
- b. adopt the necessary measures to ensure that the beneficiary’s detention conditions are compatible with the applicable international standards on the matter, including: i. guaranteeing that he is not subjected to violence, threats, intimidation, and aggression; ii. taking the appropriate measures in



response to the allegations of torture presented in the request; iii. guaranteeing access to adequate and specialized medical care, and that a specialized medical assessment of his health situation is carried out immediately; iv. ensuring access to the necessary treatments and medications to treat his medical issues; and v. evaluating the possibility of granting alternative measures to the deprivation of liberty, given the impossibility of protecting his rights in light of the impossibility of protecting his rights in the light of his medical conditions;

- c. consult and agree upon the measures to be implemented with the beneficiary and its representatives; and
- d. report on the actions taken to investigate the alleged facts that gave rise to this resolution so as to prevent such events from reoccurring, particularly regarding the allegations of torture raised by the applicants.

**Resolution No. 39/24 (GRANT)****PM 553-24 - Nine persons deprived of their liberty, Nicaragua**

On June 17, 2024, the IACHR granted precautionary measures in favor of nine persons deprived of liberty, whose rights to life, personal integrity and health are being violated, detained in unhealthy conditions, suffering physical and psychological abuse by prison officials, without access to adequate medical care, resulting in significant risks and irreparable harm. For its part, the State, although informed, has not submitted a response. The Commission, after evaluating the allegations, joint to the context of systematic repression in the country and the lack of response from the State, understands, *prima facie*, that the requirements of seriousness, urgency, and irreparable harm are present. In accordance with Article 25 of the Rules of Procedure, the Commission requested that Nicaragua:

- a. adopt the necessary measures to protect the rights to life, personal integrity, and health of the beneficiaries. In particular, officially report on their current situation while they are in the custody of the State;
- b. take the necessary measures to ensure that the beneficiaries' detention conditions are compatible with applicable international standards on the matter, including: i. guarantee that they are not subjected to violence, threats, intimidation, and acts of aggression within the prison; ii. take appropriate measures in response to the allegations of torture presented in the request; iii. guarantee access to adequate and specialized medical care, treatment, and medication, and immediately carry out a comprehensive medical assessment of the beneficiaries' health; iv. grant immediate access to adequate food and water; and v. evaluate the possibility of granting alternative measures to deprivation of liberty, given the impossibility of protecting their rights in light of the current detention conditions;
- c. consult and agree upon on the measures to be implemented with the beneficiaries and their representatives; and
- d. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring, particularly with regard to the allegations of torture presented by the applicants.

**Resolution No. 45/24 (GRANT)****PM 697-24, 730-24, 736-24 - Three persons deprived of their liberty, Nicaragua**

On August 2, 2024, the IACHR granted precautionary measures in favor of Douglas Acevedo Castillo, Anner Herrera, and Geovanny Jaret Guido Morales, deprived of liberty in Nicaragua, after considering that they are in a serious and urgent situation presenting a risk of irreparable harm to their rights in Nicaragua. It was alleged that the beneficiaries are being held in "La Modelo" prison, in inadequate conditions of detention and without receiving the necessary medical attention for their ailments. They also face acts of violence such as beatings,



mistreatment and intimidation by prison officers. They are also legally vulnerable due to the lack of access to judicial files and the absence of an effective legal defense. For its part, the State did not provide information that would make it possible to determine that the risk factors identified had been duly mitigated. In accordance with Article 25 of the Rules of Procedure, the Commission requested that Nicaragua:

- a. adopt the necessary measures to protect the rights to life, personal integrity, and health of the beneficiaries. In particular, officially report on their current situation while they are in the custody of the State;
- b. implement the necessary measures to ensure that the beneficiaries' detention conditions are compatible with applicable international standards on the matter, including: i. guarantee that they are not subjected to violence, threats, intimidation, aggression, and torture inside the prison; ii. guarantee access to adequate and specialized medical care and to the necessary treatments and medicines, and immediately carry out a comprehensive medical assessment of their health; and iii. evaluate the possibility of granting alternative measures to deprivation of liberty, given the impossibility of protecting their rights in light of the current detention conditions;
- c. consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- d. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring, particularly with regard to the allegations of torture presented by the applicants.

**Resolution No. 52/24 (GRANT)**

**PM 611-24; 726-24 - Three persons deprived of their liberty, Nicaragua**

On August 17, 2024, the IACHR granted precautionary measures in favor of Frank Kevin Laguna Guevara, Óscar Danilo Parrilla Blandón, and Evelyn Susana Guillén Zepeda, persons deprived of their liberty in Nicaragua, after considering that they are in a serious and urgent situation presenting a risk of irreparable harm to their rights in Nicaragua. It was alleged that the beneficiaries are being held in the National Penitentiary System "Jorge Navarro" and in the Integral Penal Establishment for Women (EPIM), in poor conditions of detention and without receiving the necessary medical attention for their ailments. In the case of Ms. Evelyn Susana Guillén Zepeda, she suffers from a mental illness after being a victim of sexual violence. Likewise, they face acts of violence such as beatings, mistreatment and intimidation by prison officials. They are also legally vulnerable due to the lack of access to judicial files and the absence of an effective legal defense. For its part, the State did not provide information that would make it possible to determine that the risk factors identified had been duly mitigated. In accordance with Article 25 of the Rules of Procedure, the Commission requested that Nicaragua:

- a. adopt the necessary measures to protect the rights to life, personal integrity, and health of the beneficiaries. In particular, officially report on their current situation while they are in the custody of the State;
- b. implement the necessary measures to ensure that the beneficiaries' detention conditions are compatible with applicable international standards on the matter, including: i. guarantee that they are not subjected to violence, threats, intimidation, and aggression inside the prison; ii. guarantee access to adequate and specialized medical care and to the necessary treatments and medicines, and immediately carry out a comprehensive medical assessment of their health; and iii. evaluate the possibility of granting alternative measures to deprivation of liberty, given the impossibility of protecting their rights in light of the current detention conditions;
- c. consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and



- d. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 68/24 (GRANT)****PM 919-24 - Eddie Moisés González Valdivia, Nicaragua**

On September 30, 2024, the Inter-American Commission on Human Rights (IACHR) granted precautionary measures in favor of Eddie Moisés González Valdivia, upon considering that he is in a serious and urgent situation, given that his rights are at risk of irreparable harm. It was alleged that Eddie Moisés González Valdivia is a retired major of the Nicaraguan Army, university professor, and business consultant in the city of Estelí. He also identifies as a dissident of the ruling party and a critic of the current regime, and is detained in the Jorge Navarro "La Modelo" Penitentiary Center, incommunicado, with no information available about his health and current detention situation. Similarly, the beneficiary is reportedly legally vulnerable due to lack of access to the judicial file and the absence of effective legal defense. The State, for its part, did not provide information that would allow for the determination that the identified risk factors have been adequately mitigated. Pursuant to the provisions of Article 25 of its Rules of Procedure, the Commission requested that Nicaragua:

- a. adopt the necessary measures to protect the rights to life, personal integrity, and health of Eddie Moisés González Valdivia;
- b. implement the necessary measures to ensure that the beneficiary's detention conditions are compatible with applicable international standards on the matter, including: i. guarantee regular contact and access to his family members, attorneys, and representatives; ii. officially inform them of the beneficiary's legal situation in the framework of the criminal process in which he is allegedly involved; iii. immediately carry out a comprehensive medical assessment of his health and guarantee access to adequate medical care; and iv. evaluate the possibility of granting alternative measures to deprivation of liberty, given the impossibility of protecting his rights in light of the current detention conditions;
- c. consult and agree upon the measures to be implemented with the beneficiary and their representatives; and
- d. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 75/24 (GRANT)****PM 1134-24 - Gersom Antonio Zeledón Motta and three other persons, Nicaragua**

On October 24, 2024, the IACHR granted precautionary measures in favor of Gersom Antonio Zeledón Motta, Eveling Carolina Matus Hernández, Lesbia del Socorro Gutiérrez Poveda, and Carmen María Sáenz Martínez, after considering that they are in a serious and urgent situation presenting a risk of irreparable harm to their rights in Nicaragua. It was alleged that the beneficiaries' whereabouts were unknown as of their respective detentions between March and August 2024. It is alleged that the arrests were carried out by police officers through raids and/or searches of the respective homes, without indicating the reasons for their arrest. People close to the beneficiaries went to the various prisons to locate them and learn about their situation. The State authorities have not provided official information on the current whereabouts of these individuals, nor on their current status. The Commission also found that the State did not provide any information on the measures adopted to mitigate the risk faced by the beneficiaries, or on the actions taken to determine their whereabouts. In accordance with Article 25 of the Rules of Procedure, the Commission requested that Nicaragua:

- a. adopt the necessary measures to determine the situation and whereabouts of the beneficiaries, in order to protect their rights to life and personal integrity;



- b. inform whether the beneficiaries are in the custody of the State, the circumstances and conditions of their detention. In particular, report on the place of their detention, allowing access to their legal representatives and family members, as well as the necessary health care, and ensure that they are brought before judicial authorities to review and monitor any continued detention; and
- c. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

**Resolution No. 77/24 (GRANT)****PM 1133-24 - Steadman Fagot Muller, Nicaragua**

On October 28, 2024, the Inter-American Commission on Human Rights (IACHR) granted precautionary measures in favor of Steadman Fagot Muller, after considering that he is in a serious and urgent situation presenting a risk of irreparable harm to his rights in Nicaragua. The applicant indicated that the beneficiary held a public position from which he opposed the government's policies on indigenous peoples. It was alleged that, in reprisal for this, the Army arrested the beneficiary on September 14, 2024. Since then, his whereabouts, legal situation, and conditions of detention are unknown. The State did not provide information on the matter. The IACHR assessed the human rights crisis situation in Nicaragua and the lack of knowledge of the beneficiary's whereabouts, the judicial investigation that led to his capture, and his current situation. Consequently, in terms of Article 25 of the Rules of Procedure, it requested that the State of Nicaragua:

- a. adopt the necessary measures to determine the situation and whereabouts of the beneficiary, in order to protect his rights to life and personal integrity;
- b. inform whether the beneficiary is in the custody of the State, the circumstances and conditions of his detention. In particular, report on the place of his detention, allowing access to his legal representatives and family members, as well as the necessary health care, and ensure that he is brought before judicial authorities to review and monitor any continued detention;
- c. ensure the corresponding measures to guarantee that the beneficiary can continue to carry out his activities in defense of the rights of indigenous peoples without being subjected to threats, harassment, or acts of violence in the exercise of these activities; and
- d. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

**Resolution No. 91/24 (GRANT)****PM 1214-24 - Jhon Fernando Paladines Rubio, Nicaragua**

On November 26, 2024, the IACHR granted precautionary measures in favor of Jhon Fernando Paladines Rubio, after considering that he is in a serious and urgent situation, given that his rights to life and personal integrity face a risk of irreparable harm in Nicaragua. According to the request, the beneficiary is a businessman in Costa Rica and was traveling in Nicaragua on business. He was reportedly detained on March 9, 2024, by the Judicial Assistance Directorate of the Nicaraguan National Police at the hotel where he was staying in Managua. Since that date, his location has not been known. After several internal actions, the situation remains unchanged to date. The State of Nicaragua has not responded.

Therefore, the IACHR requested that Nicaragua:

- a. adopt the necessary measures to determine the situation and whereabouts of the beneficiary, in order to protect his rights to life and personal integrity;



- b. inform whether the beneficiary is in the custody of the State, the circumstances and conditions of his detention. In particular, report on the place of his detention and the criminal case file opened against him, allowing access to his legal representatives and family members, as well as the corresponding consular assistance, and ensure that he is brought before competent judicial authorities for the review and monitoring of his situation;
- c. consult and agree upon the measures to be implemented with the beneficiary, his family members, and his representatives; and
- d. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

**Resolution No. 93/24 (GRANT)****PM 1249-24 - Víctor Boitano Coleman, Nicaragua**

On December 4, 2024, the IACHR granted precautionary measures in favor of Víctor Boitano Coleman, after considering that he is in a serious and urgent situation presenting a risk of irreparable harm to his rights in Nicaragua. It was alleged that the beneficiary's whereabouts are unknown since he was detained on April 23, 2024, by armed plainclothes agents and police officers, without a warrant. The Commission also considered that the State did not provide information on the actions taken to determine his whereabouts. In accordance with Article 25 of the Rules of Procedure, the Commission requested that Nicaragua:

- a. adopt the necessary measures to determine the situation and whereabouts of the beneficiary, in order to protect his rights to life and personal integrity;
- b. inform whether the beneficiary is in the custody of the State, and the circumstances and conditions of his detention. In particular, report on the place of his detention, allowing access to his legal representatives and family members, as well as the necessary health care, and ensure that he is brought before judicial authorities to review and monitor any continued detention; and
- c. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

**Resolution No. 100/24 (GRANT)****PM 1245-24 - Carlos Alberto Vanegas Gómez and Efrén Antonio Vílchez López, Nicaragua**

On December 16, 2024, the IACHR granted precautionary measures in favor of Carlos Alberto Vanegas Gómez and Efrén Antonio Vílchez López, upon considering that they are in a serious and urgent situation given that their rights to life and personal integrity face a risk of irreparable harm in Nicaragua. It was alleged that the beneficiaries are deprived of their liberty in unsanitary and inhumane conditions. They are allegedly not receiving the medical care they require for their health issues. Allegations of possible torture were presented. The State did not submit information to the IACHR. Therefore, under the terms of Article 25 of its Rules of Procedure, the Commission request that the State of Nicaragua:

- a. adopt the necessary measures to protect the rights to life, personal integrity, and health of the beneficiaries;
- b. implement the necessary measures to ensure that the beneficiaries' detention conditions are compatible with the applicable international standards on the matter, including:
  - i. guarantee that they are not subjected to violence, threats, intimidation, and aggression inside the prison;



- ii. take the measures that are relevant in response to the allegations of torture presented in the request
- iii. guarantee access to adequate and specialized medical care and to the necessary treatments and medicines, and immediately carry out a comprehensive medical assessment of their health;
- iv. provide immediate access to adequate food and water; and
- v. evaluate the possibility of granting alternative measures to deprivation of liberty, given the impossibility of protecting their rights in light of the current detention conditions;
- c. consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- d. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

## PERU

### Resolution No. 8/24 (LIFT)

#### PM 81-18 - Náthaly Sara Salazar Ayala, Peru

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Náthaly Sara Salazar Ayala in Peru. When making the decision, the Commission assessed the measures adopted domestically by the State and the lack of response by the beneficiary's representation during the time the precautionary measures were in force. In this regard, it considered the passage of time and the stage of the investigations to clarify the facts that led to the disappearance of the beneficiary. It also took into account the existence of allegations that exceeded the mechanism of precautionary measures after the elapsed time. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures.

### Resolution No. 13/24 (GRANT)

#### PM 1109-23 - Selected families of the native Kichwa community Santa Rosillo de Yanayacu, Peru

On March 25, 2024, the IACHR decided to grant precautionary measures in favor of certain families of the native Kichwa community Santa Rosillo de Yanayacu, located in the district of Huimbayoc, Province and Region of San Martín. According to the request, the leader of the community was murdered in November 2023 and the beneficiaries are at risk due to their work in defense of their collective rights. The IACHR highlighted the imminence of the risk, underlining the recent materialization of the murder of the community leader and the continuity of the threatening events. Consequently, under the terms of Article 25 of its Rules of Procedure, the IACHR decided to grant the precautionary measure and requested that the State of Peru:

- a. adopt the necessary and culturally appropriate measures to safeguard the life and personal integrity of the beneficiaries. Among other things, it is requested to adopt the essential measures to ensure that the beneficiaries who are displaced in the city of Tarapoto can return safely to their community;
- b. consult and agree upon the measures to be implemented with the beneficiaries and/or their representatives; and
- c. report on the actions taken to investigate the alleged events that gave rise to these precautionary measures, so as to prevent such events from reoccurring.



**Resolution No. 20/24 (FOLLOW-UP)****PM 887-19 - Families of the Nueva Austria del Sira Community, Peru**

The Inter-American Commission on Human Rights (IACHR) decided to issue the present Resolution on Follow-up of precautionary measures in accordance with the terms of Article 25 of its Rules of Procedure. The Commission evaluated the actions taken by the State in favor of the beneficiaries and considered that a situation of risk persists, as well as making assessments regarding the scope of the measures. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission decided as follows:

- a. to continue to monitor the precautionary measures granted in favor of the families of the Nueva Austria del Sira Community in the terms of Resolution 57/2019;
- b. to request the State to reinforce the protection measures adopted and send the requested information, in the terms of this resolution;
- c. to request the representation to provide updated information on the risk situation of the families of the Nueva Austria del Sira Community in the terms of this resolution;
- d. to require that both parties continue carrying out the relevant concerted actions, in order to reach agreements aimed at mitigating the identified risk factors and the protection of the families of the Nueva Austria del Sira Community;
- e. to continue to promote the appropriate follow-up measures in terms of Article 25.10 and other provisions of its Rules of Procedure.

**UNITED STATES****Resolution No. 6/24 (GRANT)****PM 1028-23 - Brenda Evers Andrew, United States**

On February 26, 2024, the IACHR granted precautionary measures in favor of Brenda Evers Andrew. The request indicates that Ms. Andrew is at risk given the imminent execution of the death penalty. The applicants also submitted a petition alleging violation of several articles of the American Declaration of the Rights and Duties of Man: due process, right to equality before law, right to a fair trial and adequate defense. In particular, the applicants alleged that her trial was loaded with gender-based stereotypes and a discriminatory narrative. For its part, the State reported that it forwarded the request for precautionary measures to the Attorney General of the state of Oklahoma and reaffirmed its position that the Commission lacks authority to require States to take precautionary measures.

Upon analyzing the submissions of fact and law offered, the Commission considered that the information presented shows *prima facie* that there is a serious and urgent risk of irreparable harm to Ms. Andrew's rights to life and personal integrity, in accordance with Article 25 of its Rules of Procedure. Furthermore, should Ms. Andrew be executed before the Commission has the opportunity to examine the merits of his petition, any eventual decision would be irrelevant and would cause irreparable harm. Accordingly, the Commission requested that the United States of America:

- a. adopt the necessary measures to protect the life and personal integrity of Ms. Brenda Evers Andrew; and
- b. refrain from carrying out the death penalty on Ms. Brenda Evers Andrew until the IACHR has had the opportunity to reach a decision on her petition.



**Resolution No. 18/24 (LIFT)**  
**PM 53-99 - Mary and Carrie Dann, United States**

The Inter-American Commission on Human Rights (IACHR) decided to lift the precautionary measures in favor of Mary and Carrie Dann regarding the United States of America. At the time of taking the decision, the Commission observes that the merits of the case have been resolved and the scope of the State's obligations has been settled, rendering the precautionary measures at hand moot. In addition, the Commission verified that it is not possible to identify a current situation that places the beneficiaries at risk in the terms of Article 25 of the Rules of Procedure. The IACHR will continue to follow up on Report N° 75/02, published on December 27th, 2002.

**URUGUAY****Resolution No. 17/24 (LIFT)**  
**PM 402-17 - Jair Krischke, Uruguay**

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Jair Krischke, in Uruguay. At the time of making the decision, the Commission assessed the actions taken by the State during implementation, the progress in the procedures to mitigate the risk, as well as the lack of information from the representation. The representation sent its last communication on October 15, 2019, and did not respond to the requests for information issued between 2019, 2022, and 2023. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

**VENEZUELA****Resolution No. 26/24 (EXTENSION AND FOLLOW-UP)**  
**PM 438-15 - Members of the Venezuelan Program of Education-Action on Human Rights (PROVEA), Venezuela**

On April 29, 2024, the IACHR decided to follow up and extend precautionary measures in favor of members of the Venezuelan Program of Education-Action on Human Rights in Venezuela. According to the request, the members of PROVEA are at risk in the context of their work as human rights defenders in the current situation of Venezuela, considering the visibility of the institution and its coordinators, the frequent stigmatizing remarks made by high-ranking State authorities in the media, and the surveillance and monitoring by State agents. Consequently, under the terms of Article 25 of its Rules of Procedure, the IACHR decided to require that Venezuela:

- a. adopt the necessary measures to guarantee the life and personal integrity of the persons identified as members of the PROVEA team;
- b. adopt the necessary measures so that the beneficiaries can carry out their activities as human rights defenders without being subjected to acts of violence, threats, and harassment;
- c. consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d. report on the actions taken to investigate the alleged facts that led to these precautionary measures, so as to prevent them from reoccurring.



**Resolution No. 31/24 (GRANT)**  
**PM 288-24 - Joel Antonio García Hernández, Venezuela**

On May 13, 2024, the IACHR granted precautionary measures in favor of Joel Antonio García Hernández, lawyer and human rights defender, who has been suffering threats and aggression related to his work in defense of people considered “political prisoners” in Venezuela. Despite having filed complaints and requests for protection to the internal authorities, no protection measures have been implemented by State bodies to prevent further attacks, and no progress has been made in the investigations. For its part, the State, although informed, has not submitted a response. The Commission, after evaluating the allegations, as well as the context of hostility in the country against legal defenders and the lack of response from the State, understood, *prima facie*, that the requirements of seriousness, urgency, and irreparable harm are present.

In accordance with Article 25 of the Rules of Procedure, the Commission requested that Venezuela:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Joel Antonio García Hernández, in accordance with the applicable international standards and obligations, including acts of risk attributable to third parties;
- b. implement the necessary measures so that the beneficiary can carry out his work as a defense lawyer without being subjected to acts of intimidation, threats, or other acts of violence in the exercise thereof;
- c. consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- d. report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent them from reoccurring.

**Resolution No. 46/24 (GRANT)**  
**PM 862-24 - María Andreina Oropeza Camacho, Venezuela**

On August 10, 2024, the IACHR granted precautionary measures in favor of María Andreina Oropeza Camacho, after considering that she is in a serious and urgent situation presenting a risk of irreparable harm to her rights in Venezuela. The requesting party alleged that María Andreina Oropeza Camacho, state coordinator of the campaign command of presidential candidate Edmundo González, has been in a situation of “forced disappearance” since August 6, 2024, after having suffered an allegedly arbitrary search of her residence by agents of the General Directorate of Military Counterintelligence (DGCIM). It was reported that she managed to record and broadcast live, from her social networks, when the State agents raided her residence. Later, her phone was confiscated. They add that her mother has been looking for her in all the detention centers in Guanare and Acarigua, without receiving news of her whereabouts and state of health. The IACHR took into account that the beneficiary was deprived of her liberty by State agents and her whereabouts are unknown to date, in the context of repression during the post-election protests in the country. In accordance with Article 25 of the Rules of Procedure, it requested that Venezuela:

- a. adopt the necessary measures to protect the rights to life and personal integrity of María Andreina Oropeza Camacho. In particular, inform whether the beneficiary is in the custody of the State and her current circumstances, or provide information on the measures aimed at determining her whereabouts or fate, and
- b. report on the actions taken in order to investigate the alleged facts that gave rise to the adoption of this precautionary measure, so as to prevent them from reoccurring.



**Resolution No. 49/24**  
**PM 533-17 - Williams Dávila, Venezuela**

The Inter-American Commission on Human Rights (IACHR) adopted on August 14, 2024, the Follow-up and Modification Resolution 49/2024 in relation to the situation of Williams Dávila in Venezuela (PM-533-17). The IACHR expressed particular concern about the ongoing risk faced by the beneficiary since the granting of the PM, without the State having adopted protection measures in his favor, and that the risk has increased after his whereabouts have been unknown since August 8, 2024, following his alleged arbitrary detention by State agents in the Plaza de Los Palos Grandes, in Caracas, Venezuela. The IACHR took note of public information that a criminal complaint for “forced disappearance” was filed with the Public Prosecutor’s Office, highlighting the health situation of the beneficiary and recalling his status as an elderly person. After analyzing the submissions of fact and law, in light of the context of repression in the post-electoral protests in Venezuela, the Commission believed that the current situation of Williams Dávila was part of a cycle of events against him that seek to remove him from public debate. Therefore, pursuant to Article 25 of the Rules of Procedure, the IACHR requested that the State of Venezuela:

- a. adopt the necessary measures to guarantee the life and personal integrity of Mr. Williams Dávila;
- b. take the necessary measures to guarantee that Mr. Williams Dávila can carry out his activities as a member of the National Assembly without being subjected to threats, harassment, or acts of violence in the exercise of his functions;
- c. report whether the beneficiary is in the custody of the State and his circumstances, or the measures to determine his whereabouts or fate;
- d. consult and agree upon the measures to be implemented with the beneficiary and his representatives; and
- e. report on the actions taken to investigate the alleged facts that led to the adoption of this resolution, so as to prevent them from reoccurring.

**Resolution No. 50/24 (GRANT)**  
**PM 883-24 - Roland Oswaldo Carreño Gutiérrez, Venezuela**

On August 17, 2024, the IACHR granted precautionary measures to Roland Oswaldo Carreño Gutiérrez, journalist, political activist, and national leader of the opposition party Voluntad Popular. On August 2, 2024, in Caracas, he was reportedly deprived of his liberty by agents of the Bolivarian National Intelligence Service (SEBIN). To date, his whereabouts are unknown and it is estimated that he had been “forcibly disappeared.”

When evaluating the decision, the Commission observed, in addition to the contextual monitoring of Venezuela, the follow-up carried out by the Special Rapporteurship for Freedom of Expression of the IACHR on the situation of the beneficiary after his detention in 2020. The Commission highlighted the context of systematic persecution against the opposition in Venezuela and considered the information indicating that he was allegedly detained by State agents to be of particular concern. It also highlighted the impossibility of activating internal institutions to request protection. The Commission considered that the beneficiary faces a situation of extreme vulnerability as his current location and whereabouts are unknown. The Commission expressed its concern given that the beneficiary’s situation could have a chilling effect on other journalists being able to express themselves freely in the current post-electoral context of the country. After analyzing the available information, in accordance with Article 25 of its Rules of Procedure, the IACHR requested that Venezuela:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Roland Oswaldo Carreño Gutiérrez. In particular, inform whether the beneficiary is in the custody of the State and his



current circumstances, or provide information on the measures aimed at determining his whereabouts or fate, and

- b. report on the actions taken in order to investigate the alleged facts that gave rise to the adoption of this precautionary measure, so as to prevent them from reoccurring.

**Resolution No. 51/24****PM 359-16 - Américo de Grazia, Venezuela**

On August 17, 2024, the Inter-American Commission on Human Rights (IACHR) adopted Follow-up and Modification Resolution 51/2024 regarding the situation of Américo de Grazia in Venezuela (PM-359-16). The IACHR expressed particular concern about the continued risk faced by the beneficiary since the granting of the PM, without the State having adopted protection measures in his favor, and that the risk has increased after his official whereabouts have been unknown since August 8, 2024, following his alleged arbitrary detention by State agents in Caracas, Venezuela. The IACHR took note of complaints filed before different bodies regarding these facts. Upon analyzing the submissions of fact and law, in light of the context of repression in the post-election protests in Venezuela, the Commission believed that the current situation of Américo de Grazia is part of a cycle of events against him that seek to remove him from public debate. Therefore, under the terms of Article 25 of the Rules of Procedure, the IACHR requested that the State of Venezuela:

- a. Adopt the necessary measures to protect the rights to life and personal integrity of the beneficiary;
- b. Implement the necessary measures to ensure that the proposed beneficiary can carry out his activities as opposition leader in Venezuela, without being subject to threats, harassment, or acts of violence;
- c. Report whether the beneficiary is in the custody of the State and his current circumstances, or provide information on the measures to determine his whereabouts or fate;
- d. Consult and agree upon on the measures to be implemented with the beneficiary and his representatives; and
- e. Report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 54/24 (GRANT)****PM 900-24 - Carmen Leonor García Azuaje, Venezuela**

On August 23, 2024, the IACHR granted precautionary measures to Carmen Leonor García Azuaje. It was informed that Carmen Leonor García Azuaje is secretary of the opposition party “Alianza Bravo Pueblo”. On August 17, 2024, the beneficiary was apprehended in the center of the city of Puerto Ayacucho in Amazonas state by officers of the Strategic Intelligence Division of the Bolivarian National Police. From the moment of her arrest, the whereabouts of the beneficiary is unknown. Therefore, it was alleged that the situation of the beneficiary is one of “forced disappearance”.

The Commission, at the time of evaluating the decision, considered the circumstances that preceded the detention of the beneficiary to be of special importance, in addition to the contextual monitoring of the country carried out by the IACHR. Likewise, the Commission expressed its special concern for the fact that since the moment she was detained by agents of the Bolivarian National Police, her whereabouts are unknown. The Commission highlighted that the beneficiary, in addition to being the secretary of the opposition party “Alianza Bravo Pueblo” in the state of Amazonas, has also been the target of threats and harassment due to her participation as an electoral witness in the July 2024 presidential elections in Venezuela. The Commission considered that the beneficiary is in a total lack of protection against the situations she could be facing at



present after her whereabouts are unknown. After analyzing the available information, the IACHR, in accordance with Article 25 of its Rules of Procedure, requested that Venezuela:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Carmen Leonor García Azuaje. In particular, inform whether the beneficiary is in the custody of the State and the circumstances of her detention, or the measures taken to determine her whereabouts or fate. The Commission considers it necessary for the State to specify whether the beneficiary was brought before a court of competent jurisdiction to review her detention if she has been charged with a crime. If not, specify the reasons why she has not been released to date;
- b. implement the necessary measures so that the beneficiary can carry out her activities as a member of an opposition party without being subjected to threats, harassment or acts of violence; and
- c. report on the actions taken to investigate the alleged facts that gave rise to this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 55/24 (GRANT)**

**PM 899-24 - Freddy Francisco Superlano Salinas, Venezuela**

On August 26, 2024, the IACHR granted precautionary measures in favor of Freddy Francisco Superlano Salinas. It was alleged that Freddy Francisco Superlano Salinas is a political leader and serves as national coordinator of the *Voluntad Popular* party. On July 30, 2024, in Caracas, the beneficiary was arbitrarily deprived of his freedom by alleged state agents affiliated with the Bolivarian National Intelligence Service (SEBIN). They applicants stated that, since his arrest, the beneficiary's whereabouts have been unknown. Having analyzed the information available, pursuant to Article 25 of its Rules of Procedure, the IACHR requested that the State of Venezuela:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Freddy Francisco Superlano Salinas. In particular, inform whether the beneficiary is in the custody of the State and his current circumstances, or provide information on the measures aimed at determining his whereabouts or fate. The Commission considers it necessary for the State to specify whether the beneficiary was brought before a court of competent jurisdiction to review his detention if he had been charged with a crime. Otherwise, provide a detailed explanation for the reasons why the individual has not yet been released;
- b. implement the necessary measures to ensure that the beneficiary can carry out his activities as a member of an opposition party without facing threats, harassment, or acts of violence; and
- c. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 58/24 (GRANT)**

**PM 907-24 - Ana Carolina Guaita Barreto, Venezuela**

On August 27, 2024, the IACHR granted precautionary measures in favor of the journalist Ana Carolina Guaita Barreto, upon considering that she is at serious and urgent risk of irreparable harm to her rights in Venezuela. According to the request, the proposed beneficiary was arbitrarily arrested on August 20, 2024 and taken to the headquarters of the Directorate of Citizen Security at the Governor's Office of La Guaira (Dirección de Seguridad Ciudadana de la Gobernación de la Guaira). On August 22, members of the Bolivarian National Intelligence Service allegedly transported her to an unknown location. The applicants characterized the situation as a "forced disappearance." It was added that the beneficiary's parents are in hiding due to political persecution. For this reason, according to the available information, third parties have made search efforts by visiting the Directorate of Citizen Security at the Governor's Office of La Guaira to inquire about the proposed



beneficiary's whereabouts. However, they were unable to obtain any information. At the judicial level, an attempt was made to file a writ of habeas corpus, which was reportedly not accepted by the relevant judicial authority. Given the lack of response from the State, the Commission had no elements to assess the actions that may have been initiated in her favor.

The IACHR considered the seriousness of the situation that the proposed beneficiary faces, which is exacerbated by the context in which she is immersed, as well as her complete lack of protection in light of the events she may currently be experiencing, given that her whereabouts are unknown. Consequently, under the terms of Article 25 of its Rules of Procedure, it requested that Venezuela:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Ana Carolina Guaita Barreto. In particular, inform whether the beneficiary is in the custody of the State and her current circumstances, or provide information on the measures aimed at determining her whereabouts or fate. The Commission considers it necessary for the State to specify whether the beneficiary was brought before a court of competent jurisdiction to review her detention if she had been charged with a crime. Otherwise, provide a detailed explanation for the reasons why the individual has not yet been released;
- b. implement the necessary measures to ensure that the beneficiary can carry out her journalistic activities without facing threats, harassment, or acts of violence; and
- c. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

#### **Resolution No. 61/24 (GRANT)**

#### **PM 928-24 - Perkins Rocha Contreras, Venezuela**

On September 2, 2024, the Inter-American Commission on Human Rights adopted Resolution 61/2024, by which it granted precautionary measures for the benefit of Perkins Rocha Contreras after considering that he is in a serious and urgent situation presenting a risk of irreparable harm to his rights in Venezuela.

The applicants indicated that Perkins Rocha Contreras is the Legal Coordinator of the Vente Venezuela party and representative of the Comando Venezuela before the National Electoral Council. He is a lawyer and personal advisor to María Corina Machado, National Coordinator of the Vente Venezuela party. Perkins Rocha was detained on August 27, 2024, by hooded and armed officers, who, after a strong struggle, allegedly took him away without an arrest warrant. Since then, his official whereabouts are unknown. According to public information, the wife of the proposed beneficiary received a message that Mr. Rocha is at the headquarters of the Bolivarian National Intelligence Service (SEBIN), a place where they had previously denied his presence. The family is aware that the proposed beneficiary is charged with various crimes, such as terrorism and treason. However, neither the family nor his trusted lawyer have been able to see him or confirm his legal situation.

After analyzing the submissions of fact and law furnished by the applicants, the Commission considered that the proposed beneficiary is in a serious and urgent situation, given that to date his whereabouts are unknown. Consequently, based on Article 25 of its Rules of Procedure, the Commission requested that Venezuela:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Perkins Rocha Contreras. In particular, among others, inform whether the beneficiary is in State custody at the SEBIN headquarters and the circumstances of his detention; specify whether the beneficiary was brought before a competent court to review his detention after having been charged with crimes; or, otherwise, specify the reasons why he has not been released to date; and guarantee the beneficiary's contact with his family and trusted attorneys, and provide them with the minimum official information on his legal situation;



- b. implement the necessary measures to ensure that the beneficiary can carry out his activities as a member of an opposition party without facing threats, harassment, or acts of violence;
- c. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 62/24 (GRANT)****PM 937-24 - Eleanger David Navas Vidal, Venezuela**

On September 2, 2024, the IACHR adopted precautionary measures in favor of Eleanger David Navas Vidal. It was indicated that the beneficiary is a community manager of the newspaper Oriental. On August 3, 2024, the beneficiary was deprived of his liberty by members of the Bolivarian National Police (PNB). The family members were informed that Eleanger David was transferred to Yare prison on August 26, 2024. However, at that place, they were informed that the beneficiary was not detained. To date, the beneficiary's whereabouts are unknown.

At the time of analyzing the request, the Commission highlighted, in addition to the current context in Venezuela, that the detention and subsequent lack of information about the beneficiary's fate would be closely linked to his role as community manager of the Instagram account of a newspaper whose editorial line is not aligned with the current government. The Commission identified that, since August 26, 2024, his whereabouts are unknown. In addition, his relatives have not been able to obtain official information about his current whereabouts despite the search actions carried out. They have no contact with the beneficiary and have not received any information about any action taken by the assigned public defender.

After analyzing the submissions of fact and law furnished by the applicants, the Commission considered that the beneficiary is in a serious and urgent situation, given that to date his whereabouts are unknown. Consequently, based on Article 25 of its Rules of Procedure, the Commission requested that Venezuela:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Eleanger David Navas Vidal. In particular, among others, indicate the detention center where the proposed beneficiary is currently held and clarify his legal situation; allow access and contact with his relatives and trusted attorneys; specify the actions the public defender has taken in favor of the proposed beneficiary; detail whether his current situation has been subject to judicial review; report on the detention conditions in which he is held; and evaluate the granting of alternative measures to the deprivation of liberty, considering the exceptional nature of pretrial detention; and
- b. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 63/24 (GRANT)****PM 931-24 - Biagio Pilieri Gianninoto y Jesús Alfredo Pilieri Vasile, Venezuela**

On September 6, 2024, the Inter-American Commission on Human Rights adopted Resolution 63/2024, by which it granted precautionary measures in favor of Biagio Pilieri Gianninoto and Jesús Alfredo Pilieri Vasile after considering that they are in a serious and urgent situation presenting a risk of irreparable harm to their rights in Venezuela.

After analyzing the submissions of fact and law furnished by the applicants, the Commission observed that in the post-electoral context of Venezuela, and taking into account the applicable prima facie standard, it is proven that the rights to life and personal integrity of the beneficiaries are at serious risk, especially after their detention on August 28, 2024, by SEBIN and since the official whereabouts of Biagio Pilieri are currently unknown. Consequently, based on Article 25 of its Rules of Procedure, the Commission requested that Venezuela:



- a. adopt the necessary measures to protect the rights to life and personal integrity of the beneficiaries. In particular, among others, inform whether Biagio Pilieri Gianninoto is in State custody at the SEBIN headquarters and the circumstances of his detention; specify whether the beneficiary was brought before a competent court to review his detention after having been charged with crimes; or, otherwise, specify the reasons why he has not been released to date; specify whether the beneficiary has undergone a medical evaluation and submit the corresponding documentary support; and guarantee the beneficiary's contact with his family and trusted attorneys, and provide them with the minimum official information on his legal situation;
- b. implement the necessary measures to ensure that Biagio Pilieri Gianninoto and Jesús Alfredo Pilieri can carry out their activities as members of an opposition party without facing threats, harassment, or acts of violence; and
- c. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 64/24 (GRANT)****PM 941-24 - Nelida del Rosario Sánchez Oropeza, Venezuela**

On September 6, 2024, the IACHR granted precautionary measures in favor of Nelida del Rosario Sánchez Oropeza, considering that she is in a serious and urgent situation presenting a risk of irreparable harm to her rights in Venezuela. According to the request, the beneficiary is the national training coordinator of the non-governmental organization Súmate, in Venezuela, and was detained on August 26, 2024, by agents of the Bolivarian National Intelligence Service (SEBIN). On August 28, 2024, she was transferred to an unknown location. It was added that she was suffering from illnesses that would require special care and that, at the moment, there is no news of her state of health and whether she was receiving adequate medical attention. Family members undertook a search effort, going to the SEBIN headquarters in Helicoide, Caracas, to seek news of the whereabouts of the proposed beneficiary. Despite their efforts, the officials did not provide any information. In addition, an attempt was made to file a complaint of forced disappearance, which was not received by the competent authority. Given the lack of response from the State, the Commission had no elements to evaluate the actions that would have been initiated on her behalf.

Consequently, in accordance with Article 25 of the Rules of Procedure, Venezuela was requested to:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Nelida del Rosario Sánchez Oropeza. In particular, inform whether the beneficiary is in the custody of the State and her current circumstances, or provide information on the measures aimed at determining her whereabouts or fate. The Commission deems it necessary for the State to specify whether the beneficiary was brought before a court of competent jurisdiction to review her detention if she had been charged with a crime. Otherwise, provide a detailed explanation for the reasons why the beneficiary has not yet been released. In any case, the State is requested to specify whether the beneficiary has undergone a medical evaluation and to provide the corresponding documentation;
- b. implement the necessary measures to ensure that the beneficiary can carry out her human rights defense activities without being subjected to threats, harassment, or acts of violence; and
- c. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 67/24 (GRANT)****PM 952-24 - Osmay Gabriela Sánchez Chirinos, Venezuela**

On September 27, 2024, the IACHR granted precautionary measures in favor of Osmay Gabriela Sánchez Chirinos, who is at risk given that she is pregnant, is currently deprived of her Liberty, and is not receiving



adequate medical care for her situation. Upon analyzing the request, the Commission took into account not only the Venezuelan context but highlighted that the beneficiary was arrested within the framework of the so-called “Operation Tun Tun,” aimed at arresting individuals who are perceived as opponents of the regime. Furthermore, the Commission highlighted that, prior to being deprived of her liberty, the beneficiary was unaware of the existence of any criminal proceedings or detention orders against her, that a public defender had been assigned to her, and that she had been subjected to threats from her guards, among other situations. The Commission emphasized that the beneficiary’s detention conditions are not adequate, particularly given her pregnancy and the care she requires. Upon analyzing the available information, based on Article 25 of its Rules of Procedure, the IACHR requested that Venezuela:

- a. adopt the necessary measures to protect the rights to life, personal integrity, and health of Osmay Gabriela Sánchez Chirinos, with a gender perspective, in accordance with applicable international standards and obligations;
- b. implement the necessary measures to ensure that her detention conditions are compatible with applicable international standards on the matter. In particular, guarantee access to the corresponding medical diagnoses and define her medical treatment;
- c. consult and agree upon the measures to be implemented with the beneficiary and their representatives; and
- d. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 71/24 (GRANT)**

**PM 973-24 - Juan Pablo Guanipa Villalobos, Venezuela**

On October 7, 2024, the IACHR granted precautionary measures in favor of Juan Pablo Guanipa Villalobos, considering that he is in a serious and urgent situation presenting a risk of irreparable harm to his rights in Venezuela. According to the request, he is a member of the Venezuelan opposition and has been subject to intimidation, harassment and aggression at least since 2016. Following the July 2024 presidential elections, he was allegedly subject to motorized persecution, on August 3 and 28, 2024, by SEBIN agents. The harassment allegedly extended to several members of his family, leading to the closure of family businesses, siege of his family home, and cancellation of passports. His brother was also reportedly detained under allegations of arbitrariness. After analyzing the information, the IACHR requested that the State of Venezuela:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Juan Pablo Guanipa Villalobos;
- b. ensure the corresponding measures to guarantee that the beneficiary can continue to carry out his activities of political participation without being subjected to threats, harassment or acts of violence in the exercise of these activities. In particular, the State must ensure that its agents respect the rights and personal integrity of the beneficiary in accordance with the standards established by international human rights law, as well as in relation to acts of risk attributable to third parties;
- c. consult and agree upon the measures to be implemented with the beneficiary and his representatives; and
- d. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.



**Resolution No. 74/24 (GRANT)****PM 1061-24 - Andreina Zerpa Vivas, Yolivares Infante Camacho and Eichler Hernández Ortuño, Venezuela**

On October 22, 2024, the IACHR granted precautionary measures in favor of Andreina Zerpa Vivas, Yolivares Infante Camacho and Eichler Hernández Ortuño, after considering that their rights to life and personal integrity face a risk of irreparable harm in Venezuela. According to the request, the identified persons have been subject to threats and harassment, following their participation as campaign members of Edmundo González and María Corina Machado in the State of Guárico for the presidential elections of July 2024 in Venezuela. The request refers to various events that allegedly occurred in the context of persecution of the political opposition in Venezuela.

Upon analyzing the submissions of fact and law made by the requesting party, the Commission requested that the State of Venezuela:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Andreina Zerpa Vivas, Yolivares Infante Camacho, and Eichler Hernández Ortuño;
- b. ensure the corresponding measures to guarantee that the beneficiaries can continue to carry out their activities of political participation without being subjected to threats, harassment or acts of violence in the exercise of these activities. In particular, the State must ensure that its agents respect the rights and personal integrity of the beneficiaries in accordance with the standards established by international human rights law, as well as in relation to acts of risk attributable to third parties. Likewise, it must provide information on existing criminal investigations against the proposed beneficiaries; exhibit the judicial arrest warrants that exist, if any; and allow them to have security guarantees in the development of the eventual investigations;
- c. consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d. report on the actions taken to investigate the alleged facts that gave rise to this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 78/24 (GRANT)****PM 1042-24, 1043-24 - Israel Moisés Crespo Sulbarán, J.D.C.C., and Gustavo Adolfo Torres**

On October 28, 2024, the IACHR granted precautionary measures for the benefit of Israel Moisés Crespo Sulbarán, J.D.C.C. and Gustavo Adolfo Torres Zambrano with respect to Venezuela. The proposed beneficiaries are reported to be at risk following their detention by law enforcement agents on July 30, 2024. To date, the whereabouts of Israel Moisés Crespo Sulbarán and Gustavo Adolfo Torres Zambrano are unknown following their transfer out of the place of detention where they were being held; and the adolescent J.D.C.C. is said to be in inadequate conditions of detention. Consequently, based on Article 25 of its Rules of Procedure, the Commission requested that Venezuela:

- a. adopt the necessary measures to protect the rights to life and personal integrity of the proposed beneficiaries. In particular, inform whether Israel Moisés Crespo Sulbarán and Gustavo Adolfo Torres Zambrano are in the custody of the State and the circumstances of their detention, or provide information on the measures aimed at determining their whereabouts or fate. The Commission considers it necessary for the State to specify whether the beneficiaries were brought before a court of competent jurisdiction to review their detention if they had been charged with crimes. Otherwise, specify the reasons why they have not been released to date;
- b. ensure the corresponding measures so that the wife of Israel Moises Crespo can continue to denounce her partner's situation without being subjected to threats, harassment, intimidation or acts of violence;



- c. implement the necessary measures to ensure that the beneficiaries' detention conditions are compatible with applicable international standards on the matter, including: i) guarantee that they are not subjected to violence, threats, intimidation, and aggression inside the prison; ii) provide access to adequate and specialized medical care and to the necessary medical care; iii) guarantee regular contact and access to their families and lawyers; and iv) in the case of J.D.C.C., take the corresponding measures in accordance with his best interests; and
- d. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 79/24 (GRANT)****PM 896-24 - Leocenis Manuel García Osorio, Venezuela**

On October 28, 2024, the IACHR granted precautionary measures in favor of Leocenis Manuel García Osorio, considering that he is in a serious and urgent situation presenting a risk of irreparable harm to his rights in Venezuela. According to the request, the proposed beneficiary is a leader of the political party "ProCiudadanos" in Venezuela. According to the request, he was detained by state agents on September 11, 2024, after posting a video on his social networks criticizing recent government actions towards Venezuelans. The beneficiary's father tried to obtain official information on his whereabouts or state of health, without receiving a response. Family members have been unable to access domestic remedies due to the lack of information provided by state authorities. Given the lack of response from the State, the Commission had no elements to assess the actions that may have been initiated on his behalf.

- a. Consequently, in accordance with Article 25 of the Rules of Procedure, it requested that Venezuela:
- b. adopt the necessary measures to protect the rights to life and personal integrity of the beneficiary. In particular, among others, inform whether Leocenis Manuel García Osorio is under State custody and the circumstances of his detention; specify whether the beneficiary was brought before a competent court to review his detention after having been charged with crimes; or, otherwise, clarify the reasons why he has not been released to date; specify whether the beneficiary has undergone a medical evaluation and submit the corresponding documentary support; and guarantee the beneficiary's contact with his family and trusted attorneys, and provide them with the minimum official information on his legal status;
- c. implement the necessary measures to ensure that Leocenis Manuel García Osorio can carry out his political activities without facing threats, harassment, or acts of violence; and
- d. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 80/24 (GRANT)****PM 1150-24 - Jan Darmovzal, Venezuela**

On October 31, 2024, the Inter-American Commission on Human Rights granted precautionary measures in favor of Jan Darmovzal after considering that he is in a serious and urgent situation presenting a risk of irreparable harm to his rights in Venezuela.

According to the request, the beneficiary is an active reservist in the Venezuelan Army and was traveling in Venezuela for tourism. The beneficiary was reportedly arrested on September 5, 2024, by State security agents in the town of Atabapo, Amazonas State. Since that date his whereabouts have not been known. It was alleged that no arrest warrant was issued, nor an investigation against him. Likewise, he is reportedly being held incommunicado, and it has not been made known in which security agency he is being held, nor has there been any information on his physical or psychological condition.



Consequently, the Commission requested that Venezuela:

- a. adopt the necessary measures to protect the rights to life and personal integrity of the beneficiary. In particular, inform whether the beneficiary is in the custody of the State and the circumstances of his detention, or provide information on the measures aimed at determining his whereabouts or fate. The Commission considers it essential for the State to specify whether the beneficiary was brought before a court of competent jurisdiction to review his detention if he had been charged with a crime. Otherwise, indicate the reasons why he has not been released to date. In any case, it requests that the State specify whether the beneficiary has undergone a medical evaluation, and to provide the relevant documentary support and indicate whether communication has been maintained with his country of nationality; and
- b. report on the actions taken in order to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 82/24 (GRANT)**  
**PM 1122-24 - S.J.R.G., Venezuela**

On November 7, 2024, the Inter-American Commission on Human Rights (IACHR) granted precautionary measures in favor of S.J.R.G., after considering that he is in a serious and urgent situation presenting a risk of irreparable harm to his rights in Venezuela. The request indicated that the beneficiary is an activist of the LGBTI community, a volunteer of the opposition political party Vente Venezuela and has been deprived of his liberty since August 6, 2024. It was alleged that he was subjected to torture, that he is in a state of malnutrition and dehydration, as well as that he does not receive the medical attention necessary to treat the HIV he suffers from. The State did not provide information on the matter. The IACHR valued the lack of information on the crimes of which the beneficiary is accused and what his legal situation is. It also considered the seriousness of the risk posed by the allegations of lack of care for HIV and the lack of knowledge of his current state of health and the actions that the State is taking to mitigate the alleged risk.

Consequently, in accordance with Article 25 of the Rules of Procedure, it requested that the State of Venezuela:

- a. adopt the necessary measures to protect the rights to life, personal integrity, and health of S.J.R.G., in accordance with the applicable international standards;
- b. implement the necessary measures to ensure that his detention conditions are compatible with the applicable international standards on the matter. In particular, ensuring that he is provided with the necessary medical treatment, as well as water and adequate food. The Commission considers it essential for the State to specify whether the beneficiary was brought before a court of competent jurisdiction to review his detention if he has been charged with a crime. Otherwise, indicate the reasons why he has not been released to date;
- c. consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- d. report on the actions taken to investigate the alleged facts that gave rise to this resolution, so as to prevent such events from reoccurring.

**Resolution No. 84/24 (FOLLOW-UP, MODIFICATION AND EXTENSION)**  
**PM 967-19 - Delsa Jennifer Solórzano Bernal, her work team, and P.L.I.S., Venezuela**

On November 12, 2024, the Inter-American Commission on Human Rights (IACHR) adopted Follow-up, Modification, and Extension Resolution 84/2024 in relation to the situation of Delsa Jennifer Solórzano Bernal in Venezuela (PM-967-19). The IACHR considered that the risk that has been observed since the granting of the PM against the beneficiary continues and has been increased in the pre-electoral and post-electoral period of the 2024 presidential election, without the State having adopted protection measures in her favor.



Likewise, it considered that certain identified persons of her team and P.L.I.S. share the risk, for which reason the measures in her favor were extended. Upon analyzing the submissions of fact and law, in the terms of Article 25 of its Rules of Procedure, the Commission concluded that the situation of Ms. Delsa Jennifer Solórzano Bernal continues to exist and decided to extend the precautionary measures in favor of Jonathan Gerardi, Eliannys Vidoza, Axel Espinoza, Daniel Murolo, María Isabel Gudiño, Valentina Rodríguez, and P.L.I.S. Therefore, the Commission requested that Venezuela:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Delsa Jennifer Solórzano Bernal, the members of her work team, and P.L.I.S., duly identified in this resolution;
- b. implement the necessary measures, with a gender perspective, to guarantee that the beneficiaries can carry out their political activities without being subjected to threats, harassment, or acts of violence;
- c. consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 87/24 (EXTENSION AND FOLLOW-UP)  
PM 409-23 - Franklin Alfredo Caldera Cordero and family, Venezuela**

The Inter-American Commission on Human Rights (IACHR) adopted on November 25, 2024 the Follow-up, Modification and Extension Resolution 87/2024 regarding the situation of Franklin Caldera Cordero in Venezuela. The IACHR considered that the risk that places the beneficiary at risk has been observed since the granting of the precautionary measure, continues, and has been extended to his son, Franklin Caldera Martínez, as well as to his wife, Yuraima Martínez. Upon analyzing the submissions of fact and law, in the terms of Article 25 of its Rules of Procedure, the Commission concluded that the situation of Franklin Alfredo Caldera Cordero remains and it is extended to his son, Franklin Caldera Martínez, as well as to his wife, Yuraima Martínez. Consequently, the IACHR decided:

- a. To continue to follow up on the situation of Franklin Alfredo Caldera Cordero;
- b. To extend the precautionary measures in favor of Franklin Caldera Martínez (son) and Yuraima Martínez;
- c. To modify the scope of these precautionary measures, and require that the State of Venezuela:
  - i. adopt the necessary measures to protect the rights to life and personal integrity of Franklin Alfredo Caldera Cordero, Franklin Caldera Martínez and Yuraima Martínez. In the case of Franklin Caldera Martínez, the measures must include those necessary to also protect his right to health;
  - ii. adopt the necessary measures to guarantee that Franklin Alfredo Caldera Cordero can continue to carry out his work as a human rights defender without being subjected to threats, intimidation, harassment or acts of violence in the exercise of his duties. In particular, it must formally inform the beneficiary of the existence of any investigation process against him, including at least: the facts under investigation, the crimes he is accused of, the prosecutor's office in charge of the investigation, and the competent judicial authority in charge of the investigation. The State must allow the beneficiary and/or his representatives to have access to the entire criminal file against him, if it exists, allowing him to file the corresponding appeals and guaranteeing his security in its processing;
  - iii. implement the necessary measures to ensure that the conditions of detention of Franklin Caldera Martínez (son) are compatible with the applicable international standards on the matter, among them: guarantee that he is not subjected to violence, threats,



intimidation, aggression and torture inside the prison; guarantee access to adequate and specialized medical care, as well as to the necessary treatment and medication, and immediately carry out a comprehensive medical assessment of his health situation; and evaluate the possibility of granting alternative measures to the deprivation of liberty given the impossibility of protecting his rights in light of the current conditions of detention;

- iv. consult and agree upon the measures to be adopted with the beneficiaries and their representation; and
- v. report on the actions taken to investigate the alleged facts that gave rise to the adoption and validity of these precautionary measures, so as to prevent such events from reoccurring. In particular, the State is requested to conduct an investigation with due diligence into the threats, allegations of torture and other acts of violence reported, including those that could have taken place by State officials and/or agents against the beneficiaries.

**Resolution No. 88/24 (GRANT)****PM 1237-24 - Eduardo Emiro Labrador, Venezuela**

On November 25, 2024, the IACHR granted precautionary measures in favor of Eduardo Emiro Labrador, after considering that he is in a serious and urgent situation since his rights to life and personal integrity face a risk of irreparable harm in Venezuela. According to the request, the beneficiary was detained on October 18, 2024, by agents of the Zulia Regional Police and transferred to an unknown location. The situation has continued despite several domestic remedies filed. The State did not respond. Therefore, in terms of Article 25 of the Rules of Procedure, the State of Venezuela is requested to:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Eduardo Emiro Labrador. In particular, inform whether the beneficiary is in the custody of the State and his current circumstances, or provide information on the measures aimed at determining his whereabouts or fate. The Commission deems it essential for the State to specify whether the beneficiary was brought before a court of competent jurisdiction to review his detention, if he had been charged with a crime. Otherwise, indicate the reasons why he has not been released to date. In any case, the State is requested to report on the status of the criminal file that has been opened against the beneficiary, and to allow access to family members and legal representatives. Likewise, it is required to specify whether the beneficiary has undergone a medical evaluation, and provide the corresponding documentary support;
- b. implement the necessary measures so that the beneficiary can carry out his activities, as a member of an opposition political party and a deputy of the Legislative Council of the state of Zulia, without being subjected to threats, harassment, or acts of violence;
- c. consult and agree upon the measures to be adopted with the beneficiary, his family, and his representatives; and
- d. report on the actions taken to investigate the alleged facts that led to this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 89/24 (FOLLOW-UP)****PM 125-19 - María Corina Machado, Venezuela**

The Inter-American Commission on Human Rights (IACHR) adopted on November 25, 2024 the Follow-up and Modification Resolution 89/2024 in relation to the situation of María Corina Machado Parisca in Venezuela (PM-125-19). The IACHR considered that the risk that has been observed since the granting of the PM against the beneficiary continues, and has increased in the post-electoral period of the 2024 presidential election,



without the State having adopted protection measures in her favor. After analyzing the allegations of fact and law, in the terms of Article 25 of its Rules of Procedure, the Commission concluded that the situation of Mrs. María Corina Machado Parisca persists, and decided as follows:

- a. Continue to monitor the situation of María Corina Machado Parisca in Venezuela;
- b. Not to extend the precautionary measures in relation to the requested persons;
- c. Modify the scope of these precautionary measures and to require that the State:
  - i. adopt the necessary measures to protect the rights to life and personal integrity of Ms. María Corina Machado Parisca;
  - ii. implement the necessary measures to guarantee that the beneficiary can continue to carry out her political participation activities without being subjected to threats, harassment, or acts of violence in the exercise thereof; In particular, to formally inform the beneficiary about the existence of any investigation against her, including at least: the facts under investigation, the alleged offenses, the prosecutor's office in charge of the investigation, and the competent judicial authority overseeing the case. The State must allow the beneficiary and/or her representation to have access to the entire criminal file against her, if it exists, thereby allowing her to submit the corresponding appeals and guaranteeing her security in the processing of the file;
  - iii. consult and agree upon the measures to be adopted with the beneficiary and her representation; and
  - iv. report on the actions taken to investigate the alleged events that led to the adoption of these precautionary measures, so as to prevent such events from reoccurring. In particular, the State is requested to conduct an investigation with due diligence into the threats and acts of violence reported, including those that could have been against the beneficiary at the hands of State officials and/or agents.

**Resolution No. 92/24 (EXTENSION, MODIFICATION, FOLLOW-UP, AND LIFT)  
PM 143-13, 181-19 - Identified members of the organization "Foro Penal", Venezuela**

On November 28, 2024, the IACHR identified that the risk persists with respect to four persons who were beneficiaries of precautionary measures through Resolution 8/2015, Resolution 7/2019, and Resolution 64/2019. It also decided to protect 10 additional persons who are members of the same organization. The IACHR regretted the lack of information and implementation of protection measures by the State, which reportedly places the beneficiaries in a situation of lack of protection in the context of the country.

Upon analyzing the available information, the Commission decided:

- a. Extend the precautionary measures in favor of the following persons, currently members of the Foro Penal organization in Venezuela: Kennedy Tejeda, Mayela Fonseca, Lucía Quintero, Pedro Arévalo, Arelys Ayala, Wicza Santos Matiz, Laura Valbuena, Raquel Sánchez Carrero, Franyer Jose Hernandez Valladares, and Marbella Gutiérrez;
- b. Maintain the precautionary measures in favor of Alfredo Romero, Gonzalo Himiob Santomé, Luis Betancourt, and Olnar Ortiz;
- c. Continue to monitor the situation of Olnar Ortiz under the registry of Precautionary Measures 143-13;
- d. Lift the precautionary measures regarding Yoseth Colmenares and Robiro Terán;



- e. Not to extend the measures in favor of Orlando Moreno and the other members of Foro Penal, while keeping the possibility open to submit additional information for future assessment.
- f. Modify the precautionary measures and require that the State of Venezuela:
  - i. adopt the necessary measures to protect the rights to life and personal integrity of the members of Foro Penal duly identified in this resolution;
  - ii. implement the necessary measures to guarantee that the beneficiaries can carry out their human rights defense activities without being subjected to threats, harassment, or acts of violence. Specifically, the Commission requests a detailed report on the circumstances surrounding Kennedy Tejeda's detention, including his current legal status and ensure that his relatives and trusted legal representatives can communicate with him. Regarding all beneficiaries, to formally inform about the existence of any investigation against them, including at least: the facts under investigation, the alleged offenses, the prosecutor's office in charge of the investigation, and the competent judicial authority overseeing the case. The State must allow the beneficiaries and/or their representation to have access to the entire criminal file against them, if it exists, thereby allowing them to file the corresponding appeals and guaranteeing their security in the processing of the file;
  - iii. consult and agree upon the measures to be adopted with the beneficiaries and their representatives;
  - iv. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 94/24 (GRANT)****PM 1219-24 - Jorge Luis Graterol Guzman, Venezuela**

On December 4, 2024, the IACHR granted precautionary measures in favor of Jorge Luis Graterol Guzman, after considering that he is in a serious and urgent situation, given that his rights to life and personal integrity face a risk of irreparable harm in Venezuela. It was reported that he was the object of threats and intimidation. State officers reportedly indicated that they were not going to rest until they saw how he had his "toenails pulled out." Later, he was summoned by the Scientific, Penal, and Criminal Investigations Corps (CICPC) to appear for crimes against terrorism. This led him to seek shelter outside the city. Upon analyzing the available information, in accordance with Article 25 of its Rules of Procedure, the IACHR requested that Venezuela:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Jorge Luis Graterol Guzman;
- b. implement the corresponding measures to guarantee that the beneficiary can continue to carry out his activities of political participation without being subject to threats, harassment or acts of violence in the exercise thereof. In particular, the State must ensure that state actors respect the beneficiary's rights and personal integrity in accordance with the standards established by international human rights law, and in relation to acts of risk attributable to third parties. Likewise, it must report on the existing criminal investigations against the beneficiary; present any judicial arrest warrants, if any; and allow him to have the security guarantees in the development of any investigations;
- c. consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- d. report on the actions taken to investigate the alleged events that led to this precautionary measure, so as to prevent such events from reoccurring.



**Resolution No. 97/24 (LIFT)****PM 994-16 – Matter of Lorenzo Mendoza and family, Venezuela**

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Lorenzo Mendoza and his family, in the Bolivarian Republic of Venezuela. At the time of making the decision, the Commission assessed the State's request to lift in its report, as well as the lack of information from both parties since 2017. Upon currently not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

**Resolution No. 99/24 (GRANT)****PM 1331-24 - Arley Danilo Espitia Lara, Venezuela**

On December 16, 2024, the IACHR granted precautionary measures in favor of Arley Danilo Espitia Lara.

On September 13, 2024, he traveled by land from Cúcuta to Venezuela. Once at the border at the Ureña bridge, the migration authorities asked for his documentation and arrested him. From that moment on, his whereabouts have been unknown.

Upon analyzing the submissions of fact and law, the Commission considers that the proposed beneficiary is in a serious and urgent situation, given that his current location is unknown to date. Consequently, pursuant to the provisions of Article 25 of its Rules of Procedure, the Commission requested that Venezuela:

- a. adopt the necessary measures to protect the rights to life and personal integrity of the beneficiary. In particular, inform whether the beneficiary is in custody of the State and his current circumstances, or provide information on the measures aimed at determining his whereabouts or fate. The Commission deems it essential for the State to specify whether the beneficiary was brought before a court of competent jurisdiction to review his detention, if he had been charged with a crime. Otherwise, indicate the reasons why he has not been released to date. In any case, it requests that the State specify whether the beneficiary has undergone a medical evaluation, and to provide the relevant documentary support and detail whether communication has been maintained with his country of nationality; and
- b. report on the actions taken in order to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**Resolution No. 101/24 (GRANT)****PM 1213-24 - Gina Paola Mercado Núñez, Venezuela**

On December 16th, 2024, the IACHR granted precautionary measures in favor of Gina Paola Mercado Núñez, upon considering that she is at serious and urgent risk of irreparable harm to her rights in Venezuela. According to the request, the beneficiary was deprived of her liberty on July 29, 2024, after recording the protests that took place in the country's post-electoral context. It is alleged that her current detention conditions put her at risk, particularly as she is not receiving adequate medical care for her health issues. The IACHR regretted the lack of response from the State. Therefore, pursuant to Article 25 of its Rules of Procedure, it requested that Venezuela:

- a. adopt the necessary measures to protect the beneficiary's rights to life, personal integrity, and health, with a gender perspective, in accordance with the applicable international standards;
- b. implement the necessary measures to bring her detention conditions into line with applicable international standards. In particular, the following: make the corresponding medical diagnoses and define her medical treatment; allow her to receive sunlight on a regular basis; to provide her with food fit for human consumption and compatible with her health issues; to provide water and basic conditions for her hygiene; to ensure that she is not mistreated or physically assaulted; and facilitate contact with her trusted lawyer, giving them access to the criminal file that is being processed against the beneficiary;



- c. consult and agree upon the measures to be adopted with the beneficiary and her representatives; and
- d. report on the actions taken to investigate the alleged events that gave rise to this resolution, so as to prevent such events from reoccurring.

#### **Resolution No. 105/24 (GRANT)**

#### **PM 1426-24 - Jesús Alexander Armas Monasterios, Venezuela**

On December 31, 2024, the IACHR granted precautionary measures in favor of Jesús Alexander Armas Monasterios after considering that he is in a serious and urgent situation, given that his rights to life and personal integrity face a risk of irreparable harm in Venezuela. According to the request, the proposed beneficiary is a former Caracas councilor (2013-2018), political activist, and human rights defender, who was detained by Venezuelan security forces on December 10, 2024, in Caracas, Venezuela. To date there is no official information on the conditions of his current detention. The State did not provide information to the IACHR. Consequently, based on Article 25 of its Rules of Procedure, the Commission requested that Venezuela:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Jesús Alexander Armas Monasterios. In particular, officially report whether he is in custody of the State and the circumstances of his detention; or else, the measures taken to determine his whereabouts or fate;
- b. establish the necessary measures to ensure that the beneficiary's detention conditions are compatible with the applicable international standards on the matter, including:
  - i. guaranteeing regular contact with and access to his family members, lawyers, and representatives;
  - ii. officially report on the legal situation of the beneficiary in the framework of the criminal process in which he is said to be involved, as well as the reasons why he has not been released to date or taken before an independent court;
  - iii. immediately carry out a medical evaluation of his health and guarantee access to the necessary medical care;
- c. consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- d. report on the actions taken to investigate the alleged facts that led to the adoption of this resolution, so as to prevent such events from reoccurring.

### **5. Provisional measures**

701. Provisional measures are provided for in Article 63(2) of the American Convention on Human Rights, which determines that, in situations of extreme gravity and urgency, when it is necessary to avoid irreparable harm to persons, the Inter-American Court of Human Rights (IACHR) may grant provisional measures. Following the decision of the Inter-American Court to grant a provisional measure, the follow-up of its implementation passes to the Court. In addition, the Commission, at the request of the Court, continues periodically to provide observations and relevant information on the implementation of provisional measures.

702. In 2024, the IACHR filed a new request for provisional measures and two requests for extensions, all of which were granted by the I/A Court H.R.:

- [Request for extension of provisional measures in the Juan Sebastián Chamorro et al. case regarding Nicaragua.](#)



On June 20, 2023, the Inter-American Commission requested the Inter-American Court of Human Rights to extend the provisional measures in the Juan Sebastián Chamorro et al. case regarding Nicaragua to include 25 persons deprived of their liberty, who are in a situation of extreme gravity and urgency of irreparable harm to their rights.

The beneficiaries were detained between 2021 and 2024 in the context of criminalization of any person critical of or opposed to the current government, as well as civil society actors who attempt to participate in public, social, political or religious life. These people are currently being held in three detention centers: in the León Penitentiary System “Santos Bárcenas Centeno”, in the Jorge Navarro Penitentiary System - “La Modelo”, and in the Integral Penitentiary Establishment for Women - “La Esperanza”.

The Commission considered the situation of the identified persons to be of particular concern, considering that they have no communication with their families and lawyers, as well as being held in conditions of detention that put them at risk. This is aggravated by the lack of medical attention and allegations of aggression, intimidation and harassment by state agents. In addition, the individuals have been prevented from enjoying the minimum guarantees of any judicial process.

The Court extended the provisional measures on July 2, 2024.<sup>214</sup>

- [Request for provisional measures in the Lovely Lamour case regarding Haiti.](#)

On July 1, 2024, the IACHR requested provisional measures from the Inter-American Court of Human Rights in favor of Lovely Lamour, who is in a situation of extreme gravity and urgency of irreparable harm to her rights. On August 29, 2023, the Commission granted precautionary measures in favor of Lovely Lamour, through Resolution 49/2023, however, she did not receive the necessary medical and psychological care during her pregnancy and after childbirth, despite her request. According to the available information, her physical health has shown a serious deterioration. Lamour has reported experiencing back pain and other conditions related to her reproductive health. In addition, it has been mentioned that her mental health has been affected and deteriorated since the separation and subsequent death of her son, who was buried under the category of “indigent”.

Despite repeated actions to obtain information from the State of Haiti, the Commission has not received a response indicating the adoption of suitable and effective measures to mitigate the risk identified. The IACHR understood that Lovely Lamour’s situation has worsened significantly, affecting her safety and her living and health conditions. The proposed beneficiary is homeless, away from her usual residence, without identification documents or economic resources to access adequate medical treatment, and with a deficient diet. She is currently sleeping in a goods warehouse. The information suggests that he has been subject to threats from relatives of the person with whom he had an incident in 2023, which led to his arrest that year. In addition, at the place where she sleeps, she has been exposed to physical aggression after refusing to have sexual relations with some of the young men who are also there.

The Court granted provisional measures on July 4, 2024.<sup>215</sup>

- [Request for extension of provisional measures in the Juan Sebastián Chamorro et al. case regarding Nicaragua.](#)

On October 3, 2024, the Inter-American Commission requested the Inter-American Court of Human Rights to extend the provisional measures in the Juan Sebastián Chamorro et al. case against Nicaragua

<sup>214</sup> I/A Court H.R., [Matter of Juan Sebastián Chamorro et al. v. Nicaragua](#), Extension of Provisional Measures, Order of July 2, 2024.

<sup>215</sup> I/A Court H.R., [Lovely Lamour Case regarding Haiti](#), Provisional Measures, Order of July 4, 2024.



to include four persons deprived of their liberty, who are in a situation of extreme gravity and urgency of irreparable harm to their rights.

The proposed beneficiaries were detained between 2021 and 2023 in the context of the criminalization of any person identified or perceived as a critic or opponent of the current government and, in general, of civil society that attempts to participate in public, social, political or religious life in Nicaragua. The four persons are being held in the Jorge Navarro Penitentiary System “La Modelo” and in the Integral Penal Establishment for Women (EPIM) “La Esperanza”.

The Commission considered the situation particularly worrisome considering that the proposed beneficiaries are in detention conditions that put them at risk, such as lack of medical attention, allegations of aggression, intimidation and harassment by state agents and limited contact with their families and lawyers. In addition, the proposed beneficiaries have been denied the minimum guarantees of any judicial process.

The Court granted the extension on November 27, 2024.<sup>216</sup>

703. During 2024, the Commission also submitted 92 legal briefs on provisional measures to the Inter-American Court. In addition, the IACHR presented its oral observations at a hearing convened by the Court held on June 17, 2024:

- **Public Hearing Request for Provisional Measures in the Cases of Barrios Altos and La Cantuta v. Peru:** the purpose of the request was to ask the Court to order the State to interrupt the legislative process and file Bill 6951/2023-CR. The same openly disobeys sentences issued by the Court by “automatically” establishing the statute of limitations, the nullity of sanctions, the non-enforceability of the same, and the prohibition of criminal prosecution of crimes for acts prior to 2002, which could be considered crimes against humanity or war crimes. On that occasion, the Commission recalled that the human rights violations that took place in the Barrios Altos and La Cantuta v. Peru cases, such as extrajudicial executions and forced disappearances, have been classified by the Commission and the Court as crimes against humanity. In these cases, the Court ruled that amnesty provisions, statutes of limitations and the establishment of exclusions of responsibility that seek to prevent the investigation and punishment of those responsible for these crimes are inadmissible. Thus, the IACHR warned the I/A Court H.R. that the request for provisional measures met the requirements of extreme gravity, urgency and irreparable harm, since it prevented access to justice for the victims of both cases.

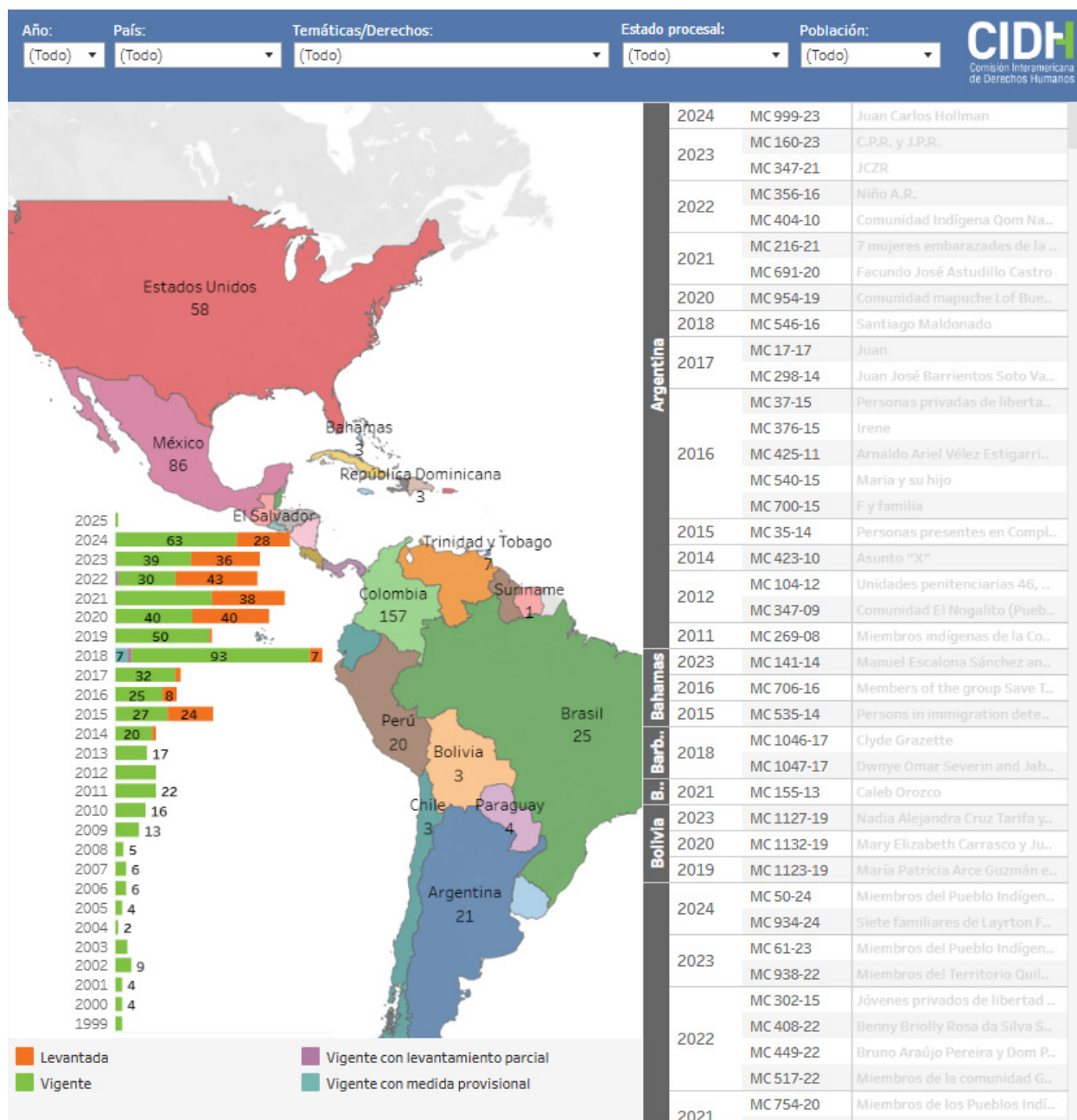
## 6. Dissemination and transparency

704. In 2024, the IACHR continued its efforts to disseminate information on the precautionary measures mechanism and transparency about its operation with a view to increasing the knowledge of the users of the Inter-American system. Thus, the Commission, kept the section of its website for precautionary measures updated, publishing the resolutions adopted in the available translations. On the other hand, the IACHR updated its [interactive map of precautionary measures](#), which compiles information on the resolutions issued by the Commission in this area, presenting qualitative and quantitative information on the precautionary measures granted, followed up and extended or lifted.

---

<sup>216</sup> I/A Court H.R., [Matter of Juan Sebastián Chamorro et al. v. Nicaragua](#), Provisional Measures, Order of November 27, 2024.





705. The Commission also disseminated information on precautionary measures through the publication of 94 press releases (PRs). In these, the IACHR publishes information on resolutions granting, extending, modifying and following up on precautionary measures (81 PRs), disseminates its work on requests for provisional measures before the Inter-American Court of Human Rights (three PRs), and follows up on precautionary measures in force (10 PRs), in some cases publishing them jointly with the thematic and country



rapporteurships.<sup>217</sup> The press releases also seek to urge States to adopt urgent measures, as in cases of the application of the death penalty.<sup>218</sup>

706. Regarding training on precautionary measures, in 2024, 13 training sessions were conducted for students, staff of international organizations, civil society organizations and state officials. Such training sessions may focus on the process of requesting precautionary measures, on the follow-up of existing measures, or both.

#### **G. Annual statistics most representative of the Commission's work**

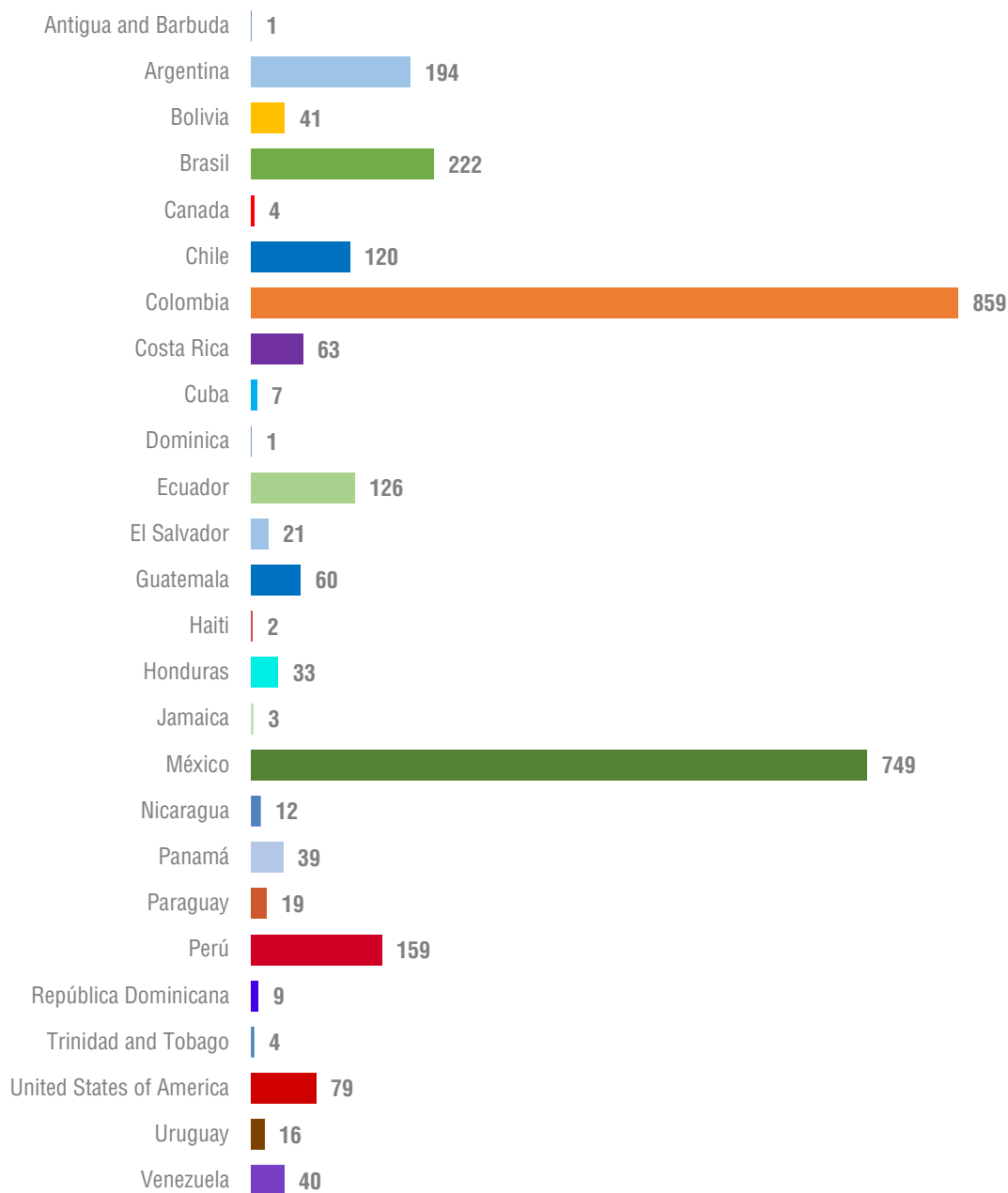
---

<sup>217</sup> IACHR, [Press Releases on Precautionary Measures](#), 2024. See also: IACHR, [Press Release 219/24](#), IACHR Condemns Assassination of Environmental Defender Juan López in Honduras, September 18, 2024; [Press Release 319/24](#), IACHR issues urgent alert regarding precautionary measures in the aftermath of the elections in Venezuela, December 17, 2024.

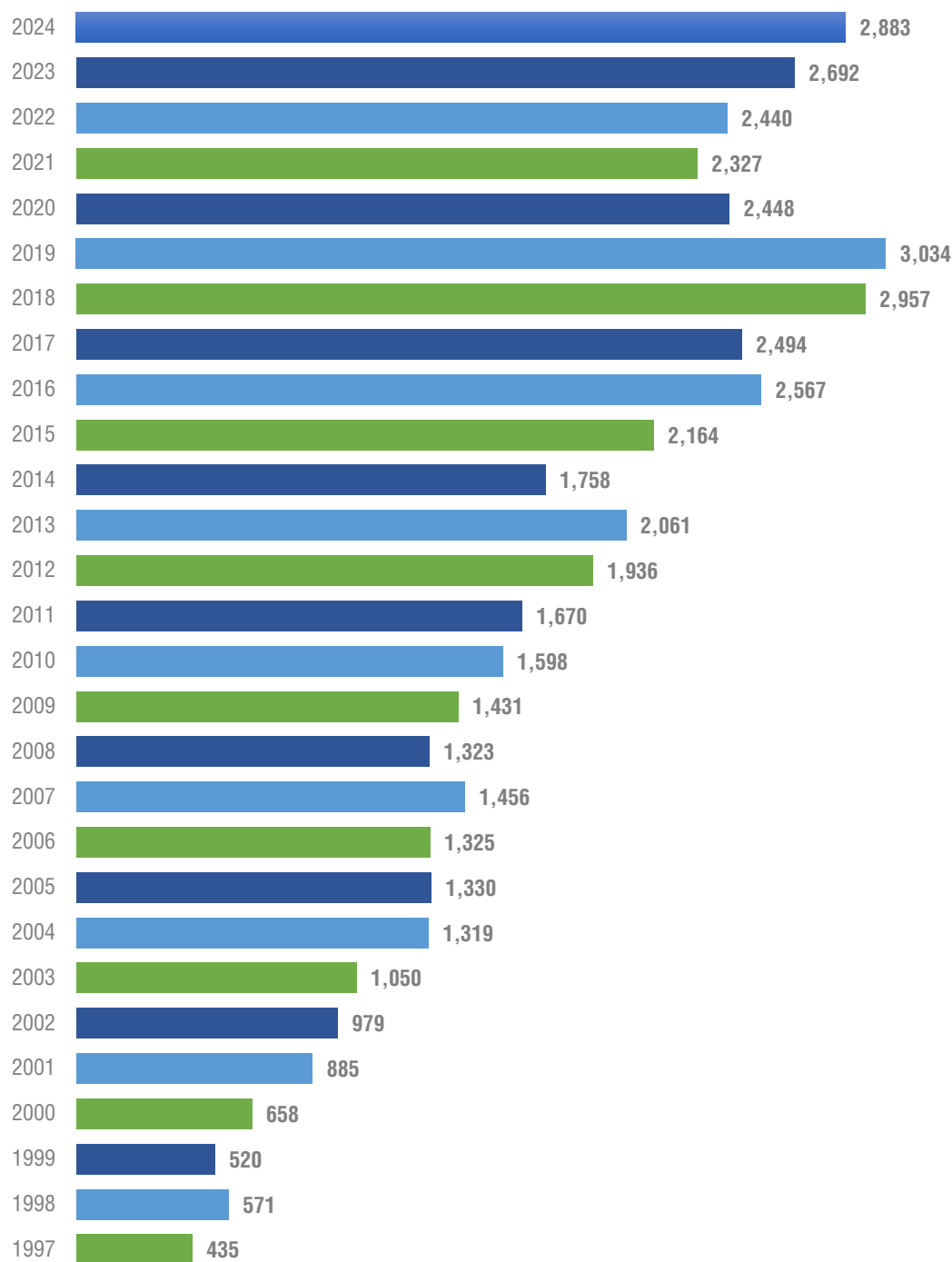
<sup>218</sup> IACHR, [Press Release 269/24](#), IACHR urges the United States to refrain from applying the death penalty on Richard Moore, beneficiary of precautionary measures, October 30, 2024; [Press Release 281/24](#), IACHR condemns execution of Richard Moore, sentenced to death penalty in United States, November 8, 2024.



## Petitions received by country

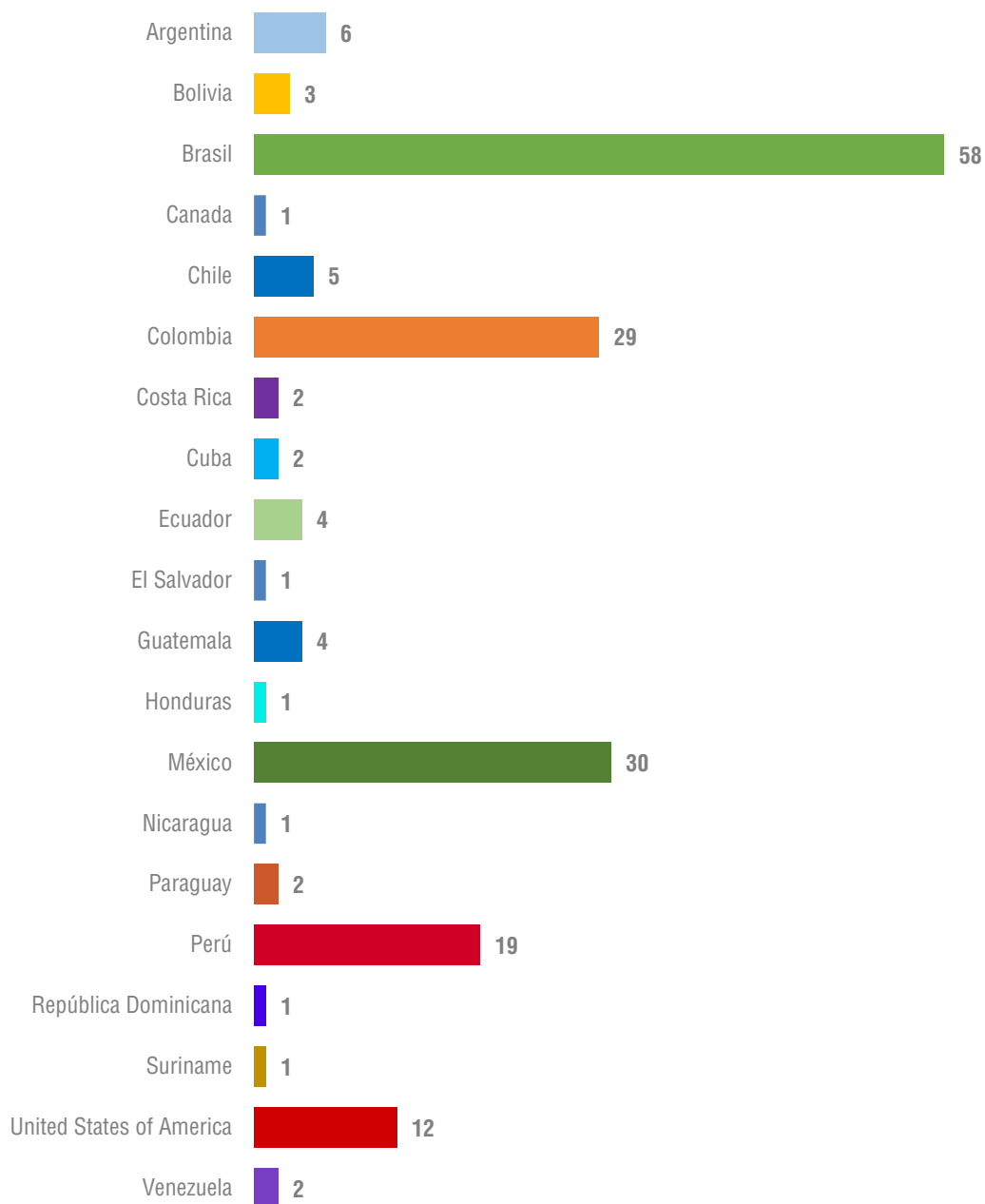
**Total: 2,883**



Petitions received  
**by Year**



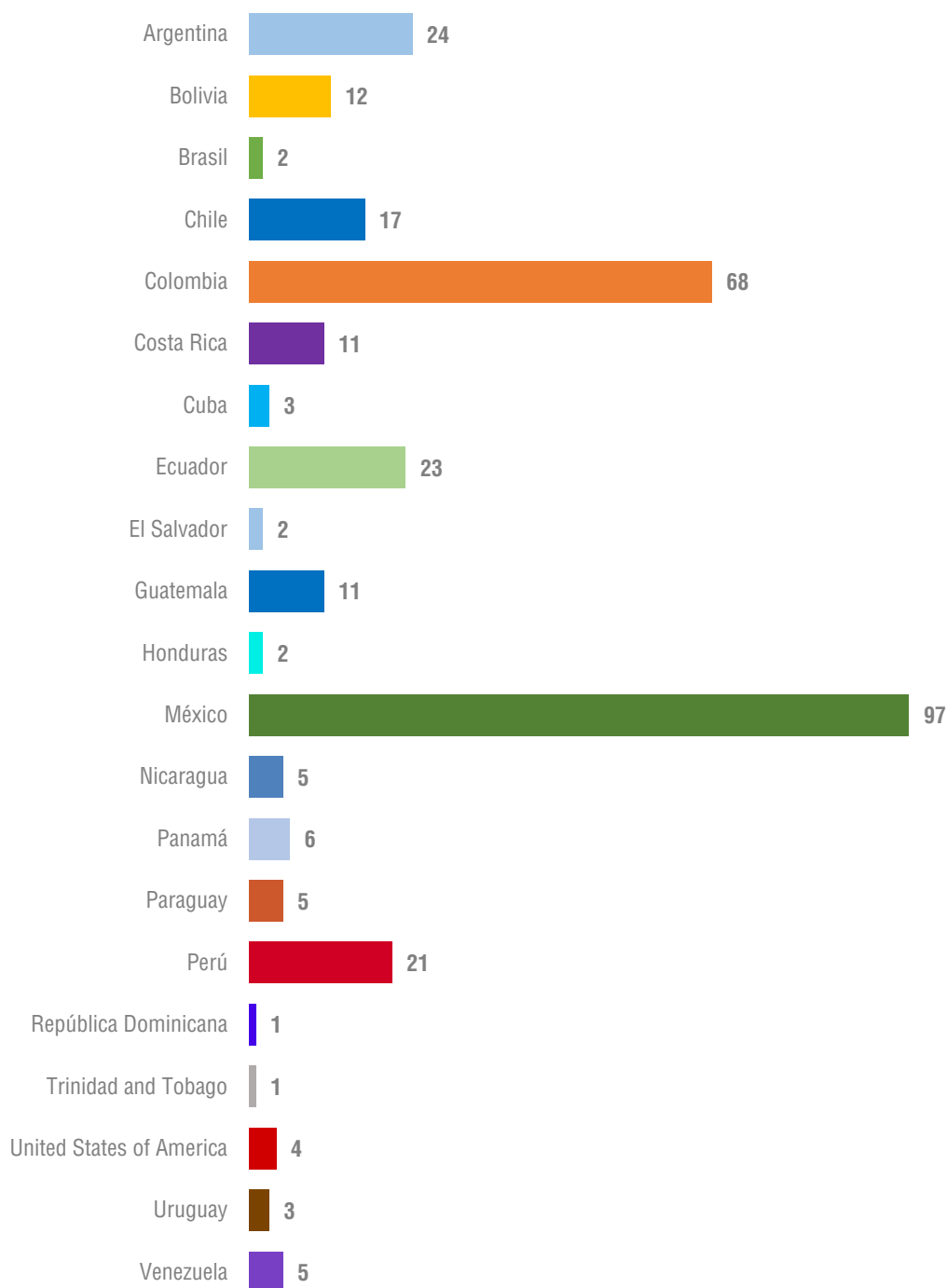
## Petitions pending initial review by country

**Total: 184**

**Note:** These figures correspond to requests before 2024 pending initial study.

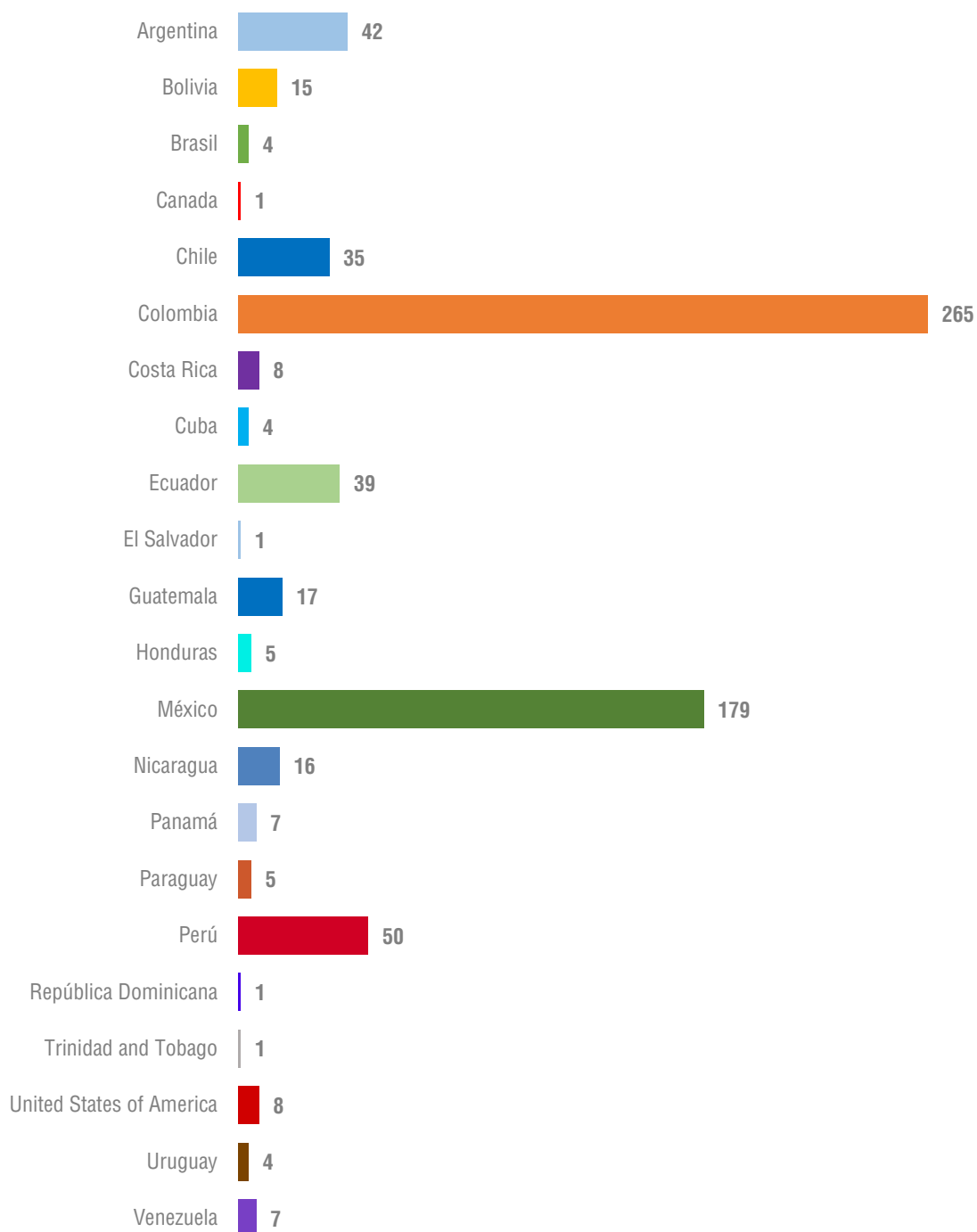


## Decisions to open for processing by country

**Total: 323**



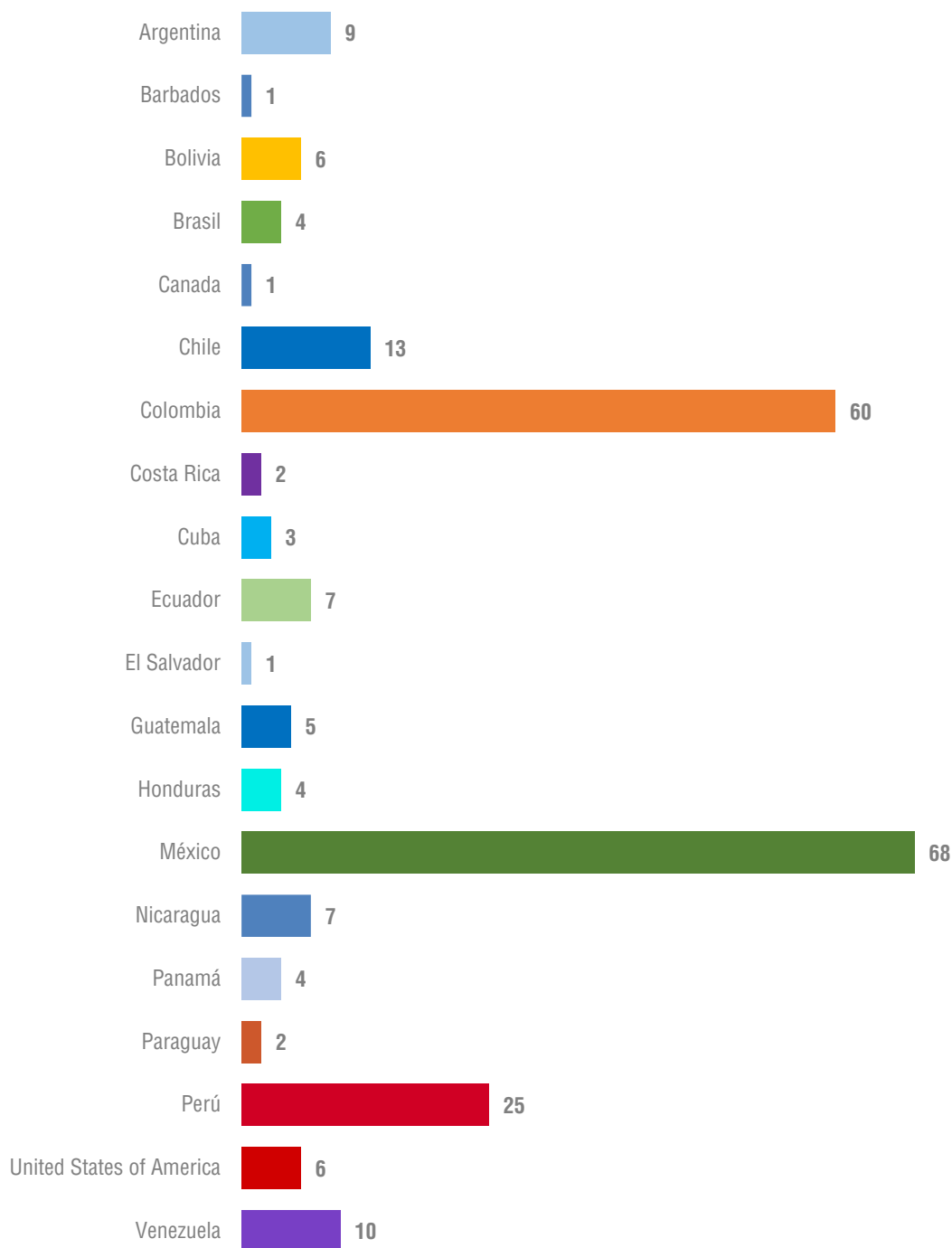
## Notified decisions to open for processing

**Total: 714**



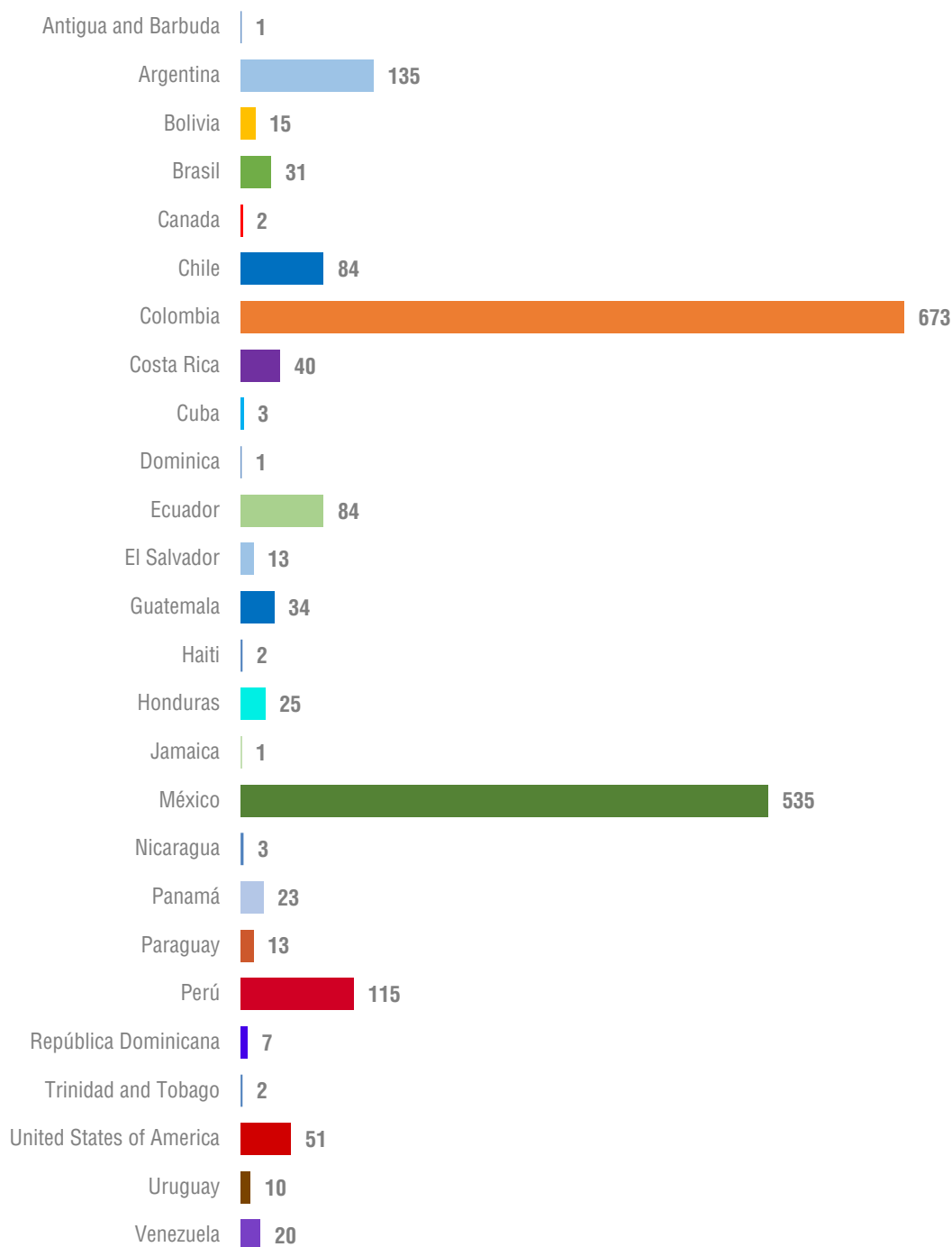
Petitions opened for processing,  
pending notification to the State

**Total: 238**





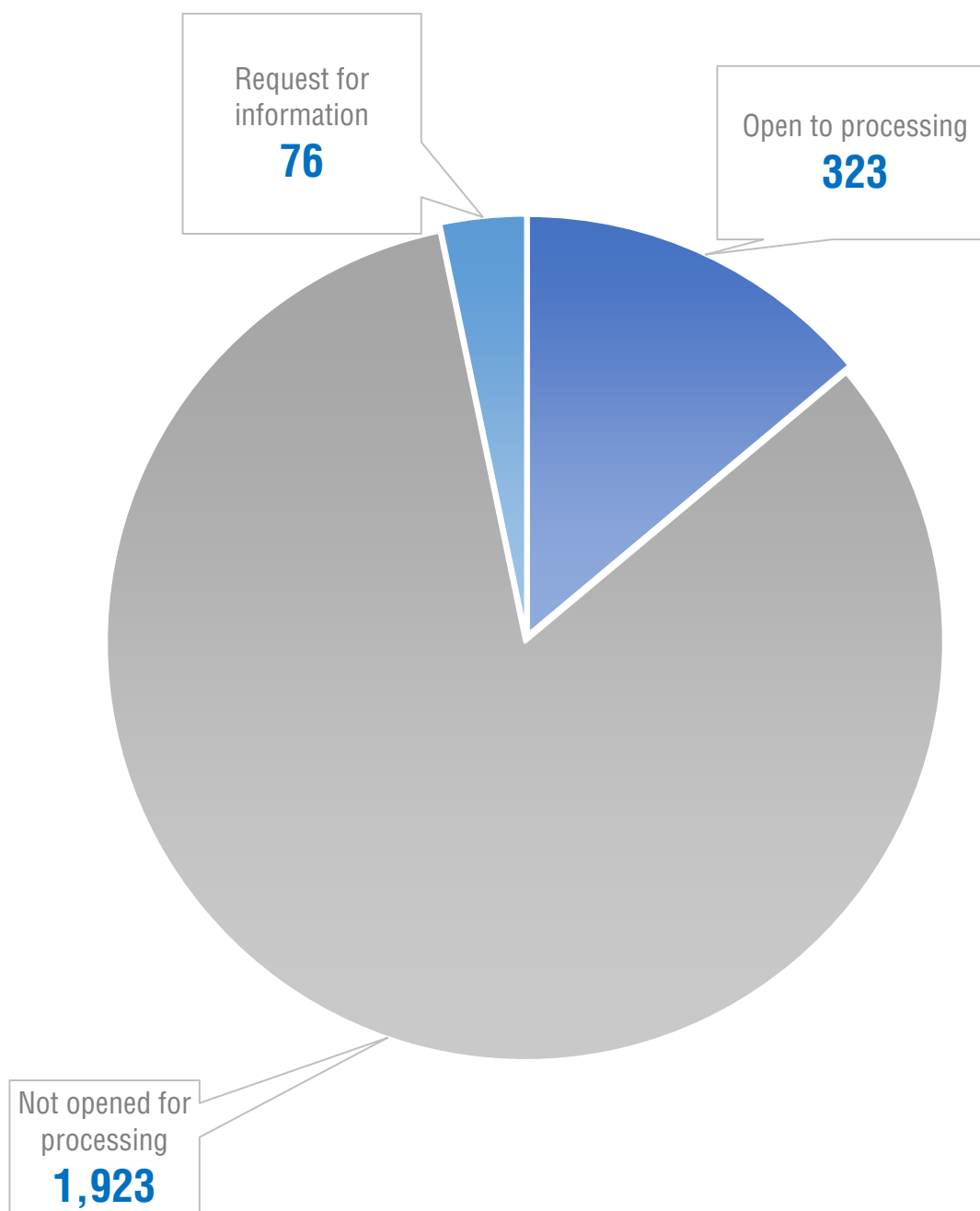
## Petitions not opened for processing

**Total: 1,923**



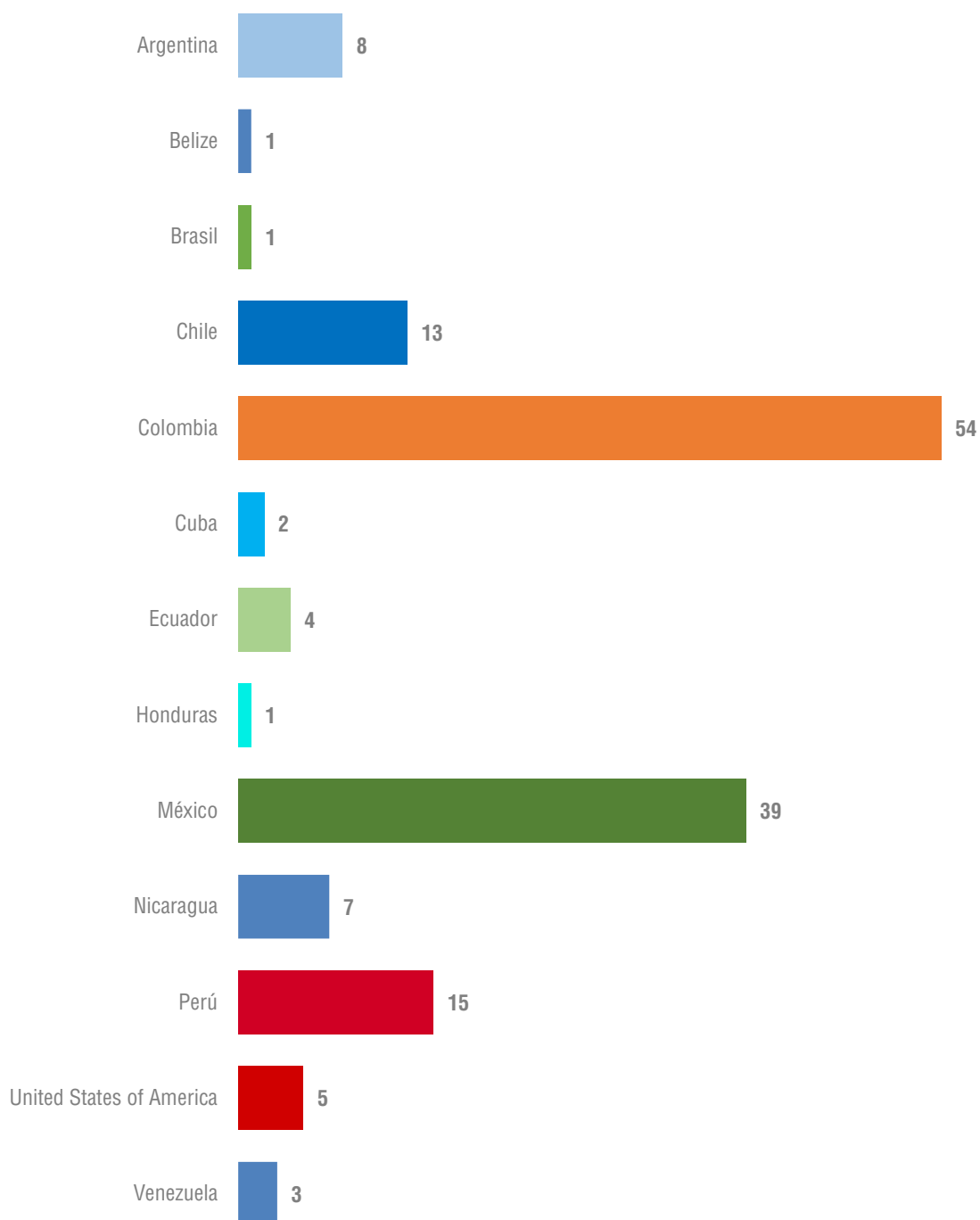
Decisions taken regarding petitions  
in the initial review stage

**TOTAL: 2,322**



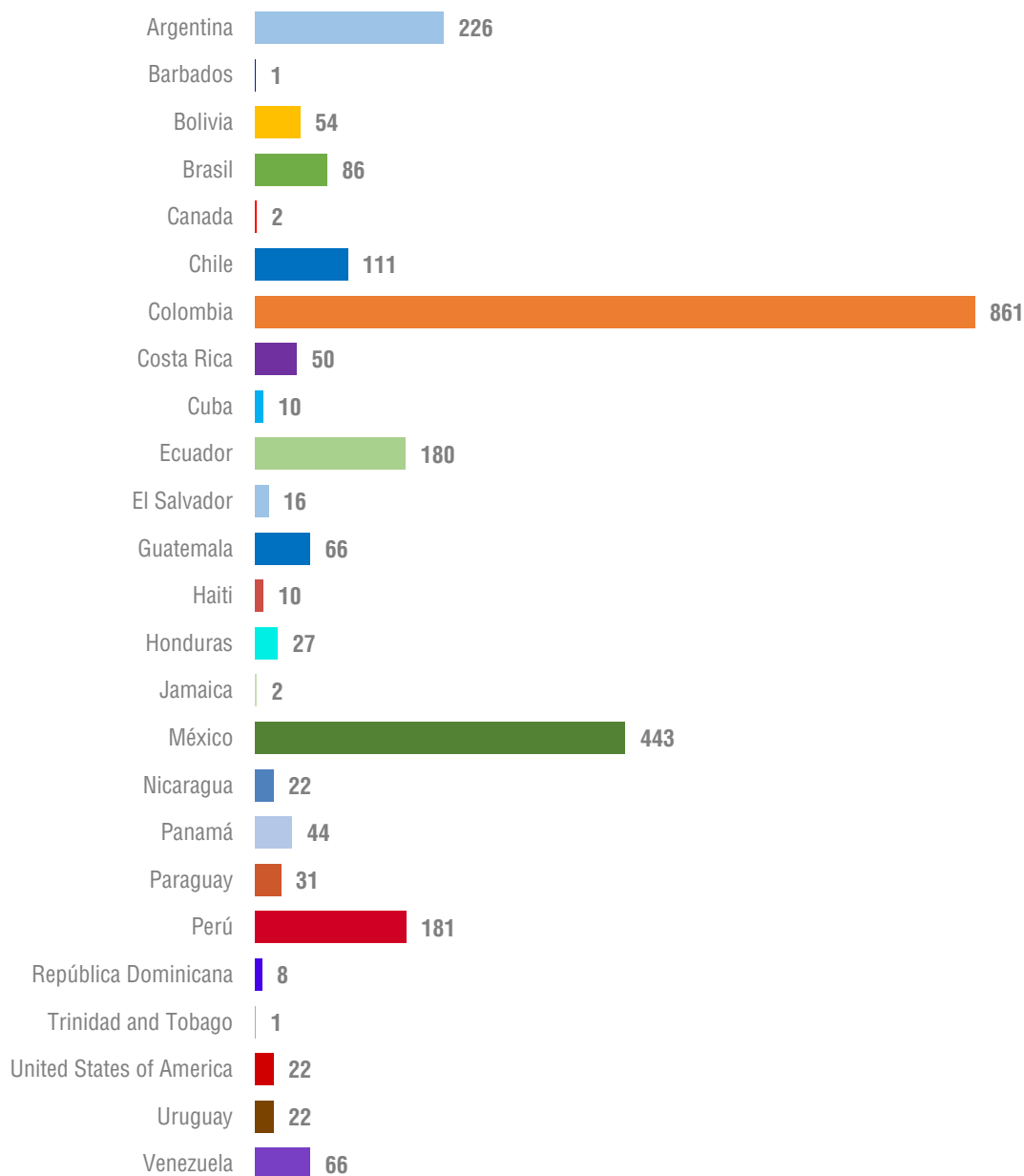


## Petitions archived in the initial review stage

**Total: 153**



## Petitions in admissibility at end of year

**Total: 2,542**

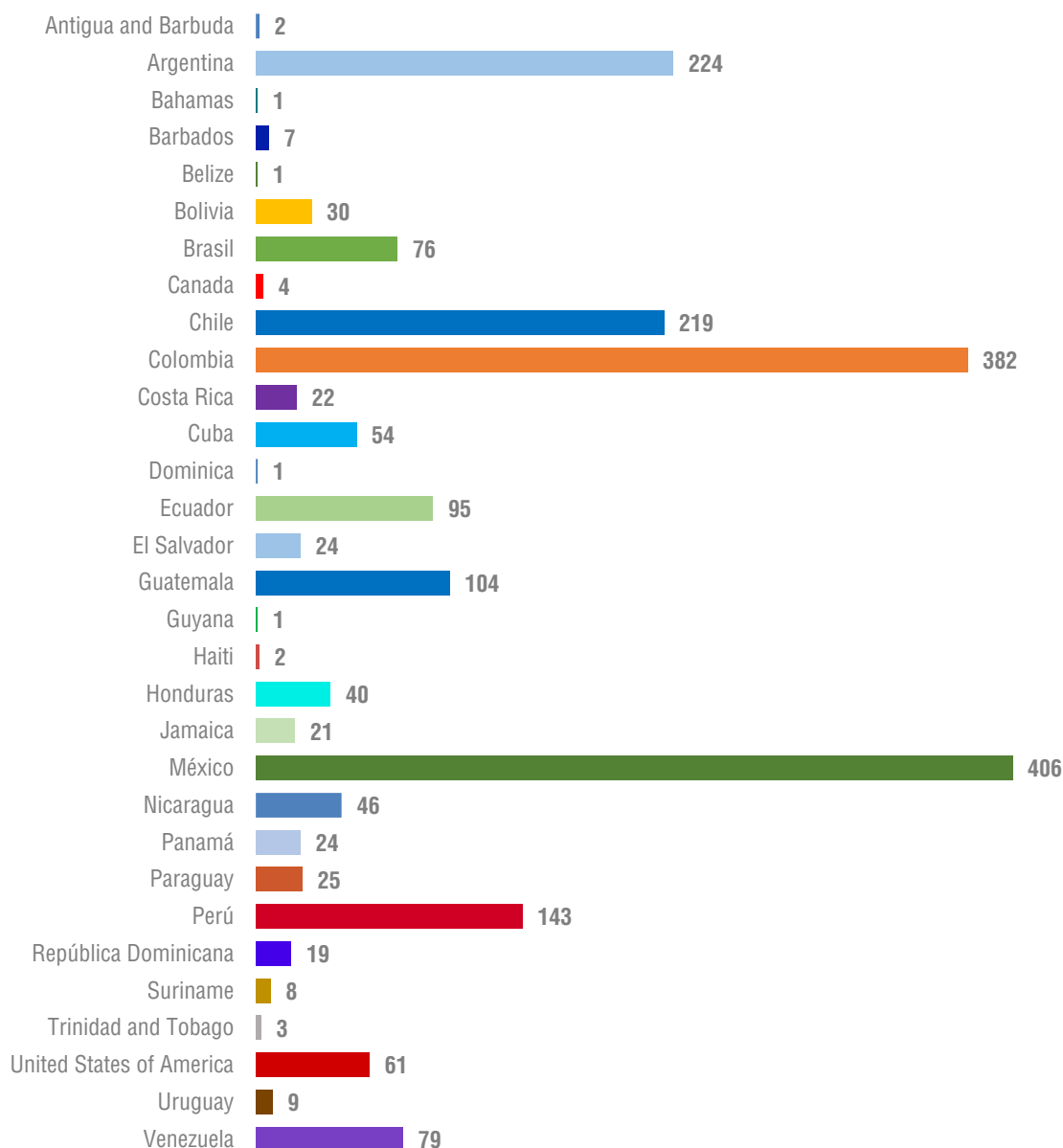
**Note:** Petitions in the admissibility stage are those currently being processed. That is, those transmitted to the State in accordance with Article 30 of the **IACHR** Rules of Procedure.



This graph does not include petitions at the admissibility stage that are in the friendly settlement procedure, as provided for in Article 40 of the aforementioned Rules of Procedure.

### Cases in merits at end of year

**Total: 2,133**



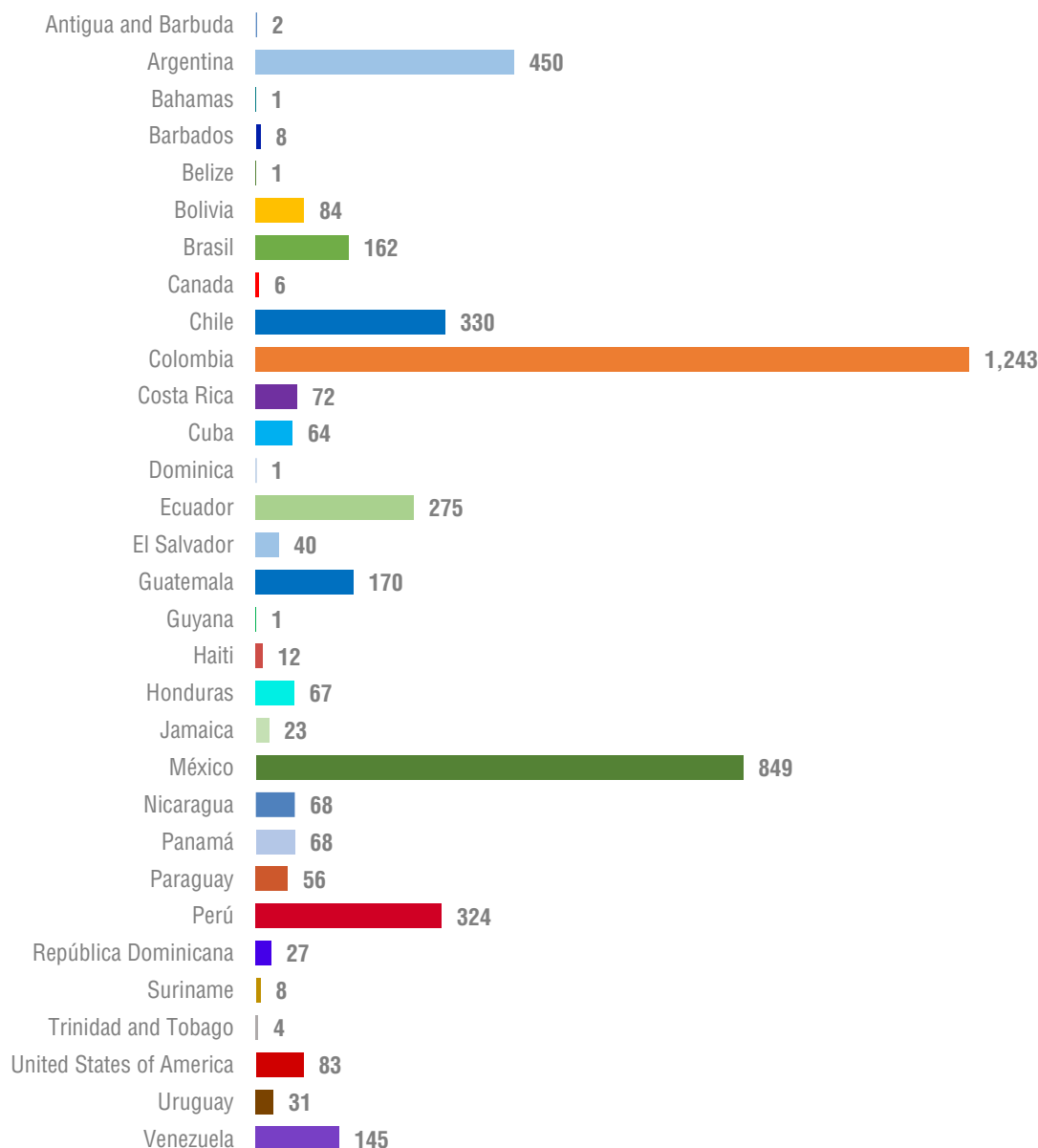
**Note:** Cases in the merits stage include cases that are in process. That is, those in which the **IACHR** ruled on their admissibility or decided to defer the treatment of admissibility until the debate and decision on the merits, in accordance with Article 36 of the **IACHR** Rules of Procedure.



This graph does not include cases at the merits stage that are in the friendly settlement, as provided for in Article 40 of the aforementioned Rules of Procedure.

## Petitions and cases in admissibility and merits

**Total: 4,675**



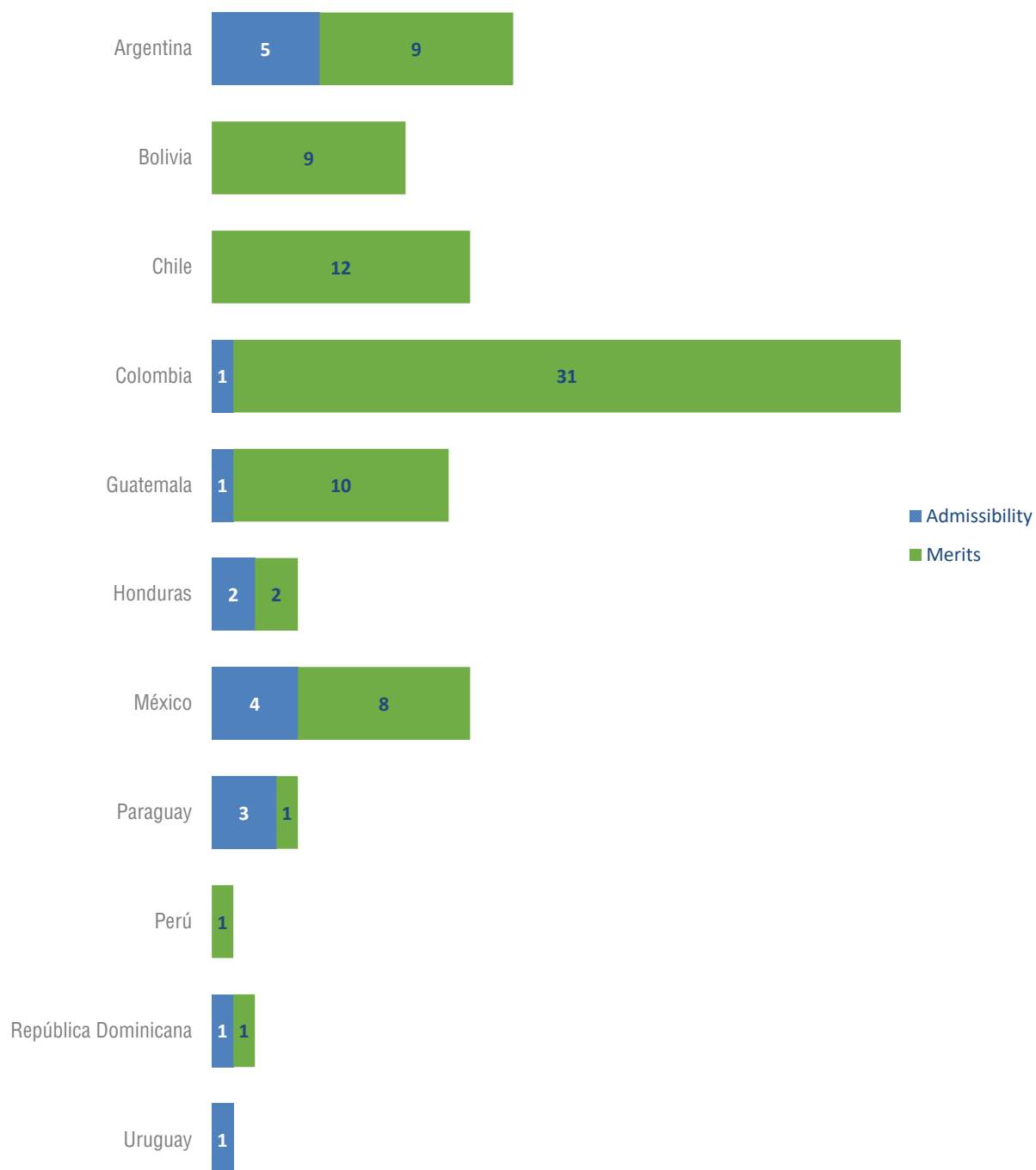
**Note:** Admissibility is the stage when the **IACHR** determines whether a petition meets the requirements set forth in Articles 46 and 47 of the American Convention. The merits stage is when the **IACHR** decides on the merits of the case, pursuant to the procedure established in Articles 48 and 50 of the American Convention on Human Rights.



---

This graph includes matters at the admissibility and merits stages in contentious proceedings, omitting those in the friendly settlement, as provided for in Article 40 of the aforementioned Rules of Procedure.

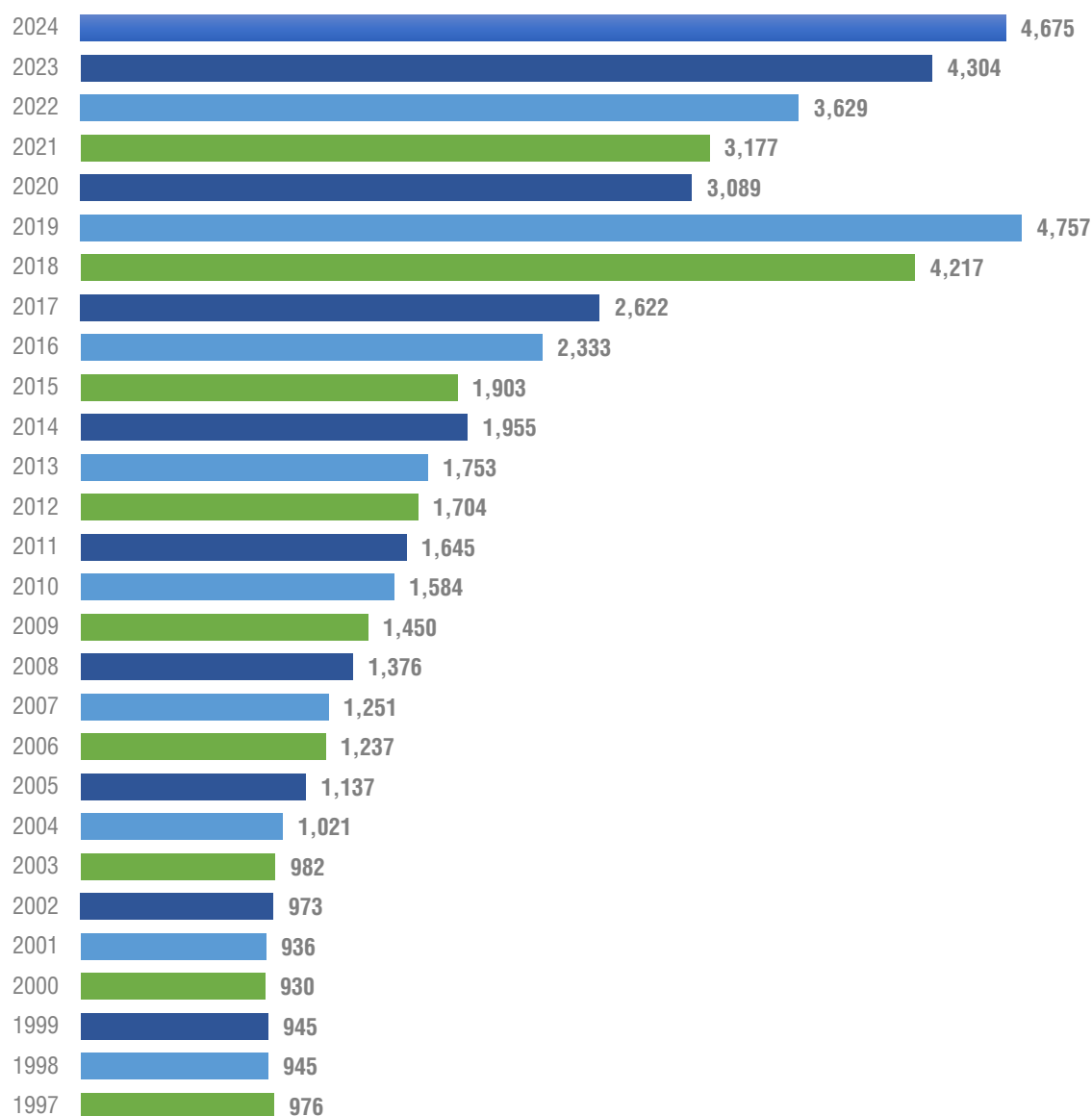


Petitions and cases in friendly settlement procedure  
at end of year**Total: 102**



## Case docket at the end of every year

### Admissibility and Merits

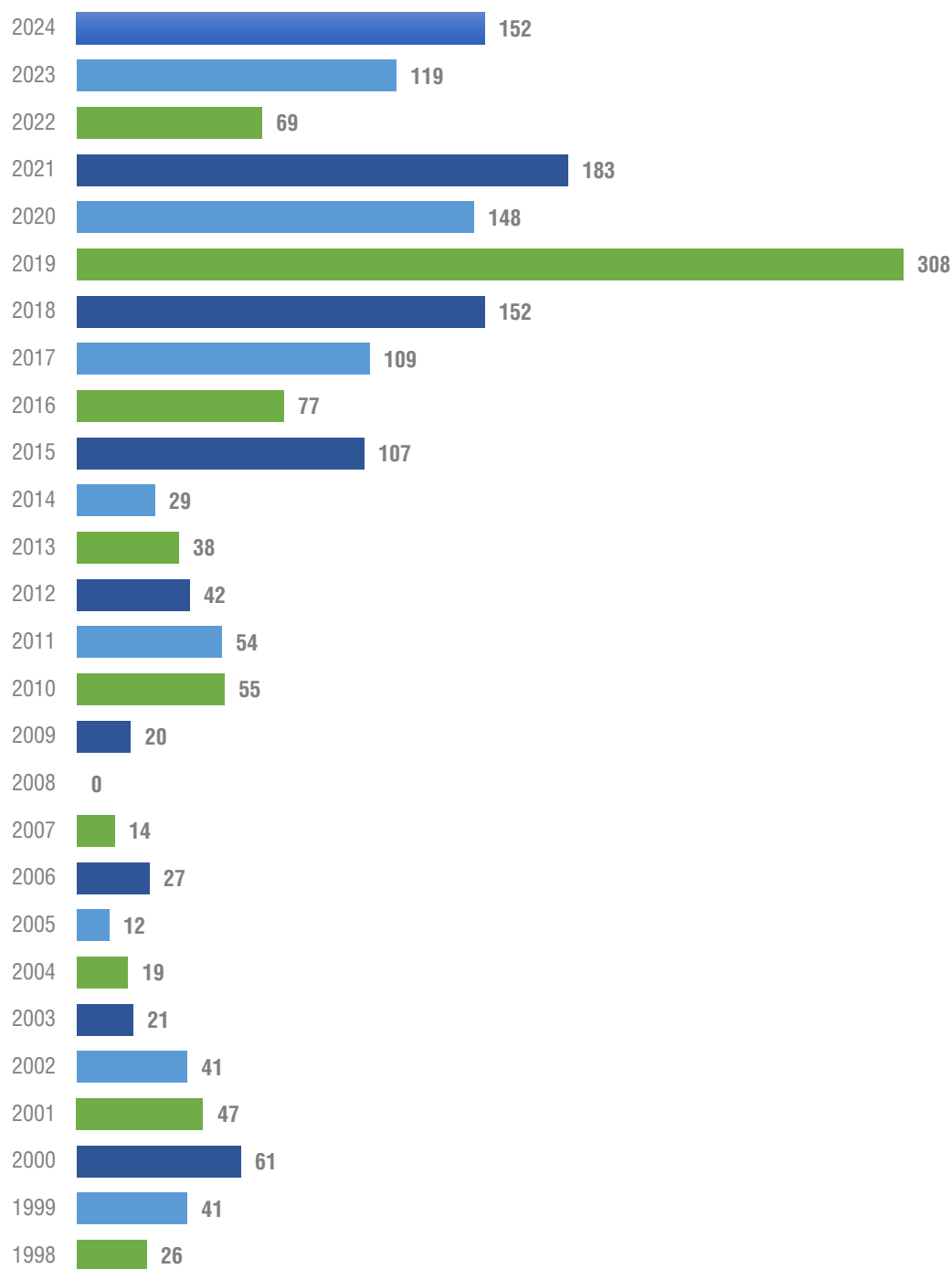


**Note:** The figures for 2018 and 2019 correspond to those reported in the Annual Reports of the respective years, which include both the petitions that were effectively notified to the State, in accordance with Article 30 of the **IACHR** Rules of Procedure, and those with a decision to open to processing, that were still pending notification to the State. The latter are not considered in the reports for the other years.

This chart includes cases in the admissibility and merits stages under contentious proceedings, omitting those in friendly settlement, as provided in Article 40 of the aforementioned Rules of Procedure.

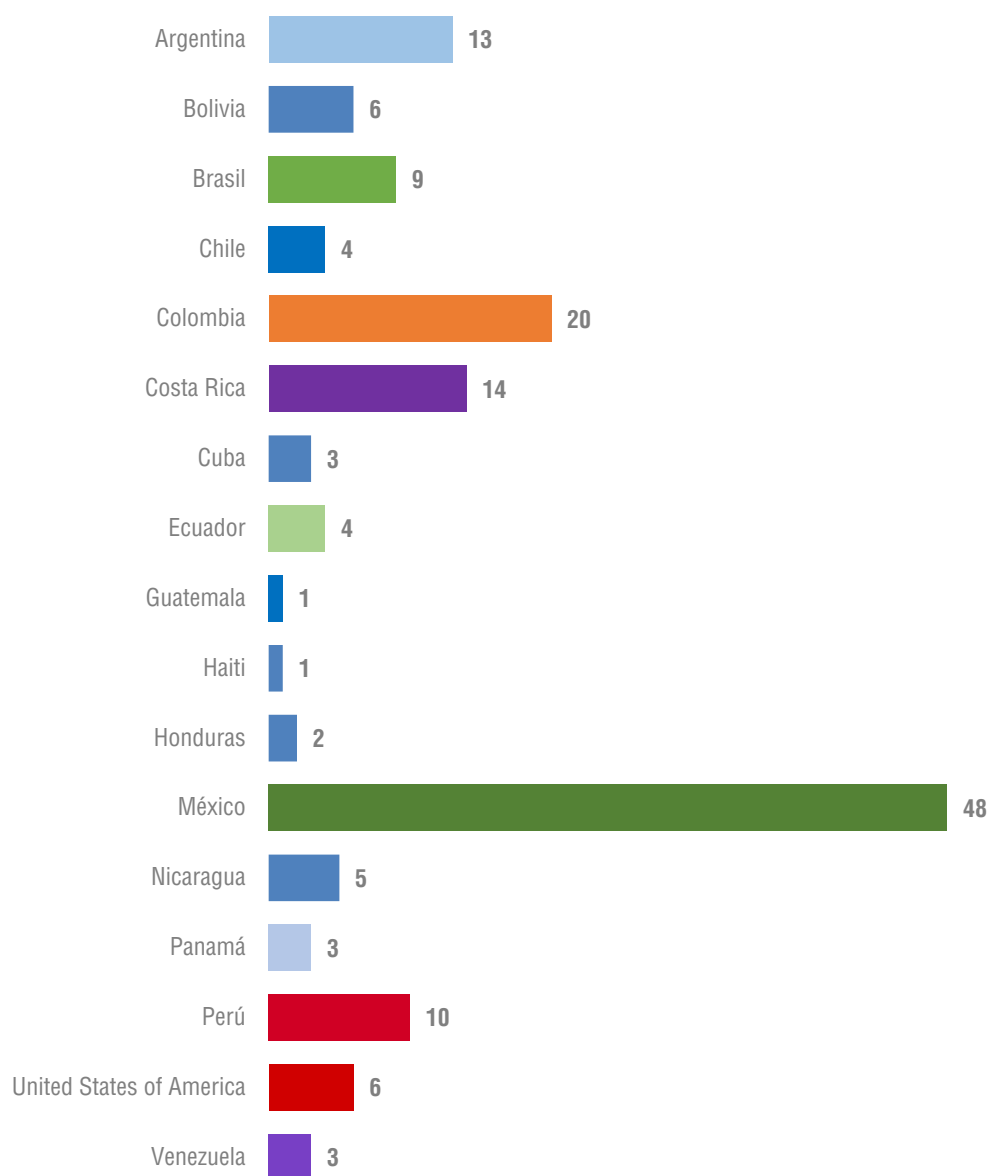


## Petitions and cases archived by Year





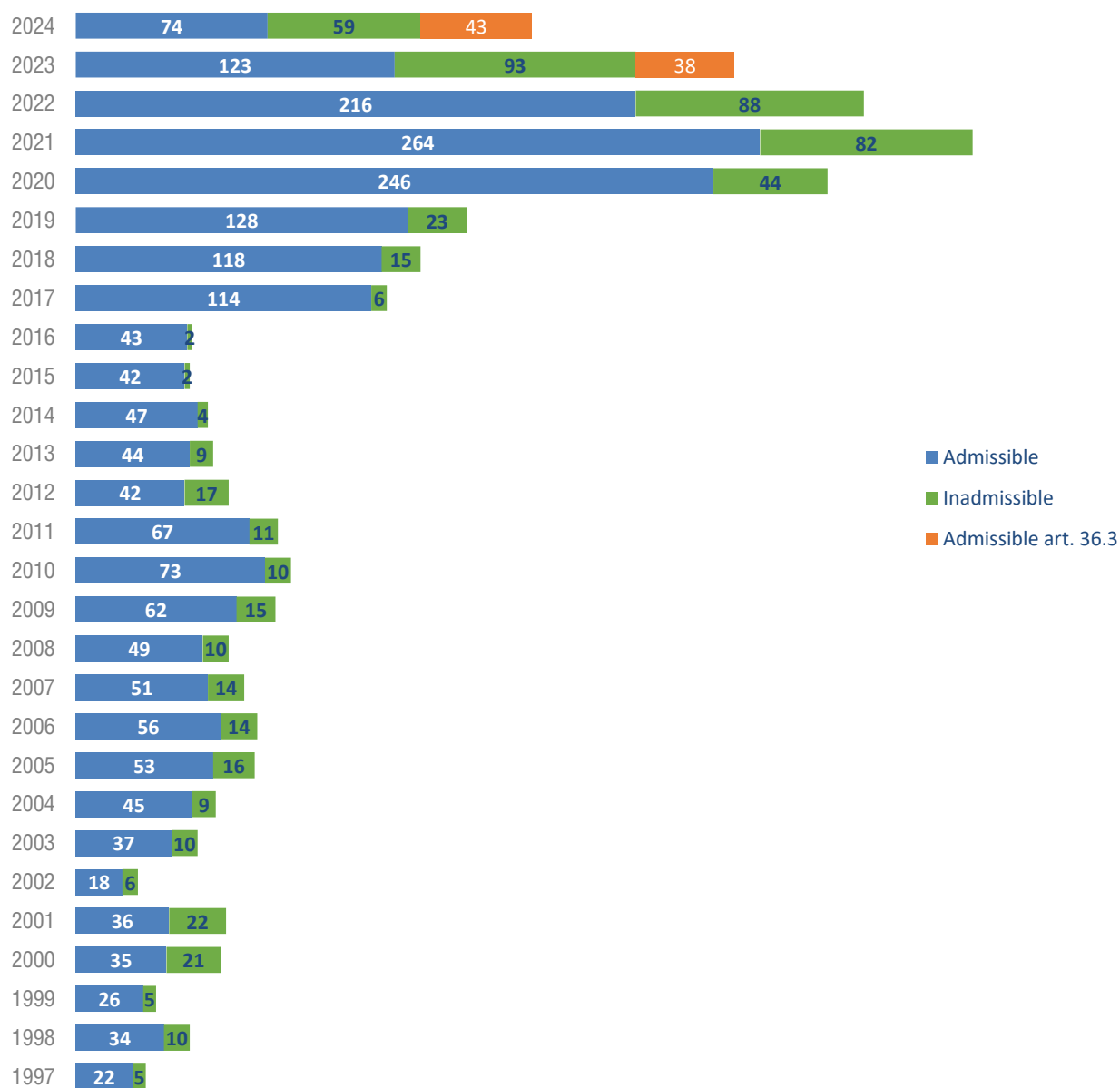
## Petitions and cases archived by country

**Total: 152**

**Note:** This graph shows petitions in the admissibility stage and cases in the merits stage that have been archived (closed), in accordance with Article 42 of the **IACHR** Rules of Procedure. Prior to the adoption of a decision to archive by the Commission, the Executive Secretariat requests the petitioner to submit the required information and notifies them of the possibility of a decision to archive. Likewise, the Executive Secretariat identifies cases in which the petitioner has expressed interest in withdrawing the petition or case, as provided in Article 41 of the **IACHR** Rules of Procedure.



## Decisions on admissibility adopted by Year

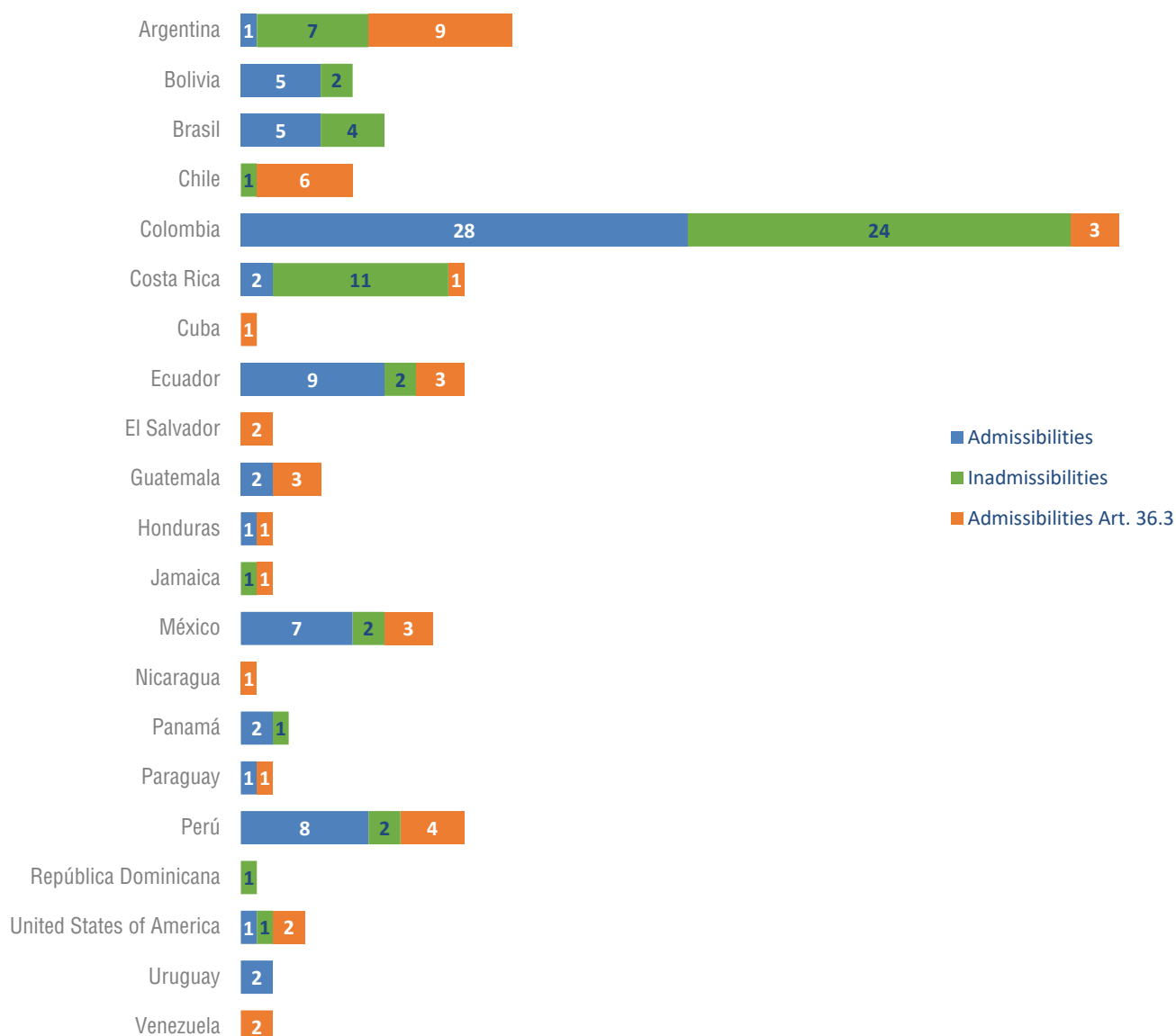


**Note:** Admissibility is the stage in which the **IACHR** determines if a petition meets the admissibility requirements set forth in Articles 46 and 47 of the American Convention on Human Rights, in accordance with the procedure established in Articles 30 and 36 of the Rules of Procedure of the Commission.

As of 2023, we included the decisions in which the admissibility treatment was deferred until the debate and decision on the merits, under article 36(3) of the **IACHR** Rules of Procedure.



## Decisions on admissibility adopted by country

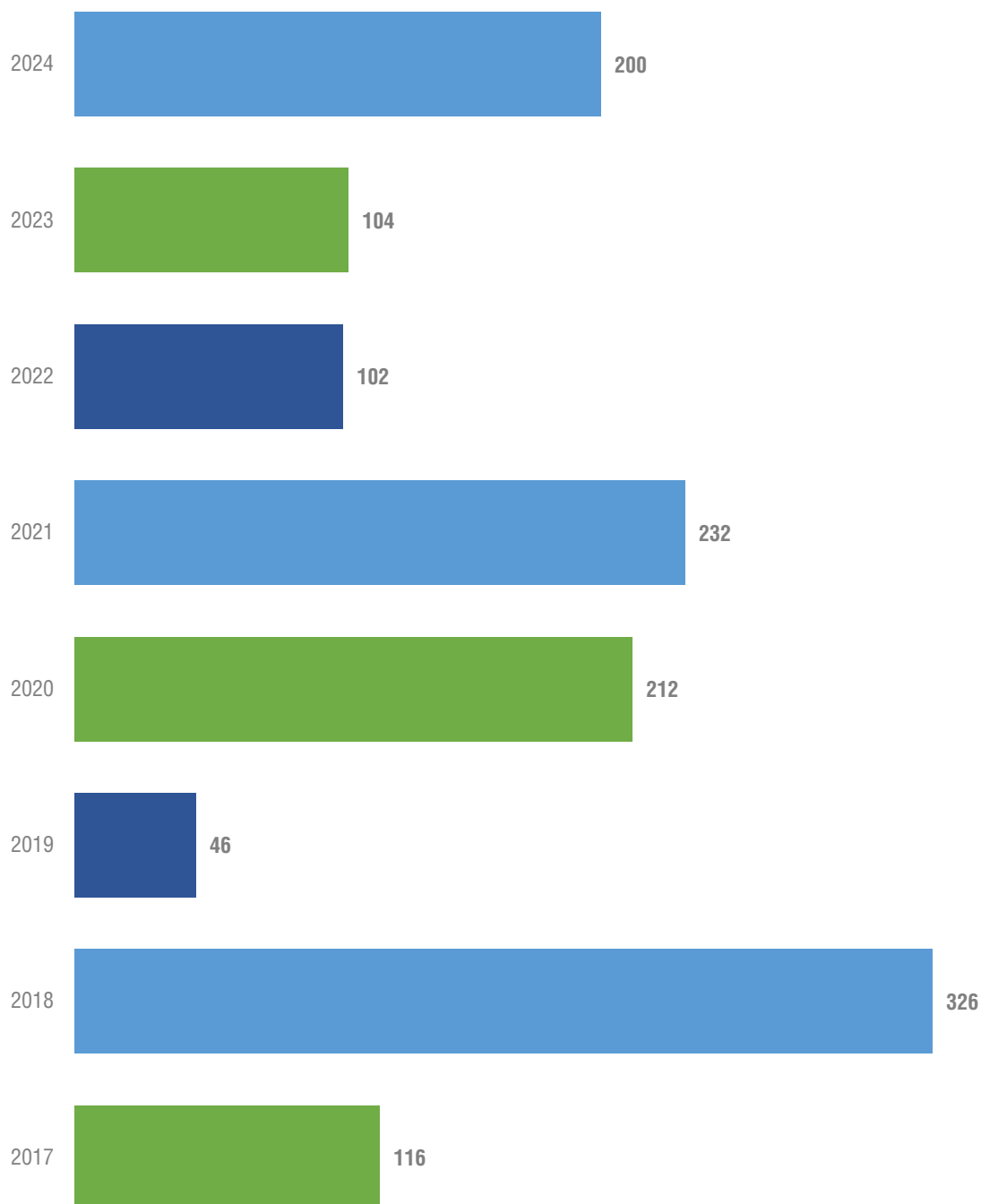
**Total: 176**

**Note:** Admissibility is the stage in which the **IACHR** determines if a petition meets the requirements set forth in Articles 46 and 47 of the American Convention. Merits is the stage in which the **IACHR** decides on the merits of the case pursuant to the procedure established in Articles 48 and 50 of the American Convention on Human Rights.

As of 2023, the decisions in which the admissibility treatment was deferred until the debate and decision on the merits under Article 36.3 of the Rules of Procedure of the Inter-American Commission are incorporated.

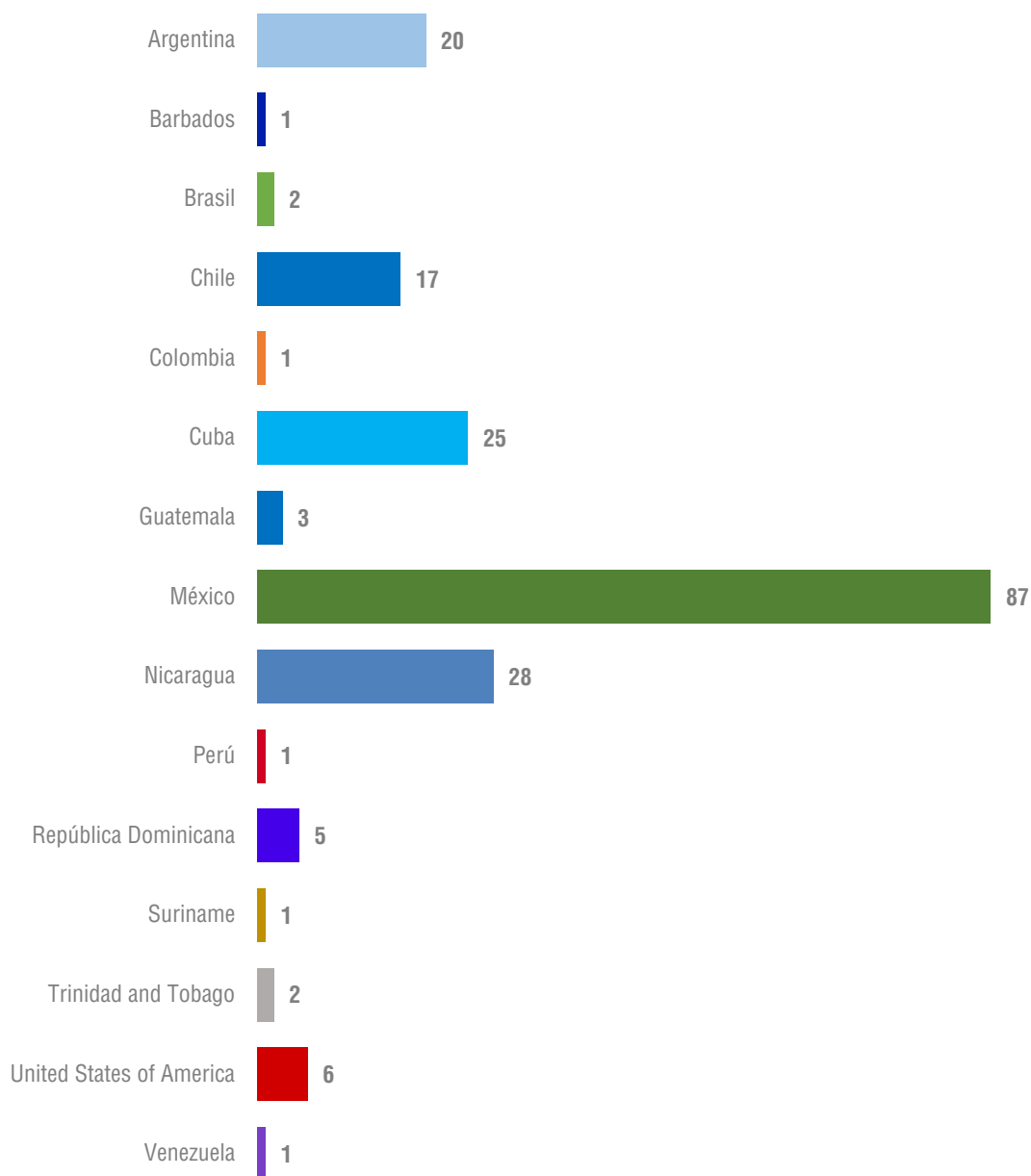


## Application of resolution 1/16 by Year





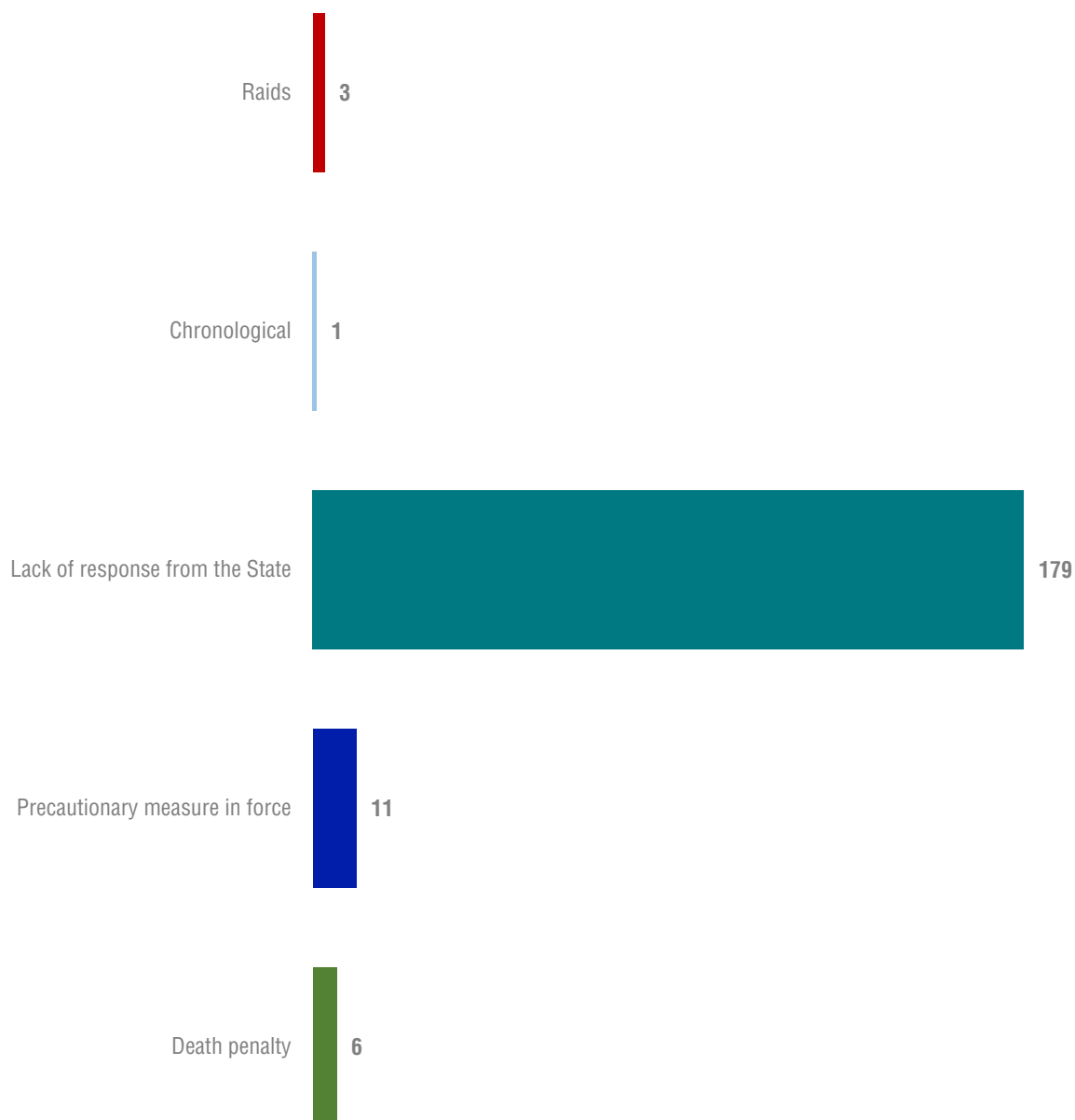
## Application of Resolution 1/16 by country

**Total: 200**

**Note:** This graph shows the number of petitions at the admissibility stage in which the parties were notified of the decision to defer the admissibility assessment until the debate and decision on the merits, as provided in Article 36.3 of the **IACHR** Rules of Procedure and in accordance with Resolution 1/16 on Measures to Reduce the Procedural Backlog.



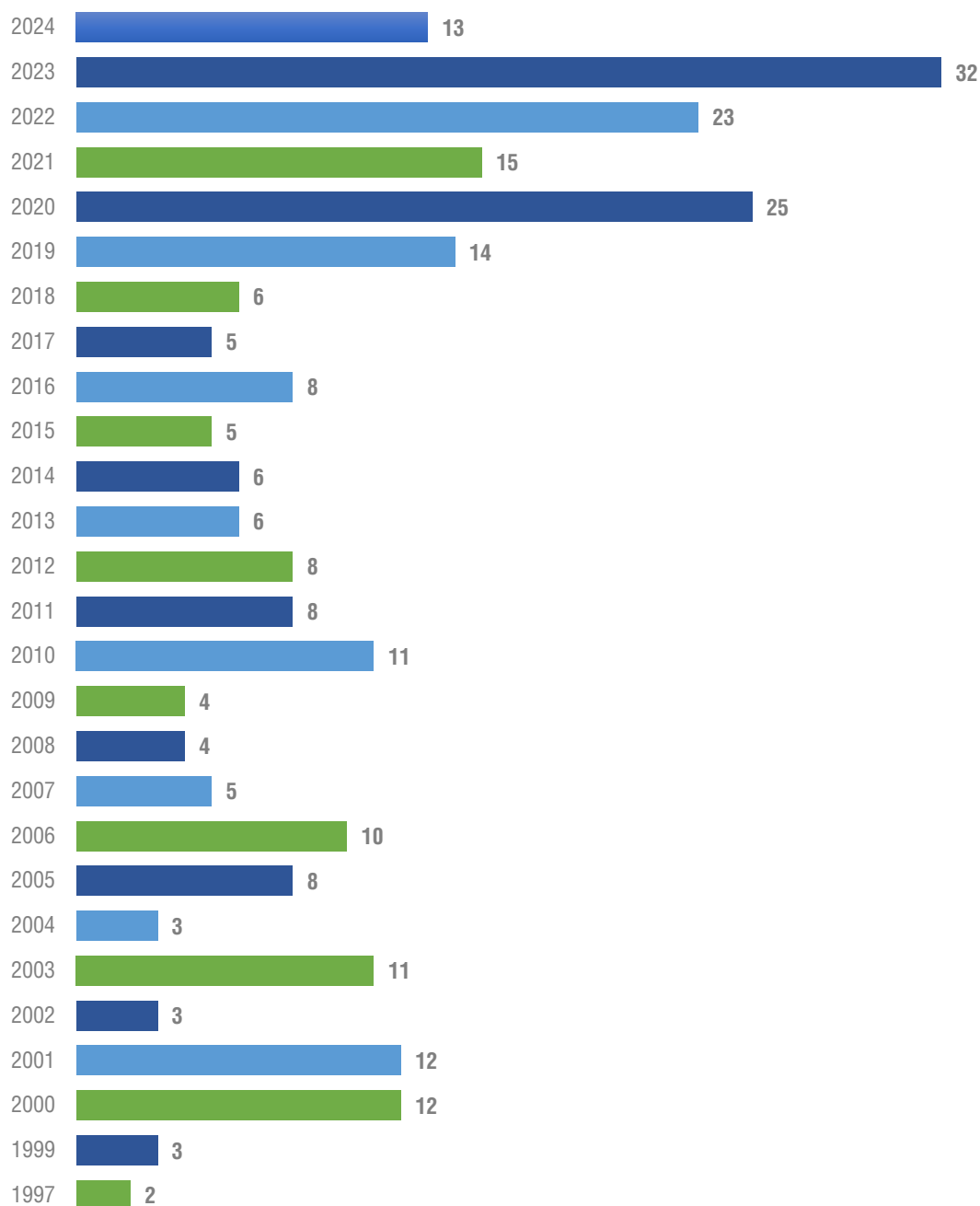
## Application of Resolution 1/16 by category

**Total: 200**

**Note:** This year, no notifications were made based on the criterion of susceptibility to summary decision-making through the application of precedent from the **IACHR** and/or the Inter-American Court of Human Rights.



## Reports on friendly settlement published by Year

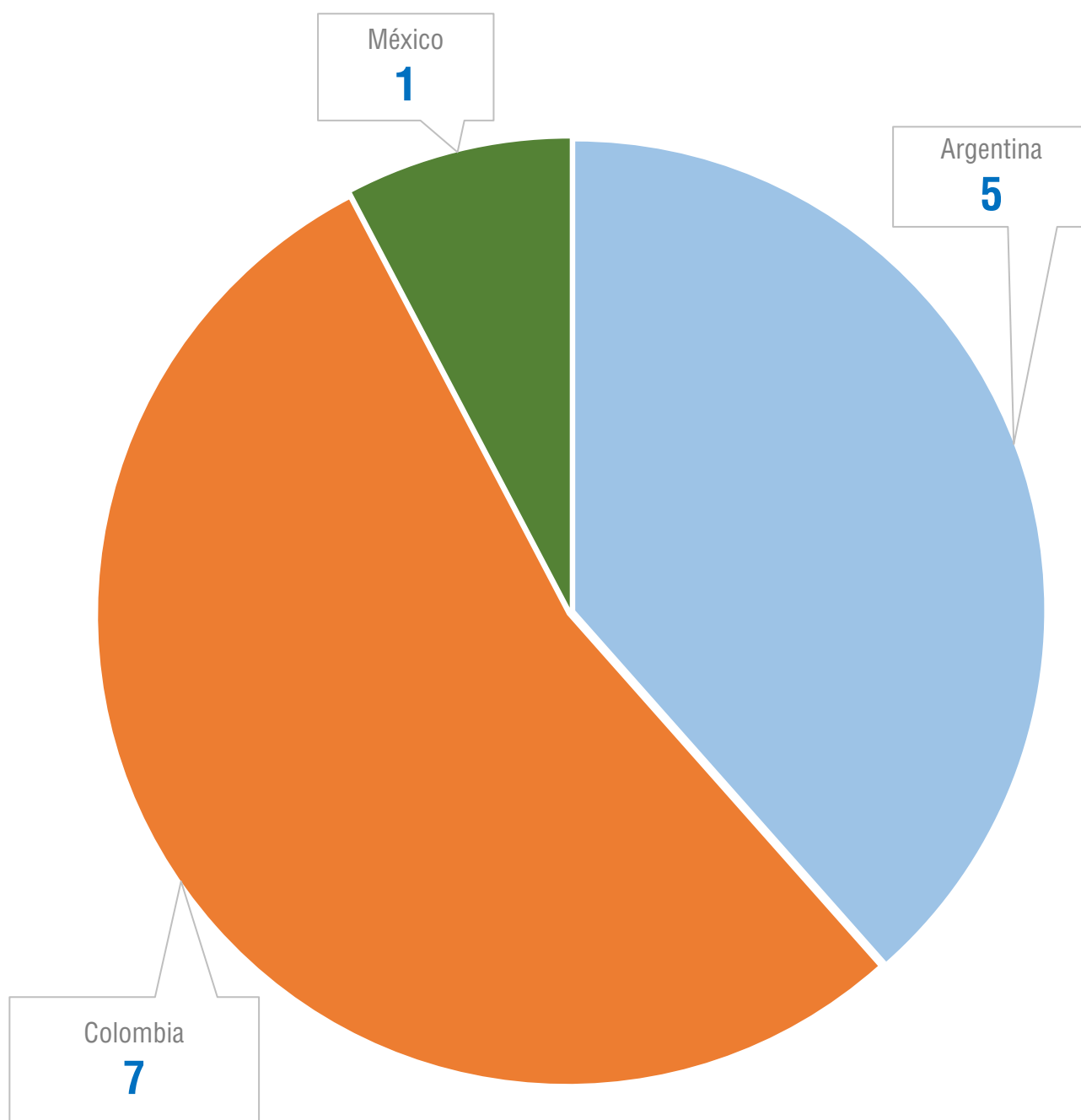


**Note:** A petition or case can, at any time in the admissibility or merits stage, enter into a friendly settlement process between the parties.



Reports on friendly settlement published by country

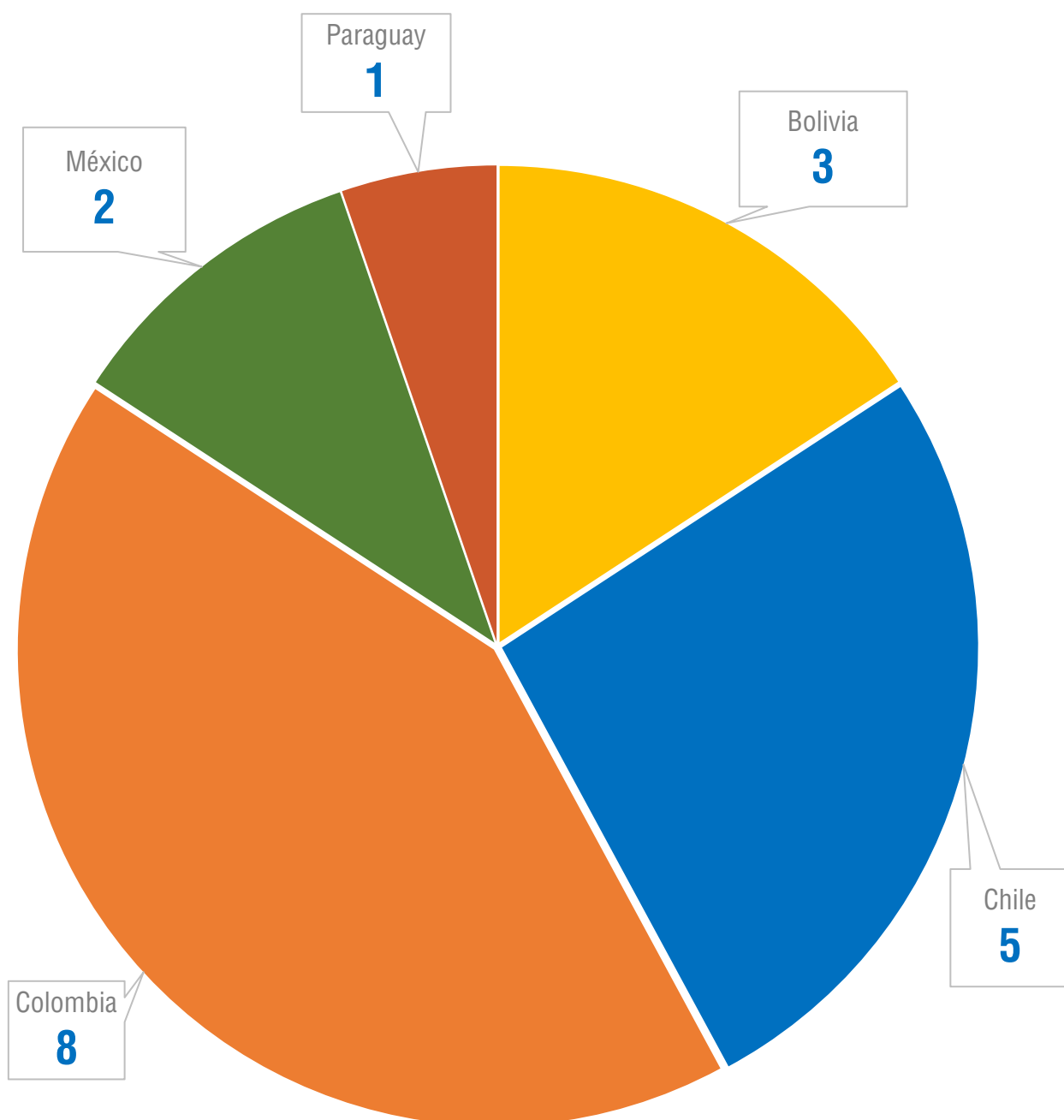
**Total: 13**





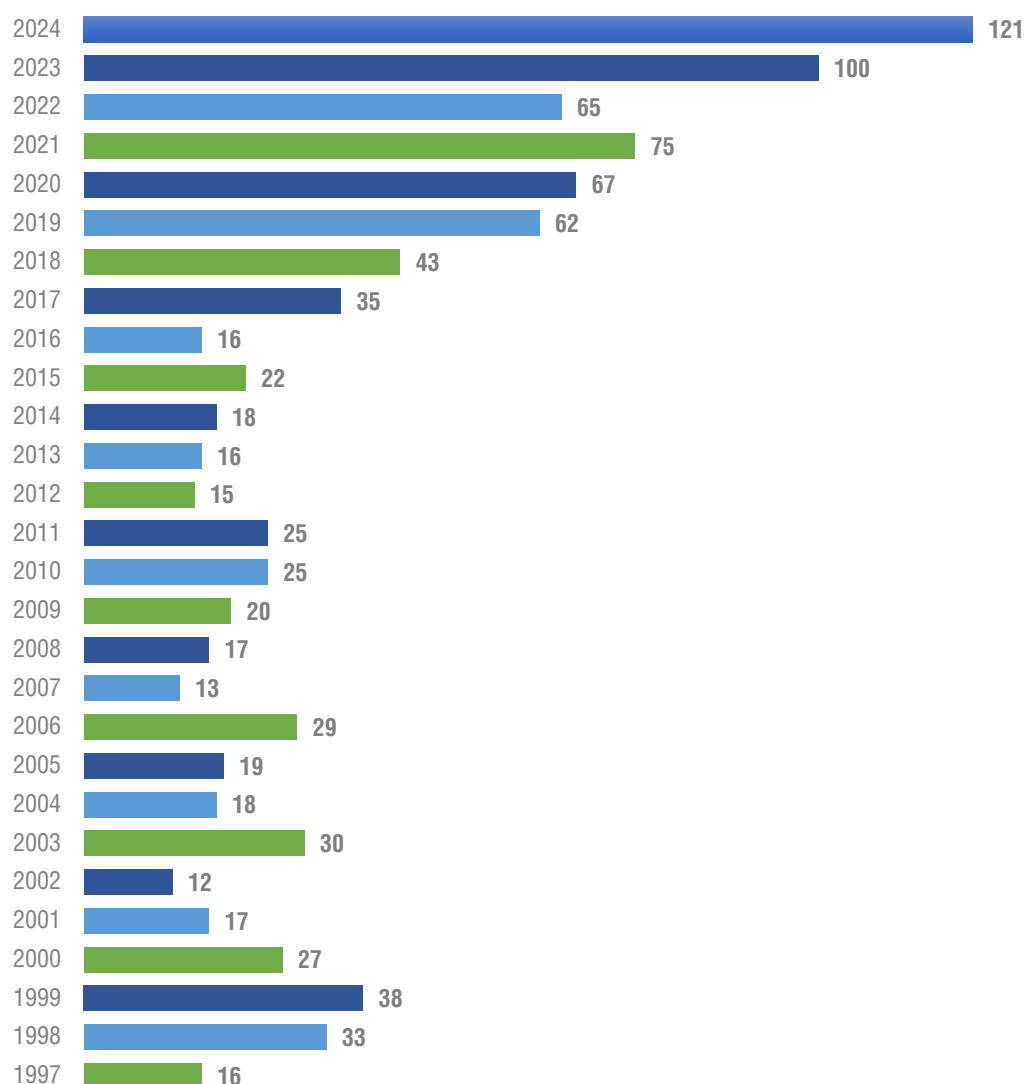
# Friendly settlement agreements signed by country

**Total: 19**





## Reports on the merits approved by Year



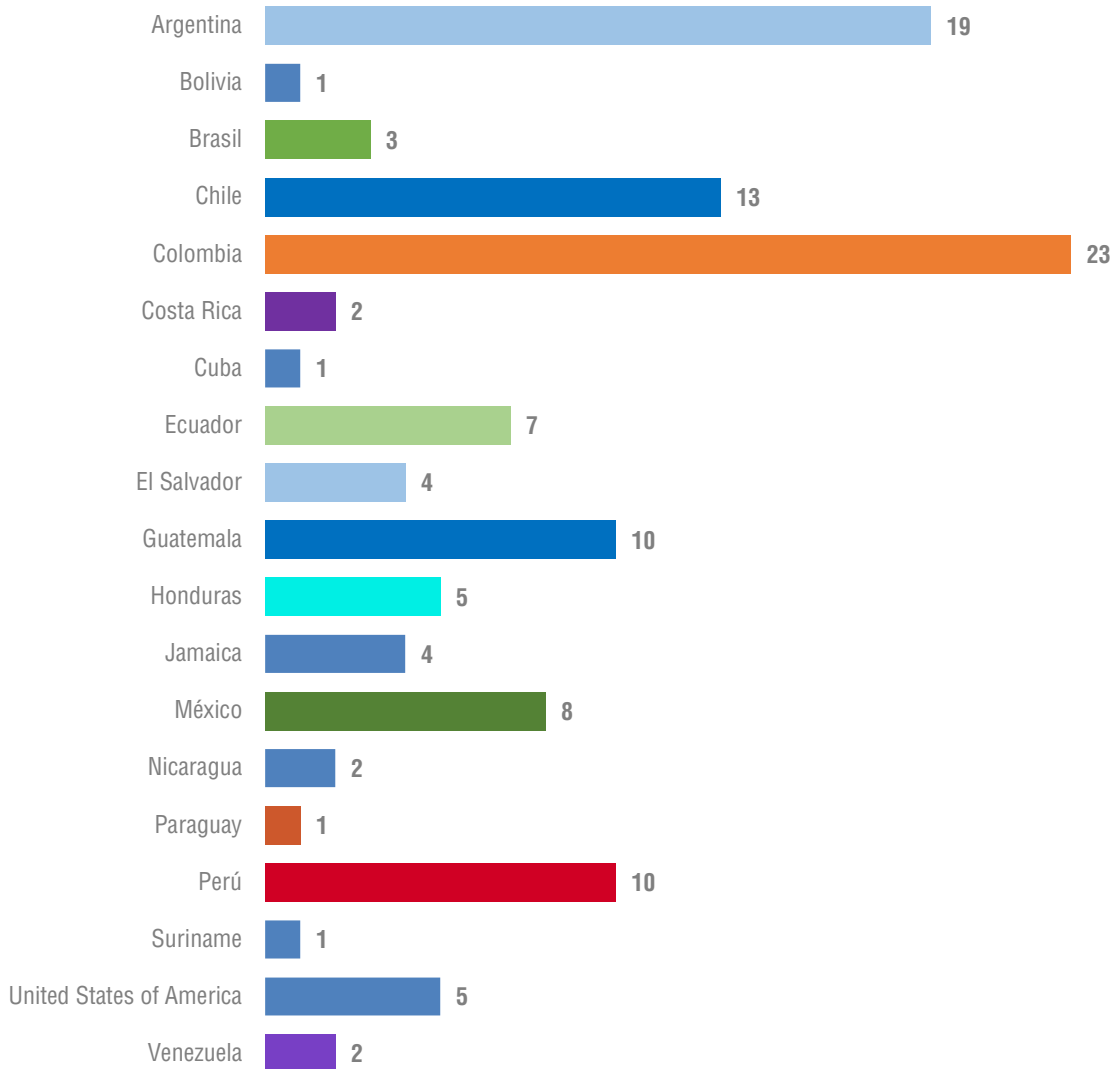
**Note:** Merits is the stage in which the **IACHR** decides on the merits of the case pursuant to the procedure established in Articles 48 and 50 of the American Convention on Human Rights and Articles 37, 38, 39, 43 and 44 of the Rules of Procedure of the Commission.

Of the total number of decisions on the merits presented in the graph **for 2024**, 43 correspond to decisions in which admissibility treatment was deferred until the discussion and decision on the merits under Article 36.3 of the Rules of Procedure of the Inter-American Commission.

The decisions on the merits presented in the graph include cases decided by the **IACHR** pending notification to the parties.



## Reports on the merits adopted by country

**Total: 121**

**Note:** Merits is the stage in which the **IACHR** decides on the merits of the case pursuant to the procedure established in Articles 48 and 50 of the American Convention on Human Rights and Articles 37, 38, 39, 43 and 44 of the Rules of Procedure of the Commission.

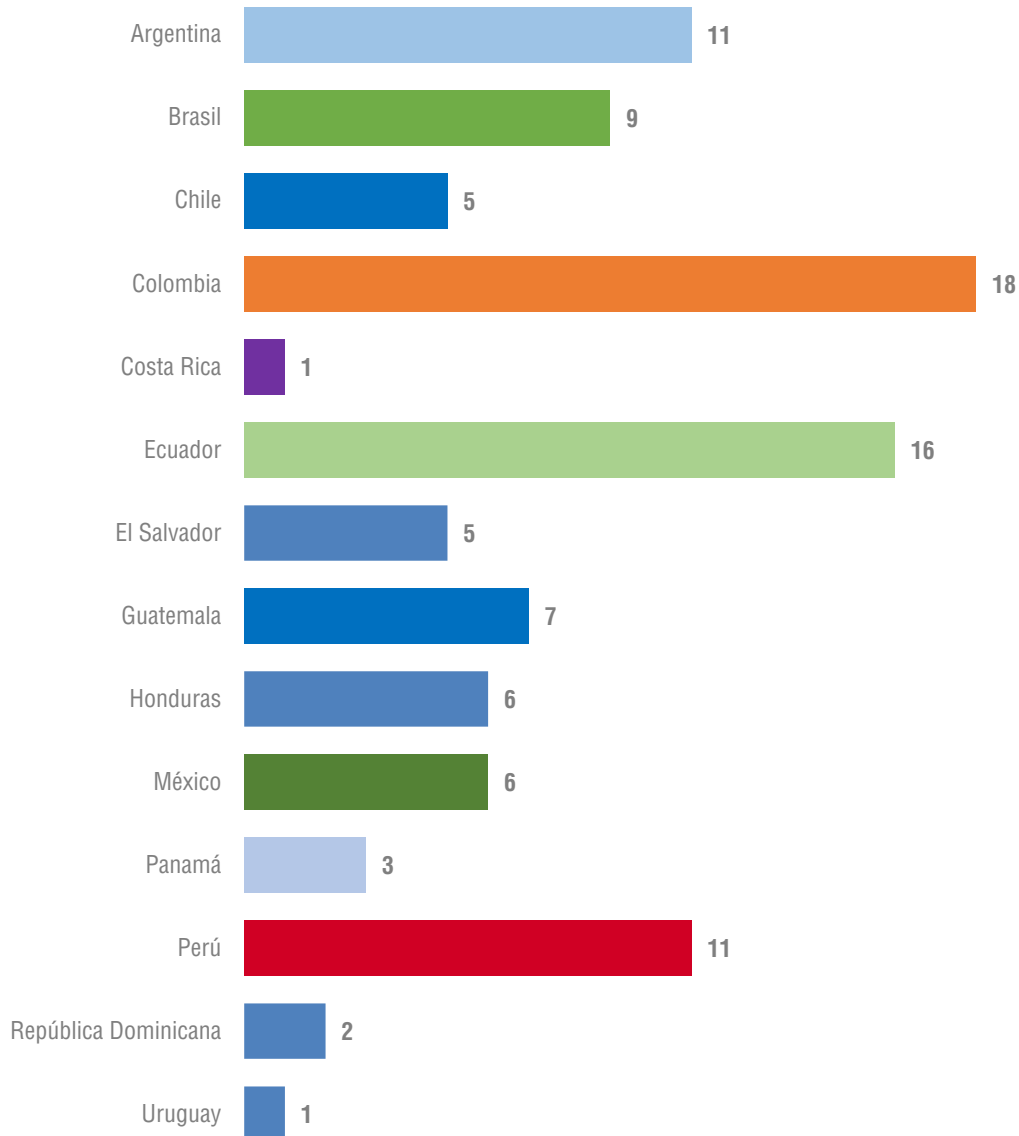
Of the total number of decisions on the merits presented in the graph **for 2024**, 43 correspond to decisions in which admissibility treatment was deferred until the discussion and decision on the merits under Article 36.3 of the Rules of Procedure of the Inter-American Commission.

The decisions on the merits presented in the graph include cases decided by the **IACHR** pending notification to the parties.



Cases pending a decision on whether to send to the I/A Court H.R.  
or proceed with the publication of the report by country

**Total: 101**



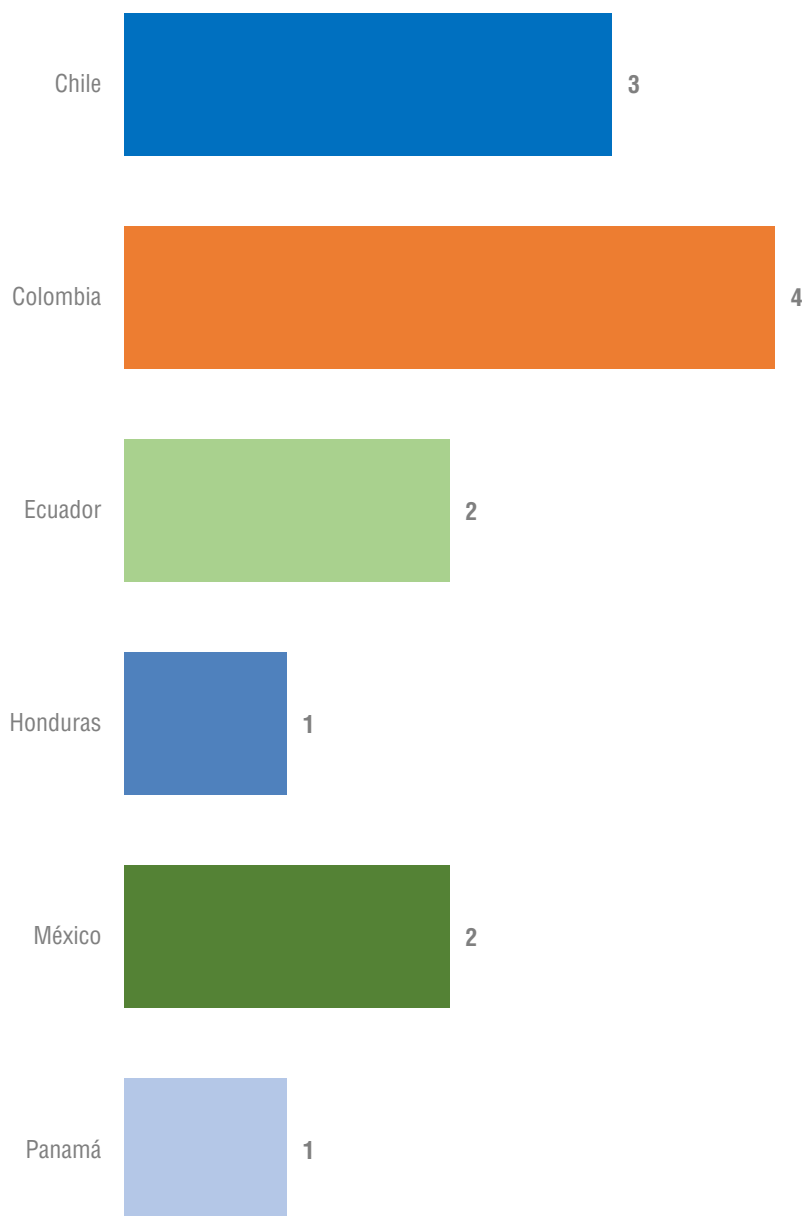
**Note:** The present graph shows the number of cases in relation to States that have accepted the contentious jurisdiction of the Inter-American Court of Human Rights, which are pending a decision on whether to send them to the Court or to not send and instead proceed with the publication of the report, as of December 31, 2024.

The graph does not include cases with a report approved in accordance with Article 50 of the Convention that are pending notification.



Cases with a decision not to send to the I/A Court H.R. by country

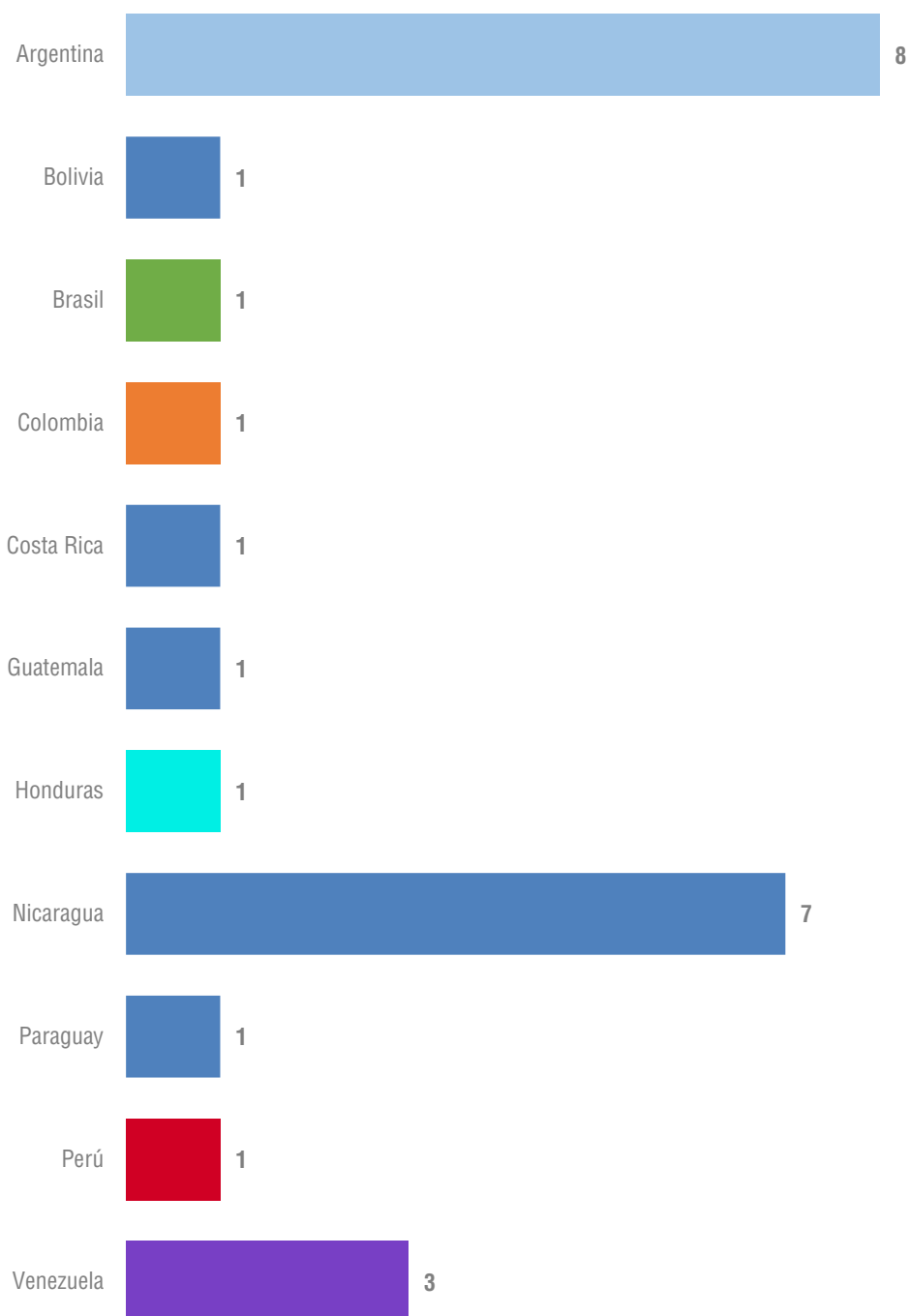
**Total: 13**



**Note:** This graph shows the number of cases by country in which the **IACHR** made the decision not to send the case to the Inter-American Court of Human Rights and to proceed with the publication of the Report.

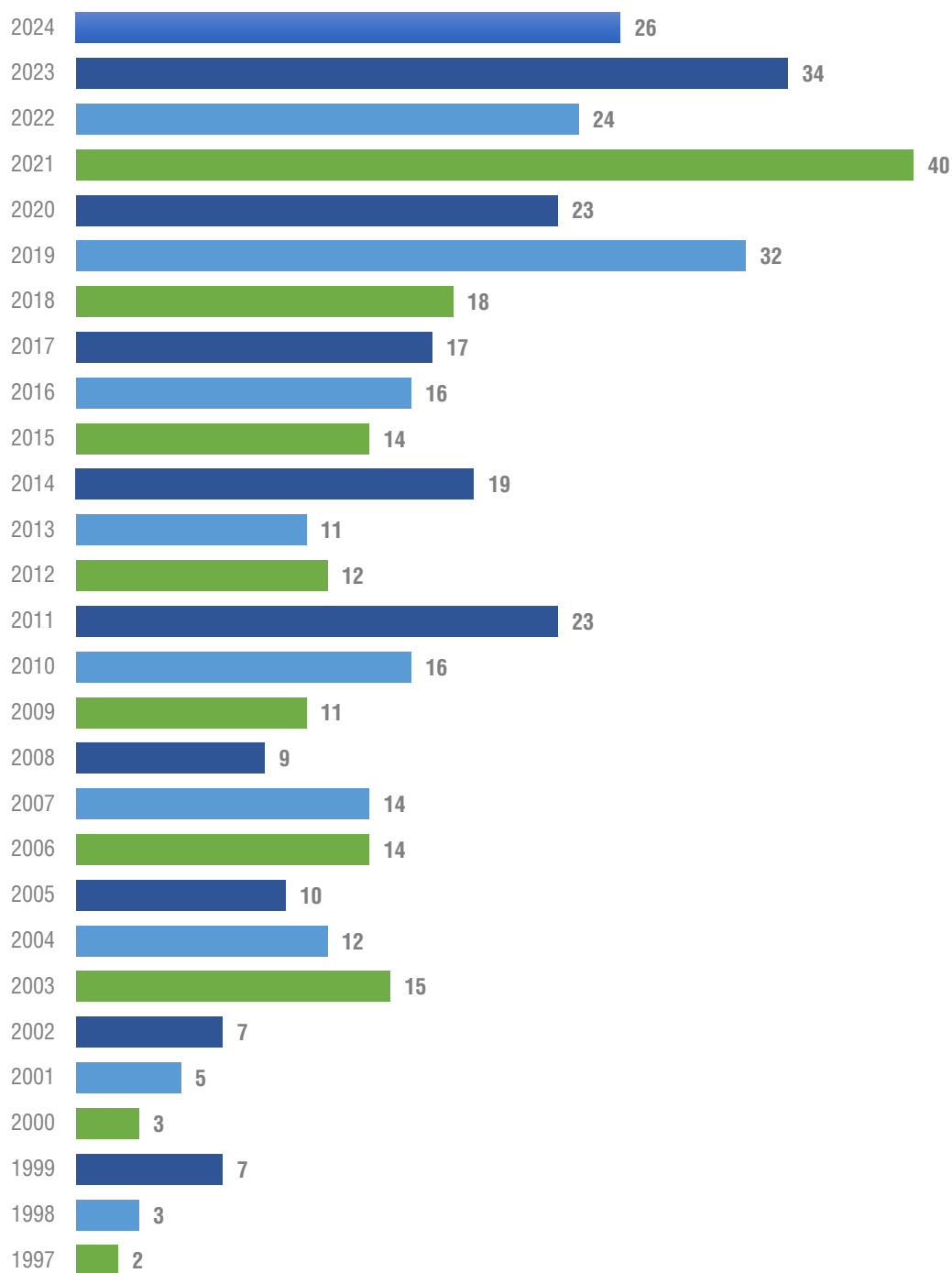


## Cases submitted to the I/A Court H.R. by country

**Total: 26**



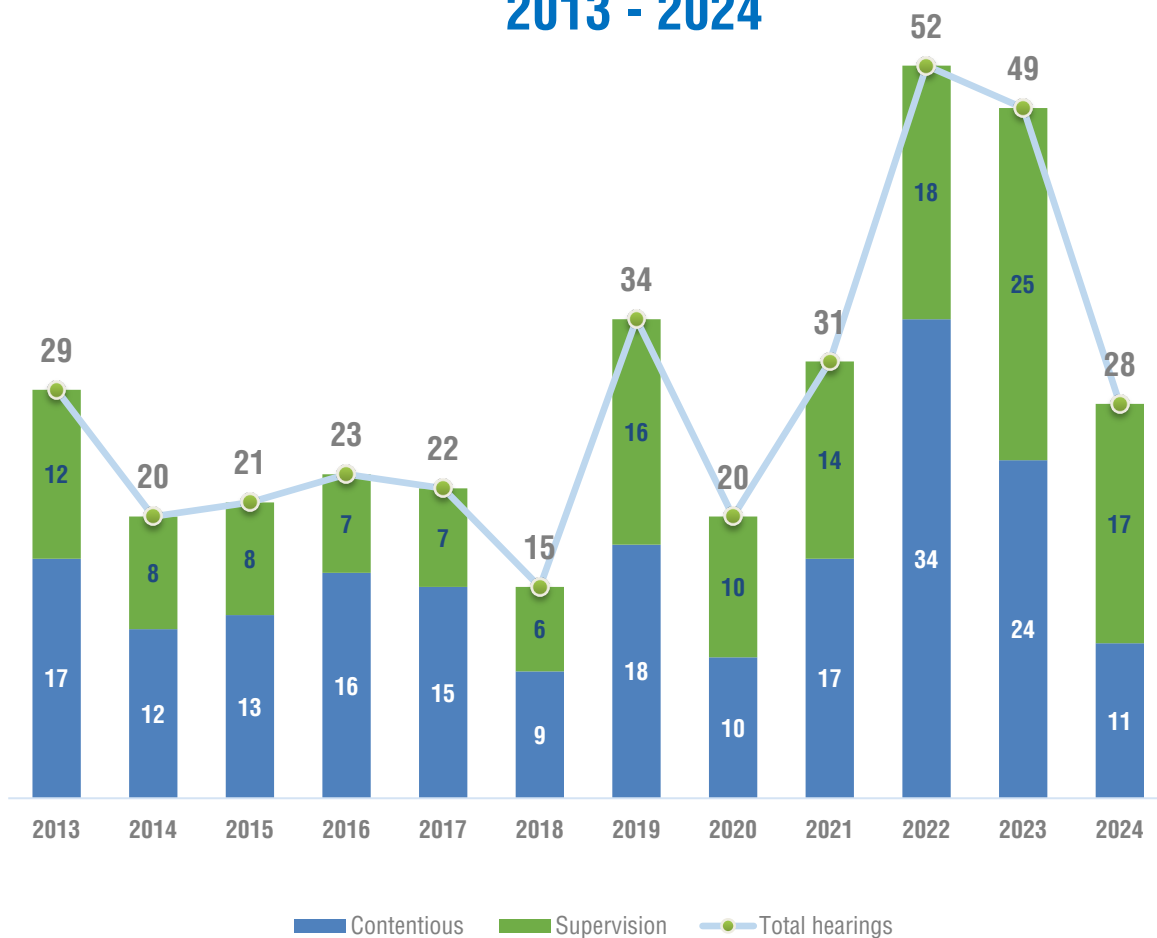
## Cases submitted to the I/A Court H.R. by Year





Hearings in which the IACHR participates  
in the I/A Court H.R.

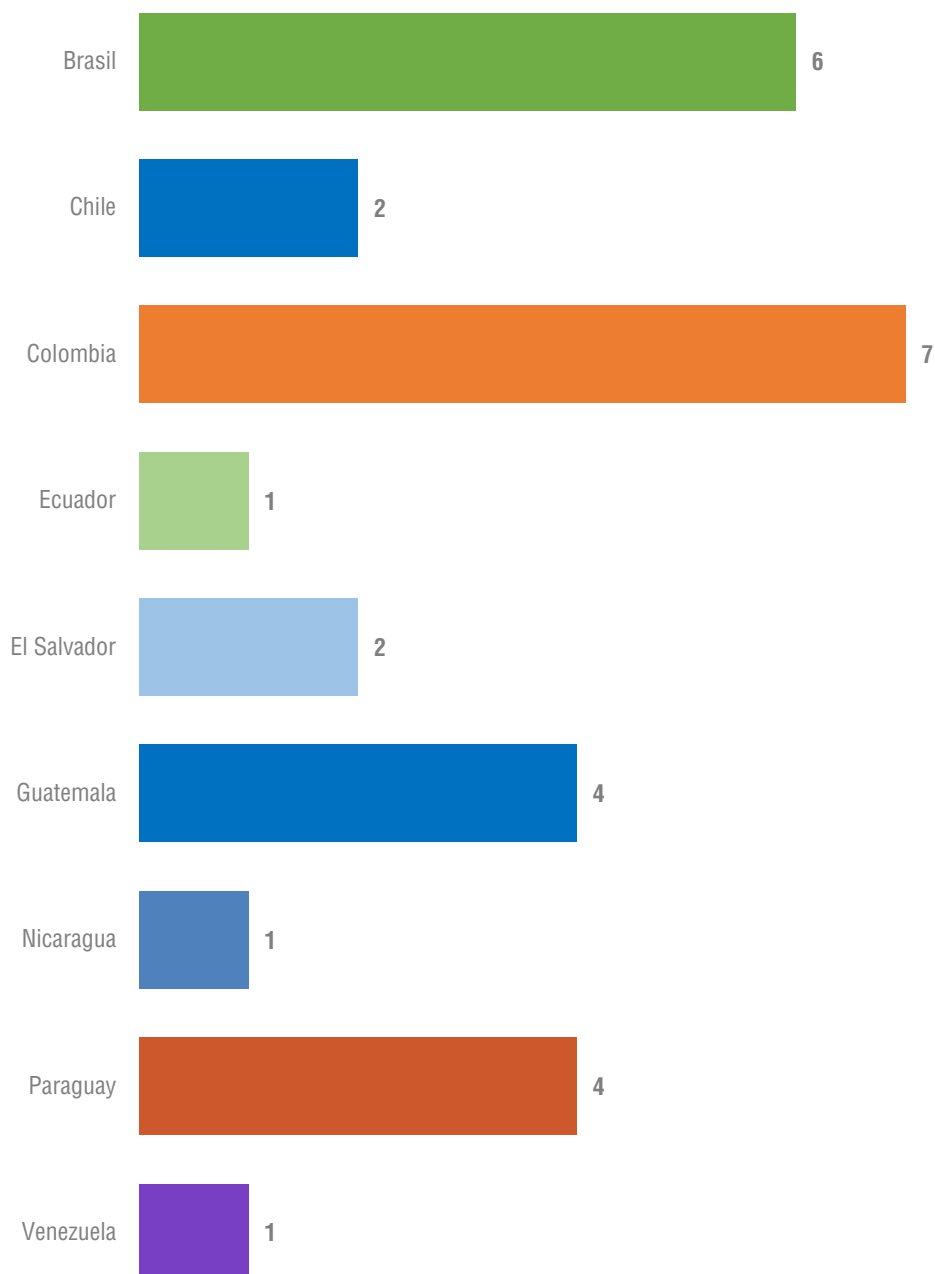
2013 - 2024



**Note:** The chart reflects the number of hearings of cases pending or supervised before the I/A Court H.R.



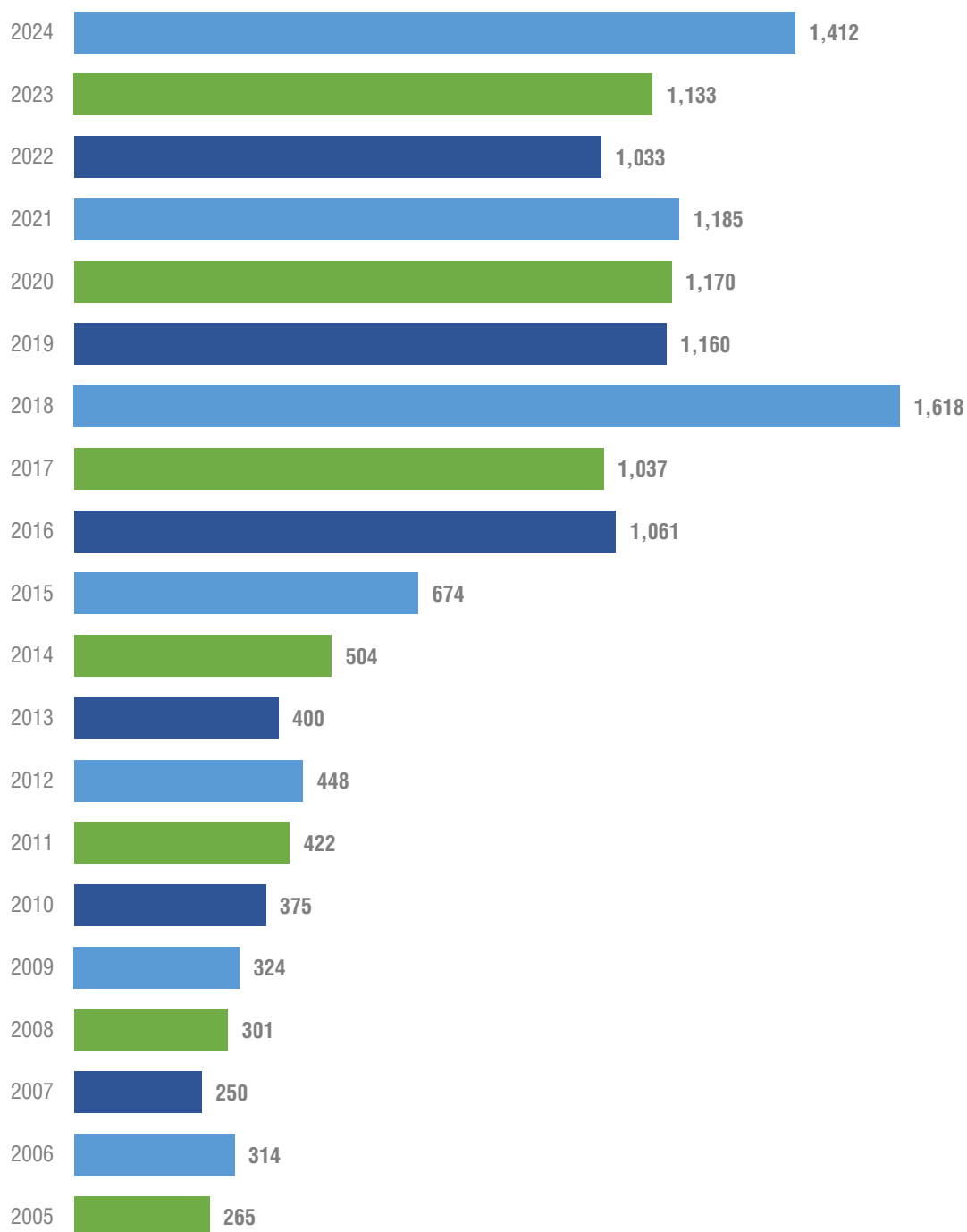
## Hearings before the I/A Court H.R. by country\*

**Total: 28**

\* The number refers to hearings related to contentious cases in processing or under the supervision of judgment.

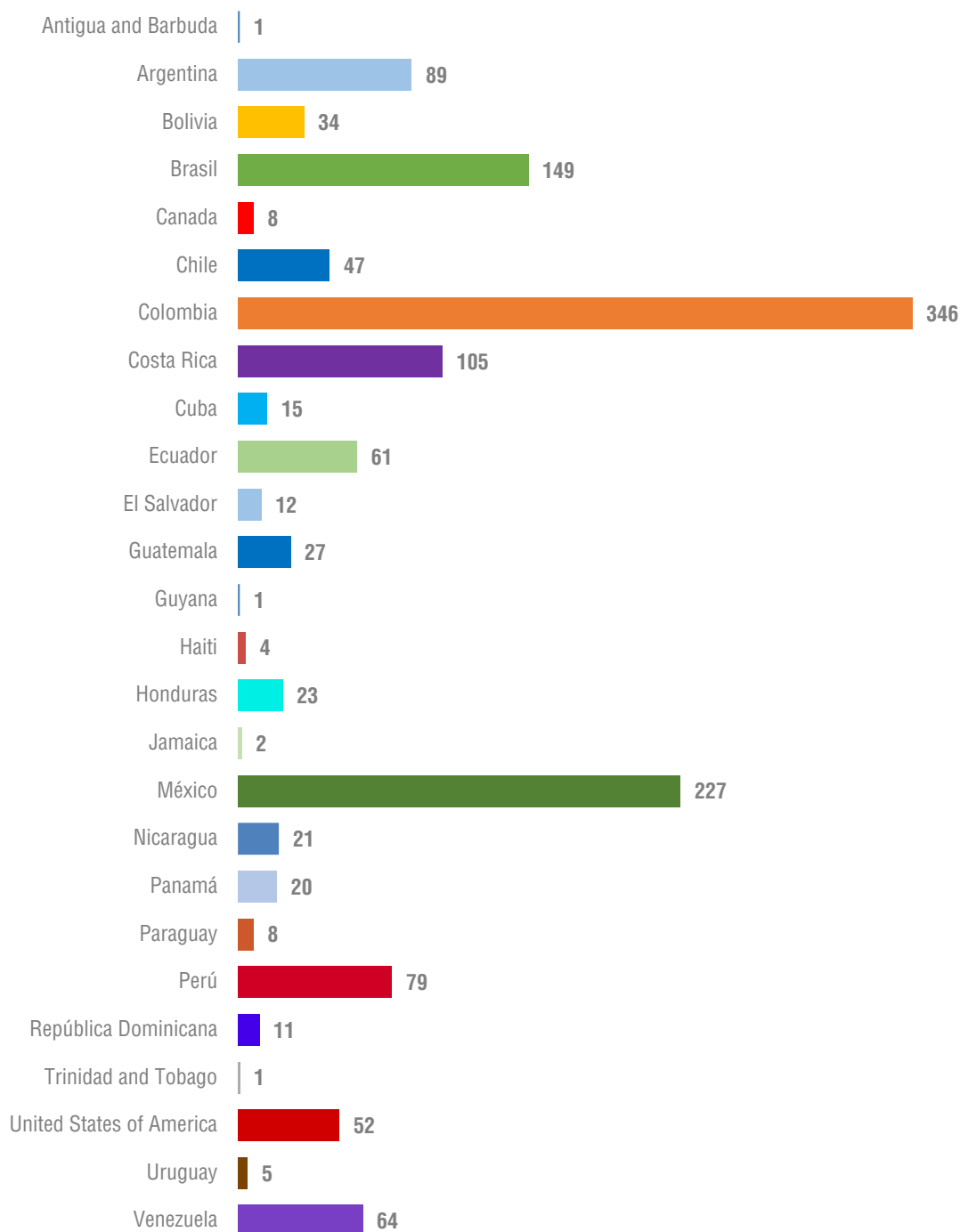


## Requests for precautionary measures received by Year



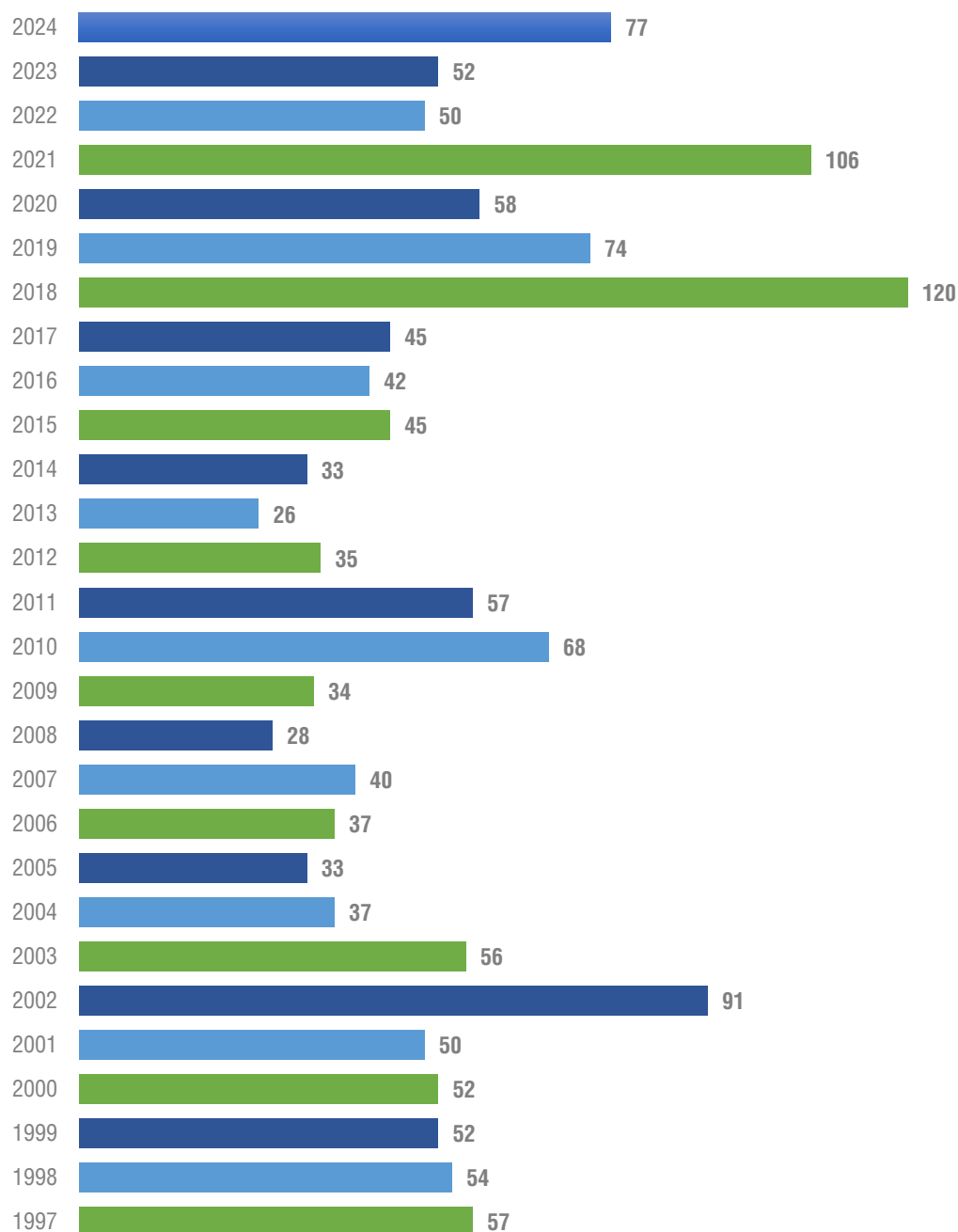


## Requests for precautionary measures received by country

**Total: 1,412**



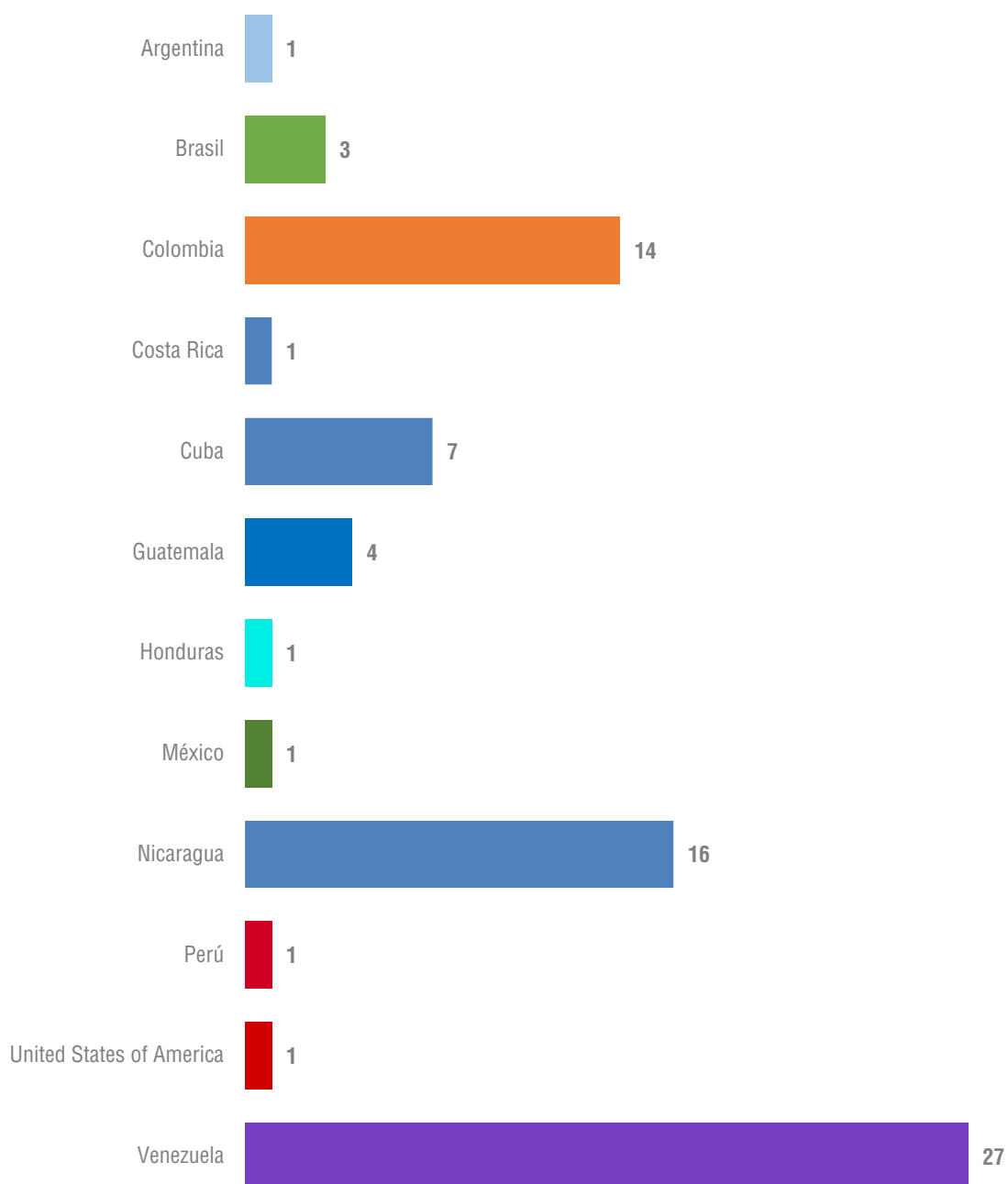
## Precautionary measures granted or extended by Year\*



\* Precautionary measures granted may include requests presented in previous years.



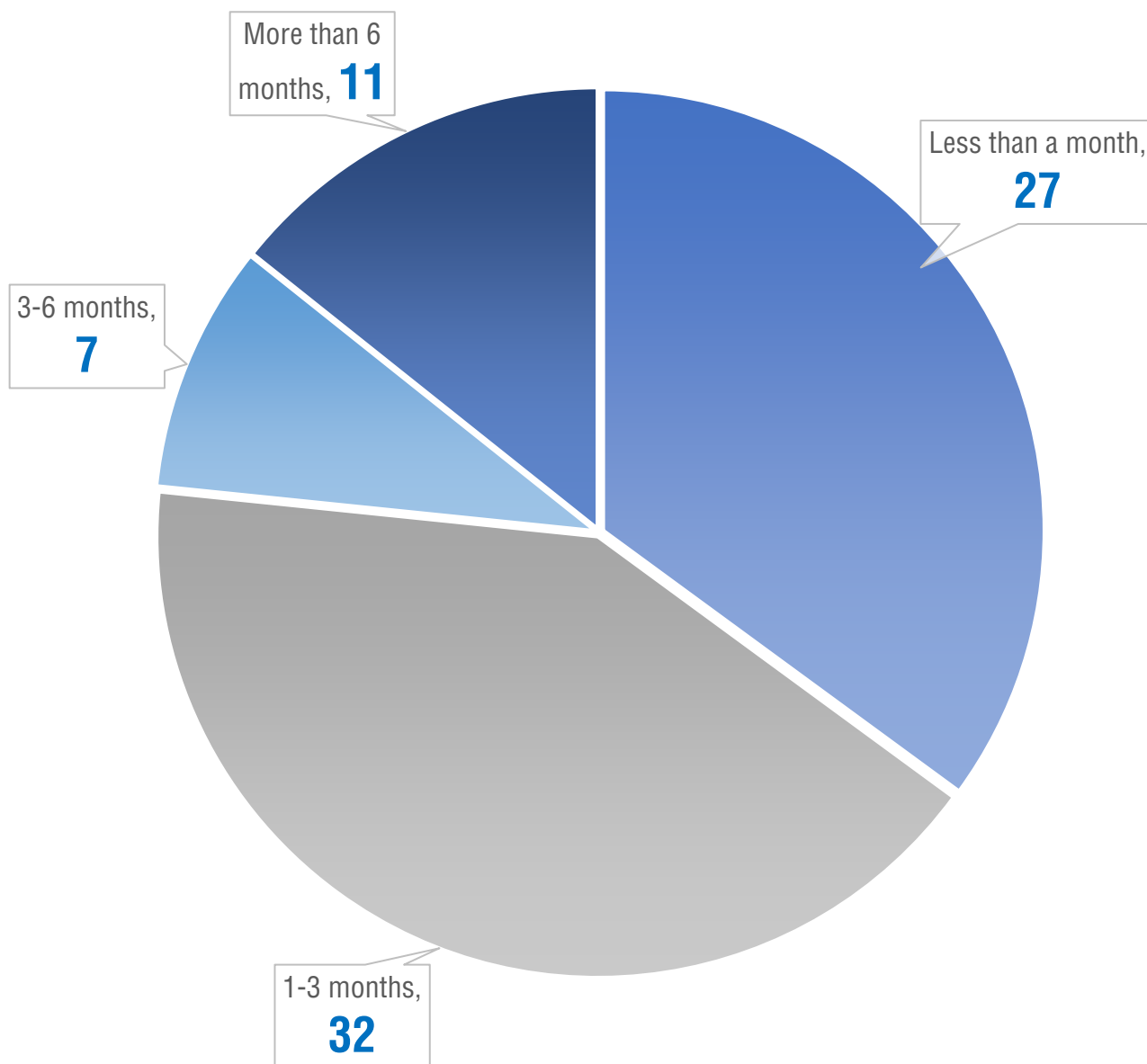
## Precautionary measures granted or extended per country

**Total: 77**

\* The total may also include decisions of requests received in previous years.

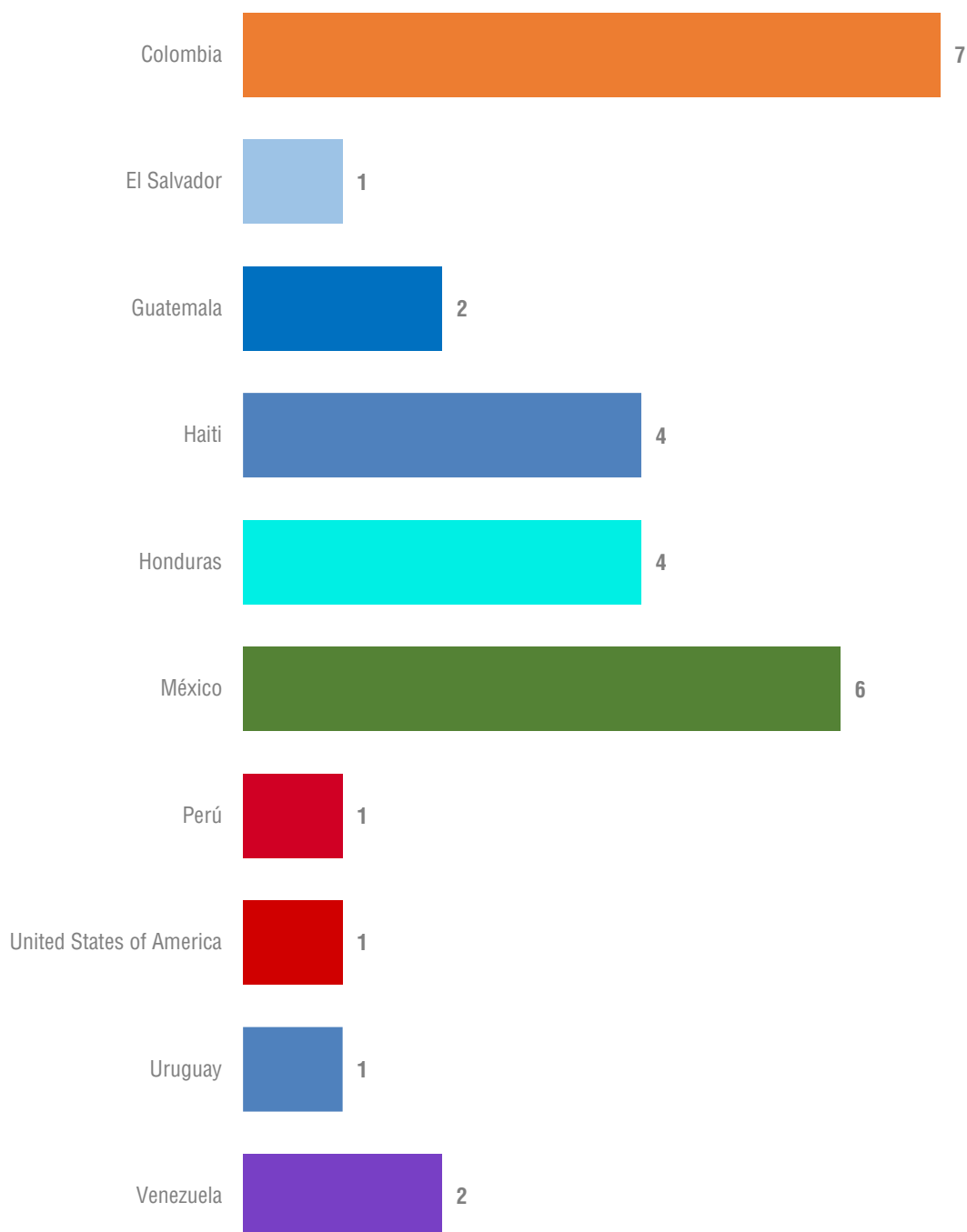


## Granting or extension time of precautionary measures



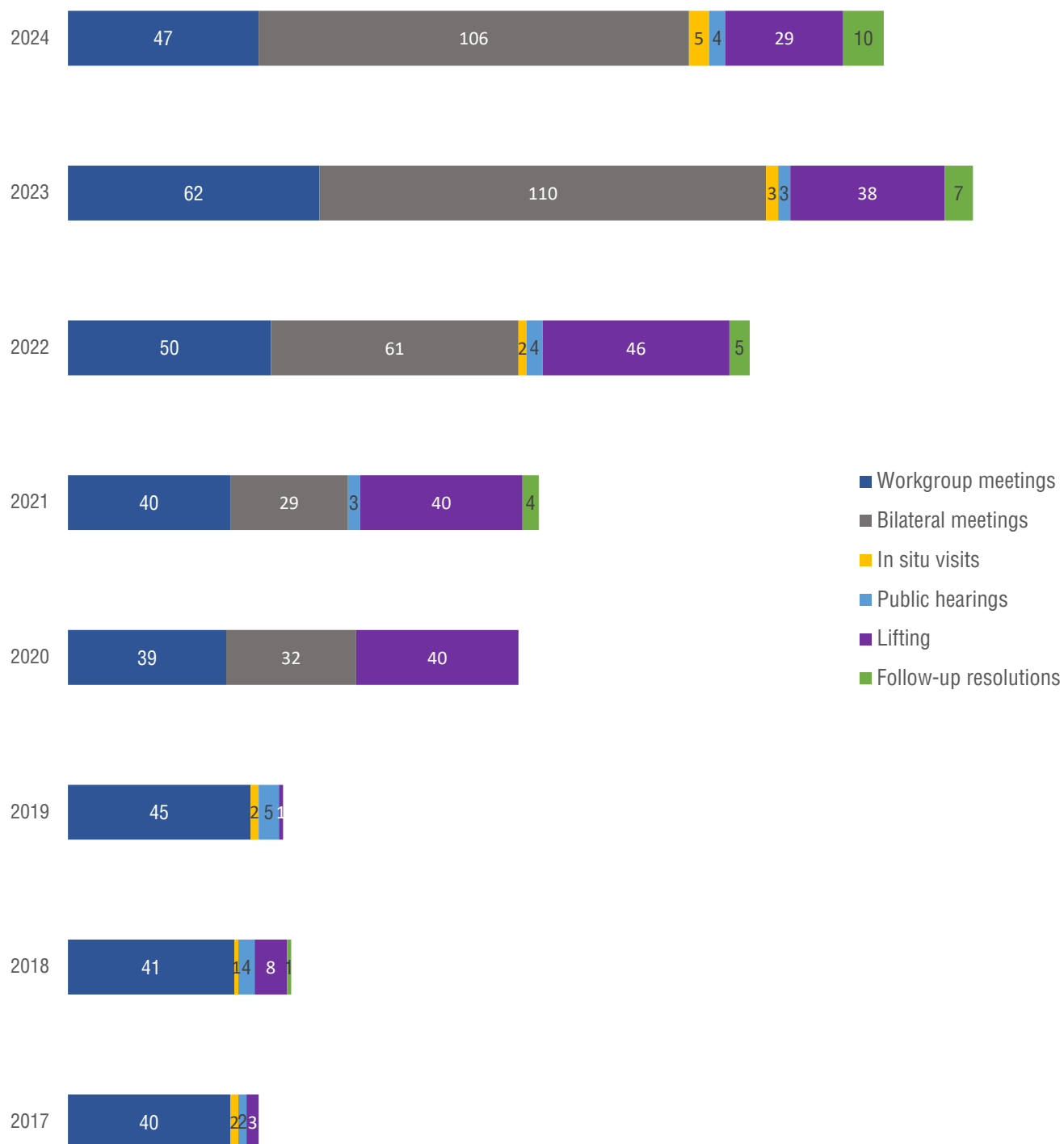


## Precautionary measures lifted by country

**Total: 29**

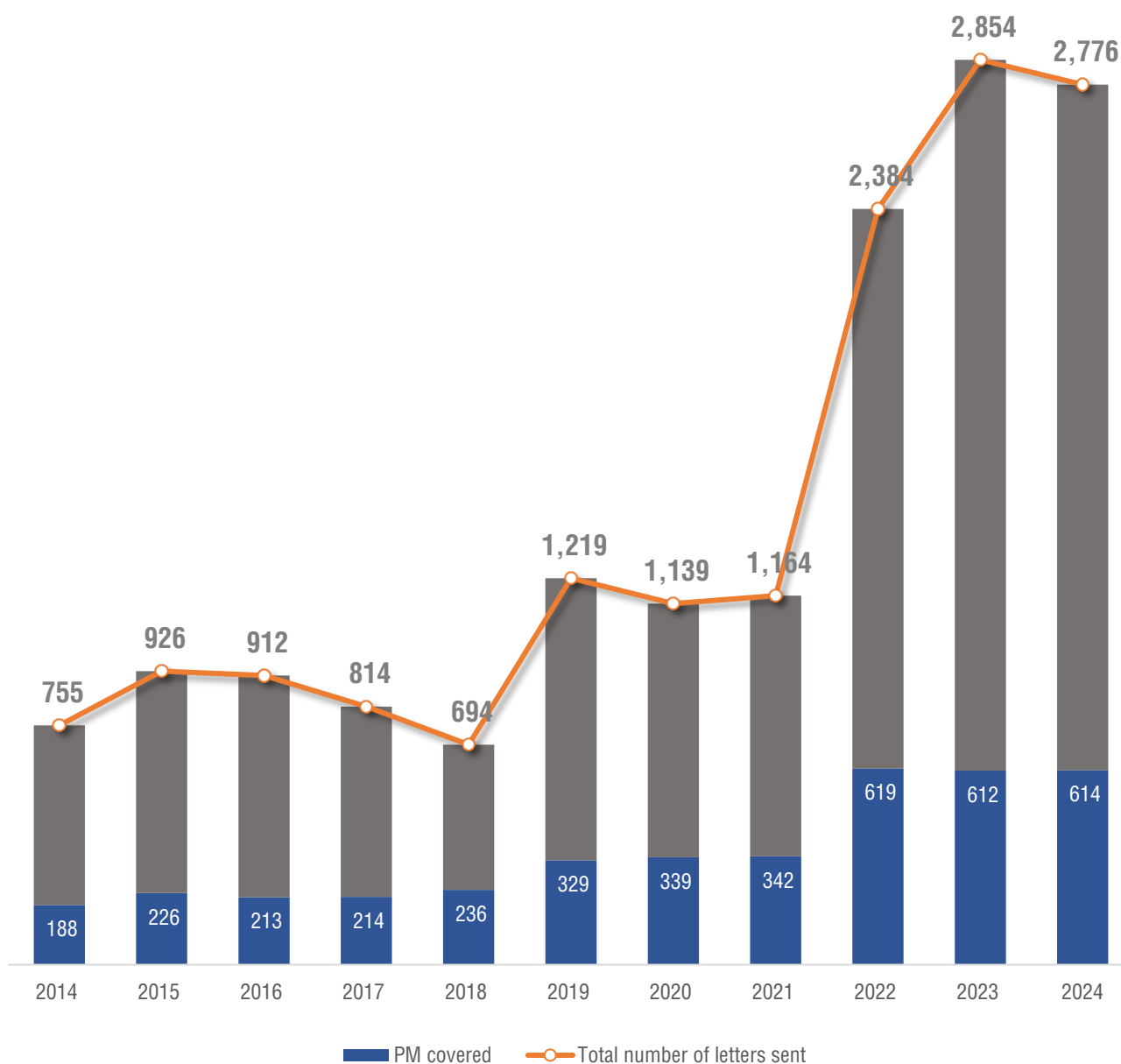


## Follow-up actions of precautionary measures in force by Year



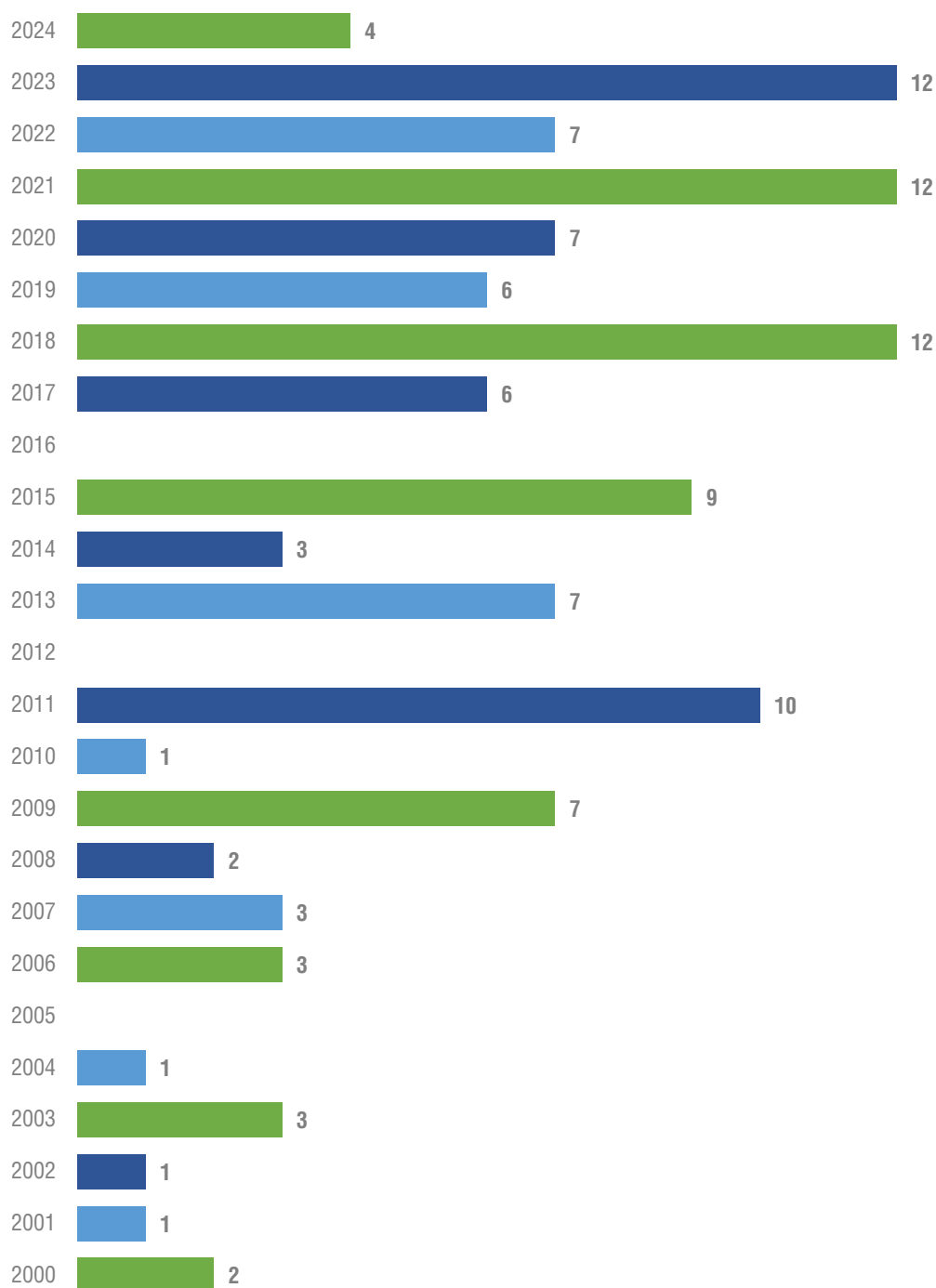


Letters sent by the **IACHR** on precautionary measures in force  
**by Year**





## Thematic and country reports approved by Year







**Activities of  
the thematic and  
country rapporteurships  
and promotion  
and training activities**





## **CHAPTER III: ACTIVITIES OF THE THEMATIC AND COUNTRY RAPORTEURSHIPS, AND PROMOTION AND TRAINING ACTIVITIES**

<b>I.</b>	<b>PART A. ACTIVITIES OF THE THEMATIC AND COUNTRY RAPORTEURSHIPS.....</b>	<b>389</b>
A.	IACHR observation and monitoring activities in 2024 .....	391
1.	<i>In loco</i> visits .....	391
2.	Working, promotional and technical cooperation visits.....	394
3.	Press releases .....	404
4.	Requests for information.....	415
5.	Published reports, studies and compendiums.....	422
<b>II.</b>	<b>PART B. PROMOTION AND TRAINING ACTIVITIES .....</b>	<b>423</b>
A.	Promotional activities.....	425
1.	Sixty-fifth anniversary of the creation of the Inter-American Commission on Human Rights.....	426
2.	Inter-American human rights system Forum – Inter-American Court of Human Rights/Inter-American Commission on Human Rights .....	427
3.	Cycle of dialogue with the Supreme Court of Justice of Mexico .....	427
4.	Central American Forum for Civil Society Discussion on Human Rights .....	428
5.	Thematic hearings competition before the Inter-American Commission on Human Rights – International Center for the Promotion of Human Rights (CIPDH).....	428
6.	Other promotion activities .....	428
7.	Webinars and report releases of the Commission .....	429
B.	Training activities .....	430
1.	Massive open online courses (MOOC) .....	431
2.	Virtual classrooms and short courses .....	432
3.	Paid virtual courses pilot plan: Standards on memory, truth and justice, and inter-American standards on racial discrimination and Afro-descendants .....	434



4.	Training activities carried out with other institutions .....	434
5.	Training by geographic area.....	437
5.1.1.	CARICOM: Annual Seminar for CARICOM countries on the inter-American human rights system: mechanisms of the inter-American system for the promotion and protection of human rights, with a special focus on climate change in the context of the right to development.....	437
5.1.2.	Haiti: Training delivered in collaboration with the OHCHR.....	437
5.1.3.	Caribbean Court of Justice (CCJ) – Training on the standards of the inter-American system on access to justice, equality and nondiscrimination. ....	437
5.1.4.	Training on the inter-American system targeted at government officials and the civil society in Barbados. ....	437
5.1.5.	Training on the inter-American system with a focus on indigenous peoples targeted at government officials and the civil society in Belize. ....	437
5.1.6.	Training on hearings at the Commission targeted at the Caribbean Network. ....	437
5.1.7.	Training for Caribbean civil society organizations on the rights of women deprived of liberty.....	437
C.	Other promotion and training activities related to special procedures, thematic rapporteurships and follow-up of recommendations .....	441
1.	Thematic rapporteurships .....	441
2.	Special mechanisms .....	470
3.	Follow-up on recommendations and SIMORE .....	473



## CHAPTER III

### ACTIVITIES OF THE THEMATIC AND COUNTRY RAPPORTEURSHIPS, AND PROMOTION AND TRAINING ACTIVITIES

#### I. PART A. ACTIVITIES OF THE THEMATIC AND COUNTRY RAPPORTEURSHIPS

1. The Inter-American Commission on Human Rights (the Commission or the IACHR) carries out its functions of observation and monitoring of specific human rights issues through its country rapporteurships and thematic rapporteurships. These functions are performed in the countries of the region in different ways, including through *in loco* visits, working visits, press releases, requests for information to the States (letters based on Article 41 of the American Convention on Human Rights<sup>1</sup> and Article 18 of the Statute of the Inter-American Commission on Human Rights<sup>2</sup>), among other instruments.

2. Additionally, the Commission carries out training and promotion activities by means of its special work units—and many times in conjunction with the rapporteurships—as part of their dissemination and training efforts to promote the inter-American human rights standards created through the inter-American system of human rights (ISHR) doctrine and jurisprudence. Their purpose is to help the civil society, networks of social players and member states to better understand these standards and to apply and incorporate them into national decisions, regulatory frameworks and public policy with a focus on human rights. In the Commission's view, strengthening state institutions is the foundation for the realization of human rights in the countries of the region.

3. As for the rapporteurships, they were appointed by the Inter-American Commission starting in 1990 and are aimed at serving certain individuals, groups and collectives that are particularly exposed to human rights violations due to their vulnerability and the historical discrimination against them. The purpose of having thematic rapporteurships is to strengthen, foster and systematize the work of the Inter-American Commission on specific issues, and to raise awareness of human rights among the peoples of the Americas.<sup>3</sup> The rapporteurships also support the Commission's work in developing legal standards; contribute to the dissemination of the inter-American system mechanisms; and promote access to national and international justice for individuals, groups and collectives related to their thematic focus. The Commission's rapporteurships work in close collaboration with different sectors from their particular fields of expertise, including the rapporteurships of the United Nations and other universal mechanisms, civil society organizations, States, academia, among others.

4. The thematic rapporteurships are governed by Article 15 of the Commission's Rules of Procedure,<sup>4</sup> as well as by the practices established by the Commission's Plenary. The Commission approves the reports and work plans of each rapporteurship and oversees the day-to-day execution of their mandates. Since these are specialized thematic offices created by the Commission itself, its Rules of Procedure precisely regulate their creation and the election of thematic rapporteurs. The Rules of Procedure also govern the functions of the

<sup>1</sup> See: OAS, [American Convention on Human Rights \(Pact of San José\)](#), adopted in 1969, Article 41(d).

<sup>2</sup> See: OAS, [Statute of the Inter-American Commission on Human Rights](#), adopted in 1979, Article 18(d).

<sup>3</sup> See: OAS, [Statute of the Inter-American Commission on Human Rights](#), adopted in 1979, Article 18(a).

<sup>4</sup> See: IACHR, [Rules of Procedure of the Inter-American Commission on Human Rights](#), Article 15.



Commission in which its rapporteurships participate. These important set of practices and regulations govern the conduct of rapporteurships and establish rigorous procedures for action.

5. Thematic rapporteurships collaborate in the fulfillment of the Commission's main function of advocating for and defending human rights and serve as a consultative body of the OAS to this end.<sup>5</sup> In this regard, they may request information from the States' governments<sup>6</sup> and produce reports on the human rights measures they adopt.<sup>7</sup> They also issue recommendations for the implementation of progressive measures to promote human rights, in accordance with the mandate of the Commission.<sup>8</sup> The rapporteurs also prepare studies and reports relevant to their thematic functions.<sup>9</sup> Additionally, as part of their work, the rapporteurs may conduct working visits to the States and participate in *in loco* visits by the Commission, with the consent of or invitation from the relevant government.<sup>10</sup>

6. The Commission currently has eleven thematic rapporteurships:

- *Rapporteurship on the Rights of Indigenous Peoples (1990);*
- *Rapporteurship on the Rights of Women (1994);*
- *Rapporteurship on Human Mobility (1996);*
- *Rapporteurship on the Rights of the Child (1998);*
- *Rapporteurship on Human Rights Defenders and Justice Operators (2011);<sup>11</sup>*
- *Rapporteurship on the Rights of Persons Deprived of Liberty (2004);*
- *Rapporteurship on the Rights of Afro-Descendants and against Racial Discrimination (2005);*
- *Rapporteurship on the Rights of Lesbian, Gay, Bisexual, Trans and Intersex Persons (2014);*
- *Rapporteurship on Memory, Truth and Justice (2019);*
- *Rapporteurship on the Rights of Older Persons (2019);* and
- *Rapporteurship on the Rights of Persons with Disabilities (2019).*

7. The Commission also has the authority to create special rapporteurships headed by other persons designated by the Commission itself.<sup>12</sup> It is within this framework that, since 1997, there has been an Office of the Special Rapporteur for Freedom of Expression (RELE).<sup>13</sup> This is a permanent office, with independent operations and functions, working within the legal framework of the Commission.

8. On April 3, 2014, the Commission decided to create an Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA), considering the interdependent and indivisible nature of human rights and the importance of the protection and promotion of economic, social and cultural rights in the region. By appointing this new rapporteur, the Commission sought to reinforce and deepen its work in the defense and protection of economic, social and cultural rights in the Americas. This special rapporteurship was created as part of the process of strengthening the inter-American system, since both OAS member states and other parties of the inter-American system had expressed their interest in directing greater attention to the issue of economic, social and cultural rights. This process resulted in the

<sup>5</sup> See: OAS, [Charter of the Organization of American States](#), Article 106; and OAS, [American Convention on Human Rights \(Pact of San José\)](#), adopted in 1969, Article 41(e).

<sup>6</sup> See: OAS, [American Convention on Human Rights \(Pact of San José\)](#), adopted in 1969, Article 41(d); and OAS, [Statute of the Inter-American Commission on Human Rights](#), adopted in 1979, Article 18(d).

<sup>7</sup> See: OAS, [American Convention on Human Rights \(Pact of San José\)](#), adopted in 1969, Article 41(c).

<sup>8</sup> See: OAS, [American Convention on Human Rights \(Pact of San José\)](#), adopted in 1969, Article 41(b).

<sup>9</sup> See: OAS, [American Convention on Human Rights \(Pact of San José\)](#), adopted in 1969, Article 41; and IACHR, [Rules of Procedure of the Inter-American Commission on Human Rights](#), Article 58.

<sup>10</sup> See: IACHR, [Rules of Procedure of the Inter-American Commission on Human Rights](#), Chapter IV.

<sup>11</sup> The Commission created the Human Rights Defenders Unit in 2001, which was transformed into a rapporteurship in 2011.

<sup>12</sup> See: IACHR, [Rules of Procedure of the Inter-American Commission on Human Rights](#), Article 15(4).

<sup>13</sup> The activities of the Office of the Special Rapporteur for Freedom of Expression are presented in the annex to this Annual Report.



Commission creating specialized institutional spaces. It was during its 146<sup>th</sup> regular period of sessions, held from October 29 to November 16, 2012, that the Commission established the Unit on Economic, Social and Cultural Rights (ESCR Unit), which later became the current Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights.

9. Regarding the latest changes in the structure of the thematic rapporteurships, it should be noted that the mandate of the Rapporteurship on the Rights of Persons Deprived of Liberty was expanded to include the prevention of and fight against torture, and the mandate of the Rapporteurship on Human Rights Defenders was expanded to include justice operators. Finally, it should be noted that in 2024 the IACHR decided to change the name of the “Rapporteurship on the Rights of Migrants” to “Rapporteurship on Human Mobility” in order to reinforce the broad scope of its mandate.

10. By virtue of their mandates, rapporteurships have promoted initiatives on priority issues in the region relevant to their focal areas. These regional initiatives have been strengthened by means of participatory information-gathering processes, in which the views of States and the civil society were included; the preparation and presentation of regional reports on pressing issues; outreach activities to disseminate knowledge of the inter-American system standards; questionnaires and consultations with experts; thematic hearings and working visits; press releases; and other mechanisms. As for individual cases, the rapporteurships participate and play a key role in the specialized processing of individual petitions regarding human rights violations received by the Commission. They also take part in the analysis of requests for precautionary measures and provide support in hearings and friendly settlements.

11. As part of their role in monitoring and protecting human rights, the Commission’s thematic rapporteurships strive to consistently work in an articulated and strategic manner, taking into consideration intersectionality and the fact that certain individuals, groups and collectives are at an increased risk of human rights violations in the hemisphere. In addition, over the years, the rapporteurships have identified issues that require cross-cutting and joint action by the different thematic specialists, such as those involving indigenous women or migrants deprived of liberty, among others, which has led to initiatives based on the interaction of the different thematic rapporteurships.

12. In light of the foregoing and considering the many different observation, monitoring, promotion and training activities of the Commission’s rapporteurships, this chapter has been divided into two sections: the first one addresses human rights observation and monitoring activities carried out by the Commission through *in loco* and working visits, press releases, requests for information and thematic and country reports (A), and the second one reports on training and promotion activities (B).

## **A. IACHR observation and monitoring activities in 2024**

### **1. *In loco* visits**

13. During this period, the Inter-American Commission on Human Rights conducted two *in loco* visits: to Colombia and to Guatemala.

#### **a. *In loco* visit to Colombia**

14. The Inter-American Commission conducted an *in loco* visit to Colombia between April 15 and April 19, 2024. Its goal was to study the impact of the different forms of violence on the situation of human rights in the country, with a special focus on the ethnic-racial and gender dimensions. To this end, the visit centered mainly on two aspects: i) the implementation of the 2016 Peace Agreement; and ii) citizen security, from the perspective of the various manifestations of violence and the State’s response to this problem.

15. The delegation comprised the President of the Commission, Commissioner Roberta Clarke; Second Vice President and Rapporteur for Colombia, José Luis Caballero; Commissioners Stuardo Ralón, Arif



Bulkan, Andrea Pochak and Gloria De Mees; Executive Secretary Tania Reneaum; Assistant Executive Secretary María Claudia Pulido; Chief of Staff Patricia Colchero; experts from the Executive Secretariat; Special Rapporteur for Freedom of Expression Pedro Vaca; and Special Rapporteur on Economic, Social, Cultural and Environmental Rights Javier Palummo.

16. The Commission issued [Press Release No. 143/24](#) at the end of the visit to share details on the meetings held. A fact sheet on the visit is included below.

<b>State</b>	<b>Colombia</b>
<b>Dates / Locations</b>	Between April 15 and April 19, 2024, the Commission traveled to Bogotá and the departments of Antioquia, Cauca, Chocó, La Guajira, Magdalena, Nariño, Putumayo and Valle del Cauca.
<b>Topic(s) / Rapporteurship(s)</b>	<p>The specific objectives of the visit were the following:</p> <ol style="list-style-type: none"> <li>1. To gather information on the implementation of the Peace Agreement, in particular with regard to the following points: (a) the Comprehensive Rural Reform; (b) the substitution of illicit crops; (c) the chapter on ethnic issues; (d) the Comprehensive System of Truth, Justice, Reparation and Non-Repetition (macrocases before the Special Jurisdiction for Peace [JEP] with a gender and ethnic-racial perspective, the system for the search for disappeared persons of the Unit to Search for Individuals Who Are Considered Missing [UBPD] and the implementation of the recommendations issued by the Commission for Truth, Coexistence and Nonrecurrence [CEV]).</li> <li>2. To gather information on citizen security, in particular with regard to the following points: <ol style="list-style-type: none"> <li>a) impacts of violence resulting from the armed conflict, focusing on the following aspects from an intersectional perspective: i) human rights defenders and social leaders; ii) indigenous peoples; iii) Afro-descendant communities; iv) peasants; v) the forced recruitment of children and adolescents; vi) violence against women; vii) LGBTI persons; viii) persons with disabilities; ix) journalists and communicators; x) forced, mass and individual displacement, and forced confinement; xi) migrants, with emphasis on human smuggling and trafficking</li> <li>b) follow-up of Total Peace and dialogue towards the demobilization of armed groups</li> <li>c) financing of non-state armed groups</li> <li>d) widespread impact of the conflict on State institutions: i) institutional violence as part of a domestic war across the country (special impact on peripheral and ethnic-racial communities); ii) the criminal and prison situation; iii) political violence and polarization; iv) corruption and impunity; v) the role of control institutions and their impact on checks and balances: Attorney General's Office and Inspector General's Office.</li> </ol> </li> </ol>
<b>Institutions visited</b>	During the <i>in loco</i> visit to Colombia, the Commission participated in 50 meetings with authorities from the different branches of government and held 45 sessions to hear from indigenous peoples, Afro-descendant communities, peasants, human rights defenders, social and community leaders, organizations linked to the rights of women, LGBTI persons, victims



	<p>of forced displacement and human mobility, children and adolescents, persons deprived of liberty, relatives of military and police victims of the armed conflict, organizations related to the fight for memory, truth and justice and organizations working on the implementation of the Peace Agreement and the recommendations of the Truth Commission. Dialogues were also held with unions and trade unions, representatives of academia and international organizations.</p> <p>In addition, the Commission observed the situation of human rights in the prisons of Riohacha, Modelo and Buen Pastor in Bogotá; in the Ponderes Territorial Area for Training and Reintegration (ETCR) in Fonseca; in the Puente Nayero Humanitarian Area in Buenaventura; in the Agua Blanca district in Cali; and in the Necoclí dock in the Darién region.</p>
<b>Commissioner(s) / Rapporteur(s)</b>	<p>The delegation comprised the President of the Commission, Commissioner Roberta Clarke; Second Vice President and Rapporteur for Colombia, José Luis Caballero; Commissioners Stuardo Ralón, Arif Bulkan, Andrea Pochak and Gloria De Mees; Executive Secretary Tania Reneaum; Assistant Executive Secretary María Claudia Pulido; Chief of Staff Patricia Colchero; experts from the Executive Secretariat; Special Rapporteur for Freedom of Expression Pedro Vaca; and Special Rapporteur on Economic, Social, Cultural and Environmental Rights Javier Palummo.</p>
<b>Observations</b>	<p>As a result of the visit, the Commission will prepare a country report in which it will elaborate on the issues raised in the <a href="#">preliminary observations</a>.</p>

#### b. *In loco* visit to Guatemala

17. Between July 22 and July 26, 2024, the Inter-American Commission conducted an *in loco* visit to Guatemala. Its main goal was to examine the impact that the weakening of democratic institutionality and judicial independence has had on the country since its last visit in 2017. Moreover, the *in loco* visit sought to analyze the following: the situation of human rights of specific groups exposed to exclusion and historical discrimination, under an ethnic-racial and gender approach; the situation of freedom of expression; citizen security; the rights to memory, truth, justice and reparation for serious human rights violations; and the situation of economic, social, cultural and environmental rights in Guatemala. In total, since 1982, 12 *in loco* visits were made to Guatemala, which makes it the most visited country by the Commission.

18. The delegation was led by the President of the Commission, Roberta Clarke, and included First Vice President Carlos Bernal, Second Vice President José Luis Caballero and Commissioners Arif Bulkan, Gloria de Mees and Andrea Pochak (also Rapporteur for Guatemala), Executive Secretary Tania Reneaum, Assistant Executive Secretary María Claudia Pulido, Chief of Staff Patricia Colchero, experts from the Executive Secretariat, Special Rapporteur for Freedom of Expression Pedro Vaca and Special Rapporteur on Economic, Social, Cultural and Environmental Rights Javier Palummo.

19. The Commission issued [Press Release No. 199/24](#) at the end of the visit to share details on the meetings held. A fact sheet on the visit is included below.

<b>State</b>	<b>Guatemala</b>
--------------	------------------



<b>Dates / Locations</b>	Between July 22 and July 26, 2024, the Commission traveled to Guatemala City and the departments of Alta Verapaz, Izabal, Petén, San Marcos, Sololá, Totonicapán and Quetzaltenango.
<b>Topic(s) / Rapporteurship(s)</b>	The <i>in loco</i> visit sought to analyze the following: the situation of human rights of specific groups exposed to exclusion and historical discrimination, under an ethnic-racial and gender approach; the situation of freedom of expression; citizen security; the rights to memory, truth, justice and reparation for serious human rights violations; and the situation of economic, social, cultural and environmental rights in Guatemala.
<b>Institutions visited</b>	The Commission made an unrestricted visit to the Santa Teresa pretrial detention center for women in Zone 18, the pretrial detention center for men in Zone 18, the pretrial detention center for men and women in Cobán, and the Mariscal Zavala detention center, where it met with journalist José Rubén Zamora and former prosecutor Stuardo Campo. It also visited shelters for children and adolescents in need of protection, as well as the reception centers for returnees located in Tecún Umán and Guatemala City. During its visit, the Commission studied the cross-border dynamics of human mobility in the region, particularly at the Rodolfo Robles bridge and the Suchiate river, and met with migrants. In total, the Commission held 31 meetings with representatives of the different branches of government and held more than 48 group meetings with human rights defenders and justice operators, activists, civil society organizations, victims of human rights violations, representatives of academia, trade unions, business associations, representatives of diplomatic missions and United Nations agencies.
<b>Commissioner(s) / Rapporteur(s)</b>	The delegation was led by the President of the Commission, Roberta Clarke, and included First Vice President Carlos Bernal, Second Vice President José Luis Caballero and Commissioners Arif Bulkan, Gloria de Mees and Andrea Pochak (also Rapporteur for Guatemala). It was also supported by Special Rapporteur for Freedom of Expression Pedro Vaca and Special Rapporteur on Economic, Social, Cultural and Environmental Rights Javier Palummo, as well as Executive Secretary Tania Reneaum, Assistant Executive Secretary María Claudia Pulido, Chief of Staff Patricia Colchero and experts from the Executive Secretariat.
<b>Observations</b>	As a result of the visit, the Commission will prepare a country report in which it will elaborate on the issues raised in the <a href="#">preliminary observations</a> .

## 2. Working, promotional and technical cooperation visits

20. During this period, the Inter-American Commission on Human Rights conducted 12 working, promotional and technical cooperation visits.

### a. Working visit to Costa Rica

21. The Commission conducted a working visit to Costa Rica between February 6 and February 9, 2024, with the main purpose of participating in the forum organized by Race & Equality, titled “One Year After the Release of 222 Persons Deprived of Liberty for Political Reasons.” During the visit, meetings were also held with the Nicaraguan diaspora to address the situation of human rights, promote and disseminate inter-American standards and gather testimonies from persons who have been arbitrarily deprived of liberty in Nicaragua or from their next of kin. The Commission also held meetings with several civil society organizations,



including Race & Equality, Fundación del Río and Colectivo Nicaragua Nunca Más. In addition, it heard 16 testimonies from victims of human rights violations. The Commission's delegation comprised experts from the MESENI.

<b>State</b>	<b>Costa Rica</b>
<b>Dates / Locations</b>	February 6–9, 2024
<b>Topic(s) / Rapporteurship(s)</b>	Special Follow-Up Mechanism for Nicaragua (MESENI)
<b>Institutions visited</b>	N/A
<b>Commissioner(s) / Rapporteur(s)</b>	N/A
<b>Observations</b>	The MESENI conducted a working visit to Costa Rica with the main purpose of holding meetings with the Nicaraguan diaspora on the situation of human rights, disseminating and promoting inter-American standards, gathering testimonies from persons who have been arbitrarily deprived of liberty in Nicaragua or from their next of kin and preparing a working visit with the Country Rapporteur. During the visit, the MESENI participated in an event organized by Race & Equality, titled "One Year After the Release of 222 Persons Deprived of Liberty for Political Reasons." Participation in this event provided an opportunity to share perspectives and reflections on the current situation of human rights in Nicaragua. During the visit, 16 testimonies were heard, and meetings were held with Race & Equality, CEJIL, Colectivo Nicaragua Nunca Más and a Nicaraguan student collective.

**b. Promotional visit to Honduras**

22. The promotional visit to Honduras was held between May 13 and May 17, 2024, with the goal of presenting the report on the situation of human rights in the country, which addresses the information gathered after the *in loco* visit carried out between April 24 and April 28, 2023.

23. The Commission's delegation was headed by Commissioner Andrea Pochak, Country Rapporteur for Honduras; the Executive Secretary; the Special Rapporteur for Freedom of Expression; the Special Rapporteur on Economic, Social, Cultural and Environmental Rights; and the Executive Secretariat's technical team.

24. A fact sheet on the visit is included below.

<b>State</b>	<b>Honduras</b>
<b>Dates / Locations</b>	May 13–17, 2024; Tegucigalpa
<b>Topic(s) / Rapporteurship(s)</b>	Rapporteurship for Honduras
<b>Institutions visited</b>	N/A



<b>Commissioner(s) / Rapporteur(s)</b>	Commissioner Andrea Pochak, Rapporteur for Honduras  Special Rapporteur for Freedom of Expression Pedro Vaca  Special Rapporteur on Economic, Social, Cultural and Environmental Rights Javier Palummo
<b>Observations</b>	The Commission presented the report on the situation of human rights in Honduras, which addresses the information gathered after the <i>in loco</i> visit carried out between April 24 and April 28, 2023. During the visit, meetings were also held with high-level State authorities and civil society organizations, as well as with beneficiaries and their representatives of precautionary measures in force.  Press release on the publication of the report: <a href="#">IACHR Releases Report on the Human Rights Situation in Honduras</a>

### c. Working visit to Costa Rica

25. The working visit to Costa Rica took place between May 19 and May 21, 2024, and was aimed at holding meetings with the Nicaraguan diaspora and, in particular, monitoring the situation of indigenous and Afro-descendant persons of the Caribbean Coast of Nicaragua, who have been forced to flee to Costa Rica as a result of increased repression and violence in their ancestral land.

26. The Commission's delegation was headed by Commissioner Arif Bulkan, Country Rapporteur for Nicaragua and Rapporteur for the Rights of Indigenous Peoples, and two experts from the Executive Secretariat.

27. During the visit, the delegation held a protocol meeting with authorities of the Ministry of Foreign Affairs, the Vice Ministry of Peace, the Presidential Commissioner for Social Inclusion, the General Directorate of Migration and Immigration and the Ministry of Public Security. The delegation went to Alajuelita and La Carpio, where it held meetings with indigenous and Afro-descendant Nicaraguans in a situation of human mobility as well as with Nicaraguan civil society organizations.

28. The Commission released its observations on the visit in its [Press Release No. 121/2024](#). A fact sheet on the visit is included below.

<b>State</b>	<b>Costa Rica</b>
<b>Dates / Locations</b>	May 19–21, 2024
<b>Topic(s) / Rapporteurship(s)</b>	Special Follow-Up Mechanism for Nicaragua (MESENI)
<b>Institutions visited</b>	Ministry of Foreign Affairs, Vice Ministry of Peace
<b>Commissioner(s) / Rapporteur(s)</b>	Commissioner Arif Bulkan, Rapporteur for Nicaragua and Rapporteur on the Rights of Indigenous Peoples
<b>Observations</b>	The Commission received information on the serious situation of violence faced by indigenous and Afro-descendant peoples on the Caribbean Coast



	<p>of Nicaragua, as evidenced by reports of murders, kidnappings, threats, sexual violence and armed attacks perpetrated by settlers seeking to dispossess them of their ancestral land. Moreover, information was received on the operation of parallel governments overshadowing traditional leaders and the impact of concessions granted to private companies on these peoples' natural resources. This situation, as part of a historical context of marginalization, exclusion and violence that was exacerbated since 2018, has resulted in the forced migration of communities.</p> <p>Information was also received on the historical openness of the State of Costa Rica regarding the migration situation, as well as the implementation of programs to prevent discrimination and xenophobia. Furthermore, the Commission learned of the current challenges in terms of access to procedures for obtaining refugee status and in relation to social rights such as work, health, housing and education, as well as of the need for greater responsiveness and sensitivity, under a differentiated approach as regards vulnerable groups and persons with special needs.</p> <p>Press release on the visit:  <a href="#">IACHR concludes visit of the Special Follow-Up Mechanism for Nicaragua to Costa Rica</a></p>
--	--

#### d. Working visit to Honduras

29. The working visit to Honduras took place between August 12 and August 15, 2024, with the purpose of holding working meetings with civil society organizations and technical staff of public institutions responsible for the care, prevention and protection of victims of gender-based violence, as well as for the administration of justice, to gather information on progress, challenges and best practices in the area of women's access to justice.

30. The delegation comprised experts from the Commission's Executive Secretariat.

31. A fact sheet on the visit is included below.

<b>State</b>	<b>Honduras</b>
<b>Dates / Locations</b>	August 12–15, 2024; Tegucigalpa
<b>Topic(s) / Rapporteurship(s)</b>	Rapporteurship on the Rights of Women
<b>Institutions visited</b>	<ul style="list-style-type: none"> <li>- Interinstitutional Commission for the Follow-up of Investigations on Violent Deaths of Women and Femicides</li> <li>- La Cañada Comprehensive Health Center</li> <li>- Ciudad Mujer</li> <li>- Specialized Court on Domestic Violence</li> <li>- Judicial Commission on Access to Justice</li> <li>- Public Prosecutor's Office (Office of the Prosecutor for Crimes against Life [FEDCV], Technical Agency for Criminal Investigation [ATIC],</li> </ul>



	Special Protection Prosecutor's Office [FEP] and Specialized Comprehensive Care Module [MAIE]) - Directorate of Police Investigation (DPI)
<b>Commissioner(s) / Rapporteur(s)</b>	N/A The delegation comprised the technical team of the Rapporteurship on the Rights of Women, the Promotion and Training Section and press staff.
<b>Observations</b>	This visit is part of a work plan to improve the prevention and defense of the human rights of women, girls and adolescents in Latin America and the Caribbean. The visit also included three training sessions, two for state agents and one for the civil society, on the working mechanisms of the Inter-American Commission on Human Rights and the inter-American standards related to women's right to live a life free of violence.

**e. Virtual working visit to Colombia**

32. The Commission conducted a virtual working visit to Colombia between September 3 and September 11, 2024, with the purpose of holding working meetings with civil society organizations and technical staff of public institutions responsible for the care, prevention and protection of victims of gender-based violence, as well as for the administration of justice, to gather information on progress, challenges and best practices in the area of women's access to justice.

33. A fact sheet on the visit is included below.

<b>State</b>	<b>Colombia</b>
<b>Dates / Locations</b>	September 3–11, 2024
<b>Topic(s) / Rapporteurship(s)</b>	Rapporteurship on the Rights of Women
<b>Institutions visited (virtual meetings)</b>	<ul style="list-style-type: none"> <li>- Ministry of Justice and Law</li> <li>- National Working Group for the Investigation of Violence Based on the Sexual Orientation and/or Gender Identity of the Victim under the Office of the Attorney General</li> <li>- Gender Commission of the Special Jurisdiction for Peace</li> <li>- Delegate for Children, Adolescents, Family and Women of the Office of the Inspector General</li> <li>- District Secretariat of Women Affairs of Bogotá</li> <li>- National Gender Commission of the judiciary</li> </ul>
<b>Commissioner(s) / Rapporteur(s)</b>	N/A The meetings were attended by the technical team of the Rapporteurship on the Rights of Women.
<b>Observations</b>	This visit is part of a work plan to improve the prevention and defense of the human rights of women, girls and adolescents in Latin America and the Caribbean.



**f. Working visit to Chile**

34. The purpose of the working visit to Chile, which took place between September 5 and September 6, 2024, was to discuss the steps taken by the State in the area of social rights, particularly in relation to health and labor, as well as the progress achieved in the implementation of public policies on social development, especially the draft National System of Support and Care.

35. The Commission's delegation was headed by Commissioner José Luis Caballero and included the human rights expert of the Country Rapporteurship.

36. A statement was issued on social media on September 5, 2024, through a post on [X](#). A fact sheet on the visit is included below.

<b>State</b>	<b>Chile</b>
<b>Dates / Locations</b>	September 5–6, 2024; Santiago de Chile
<b>Topic(s) / Rapporteurship(s)</b>	Rapporteurship for Chile
<b>Institutions visited</b>	<ul style="list-style-type: none"> <li>- Ministry of Labor and Social Welfare</li> <li>- Ministry of Health</li> <li>- Palacio de la Moneda, Office of the Presidential Advisor for the Follow-up of Public Policies</li> <li>- United Nations High Commissioner for Human Rights (OHCHR)</li> </ul>
<b>Commissioner / Rapporteur</b>	Commissioner José Luis Caballero, Rapporteur for Chile
<b>Observations</b>	Visit carried out at the invitation of the State/Permanent Mission of Chile to the OAS.

**g. Promotional visit to Chile**

37. The promotional visit to Chile took place within the framework of the international seminar "Territorial rights, the State and the Mapuche people: Perspectives in the context of the work of the Commission for Peace and Understanding," which was attended by members of indigenous communities, academia and the Commission for Peace and Understanding.

38. The Commission's delegation comprised Commissioner Arif Bulkan, Rapporteur on the Rights of Indigenous Peoples, and Commissioner José Luis Caballero, Country Rapporteur, who were joined by human rights experts from the Rapporteurship on the Rights of Indigenous Peoples and the Country Rapporteurship/Executive Secretariat.

39. A statement was issued on social media on September 10, 2024, through a [post on X](#). A fact sheet on the visit is included below.



<b>State</b>	<b>Chile</b>
<b>Dates / Locations</b>	September 5–7, 2024; Santiago de Chile and Temuco
<b>Topic(s) / Rapporteurship(s)</b>	Rapporteurship on the Rights of Indigenous Peoples
<b>Institutions visited</b>	The seminar was held at the Law School of the University of Chile and at the Catholic University of Temuco.
<b>Commissioner(s) / Rapporteur(s)</b>	Commissioner Arif Bulkan, Rapporteur on the Rights of Indigenous Peoples Commissioner José Luis Caballero, Rapporteur for Chile
<b>Observations</b>	The purpose of this visit was to provide inputs on the obligations assumed by the States and the inter-American standards related to the work carried out by the Presidential Commission for Peace and Understanding.

#### **h. Working visit to Bolivia**

40. The working visit to Bolivia, carried out between September 9 and September 13, was aimed at holding working meetings with civil society organizations and technical staff of public institutions responsible for the care, prevention and protection of victims of gender-based violence, as well as for the administration of justice, to gather information on progress, challenges and best practices in the area of women's access to justice.

41. The delegation comprised experts from the Commission's Executive Secretariat.

42. A fact sheet on the visit is included below.

<b>State</b>	<b>Bolivia</b>
<b>Dates / Locations</b>	September 9–13, 2024; La Paz and Sucre
<b>Topic(s) / Rapporteurship(s)</b>	Rapporteurship on the Rights of Women
<b>Institutions visited</b>	<ul style="list-style-type: none"> <li>- Vice Ministry for Equal Opportunities</li> <li>- Vice Ministry of Justice for Indigenous Peasant Communities</li> <li>- Vice Ministry of Decolonization and Depatriarchalization and Plurinational Service for Women and Depatriarchalization "Ana María Romero" (SEPMUD)</li> <li>- Victim and Witness Assistance Unit of the Prosecutor's Office of La Paz</li> <li>- Office of the Ombudsperson (offices at La Paz and Sucre)</li> <li>- Integrated Plurinational Justice Services (SIJPLU) of La Paz and Sucre</li> <li>- Plurinational Victim Defense Service (SEPDAVI) of La Paz and Sucre</li> <li>- Comprehensive Municipal Legal Services (SLIM) of La Paz and Sucre</li> <li>- Public Defense Offices for Children and Adolescents (DNA) of La Paz and Sucre</li> </ul>



	<ul style="list-style-type: none"> <li>- Specialized Prosecutor's Office on Gender-Based and Juvenile Crimes under the Prosecutor's Office of Chuquisaca</li> <li>- Specialized Prosecutor's Office on Crimes against Life and Personal Integrity under the Prosecutor's Office of Chuquisaca</li> <li>- Victim and Witness Assistance and Protection Unit of the Prosecutor's Office of Chuquisaca</li> <li>- Gender Committees of the judiciary and the Plurinational Constitutional Court</li> <li>- Temporary Shelter and Refuge, Sucre</li> </ul>
<b>Commissioner(s) / Rapporteur(s)</b>	N/A The delegation comprised the technical team of the Rapporteurship on the Rights of Women
<b>Observations</b>	This visit is part of a work plan to improve the prevention and defense of the human rights of women, girls and adolescents in Latin America and the Caribbean.

#### i. Working visit to Guatemala

43. The working visit to Guatemala was conducted to hear the testimonies of 25 of the 135 persons released from prison by the Government of Nicaragua and transferred to Guatemala. This activity was carried out in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Central America and the Group of Human Rights Experts on Nicaragua (GHREN).

44. The Commission's delegation comprised one expert from the MESENI.

45. A fact sheet on the visit is included below.

<b>State</b>	Guatemala
<b>Dates / Locations</b>	September 12-16, 2024
<b>Topic(s) / Rapporteurship(s)</b>	MESENI
<b>Institutions visited</b>	N/A
<b>Commissioner(s) / Rapporteur(s)</b>	N/A
<b>Observations</b>	The purpose of the visit was to hear the testimonies of persons released from prison by the Nicaraguan government and transferred to Guatemala. This activity was carried out in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Central America and the Group of Human Rights Experts on Nicaragua (GHREN).

#### j. Promotional visit to the Dominican Republic

46. The promotional visit to the Dominican Republic, held between October 1 and October 5, 2024, sought to bring together activists, grassroots organizations and the civil society, as well as trade unions



working with Afro-descendants, Dominicans of Haitian descent and Haitian migrants in the Dominican Republic, with a view to broadening their knowledge of the Inter-American Commission on Human Rights, especially of the Rapporteurship on the Rights of Afro-Descendants and against Racial Discrimination, and of the United Nations Special Rapporteurship on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance.

47. The Commission's delegation was headed by Commissioner Gloria De Mees and included a human rights expert from the Executive Secretariat.

48. A fact sheet on the visit is included below.

<b>State</b>	<b>Dominican Republic</b>
<b>Dates / Locations</b>	October 1–5, 2024; Santo Domingo
<b>Topic(s) / Rapporteurship(s)</b>	Rapporteurship on the Rights of Afro-Descendants and against Racial Discrimination
<b>Institutions visited</b>	<ul style="list-style-type: none"> <li>- Vice Ministry of Foreign Affairs for Multilateral Policy</li> <li>- Headquarters of the Jacques Viau Dominican-Haitian Encounter Network (REDH-JV) and the Sociocultural Movement for Humanitarian and Environmental Work (MOSCTHA)</li> <li>- United Nations Resident Coordinator in the Dominican Republic and representatives of different UN agencies (UNHCR, UNICEF, UN Women, FAO, among others)</li> <li>- U.S. Embassy in the Dominican Republic</li> <li>- Communities of the Palmarejo and Luisa Prieto <i>bateyes</i></li> </ul>
<b>Commissioner(s) / Rapporteur(s)</b>	Commissioner Gloria De Mees, Rapporteur on the Rights of Afro-Descendants and against Racial Discrimination
<b>Observations</b>	The visit was carried out together with the United Nations Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, Ms. Ashwini K.P.

#### **k. Technical cooperation visit to Barbados**

49. A technical cooperation, promotion and follow-up of recommendations visit was made to Barbados between October 8 and October 11, 2024, to foster and explore collaborative actions with the State, the civil society, academia and international and regional organizations, as well as to promote the Commission's working mechanisms, to prioritize the ratification of instruments and to develop and strengthen capacities relating to the understanding and use of the inter-American system of human rights.

50. The Commission's delegation was headed by Commissioner Gloria De Mees, Country Rapporteur, and included human rights experts from the Executive Secretariat.

51. The Commission issued [Press Release No. 256/24](#) at the end of the visit to share details on the meetings held.

52. A fact sheet on the visit is included below.



<b>State</b>	<b>Republic of Barbados</b>
<b>Dates / Locations</b>	October 8–11, 2024; Bridgetown
<b>Topic(s) / Rapporteurship(s)</b>	Technical cooperation, promotion and follow-up of recommendations
<b>Institutions visited</b>	Parliament; Supreme Court; Ministry of Foreign Affairs and Foreign Trade; Office of the Attorney General; Ministry of Home Affairs, Information and Public Affairs; Ministry of Labor, Social Security and Third Sector; Ministry of People Empowerment and Elder Affairs; Office of the Ombudsperson  The delegation also met with the UN Resident Coordinator and various UN agencies, a delegation from the European Union, 21 civil society representatives and the University of the West Indies at Cave Hill Campus.
<b>Commissioner(s) / Rapporteur(s)</b>	Commissioner Gloria de Mees, Rapporteur on the Rights of Older Persons, Rapporteur on the Rights of Afro-Descendants and against Racial Discrimination and Country Rapporteur
<b>Observations</b>	The Commission conducted this visit in accordance with its 2023–2027 Strategic Plan, in line with Program 17 and the Five-Year Strategy for the Caribbean. It also reaffirmed its commitment to intensify its work in the Caribbean, expand technical cooperation, develop and strengthen capacities relating to the inter-American system and promote the ratification of inter-American human rights instruments.  Press release on the visit: <a href="#">IACHR concludes technical cooperation and promotional visit to Barbados</a>

### **I. Technical cooperation visit to Belize**

53. The technical cooperation, promotion and follow-up on recommendations visit to Belize was conducted between October 15 and October 18, 2024, to foster and explore collaborative actions with the State, the civil society, academia and international and regional organizations, as well as to promote the Commission's working mechanisms, to prioritize the ratification of instruments and to develop and strengthen capacities relating to the understanding and use of the inter-American system of human rights. Information was also gathered on the progress achieved in complying with the recommendations issued in Case 12.053.

54. The Commission's delegation was headed by Commissioner José Luis Caballero, Second Vice President of the Commission and Country Rapporteur, and included human rights experts from the Executive Secretariat.

55. The Commission issued [Press Release No. 268/24](#) at the end of the visit to share details on the meetings held.

56. A fact sheet on the visit is included below.

<b>State</b>	<b>Belize</b>
--------------	---------------



<b>Dates / Locations</b>	October 15–18, 2024; Belmopán
<b>Topic(s) / Rapporteurship(s)</b>	Technical cooperation, promotion and follow-up of recommendations
<b>Institutions visited</b>	<p>Officials from the Ministry of Foreign Affairs; the Minister of Human Development, Families and Indigenous People Affairs; the Minister of Home Affairs; the Minister of Sustainable Development and Climate Change; the Prosecutor General of the Republic; and the Office of the Ombudsperson</p> <p>The delegation also met with the Executive Director of the Caribbean Community Climate Change Center and with 17 civil society organizations.</p> <p>Additionally, it participated in a meeting convened by the petitioners in Case 12.053 with the Maya indigenous community of the district of Toledo.</p>
<b>Commissioner(s) / Rapporteur(s)</b>	Commissioner José Luis Caballero, Second Vice President of the Commission, Rapporteur on Human Rights Defenders and Rapporteurship on the Rights of the Child
<b>Observations</b>	<p>The Commission conducted this visit in accordance with its 2023–2027 Strategic Plan, in line with Program 17 and the Five-Year Strategy for the Caribbean.</p> <p>Press release on the visit: <a href="#">IACHR concludes visit to Belize</a></p>

### 3. Press releases

57. As part of its mandate to monitor the situation of human rights in the Americas, during 2024, the Inter-American Commission on Human Rights issued **112** press releases, among the 330 published during the year. Through these, the Commission had the opportunity to take a stand on specific situations regarding human rights violations as well as on emerging and structural crises; to reinforce the promotion of and adherence to inter-American standards; and to recognize States' good practices. This contributed to strengthening the Commission's position in favor of the protection of human rights. Through this mechanism, the Commission addressed the situation of human rights in 21 countries of the region (Argentina, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Cuba, Dominica, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Peru, Trinidad and Tobago, United States and Venezuela).

58. Through press releases and statements on social media, the Commission has addressed all of the issues defined as priorities in its Strategic Plan.

59. With respect to the **rights of indigenous peoples**, the Commission followed up on the situation through two press releases. The Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights and the Commission expressed their concern over the impacts that illegal mining and other illicit activities currently have on the life, health and survival of the Yanomami people in the Orinoco Mining Arc in Venezuela. They also voiced their concern about recent administrative decisions adopted by Argentina that could affect the protection of indigenous peoples' rights to land, territory and natural resources and undermine the exercise of their right to self-determination.



60. In relation to the **rights of women**, the Commission monitored the situation by means of seven press releases, thereby urging States to promote the participation and leadership of women in the drafting, implementation and evaluation of crime prevention and reduction policies as well as strategies to address and overcome crisis situations. It also called on States to mitigate maternal mortality among women, girls and persons of African descent of childbearing capacity, and to create the necessary conditions to guarantee the full exercise of reproductive autonomy for women and adolescents, without discrimination. The Commission also urged the States to continue strengthening their legal and institutional frameworks to prevent, protect and punish violence against women, in compliance with the Convention of Belém do Pará.

61. The Commission also monitored the situation of **persons in the context of human mobility** in the region through six press releases, in which it called on States to strengthen national systems for granting refugee status under a human rights, intersectional and intercultural approach, so as to be able to respond to the current dynamics and needs related to displacement and international protection. Furthermore, together with United Nations experts, the Commission underscored that asylum legislation and practices must resist the politics of fear and exclusion. The Commission also expressed its concern over the immigration reforms that restrict the right to asylum in Chile and the United States. Moreover, it issued [Resolution No. 2/24](#) on human mobility caused by climate change, with the purpose of guiding the States of the region in the development of regulations, programs and public policies to protect the rights of persons who migrate due to the adverse effects of climate change.

62. Furthermore, the Commission continued to monitor the situation of the **rights of children and adolescents**. It issued four press releases in which it called on the States of the region to undertake measures in favor of children and adolescents as well as to renew their commitment to the Convention on the Rights of the Child (CRC). The Commission also condemned the arbitrary detention of children and adolescents in Venezuela after the elections and the violation of their presumption of innocence and right to a fair trial. In this regard, the Commission adopted [Resolution No. 05/23](#) on the participation of children and adolescents and published a [simplified and accessible version](#) thereof.

63. Another issue of particular interest to the Commission is the situation of **human rights defenders**. The Commission addressed this issue by means of five press releases, in which it expressed its concern over the high rates of violence against human rights defenders during 2023 in the region, having recorded the murder of at least 126 defenders. It further denounced persecution against human rights defenders in Venezuela after the elections and, together with the REDESCA, condemned the murder of environmental defender Juan López in Honduras and urged the State to investigate the facts promptly and diligently, considering his human rights defense work as a possible motive for the crime. Moreover, the Commission adopted [Resolution No. 01/2024](#), in which it recognized national and international election observers as human rights defenders, given the vital link between the respect and protection of rights and the defense of democracy. In addition, on International Human Rights Defenders Day, the Commission and the Offices of the United Nations High Commissioner for Human Rights in the Americas called on the States of the region to cease the criminalization of human rights defenders.

64. With respect to the **rights of persons deprived of liberty**, the Commission issued four press releases addressing different challenges and concerns in the region. On the International Day in Support of Victims of Torture, the Commission called on States to promote the creation and establishment of national mechanisms to prevent and combat torture (NPMs), whose work is essential to guarantee the rights of persons deprived of liberty. The Commission also expressed its concern over the persistent repression in Nicaragua, marked by religious persecution, arbitrary detentions and poor prison conditions, and urged the State to put an end to repression and immediately release the persons detained in this context. Furthermore, the Commission condemned the arbitrary deprivation of nationality of the 135 persons released from prison in Nicaragua and urged the State of Venezuela to release the adolescents arbitrarily deprived of liberty during the postelectoral protests.

65. The Commission monitored the situation of the **rights of Afro-descendants and the fight against racial discrimination** through four press releases. In commemoration of the International Day for the



Elimination of Racial Discrimination and the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade, the Commission and the REDESCA recognized the role of higher education institutions in preserving and providing access to the correct historical memory of Afro-descendants and called on the States of the region to adopt the necessary measures to ensure that these institutions can continue to undertake these initiatives, as well as all educational actions that contribute to the fight against racial discrimination. Moreover, on the International Day of Afro-Latin American, Afro-Caribbean and Diaspora Women, the Commission called on the States to implement culturally appropriate policies that promote equitable healthcare and mitigate maternal mortality among Afro-descendant girls, women and persons of childbearing capacity. Furthermore, on the International Day for People of African Descent, the Commission exhorted States to adopt comprehensive restorative justice measures for Afro-descendant persons and tribal communities, including the official acknowledgment of historical damage as well as the establishment of mechanisms to address the contemporary negative effects of this legacy. The Commission also noted patterns of excessive use of force against persons with disabilities of African descent and other ethno-racial backgrounds and called on the United States to take effective action to address police violence against persons with psychosocial disabilities, as well as race-based police violence.

66. Regarding the **rights of lesbian, gay, bisexual, trans and intersex persons**, the Commission followed up on their situation through 10 press releases. It expressed its concern over the violent deaths of trans and gender-diverse persons reported in 2023 and early 2024 in the region and urged States to put an end to killings and to urgently implement concrete measures to prevent discrimination and violence. The Commission also called on States to promote the political participation of trans persons; to foster education programs to guarantee the human rights of lesbian women; to adopt legislation and public policies to guarantee the human rights of bisexual persons. In addition, together with REDESCA, the Commission exhorted States to guarantee the economic, social, cultural and environmental rights of LGBTI persons. Finally, the Commission welcomed the prohibition of practices that seek to modify sexual orientation and gender expression in Mexico, as well as the ruling of the Superior Court of Dominica in favor of equality.

67. As for **memory, truth and justice**, the Commission issued seven press releases. On the International Day for the Right to the Truth Concerning Gross Human Rights Violations and for the Dignity of Victims, the Commission and the United Nations called on States to comply with court rulings relating to serious human rights violations and international crimes. Therefore, they urged States not to grant amnesty, humanitarian pardon or undue benefits to the perpetrators and masterminds of these types of crimes. Furthermore, on the International Day of the Victims of Enforced Disappearances, the Commission exhorted States to overcome the denialism that hinders effective state responses to enforced disappearances. The Commission also released a [compendium on integral reparation with a gender perspective in transitional justice contexts](#).

68. With respect to the **rights of older persons**, the Commission issued four press releases, thereby urging States to guarantee a dignified old age in the region through sustainable and foreseeable social security systems. It also called on States to guarantee the right of older persons to a life free of any type of violence, thus exhorting States to ensure that the rights to physical and mental integrity and health be protected at residential homes, care facilities or healthcare institutions. Moreover, on the International Day of Older Persons, the Commission highlighted the importance of respecting the autonomy of older persons in decision-making as a guarantee of dignified aging.

69. In relation to **freedom of expression**, the Commission issued 13 press releases, through which it addressed specific situations related to this issue in different countries of the region. With respect to Cuba, the Commission and the RELE condemned the persistent attacks on organizations and the press as well as the growing repression against the opposition and dissident voices in the context of the serious social and economic crisis unfolding in the country. The Commission and the RELE also called on the United States to respect peaceful protest and academic freedom in universities. Furthermore, they reminded the State of Bolivia of its duty to comply with inter-American standards on freedom of association, peaceful assembly and expression, and urged it to take effective measures to promote dialogue and reduce political polarization in the country. In addition, the Commission exhorted Guatemala to cease religious persecution and to release all



persons arbitrarily detained in the country, condemned the mass shutdown of civil society and religious organizations in Nicaragua and reminded Argentina of its duty to guarantee social protest and to respect the rights of association and peaceful assembly. With respect to Venezuela, the Commission warned about political persecution in the electoral context, condemned serious human rights violations reported in the context of the repression of postelection protests, and, together with the RELE, denounced state terrorism practices.

70. Moreover, five press releases were issued on the monitoring of the situation of **economic, social, cultural and environmental rights**. The Commission and the REDESCA called for international solidarity to assist countries affected by Hurricane Beryl. They also expressed their solidarity with the people affected by the environmental tragedy in Rio Grande do Sul, reaffirmed the importance of promoting actions that are broader in scope in the face of the climate emergency and voiced their concern over the worsening food shortage and prolonged power outages in Cuba.

71. The following is a list of all press releases issued by the Commission in 2024, referring to the work of monitoring of the thematic rapporteurships. This list comprises the 112 press releases related to its monitoring mandate, which are part of the totality of press releases issued by the IACHR in 2024 that are listed in Chapter I of this report.

2024 Press Releases		
Regional: Various topics	Total: 40	
Title	Date	Number
<a href="#">IACHR publishes resolution on human mobility and climate change</a>	Dec. 30, 2024	330
<a href="#">Cartagena+40 ends amid cooperation and solidarity to protect refugees and displaced and stateless persons</a>	Dec. 19, 2024	323
<a href="#">IACHR celebrates its 65-year commitment to equality and non-discrimination</a>	Dec. 10, 2024	313
<a href="#">IACHR and IPPDH complete 7th edition of their International Course on Public Human Rights Policies</a>	Dec. 9, 2024	312
<a href="#">International Day of Human Rights Defenders: Joint Statement by the United Nations High Commissioner for Human Rights and the IACHR</a>	Dec. 6, 2024	310
<a href="#">IACHR holds annual dialogue with National Human Rights Institutions from the Americas</a>	Dec. 3, 2024	303
<a href="#">Eradicating violence against women requires normative and institutional frameworks focused on prevention, punishment, and redress. IACHR says</a>	Nov. 25, 2024	292
<a href="#">IACHR: States Must Ensure Human Rights for Trans and Gender-Diverse People on the International Trans Day of Remembrance</a>	Nov. 25, 2024	291
<a href="#">States need to consolidate national systems of care for older persons. IACHR says</a>	Oct. 29, 2024	265



<a href="#"><u>IACHR Urges States to Protect the Reproductive Autonomy and Freedom of Women and Adolescent Girls</u></a>	Oct. 1, 2024	235
<a href="#"><u>Independence, autonomy, and aging with dignity are fundamental rights of older people</u></a>	Oct. 1, 2024	233
<a href="#"><u>IACHR calls on States to continue adopting measures to prevent and eradicate statelessness in the region</u></a>	Sept. 27, 2024	230
<a href="#"><u>IACHR calls for legislation and public policies to safeguard human rights of bisexual people</u></a>	Sept. 26, 2024	226
<a href="#"><u>IACHR: Protecting democracy means protecting the independence of the judiciary</u></a>	Sept. 13, 2024	216
<a href="#"><u>States must implement comprehensive reparatory justice for people and tribal communities of African descent</u></a>	Aug. 31, 2024	202
<a href="#"><u>Victims of enforced disappearances need urgent responses and concerted action, forthcoming World Congress offers unique opportunity, experts say</u></a>	Aug. 30, 2024	201
<a href="#"><u>IACHR Urges States to Overcome the Denialism That Hinders Effective State Responses to Enforced Disappearances</u></a>	Aug. 30, 2024	200
<a href="#"><u>IACHR Publishes Simplified, User-Friendly Version of Resolution No. 05/23 on the Participation of Children and Adolescents</u></a>	Aug. 16, 2024	185
<a href="#"><u>IACHR and UN Special Rapporteur on Trafficking in Persons: States must enhance the protection of victims of human trafficking</u></a>	July 30, 2024	172
<a href="#"><u>IACHR calls on States to mitigate maternal mortality for Afro-descendant women, girls, and persons with a capacity for pregnancy</u></a>	July 26, 2024	171
<a href="#"><u>IACHR and REDESCA Calls for International Solidarity In the Face of the Emergency in Countries Affected by Hurricane Beryl</u></a>	July 9, 2024	160
<a href="#"><u>IACHR and REDESCA call on States to guarantee economic, social, cultural and environmental rights of LGBTI persons</u></a>	June 28, 2024	150
<a href="#"><u>Laws and practices on asylum must resist politics of fear and exclusion: UN rights experts</u></a>	June 26, 2024	149
<a href="#"><u>IACHR Calls on States to Promote the Creation and Functioning of National Anti-Torture Mechanisms</u></a>	June 26, 2024	148
<a href="#"><u>IACHR: States Must Strengthen National Protection Systems for Refugees</u></a>	June 20, 2024	144



<a href="#">IACHR: States Must Protect Older People from All Forms of Violence</a>	June 14, 2024	139
<a href="#">Pension Systems Must Enable Older Persons to Live With Dignity, IACHR Says</a>	June 11, 2024	133
<a href="#">IACHR Asks States to Prioritize Protecting the Rights of Children and Adolescents</a>	June 10, 2024	131
<a href="#">IACHR Publishes Compendium on Comprehensive Redress With a Gender Perspective in Transitional Justice Contexts</a>	May 31, 2024	122
<a href="#">IACHR and UN Treaty Bodies conclude meeting on human rights cooperation</a>	May 30, 2024	118
<a href="#">IACHR Issues Resolution About Election Monitors As Human Rights Defenders</a>	May 23, 2024	112
<a href="#">States must take efforts to end discrimination based on sexual orientation, and gender identity</a>	May 16, 2024	105
<a href="#">IACHR Calls for Promotion of Educational Programs to Guarantee the Human Rights of Lesbian Women</a>	Apr. 27, 2024	80
<a href="#">IACHR Urges States to Promote the Political Participation of Transgender People</a>	Mar. 31, 2024	65
<a href="#">Undue Pardons, Commutations of sentences, and Prison Benefits are a form of Impunity for Gross Human Rights Violations</a>	Mar. 24, 2024	59
<a href="#">IACHR and REDESCA call to guarantee the efforts of higher education institutions to preserve Afro-descendant memory</a>	Mar. 22, 2024	57
<a href="#">IACHR: States must promote women's participation in peace and security strategies</a>	Mar. 8, 2024	49
<a href="#">IACHR: 2023 Ends with High Rates of Violence Against Human Rights Defenders in the Americas</a>	Mar. 5, 2024	45
<a href="#">IACHR Calls on States to Prevent Murders and All Other Forms of Violence Against Trans and Gender Diverse Persons</a>	Jan. 25, 2024	20
<a href="#">IACHR Adopts Resolution on the Right of Children and Adolescents to Participation</a>	Jan. 16, 2024	15
<b>By country: Argentina</b>	<b>Total: 4</b>	
<b>Title</b>	<b>Date</b>	<b>Number</b>



<a href="#">IACHR urges Argentina to respect Indigenous peoples' territorial rights</a>	Dec. 4, 2024	304
<a href="#">IACHR and SFROE express concern over reports of repression of social protest in Argentina</a>	Nov. 8, 2024	280
<a href="#">IACHR and SRFOE urge Argentina to uphold the right to social protest</a>	Sept. 23, 2024	220
<a href="#">Argentina Must Respect Rights to Freedom of Association and Peaceful Assembly While Keeping Its Citizens Safe, Say IACHR and Its Special Rapporteurship for Freedom of Expression</a>	July 4, 2024	158
<b>By country: Barbados</b>	<b>Total: 1</b>	
<b>Title</b>	<b>Date</b>	<b>Number</b>
<a href="#">IACHR concludes technical cooperation and promotional visit to Barbados</a>	Oct. 18, 2024	256
<b>By country: Belize</b>	<b>Total: 1</b>	
<b>Title</b>	<b>Date</b>	<b>Number</b>
<a href="#">IACHR concludes visit to Belize</a>	Oct. 30, 2024	268
<b>By country: Bolivia</b>	<b>Total: 5</b>	
<b>Title</b>	<b>Date</b>	<b>Number</b>
<a href="#">IACHR warns of human rights impacts of growing unrest in Bolivia and calls for dialogue</a>	Nov. 8, 2024	282
<a href="#">IACHR Condemns Coup Attempt in Bolivia</a>	July 3, 2024	156
<a href="#">IACHR Announces Technical Cooperation with the State of Bolivia</a>	Apr. 15, 2024	73
<a href="#">IACHR Releases Report on the Situation of Human Rights in Bolivia</a>	Mar. 14, 2024	53
<a href="#">IACHR and RFOE: Bolivia Must Respect Inter-American Standards During Protests</a>	Feb. 2, 2024	27
<b>By country: Brazil</b>	<b>Total: 2</b>	
<b>Title</b>	<b>Date</b>	<b>Number</b>
<a href="#">Brazil: IACHR and UN Human Rights Condemn Violence Against Indigenous Peoples and Urge the State to Protect Their Territorial Rights</a>	Oct. 17, 2024	252



<a href="#">Brazil: CIDH and REDESCA stand in solidarity with the environmental tragedy in Rio Grande do Sul and reaffirm the importance of promoting broader actions in response to the climate emergency</a>	May 30, 2024	120
<b>By country: Chile</b>	<b>Total: 2</b>	
<b>Title</b>	<b>Date</b>	<b>Number</b>
<a href="#">IACHR and OHCHR Ask Chilean Legislators to Respect Human Rights Standards Concerning Security</a>	June 3, 2024	124
<a href="#">IACHR Concerned About Migration Reforms that Restrict the Right to Asylum in Chile</a>	May 7, 2024	93
<b>By country: Colombia</b>	<b>Total: 3</b>	
<b>Title</b>	<b>Date</b>	<b>Number</b>
<a href="#">IACHR Issues Preliminary Observations of On-Site Visit to Colombia</a>	June 19, 2024	143
<a href="#">IACHR Announces On-Site Visit to Colombia</a>	Apr. 3, 2024	66
<a href="#">Colombia's Supreme Court of Justice Must Finalize Without Interference the Appointment of the Country's Attorney General</a>	Feb. 13, 2024	31
<b>By country: Cuba</b>	<b>Total: 3</b>	
<b>Title</b>	<b>Date</b>	<b>Number</b>
<a href="#">IACHR, SFROE, and REDESCA condemn repression of organizations and media in Cuba amid severe social and economic crisis</a>	Dec. 4, 2024	306
<a href="#">Three years after the protests of July 11 in Cuba, IACHR and Its Special Rapporteurship for Freedom of Expression Condemn Persistent Repression</a>	July 11, 2024	162
<a href="#">IACHR and REDESCA Express Concern Over Worsening Food Shortages and Prolonged Power Cuts in Cuba</a>	Apr. 29, 2024	81
<a href="#">The IACHR and Its Special Rapporteurship for Freedom of Expression Condemn Persistent Repression Against Journalists and Civil Society in Cuba</a>	Feb. 21, 2024	38
<b>By country: Dominica</b>	<b>Total: 1</b>	
<b>Title</b>	<b>Date</b>	<b>Number</b>
<a href="#">IACHR welcomes the decision issued by the Dominica High Court in favor of equality</a>	May 6, 2024	91
<b>By country: Ecuador</b>	<b>Total: 3</b>	
<b>Title</b>	<b>Date</b>	<b>Number</b>



<a href="#">IACHR Asks Ecuador to Ensure Judicial Independence in the Face of Organized Crime Interference</a>	May 14, 2024	100
<a href="#">IACHR Asks Ecuador to Fulfil Its International Obligations</a>	Apr. 15, 2024	74
<a href="#">Ecuador: IACHR and RFOE Condemn Serious Acts of Violence Committed by Organized Criminal Groups</a>	Jan. 17, 2024	17
<b>By country: El Salvador</b>	<b>Total: 1</b>	
<b>Title</b>	<b>Date</b>	<b>Number</b>
<a href="#">IACHR Issues Report on State of Emergency and Human Rights in El Salvador</a>	Sept. 4, 2024	207
<b>By country: United States</b>	<b>Total: 5</b>	
<b>Title</b>	<b>Date</b>	<b>Number</b>
<a href="#">IACHR condemns execution of Richard Moore, sentenced to death penalty in United States</a>	Nov. 8, 2024	281
<a href="#">IACHR: United States must address ethno-racially motivated police violence against persons with psychosocial disabilities</a>	Sept. 3, 2024	203
<a href="#">IACHR: United States must intensify efforts to guarantee women's right to reproductive health</a>	June 25, 2024	147
<a href="#">United States: IACHR expresses concern over new measures restricting the right to asylum</a>	June 13, 2024	137
<a href="#">IACHR: United States must respect peaceful protest and academic freedom on campuses</a>	May 9, 2024	95
<b>By country: Guatemala</b>	<b>Total: 3</b>	
<b>Title</b>	<b>Date</b>	<b>Number</b>
<a href="#">IACHR presents preliminary observations of the on-site visit to Guatemala</a>	Aug. 30, 2024	199
<a href="#">IACHR Announces On-Site Visit to Guatemala</a>	July 10, 2024	161
<a href="#">IACHR Applauds the Inauguration of President Arévalo in Guatemala as a Triumph of Democracy and the Will of the People</a>	Jan. 15, 2024	14
<b>By country: Haiti</b>	<b>Total: 5</b>	
<b>Title</b>	<b>Date</b>	<b>Number</b>
<a href="#">IACHR reiterates concern over escalating security crisis in Haiti</a>	Dec. 12, 2024	316



<a href="#">Haiti: IACHR Calls to Guarantee Transition Process with the Support of the International Community</a>	June 24, 2024	146
<a href="#">IACHR welcomes the international community's support and calls on Haiti to ensure a peaceful transition</a>	Mar. 21, 2024	55
<a href="#">IACHR condemns escalating violence and attacks by armed groups in Haiti</a>	Mar. 7, 2024	48
<a href="#">IACHR expresses concern over the significant upsurge of violence in Haiti</a>	Feb. 21, 2024	39
<b>By country: Honduras</b>	<b>Total: 3</b>	
<b>Title</b>	<b>Date</b>	<b>Number</b>
<a href="#">IACHR concludes working visit to Honduras</a>	Nov. 12, 2024	285
<a href="#">IACHR Condemns Assassination of Environmental Defender Juan López in Honduras</a>	Sept. 18, 2024	219
<a href="#">IACHR Releases Report on the Situation of Human Rights in Honduras</a>	May 15, 2024	101
<b>By country: Jamaica</b>	<b>Total: 1</b>	
<b>Title</b>	<b>Date</b>	<b>Number</b>
<a href="#">IACHR expresses concern over Jamaica's continued use of states of emergency</a>	Sept. 5, 2024	208
<b>By country: Mexico</b>	<b>Total: 5</b>	
<b>Title</b>	<b>Date</b>	<b>Number</b>
<a href="#">Ten years after Ayotzinapa, IACHR marks a decade of struggle for justice in Mexico</a>	Sept. 26, 2024	225
<a href="#">IACHR expresses concerns over judiciary reform in Mexico and warns of threats to judicial independence, access to justice, and rule of law</a>	Sept. 12, 2024	213
<a href="#">Federal and local authorities in Mexico must step up efforts to prevent and punish acts of violence against trans people</a>	Aug. 29, 2024	197
<a href="#">IACHR Welcomes Mexico's Ban on Practices Aimed At Changing Sexual Orientation and Gender Expressions</a>	June 12, 2024	135
<a href="#">Mexico: IACHR condemns acts of violence against candidates and calls for strengthening preventive actions to ensure peaceful elections</a>	May 24, 2024	114
<b>By country: Nicaragua</b>	<b>Total: 8</b>	



Title	Date	Number
<a href="#">Nicaragua: IACHR condemns constitutional amendments that eliminates democratic checks and balances</a>	Nov. 27, 2024	295
<a href="#">IACHR condemns arbitrary revocation of nationality of 135 recently released prisoners in Nicaragua</a>	Sept. 13, 2024	217
<a href="#">IACHR condemns massive closure of civil society and religious organizations in Nicaragua</a>	Aug. 22, 2024	189
<a href="#">Nicaragua: IACHR urges cessation of religious persecution and release of all persons arbitrarily detained</a>	Aug. 14, 2024	181
<a href="#">Nicaragua: IACHR urges to guarantee the life and integrity of arbitrarily detained persons and their immediate release</a>	June 11, 2024	132
<a href="#">Nicaragua: Six years after social protests, IACHR urges reestablishment of democracy, end to repression and impunity</a>	Apr. 18, 2024	75
<a href="#">Nicaragua: IACHR warns international community about lack of conditions for free and fair elections in autonomous regions of the Caribbean Coast</a>	Feb. 23, 2024	40
<a href="#">IACHR Welcomes Release from Prison of Bishop Rolando Álvarez and Other Priests But Rejects Their Expulsion from Nicaragua</a>	Jan. 18, 2024	18
<a href="#">IACHR warns of impacts on access to justice following approval of Peru's law on crimes against humanity</a>	Sept. 3, 2024	206
<a href="#">IACHR Is Concerned About Congressional Interference With Other Branches of Government in Peru</a>	June 7, 2024	130
<b>By country: Trinidad and Tobago</b>	<b>Total: 1</b>	
Title	Date	Number
<a href="#">IACHR, Trinidad and Tobago Must Adopt Urgent Measures to Prevent Gender-Based Violence Against Women</a>	Nov. 7, 2024	279
<b>By country: Venezuela</b>	<b>Total: 15</b>	
Title	Date	Number
<a href="#">IACHR: Venezuela must release adolescents in arbitrary detention</a>	Dec. 20, 2024	326
<a href="#">IACHR and REDESCA: Venezuela Must Protect the Yanomami People from the Advance of Illegal Mining and other Illicit Activities</a>	Oct. 21, 2024	257
<a href="#">IACHR condemns forced exile of Edmundo González and acts of aggression at Argentina's embassy in Venezuela</a>	Sept. 13, 2024	215



<a href="#">IACHR condemns the arbitrary detention of children and adolescents in the aftermath of the elections in Venezuela</a>	Sept. 12, 2024	212
<a href="#">IACHR Condemns Persecution of Human Rights Defenders in Venezuela</a>	Aug. 29, 2024	198
<a href="#">IACHR and SRFOE condemn State terrorism practices in Venezuela</a>	Aug. 15, 2024	184
<a href="#">Venezuela: IACHR and Special Rapporteur for Freedom of Expression Condemn Serious Human Rights Violations During Post-Election Protest Repression</a>	July 31, 2024	174
<a href="#">IACHR and RELE warn about political persecution in Venezuela in the electoral context</a>	July 19, 2024	166
<a href="#">IACHR Urges Venezuela to End Political Persecution and to Enable Free Elections</a>	July 8, 2024	159
<a href="#">Venezuela Must Ensure the Right to Vote of Venezuelans Who Live Outside the Country Whatever their Migration Status, IACHR Says</a>	June 18, 2024	141
<a href="#">IACHR Asks Venezuela to Fight Impunity for Serious Human Rights Violations</a>	May 20, 2024	107
<a href="#">IACHR: the State of Venezuela must ensure the political participation of the opposition in the presidential elections, without arbitrariness</a>	Apr. 5, 2024	67
<a href="#">Venezuela: IACHR Condemns Expulsion of UN High Commissioner for Human Rights Technical Team</a>	Feb. 20, 2024	36
<a href="#">Venezuela: IACHR Condemns Political Disqualifications of Opposition Leaders</a>	Jan. 31, 2024	25
<a href="#">Venezuela: IACHR urges State not to approve bill limiting the right to association and participation</a>	Jan. 26, 2024	22

### Summary:

2024 press releases By numbers and categories		
Regional: Various topics	By country	TOTAL
40	72	112

### 4. Requests for information



72. In fulfilling its monitoring functions, the Commission sent **88 letters requesting information** to 35 States in the region (Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad and Tobago, United States, Uruguay and Venezuela). Out of these letters, **72** were issued under Article 41 of the American Convention on Human Rights and **16** under Article 18 of the Statute of the Inter-American Commission on Human Rights.

73. Through this monitoring mechanism, the Commission paid special attention to situations related to **freedom of expression**. Of particular note were 15 requests for information on topics such as measures adopted and other events that could severely impact the guarantee and exercise of freedom of expression in Argentina; the enforcement of the Freedom of Information Act (FOIA) in the Bahamas; the guarantee of the right to freedom of expression and peaceful assembly in academic institutions in Canada and the United States; discussions related to the guarantee and exercise of the right to freedom of expression in Chile; the refusal to allow representatives of the political party Aquí Costa Rica Manda to run for office in Costa Rica; reported events that could severely impact the guarantee of the exercise of freedom of expression and freedom of the press in Ecuador and El Salvador; legal actions and judicial proceedings against media outlets and individuals in relation to the exercise of the right to freedom of expression in Panama; information received regarding judicial proceedings and rulings against journalists reporting on matters of public interest in Paraguay; and reports of threats and restrictions to freedom of expression and association in Peru.

74. Another subject requiring special attention by the Commission is the situation of **persons in the context of human mobility**. All member states were asked to provide information on the situation of persons in the context of human mobility and climate change. In addition, the Commission requested information on the changes in the composition of the CONARE in Argentina, the deportation of persons in the context of human mobility from Chile, the suspension of activities of Doctors Without Borders in Panama and the deportation of Haitians and Dominicans of Haitian descent from the Dominican Republic.

75. With regard to the **rights of women**, the Commission issued several requests for information, which included the following: a request for information made to Argentina on the institutional framework for the protection of the rights of women; the requests for information made to Bolivia and Honduras to complete what was gathered during technical working meetings; the request for information made to Ecuador on the María Belén Bernal case and on the situation of violence against women, girls and adolescents; and the request for information made to Guyana on draft amendments to the Sexual Offences Act.

76. Regarding the **rights of children and adolescents**, the Commission issued several requests for information too. Among them, to Argentina on the continuation of the work of the Office of the Ombudsperson for the Rights of Children and Adolescents; to Peru on reports of sexual violence against Awajún and Wampi children and adolescents; and to Jamaica on the situation of children in its residential care facilities.

77. Regarding **persons deprived of liberty**, the Commission sent 4 requests for information, among them, to Costa Rica on the extradition process of Reinaldo Picado Miranda; to Ecuador on the situation in its detention centers; and to El Salvador on the deaths of persons deprived of liberty due to pulmonary edemas and on the arrest of Dina Nohemí Hernández Sigaran, a woman with a high-risk pregnancy and a 5-year-old son.

78. In addition, the Commission sent letters to the 35 member states to request information on the situation of human rights in their territory to be included in its 2024 Annual Report.

79. The following is a list of all the requests for information issued by the Commission in 2024, showing the countries, dates and topics of said requests.

#### Requests for information in 2024



Country	Title	Issue date	Response	Basis
<b>Antigua and Barbuda</b>	Human mobility and climate change in the Americas	Aug. 6, 2024	No	Art. 18
<b>Argentina</b>	Request for information on how Resolution No. 943/23 and the “Omnibus Bill” ( <i>Ley de Bases y Puntos de Partida para la Libertad de los Argentinos</i> ) are in line with inter-American standards	Jan. 25, 2024	Yes	Art. 41
<b>Argentina</b>	Request for information on adopted measures and other facts that could severely impact the guarantee and exercise of freedom of expression	Mar. 5, 2024	Yes	Art. 41
<b>Argentina</b>	Request for information on the institutional framework for the protection of the rights of women	July 22, 2024	Yes	Art. 41
<b>Argentina</b>	Human mobility and climate change in the Americas	Aug. 5, 2024	Yes	Art. 41
<b>Argentina</b>	Request for information on the situation at “Madres de Plaza de Mayo” National University	Oct. 4, 2024	Yes	Art. 41
<b>Argentina</b>	Changes in the composition of the CONARE	Oct. 9, 2024	Yes	Art. 41
<b>Argentina</b>	Continuation of the work of the Office of the Ombudsperson for the Rights of Children and Adolescents	Dec. 23, 2024	Yes	Art. 41
<b>Bahamas</b>	Human mobility and climate change in the Americas	Aug. 6, 2024	No	Art. 18
<b>Bahamas</b>	Request for information related to the implementation of the Freedom of Information Act (FOIA)	Sept. 25, 2024	No	Art. 18
<b>Barbados</b>	Human mobility and climate change in the Americas	Aug. 6, 2024	No	Art. 41
<b>Belize</b>	Human mobility and climate change in the Americas	Aug. 6, 2024	No	Art. 18
<b>Belize</b>	State of emergency	Aug. 13, 2024	Yes	Art. 18
<b>Bolivia</b>	Update on judicial elections	May 16, 2024	Yes	Art. 41
<b>Bolivia</b>	Judicial proceedings against Luis Fernando Camacho	May 28, 2024	Yes	Art. 41



<b>Bolivia</b>	Human mobility and climate change in the Americas	Aug. 5, 2024	Yes	Art. 41
<b>Bolivia</b>	Information complementary to technical working meetings; practical guide and diagnosis of access to justice with a gender perspective	Nov. 27, 2024	Yes	Art. 41
<b>Brazil</b>	Increase in the number of cases involving slave-like labor	June 10, 2024	Yes	Art. 41
<b>Brazil</b>	Police violence in Baixada Santista, São Paulo	July 16, 2024	Yes	Art. 41
<b>Brazil</b>	Human mobility and climate change in the Americas	Aug. 5, 2024	No	Art. 41
<b>Canada</b>	Human mobility and climate change in the Americas	Aug. 6, 2024	No	Art. 18
<b>Canada</b>	Guarantees to the rights to freedom of expression and peaceful assembly in academic institutions in Canada	Oct. 22, 2024	No	Art. 18
<b>Chile</b>	Art. 41 letter. Deportation of persons in the context of human mobility	Feb. 2, 2024	Yes	Art. 41
<b>Chile</b>	Human mobility and climate change in the Americas	Aug. 5, 2024	Yes	Art. 41
<b>Chile</b>	Request for information on ongoing discussions related to the guarantee and exercise of the right to freedom of expression	Oct. 10, 2024	Yes	Art. 41
<b>Colombia</b>	Human mobility and climate change in the Americas	Aug. 5, 2024	Yes	Art. 41
<b>Colombia</b>	Information complementary to <i>in loco</i> visit	Aug. 21, 2024	Yes	Art. 41
<b>Colombia</b>	Request for information on possible restrictions on access to information in the public domain and the purchase of espionage software	Nov. 22, 2024	No	Art. 41
<b>Costa Rica</b>	Refusal to allow representatives of the political party Aquí Costa Rica Manda to run for office	Jan. 19, 2024	Yes	Art. 41



<b>Costa Rica</b>	Request for information by the MESENI on the extradition process of Reinaldo Picado Miranda	Mar. 5, 2024	Yes	Art. 41
<b>Costa Rica</b>	Human mobility and climate change in the Americas	Aug. 5, 2024	Yes	Art. 41
<b>Dominica</b>	Human mobility and climate change in the Americas	Aug. 6, 2024	No	Art. 41
<b>Dominica</b>	Electoral reform	Dec. 19, 2024	Yes	Art. 41
<b>Ecuador</b>	Situation in detention centers	Mar. 1, 2024	Yes	Art. 41
<b>Ecuador</b>	Information on the María Belén Bernal case and on the situation of violence against women, girls and adolescents	July 16, 2024	Yes	Art. 41
<b>Ecuador</b>	Human mobility and climate change in the Americas	Aug. 5, 2024	No	Art. 41
<b>Ecuador</b>	Request for information on reported facts that could severely impact guarantees for the exercise of freedom of expression and freedom of the press	Sept. 3, 2024	Yes	Art. 41
<b>Ecuador</b>	Situation of sexual and reproductive rights of women, girls and adolescents	Oct. 24, 2024	Yes	Art. 41
<b>El Salvador</b>	Deaths of persons deprived of liberty due to pulmonary edema	Mar. 4, 2024	Yes	Art. 41
<b>El Salvador</b>	Detention of Dina Nohemí Hernández Sigaran – Situation of a detained woman with a high-risk pregnancy and her 5-year-old son	Mar. 25, 2024	Yes	Art. 41
<b>El Salvador</b>	Request for information on events that could have an impact on the guarantee and exercise of freedom of the press	June 24, 2024	Yes	Art. 41
<b>El Salvador</b>	Human mobility and climate change in the Americas	Aug. 5, 2024	Yes	Art. 41
<b>United States of America</b>	Human mobility and climate change in the Americas	Aug. 6, 2024	Yes	Art. 18



<b>United States of America</b>	Guarantees to the rights to freedom of expression and peaceful assembly in academic institutions in the United States	Oct. 21, 2024	Yes	Art. 18
<b>Grenada</b>	Human mobility and climate change in the Americas	Aug. 6, 2024	No	Art. 41
<b>Guatemala</b>	Human mobility and climate change in the Americas	Aug. 5, 2024	No	Art. 41
<b>Guyana</b>	Follow-up of hearing at the 189 <sup>th</sup> regular period of sessions “Guyana: Impacts of private companies on human rights”	June 20, 2024	Yes	Art. 18
<b>Guyana</b>	Proposed amendments to the Sexual Offences Act	July 29, 2024	Yes	Art. 18
<b>Guyana</b>	Human mobility and climate change in the Americas	Aug. 6, 2024	No	Art. 18
<b>Haiti</b>	Human mobility and climate change in the Americas	Aug. 6, 2024	No	Art. 41
<b>Honduras</b>	Human mobility and climate change in the Americas	Aug. 5, 2024	Yes	Art. 41
<b>Honduras</b>	Information complementary to technical working meetings; practical guide and diagnosis of access to justice with a gender perspective	Nov. 27, 2024	Yes	Art. 41
<b>Jamaica</b>	Situation of children in residential care facilities	Apr. 10, 2024	No	Art. 41
<b>Jamaica</b>	Human mobility and climate change in the Americas	Aug. 6, 2024	Yes	Art. 41
<b>Mexico</b>	Impeachment of justice operators	Feb. 21, 2024	Yes	Art. 41
<b>Mexico</b>	Violence in the context of the electoral process	Apr. 1, 2024	Yes	Art. 41
<b>Mexico</b>	Ongoing discussions related to the right to freedom of expression in digital environments and virtual spaces	Apr. 29, 2024	Yes	Art. 41
<b>Mexico</b>	Thematic report on disappeared persons	May 6, 2024	Yes	Art. 41
<b>Mexico</b>	Situation of persons in the context of human mobility	July 22, 2024	Yes	Art. 41



<b>Mexico</b>	Human mobility and climate change in the Americas	Aug. 5, 2024	Yes	Art. 41
<b>Mexico</b>	Proposed reforms to the judiciary	Aug. 14, 2024	Yes	Art. 41
<b>Mexico</b>	Situation of violence and humanitarian assistance in Chiapas	Sept. 17, 2024	Yes	Art. 41
<b>Mexico</b>	Constitutional reforms	Nov. 1, 2024	Yes	Art. 41
<b>Nicaragua</b>	Human mobility and climate change in the Americas	Aug. 5, 2024	No	Art. 41
<b>Panama</b>	Suspension of activities of Doctors Without Borders	Mar. 25, 2024	Yes	Art. 41
<b>Panama</b>	Request for information regarding the criminal proceeding against Mr. Carlos Shalon Sultan Abadi for the alleged crimes of defamation, extortion and others	July 2, 2024	Yes	Art. 41
<b>Panama</b>	Human mobility and climate change in the Americas	Aug. 5, 2024	No	Art. 41
<b>Panama</b>	Request for information on various legal actions and judicial proceedings against media outlets and individuals in relation to their exercise of the right to freedom of expression	Sept. 17, 2024	Yes	Art. 41
<b>Paraguay</b>	Request for information on reports received regarding judicial proceedings and rulings against journalists who report on matters of public interest	June 6, 2024	Yes	Art. 41
<b>Paraguay</b>	Request for information on the bill "establishing the control, transparency and accountability of non-profit organizations"	Aug. 5, 2024	Yes	Art. 41
<b>Paraguay</b>	Human mobility and climate change in the Americas	Aug. 5, 2024	Yes	Art. 41
<b>Peru</b>	Update on proceedings against the National Board of Justice (JNJ)	Mar. 6, 2024	Yes	Art. 41
<b>Peru</b>	Bill restricting the application and scope of crimes against humanity and war crimes	Apr. 9, 2024	Yes	Art. 41
<b>Peru</b>	Investigation proceedings against prosecutors and journalists	May 31, 2024	Yes	Art. 41



<b>Peru</b>	Human mobility and climate change in the Americas	Aug. 5, 2024	Yes	Art. 41
<b>Peru</b>	Request for information on reports of sexual violence against Awajún and Wampi children and adolescents	Aug. 21, 2024	Yes	Art. 41
<b>Peru</b>	Request for information on reports of threats and restrictions to freedom of expression and association	Dec. 12, 2024	No	Art. 41
<b>Dominican Republic</b>	Human mobility and climate change in the Americas	Aug. 5, 2024	Yes	Art. 41
<b>Dominican Republic</b>	Deportation of Haitian nationals and Dominicans of Haitian descent from the Dominican Republic	Dec. 16, 2024	Yes	Art. 41
<b>Saint Kitts and Nevis</b>	Human mobility and climate change in the Americas	Aug. 6, 2024	No	Art. 18
<b>Saint Vincent and the Grenadines</b>	Human mobility and climate change in the Americas	Aug. 6, 2024	No	Art. 18
<b>Saint Lucia</b>	Human mobility and climate change in the Americas	Aug. 6, 2024	No	Art. 18
<b>Suriname</b>	Request for information on the adopted measures seeking to restrict the publication and circulation of the book <i>Corruption at the Highest Level</i>	Apr. 5, 2024	No	Art. 41
<b>Suriname</b>	Human mobility and climate change in the Americas	Aug. 6, 2024	No	Art. 41
<b>Trinidad and Tobago</b>	Human mobility and climate change in the Americas	Aug. 6, 2024	No	Art. 18
<b>Uruguay</b>	Human mobility and climate change in the Americas	Aug. 5, 2024	Yes	Art. 41
<b>Uruguay</b>	Request for information on the fire in an older persons' care facility	Aug. 5, 2024	Yes	Art. 41
<b>Venezuela</b>	Human mobility and climate change in the Americas	Aug. 5, 2024	No	Art. 41

## 5. Published reports, studies and compendiums

80. In 2024, the Inter-American Commission on Human Rights published a total of **three** country reports, **one** compendium and **one** study.



81. The following is a list of publications during this period.

Published reports, studies and compendiums in 2024	
Publications	Date of release
<a href="#">Study: Inter-American Standards Concerning Freedom of Religion or Belief</a>	February 14, 2024
<a href="#">Report: Social Cohesion: The Challenge to Consolidate Democracy in Bolivia</a>	March 14, 2024
<a href="#">Compendium: Integral Reparation with a Gender Perspective in Transitional Justice Contexts</a>	May 31, 2024
<a href="#">Report: Situation of Human Rights in Honduras</a>	August 30, 2024
<a href="#">Report: State of Emergency and Human Rights in El Salvador</a>	September 4, 2024

## II. PART B. PROMOTION AND TRAINING ACTIVITIES

82. The Inter-American Commission carries out its mandate to promote human rights in the region in keeping with the Charter of the Organization and the American Convention on Human Rights, as well as its Statute and Rules of Procedure. In this regard, it raises public awareness about human rights in the countries of the Americas, and it recommends measures that contribute to their protection to OAS Member States.

83. Within that framework, the Commission conducts its promotion and training activities on its working mechanisms and the inter-American human rights standards that have been established through the doctrine and jurisprudence of the inter-American human rights system. The aim is to promote a deeper understanding on the part of the civil society, the networks of social actors and the member states about their scope and, as relevant, about their application to and incorporation into decisions, regulatory frameworks and public policies with a human rights perspective.

84. In 2024, with the implementation of the new 2023–2027 Strategic Plan, the Commission established as one of its strategic objectives the strengthening of the capacity of state agents and civil society organizations to promote, respect and guarantee human rights. For that purpose, two programs were created; namely, Programs 20 and 21, focused on the development of an orderly strategy to disseminate information and provide training on Inter-American standards and the Commission's protection mechanisms to help promote respect for human rights in the countries of the region.

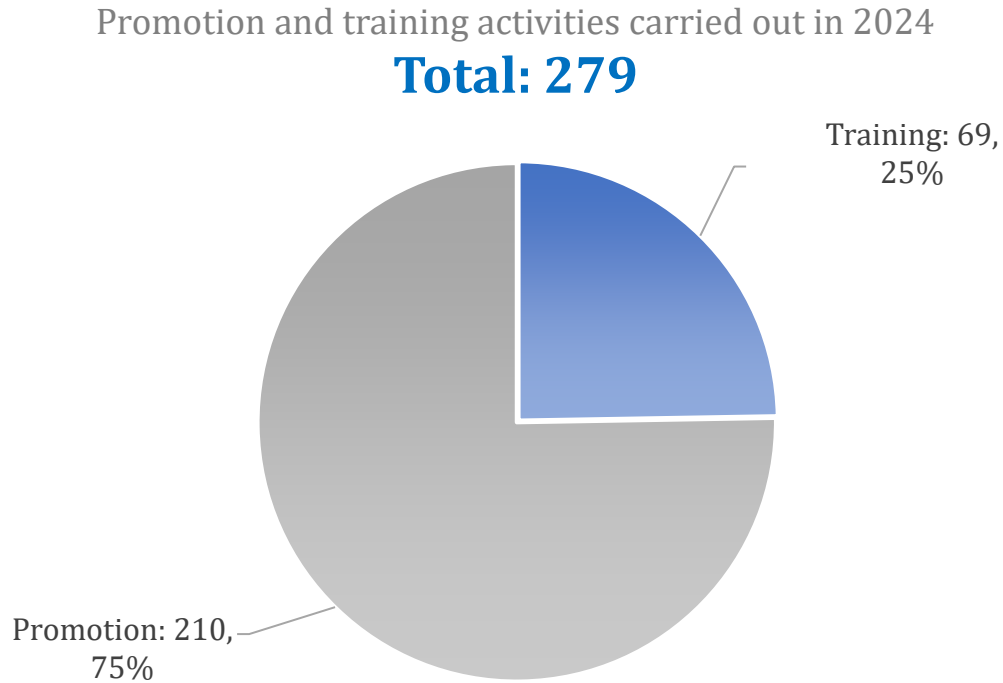
85. Throughout 2024, the Commission continued to offer promotion and training activities both virtually and in person. The wide range of virtual activities enabled a greater reach, dissemination and access



for the public, which was able to join the events by registering for them through the Commission's channels on X, Facebook and/or YouTube.<sup>14</sup>

86. In 2024, 279 events were held, comprising 69 training activities and 210 promotion activities, which included nine webinars or report releases. In addition, 38,238 people benefited from the activities held by the Commission in 2024. Out of these, 4,152 received training and 34,086 participated in the Commission's promotion activities through different means.

87. The data presented in the previous paragraph is displayed in the graphs below:

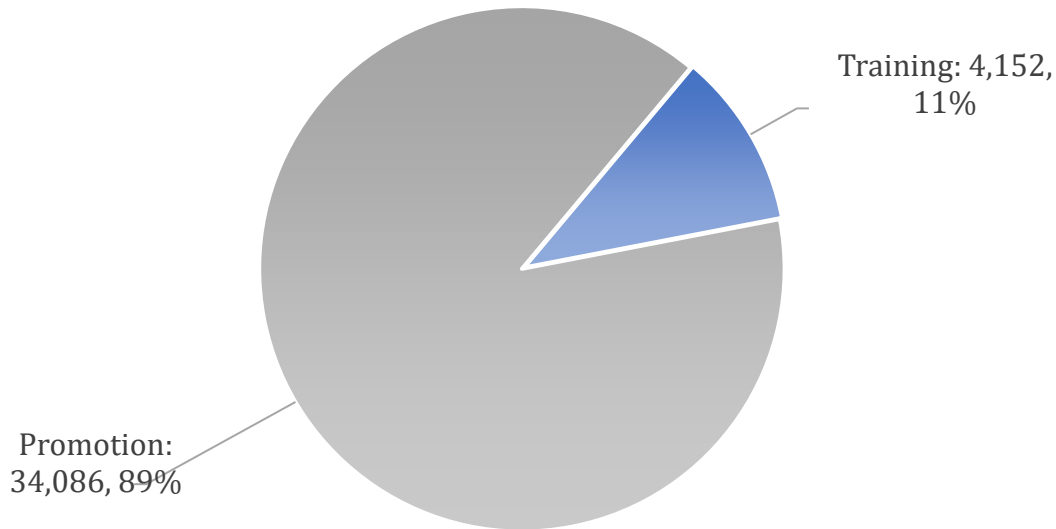


<sup>14</sup> For the purposes of this report, whenever the total number of people attending promotion and/or training events virtually is mentioned, it will refer to the total that includes broadcasting media such as Zoom, Facebook, Instagram, YouTube and X.



Beneficiaries of promotion and training activities  
in 2024

**Total: 38,238**



**A. Promotional activities**

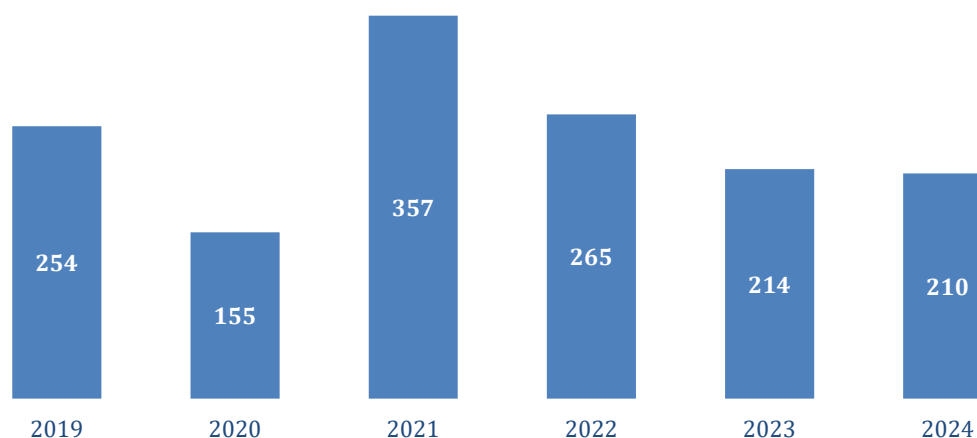
88. The general objective of the promotion activities is to give publicity to the standards developed by the main bodies of the inter-American human rights system, as well as to the specific activities of the Commission and its decisions. These activities seek to contribute to the promotion of a culture based upon respect for and the protection of the human rights of all persons in the Americas.

89. In 2024, 210 events were held to promote and disseminate inter-American standards, reaching 34,086 people who joined them in person or virtually.

90. The following graph shows comparative data on the promotion activities carried out over the last five years (2019–2024):



## Promotion activities 2019-2024



91. Examples of these promotion activities:

1. Sixty-fifth anniversary of the creation of the Inter-American Commission on Human Rights
2. Inter-American human rights system Forum – Inter-American Court of Human Rights/Inter-American Commission on Human Rights
3. Cycle of dialogue with the Supreme Court of Justice of Mexico
4. Central American Forum on Human Rights
5. Thematic hearings competition before the Inter-American Commission on Human Rights – International Center for the Promotion of Human Rights (CIPDH)
6. Other promotion activities
7. Webinars and report releases of the Commission

### 1. Sixty-fifth anniversary of the creation of the Inter-American Commission on Human Rights

92. Within the framework of the fifty-fourth General Assembly of the OAS, which took place in Asunción, Paraguay, on June 25, the Commission held a meeting with OAS member states and observers, where it paid tribute to the unwavering commitment to the promotion and defense of human rights in the region. This work has left an indelible mark on the Americas, especially on historically excluded populations, who have been given hope and dignity, and it has played a key role as an essential pillar in the efforts undertaken by the region to develop inter-American standards and jurisprudence, which are at the core of its strategic plans.

93. On July 15, during the 190<sup>th</sup> Period of Sessions of the Commission, the Commission's President, Commissioner Roberta Clarke, underscored the contributions of the Commission in the area of equality and nondiscrimination, made reference to the creation of thematic rapporteurships to address the situation of groups or rights of special interest to the Commission, and stressed the importance of strengthening cooperation with the States in the protection and promotion of a culture of human rights. The event was attended by ambassadors and representatives from the States.

94. Furthermore, on October 9, a special session was held at the Permanent Council of the OAS in which the Commission's President, Commissioner Roberta Clarke, spoke about the mandate of the Commission



and the development of the Commission's standards throughout its history, and also referred to its current challenges. The presentation took place within the framework of the commemoration of the sixty-fifth anniversary of the creation and establishment of the Inter-American Commission on Human Rights, the fifty-fifth anniversary of the adoption of the American Convention on Human Rights and the forty-fifth anniversary of the Inter-American Court of Human Rights.

## **2. Inter-American human rights system Forum – Inter-American Court of Human Rights/Inter-American Commission on Human Rights**

95. The Inter-American Human Rights System Forum is a joint initiative undertaken since 2017 by the main bodies of the Inter-American Human Rights System: the Commission and the Court. The forum aims to build a hemispheric-wide space for promoting awareness, interacting and sharing knowledge of human rights in the region with the different players that are part of the Inter-American human rights system and the general public.

96. On April 11, the sixth edition of the forum was held, which focused on democracy, the Rule of Law and human rights in the Americas and addressed the advancements and challenges in the region 75 years after the American Declaration of the Rights and Duties of Man, 65 years after the creation of the Inter-American Commission on Human Rights and 45 years after the American Convention on Human Rights. The event featured three panels composed of experts, which reached 7,348 people combined.

97. The opening conference was presided over by the President of the Commission, Commissioner Roberta Clarke, and the Vice President of the Inter-American Court, Judge Rodrigo Mudrovitsch, and was moderated by Tania Reneaum Panszi, Executive Secretary of the Commission.

98. The first panel was titled "Contributions and Impact of the Inter-American System for the Protection of Human Rights in the Region," which featured Commissioner Andrea Pochak, Commissioner Arif Bulkan former Judge Elizabeth Odio Benito and the Chair of the OAS Permanent Council, Ambassador Chet Donovan Neymour. The panel was moderated by Gabriela Pacheco Arias, Director of Monitoring Compliance with Judgments at the Inter-American Court.

99. Later, the panel "Democracy and Human Rights: Impact of the Inter-American Human Rights System and Current Challenges" was held. This panel was composed of Judge Patricia Pérez Goldberg, the Second Vice President of the Commission, Commissioner José Luis Caballero Ochoa, and Commissioner Stuardo Ralón. Helen Mack, President of the Myrna Mack Foundation, participated as a guest expert. Pedro Vaca, Special Rapporteur for Freedom of Expression of the Commission, moderated the panel.

100. The last panel, which focused on "Emerging Topics," featured Judge Verónica Gómez, the First Vice President of the Commission, Commissioner Carlos Bernal Pulido, and Commissioner Gloria De Mees. Likewise, Claudia Martin, from the American University, and Patrycja Sasnal, Rapporteur for the United Nations report on climate change, participated as guest experts. The panel was moderated by Javier Palummo, Special Rapporteur on Economic, Social, Cultural and Environmental Rights of the Inter-American Commission.

101. Finally, the First Vice President of the Commission, Commissioner Carlos Bernal Pulido, and Judge Verónica Gómez, closed the event by emphasizing that the work of the inter-American human rights system has been vital to consolidate inter-American standards for the protection of human dignity in the Americas and to promote concrete reparation measures in favor of victims, as well as state measures of a structural impact to guarantee human rights.

## **3. Cycle of dialogue with the Supreme Court of Justice of Mexico**

102. The Commission participated in the cycle of dialogue with the inter-American human rights system organized by the Human Rights Directorate of the Supreme Court of Justice of Mexico.



103. In June 2024, the Commission participated in two in-person dialogues with the Supreme Court of Justice of Mexico. One was about inter-American standards and the protection of women deprived of liberty, and the other addressed standards on human mobility. These dialogues were held in person in the cities of Puebla, Aguascalientes and Mexico City. They were also broadcast on synchronous virtual platforms and amassed a total of 14,800 views on Facebook and YouTube.

104. Data on each dialogue:

- *First Dialogue (June 6/Puebla), Conference on Due Process and Judicial Protection for Persons in Human Mobility: Inter-American Principles and Standards: 8,671 views and 180 in-person attendees; presentation by Commissioner Andrea Pochak.*
- *Second Dialogue (June 20/Aguascalientes), Conference on Inter-American Standards on the Protection of Women Deprived of Liberty: 1,862 views and 60 in-person attendees; presentation by specialist George De Lima.*
- *Third Dialogue (August 13/Mexico City), Judicial Independence in the Inter-American System: Actions Undertaken by the Commission and Challenges for the Region: 3,040 views and 167 in-person attendees; presentation by the Assistant Executive Secretary for the Petition and Case System, Jorge Meza.*
- *Fourth Dialogue (November 21/Mexico City), Dialogue with the inter-American Human Rights System: Operation of the Inter-American Commission on Human Rights as Part of the Inter-American System: 774 views and 46 in-person attendees; presentation by the Assistant Executive Secretary for the Monitoring, Promotion and Technical Cooperation, Maria Claudia Pulido.*

#### 4. Central American Forum for Civil Society Discussion on Human Rights

105. The Central American Forum was held from May 14 to May 17 in association with the Office of the High Commissioner for Human Rights (OHCHR), the European Union and Pro Derechos. The purpose of the event was to facilitate a space for discussion, reflection and analysis, as well as the identification of challenges and proposals to address the problems shared by Honduras and other Central American countries with regard to human rights. The forum was attended by 120 people. In parallel, as part of the Central American Forum for Civil Society Discussion on Human Rights, the Commission presented the Report on the Situation of Human Rights in Honduras issued from its *in loco* visit in 2023. The presentation took place on May 15 and was attended by Tania Reneaum Panszi, Executive Secretary of the Commission, and Andrea Pochak, Commissioner and Rapporteur for Honduras.

#### 5. Thematic hearings competition before the Inter-American Commission on Human Rights – International Center for the Promotion of Human Rights (CIPDH)

106. The fifth edition of the thematic hearings competition before the Commission was held from October 13 to October 17. The purpose of this contest is for university students to delve deeper into the situation of human rights in the Americas as well as into the international systems for their protection, and, especially, for them to learn about the use of the Commission's mechanisms. The theme of the 2024 edition was "Dreams without Borders: Human Mobility due to the Effects of Climate Change with a Focus on the Protection of Human Rights". In 2024, 34 teams registered for the competition. Out of these, 28 were selected, which represented nine countries in the region (Argentina, Bolivia, Brazil, Chile, Colombia, El Salvador, Mexico, Peru and Paraguay). A total of 174 students and tutors took part in the competition. The Executive Secretariat of the Commission participated with its officials as jury in the semifinal and final rounds.

#### 6. Other promotion activities



107. On March 14, the Commission participated as a panelist in a promotion activity organized by ParlAmericas in Washington, D.C. At the event, the Executive Secretariat spoke about the mandate of the Commission and its different mechanisms. In particular, the technical cooperation mechanism was explained to parliamentarians, and the Secretariat highlighted the importance of having legislation on public policies under a human rights approach. The event was attended by 22 people, nine of which were women.

108. On March 14, the fifteenth virtual meeting of Red Cuba was held with the purpose of strengthening the strategic monitoring of the human rights situation in Cuba as well as of promoting inter-American standards. The meeting was joined by 32.

109. On July 12, a promotion meeting on the inter-American system and its mechanisms was held for 17 officials of the African Commission on Human Rights, in which both regional bodies shared challenges and best practices in the monitoring, protection and promotion of human rights.

110. On August 1, the Commission presented the report *Public Policy with a Human Rights Approach* at a promotion event organized by the OAS School of Governance of the Department for Effective Public Management. A total of 80 people from 17 countries of the region and one observer country attended the event.

111. On September 18, the Commission participated in a side event within the framework of the period of sessions of the United Nations Human Rights Council on the progressive closure of civic space in Venezuela and Nicaragua and the attacks on academic freedom.

112. On October 12, a promotion activity targeted at the civil society in the Caribbean was carried out with the purpose of raising awareness of public hearings before the Commission. A total of 36 people took part in the activity.

113. On October 29, a presentation was given on the standards of the inter-American system in the search for missing persons and forced disappearance. This activity took place as part of the release of Amnesty International's report *Searching without Fear*, in which 30 people from the civil society were present.

## 7. Webinars and report releases of the Commission

114. Among the promotion activities carried out by the Commission, in 2024, various events were held with a view to strengthening the capacities of States and the civil society in the region, emphasizing the importance of the applicable inter-American standards for the protection of human rights.

115. There were nine webinars or report releases in 2024, and more than 4,171 people participated either virtually or in person.

116. The table below provides further information on the different webinars held and reports released.

WEBINARS, REPORT RELEASES AND PUBLIC PRESENTATIONS		
Name of webinar	Date	Attendees
Release of five-year strategy for the Caribbean	January 30	N/A
Release of the case law report <i>Análisis de jurisprudencia de los tribunales superiores de justicia en materia de protección internacional en Chile</i>	April 25	63



Release of Resolution No. 05/23 on the participation of children and adolescents in the inter-American human rights system	August 14	155
Release of the report on the Situation of Human Rights in Honduras	May 15 and 17	100
New childhoods in the context of mixed movements and forced displacement	September 17	82
Webinar on the defense of human rights in Venezuela	October 3	507
Five years of the Inter-American Principles to Protect All Migrants and Reflections on the Future	November 12	81
Webinar on reproductive rights in Honduras	November 21	108
Presentation of the findings of the report on the state of emergency in El Salvador at a public hearing of the US House of Representatives Human Rights Committee led by Representative Tom Lantos.	December 12	3,075

## **B. Training activities**

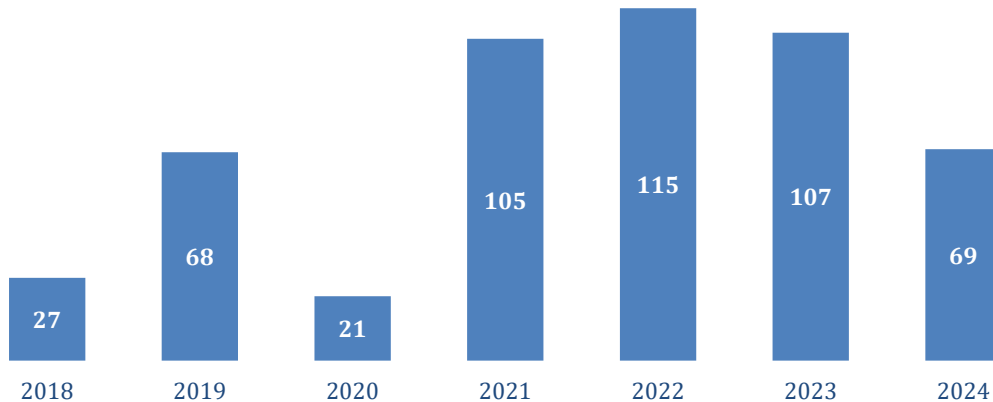
117. The purpose of the training activities is to give to the civil society, social actors and States of the Americas a deeper understanding of the scope of the inter-American human rights system, the use of its mechanisms and the application of inter-American decisions and jurisprudence, as well as their incorporation into domestic regulations, policies and practices. Likewise, through capacity building, training activities seek to contribute to the adoption of public policies and the development of a culture under a human rights-based approach.

118. The Commission continued to consolidate its catalog of virtual, hybrid and in-person training activities during 2024, having developed a total of 69 trainings that included five MOOC/virtual classrooms. Three out of these MOOCs/virtual classrooms were supplemented with tutorials and live meetings, and the remaining two were completely self-directed. In 2024, the Commission trained a total of 4,152 people. The Commission also launched a pilot plan for paid courses that aims to make the virtual training programs offered by the Commission available to a wider audience.

119. A comparative graph of the training activities carried out over the last six years is presented below, followed by a description of some of the training sessions held in 2024.



## Training activities 2018-2024



120. The following is a summary of the courses that were available to the public or to specific groups and whose main purpose was to increase knowledge of the decisions, jurisprudence and mechanisms of the inter-American human rights system.

### 1. Massive open online courses (MOOC)<sup>15</sup>

121. MOOC courses are designed for mass audiences, allowing people to access the platform and navigate the proposed contents as well as the suggested activities with complete autonomy, so that each participant can learn in their own time based on their availability. Such flexibility makes it possible for a greater number of people to access training activities and provides an alternative for those who have limited availability and cannot adapt to more structured courses. Participants are offered the possibility of simply exploring the content of the course or of obtaining a certification after completing a series of assessments of the topic. During 2024, 1,960 people took the two MOOC offered, and, out of these, 592 participants opted to obtain certificates.

122. With regard to gender, it is worth noting that more women than men enrolled in the MOOCs open in 2024, reaching a total of 1,277 women and 544 men.

#### 1.1 MOOC – Inter-American Human Rights System – Fourth Edition

123. During 2024, the fourth edition of this course was open to all countries in the Americas. The MOOC on the inter-American human rights system is a self-directed short course that allows participants to discover the inter-American system and learn about its bodies, functions and mechanisms. It was developed

<sup>15</sup> Hereinafter “MOOC”. The acronym MOOC stands for “massive open online course.” MOOCs are online courses that allow participants to learn at their own time and pace, according to their needs and circumstances. Since the courses do not provide support by tutors, they can reach a mass audience.



using simple language, thus making it accessible to anyone who wants to learn about the system. In addition, it includes additional material so that interested participants can study the system in greater depth.

124. Between January 1 and December 31, 962 people enrolled in the course. Out of these, 251 downloaded their certificate of completion (there are currently 435 people who are still in the process of completing the course and could receive their certificate shortly). Out of the total number of people who completed the course successfully, 73 percent were women. The country with the highest enrollment rates was Peru, with 131 participants (16 percent), followed by Mexico, with 109 (13 percent), and Colombia, with 85 (10 percent). Argentina came in fourth place, with 65 participants (8 percent). In addition, 48 percent of participants were linked to state agencies, whereas 16 percent were connected to civil society organizations, and 15 percent worked in academia. The satisfaction survey was responded to by 251 people. Out of these, 237 rated the course as extremely or very useful. Finally, 224 people indicated that what they had learned on the course would be extremely or very applicable in their work; and 204 considered that they had acquired new knowledge.

## 1.2 MOOC – Inter-American System of Human Rights – Second Edition in English

125. This MOOC is the first to be offered in English and is based on the Spanish-language MOOC on the inter-American human rights system but adapted to the legal system of English-speaking countries. The course seeks to bring the inter-American human rights system closer to States, the civil society and academia in English-speaking countries, by means of simple tools and by using accessible language as well as digital resources such as videos, audios, readings and practice activities that help participants to understand the concepts and their application.

126. The total course load of the second edition is 25 hours, to be completed in about five weeks. It is entirely self-directed, which allows participants to complete the activities at their own pace, on the days and at the times that best suit their personal and professional situation.

127. Between January 1 and December 31, 998 people enrolled in the course. Out of these, 341 downloaded their certificate of completion (there are currently 429 people who are still in the process of completing the course and could receive their certificate shortly). Out of the total number of people who completed the course successfully, 66 percent were women. The country with the highest enrollment rates was the United States, with 134 participants (13 percent), followed by Peru, with 114 (11 percent), and Brazil, with 84 (11 percent). Mexico came in fourth place, with 77 participants (8 percent). The countries with the highest certification rates were the United States, with 73; Guyana, with 61; Jamaica, with 26; and Peru, with 20. The satisfaction survey was responded to by 41 people. Out of these, 315 rated the course as extremely or very useful. Also, 299 indicated that what they had learned on the course would be extremely or very applicable in their work; and 288 considered that they had acquired new knowledge.

## 2. Virtual classrooms and short courses

128. During 2024, two virtual classrooms and three short courses were developed. The virtual classrooms are asynchronous courses that are combined with live sessions (synchronous) and are supported by an academic tutor (a subject-matter expert from the Commission) as well as a technical tutor. The Commission has offered virtual classrooms to specific countries, with limited spots and using donor funding. During 2024, 464 people participated in five virtual classrooms, including short courses.

### 2.1 Comprehensive program on the inter-American human rights system and its mechanisms

129. The comprehensive program on the inter-American human rights system and its mechanisms was designed to educate people from the civil society on the system and to offer hands-on training on how to



use its mechanisms. The program consisted of four training components and one practice component. Those who completed all five components received certificates for the four courses plus a certificate in the use of the inter-American human rights system mechanisms.

130. The four components of the program included:

- a. **Massive open online course (MOOC)** –Introduction to the Inter-American Human Rights System: this is the introductory course to the system and its mechanisms, especially focused on the inter-American human rights system mechanisms included in section 1.1 of this report. The course consists of six modules and has an estimated duration of 30 hours.
- b. **Short course on how to request a precautionary measure:** the objective of the course is for participants to acquire practical skills in requesting a precautionary measure to the Commission and in following up on the processing and resolution of the request. It was developed using simple language and with a focus on practice, so that participants can learn about the mechanism and are able to use it properly. Its estimated duration is 10 hours.
- c. **Short course on how to submit petitions:** the aim of the course is for participants to acquire practical skills in filing a petition with the Commission and in following up on the processing of the petition/case until its archiving. It was developed using simple language and with a focus on practice, so that participants can learn about the mechanism and are able to use it properly. Its estimated duration is 10 hours.
- d. **Short course on how to document human rights violations and gather testimonies:** the objective of the course is for participants to acquire practical skills in documenting human rights violations, and, particularly, gathering testimonies. Its estimated duration is 10 hours.

131. The first run of the program was fully virtual, with self-directed components and follow-up by tutors. The program was complemented by three synchronous sessions. This is the first time that the Commission has offered such a complete program virtually, which has constituted both an innovation and a great challenge.

132. The program aims to increase the capacity of the civil society to strategically use the mechanisms of the inter-American human rights system to facilitate their use by the participants. Specifically, this program seeks to develop the capacity of individuals to submit petitions and request precautionary measures to the Commission, as well as to follow up on their processing.

133. At this time, the program was aimed specifically at members of the civil society from Nicaragua and Venezuela. In total, 351 people enrolled in the program, and 187 out of these were selected to participate.

134. During the integral program, three synchronous sessions were held to delve deeper into specific mechanisms, such as the MESENI and the MESEVE, or into specific topics, such as the documentation of human rights violations. Synchronous sessions are very important in virtual programs, insofar as they are key to achieving a more concrete and real connection between users and the system. Many participants express their gratitude for coming into contact with staff from the Executive Secretariat, as well as for being able to identify specific areas they can reach out to whenever they need help in understanding the mechanisms or accessing information. In the case of this program, besides addressing the topics of the session, the synchronous sessions were an opportunity to answer general questions about the mechanisms and even about the components of the program. The participants mentioned that the structure, quality, sequence and extent of the



contents were quite complete. Furthermore, they appreciated the interaction with the teaching team, praising the promptness and ease with which they were able to move forward with the program.

## **2.2. Sixth edition of the Workshop on the Application of Inter-American Standards by the Judiciaries of Costa Rica, Ecuador, Paraguay, Peru, Dominican Republic and Uruguay**

135. Between September 24 and October 25, 2024, the Commission ran the sixth edition of the virtual Workshop on the Application of Inter-American Standards by the Judiciary, targeted at justice operators from Costa Rica (11), Ecuador (20), Panama (1), Paraguay (9), Peru (20), Dominican Republic (20) and Uruguay (19). Out of the 100 participants, 50 percent were women, 29 percent were men and 21 percent self-identified with other genders.

136. The virtual workshop comprised four modules, with a total load of approximately 10 hours. Its goal was to improve the capacity of justice operators to implement inter-American standards at the domestic level, especially by way of a conventionality control, to protect persons and prevent human rights violations, particularly among groups in vulnerable situations.

137. A total of 224 applications underwent a selection process. Out of these, 100 persons were enrolled, and 73 out of these opted to download the certificate of completion. Out of those who filled the satisfaction survey, 68 rated the course as extremely or very useful; 93 reported that what they had learned on the course would be extremely or very applicable in their work; and 81 considered that they had acquired new knowledge.

138. The materials offered in the virtual classroom were supplemented with two synchronous sessions delivered by an expert from the Rapporteurship on Human Rights Defenders and Justice Operators and by an expert from the Secretariat for the Petition and Case System of the Inter-American Commission.

## **3. Paid virtual courses pilot plan: Standards on memory, truth and justice, and inter-American standards on racial discrimination and Afro-descendants**

139. In December 2023, the Commission approved a program of self-sustainable training through the offering of paid courses, which was first implemented in 2024 through the launching of a pilot plan. The aim of the paid courses program is twofold: on the one hand, it seeks to open courses that have been developed but cannot be offered due to insufficient funding; on the other, it seeks to finance the reopening and revision of existing courses for them to be free of charge, as well as the development of new courses.

140. The pilot plan began to be implemented in September 2024 with the opening of a virtual course on the inter-American system of human rights and its mechanisms from a perspective of memory, truth and justice in contexts of transitional justice. A total of 434 persons registered for the course and 177 vacancies were allocated to persons from 24 countries. Approximately 30 percent of them held positions in the public sector. Out of the total number of participants, 134—including 103 women—opted to obtain the certificate of completion. The persons who took the course made up a diverse group, which comprised persons working in government positions and civil society organizations, as well as students, members of academia and private individuals. The satisfaction survey was filled by 137 persons. Out of that total, 121 reported that they had increased their knowledge, and 119 reported that the knowledge they had gained would be useful for the performance of their job duties.

141. The pilot plan was complemented by four synchronous sessions: an introductory lecture; a final evaluation; a lecture delivered by Commissioner Andrea Pochak, Rapporteur on Memory, Truth and Justice; and a lecture by María del Pilar Gutiérrez, Coordinator of the Cases Section of the Secretariat for the Petition and Case System of the Commission.

## **4. Training activities carried out with other institutions**



- 4.1. Introduction to the inter-American system of human rights – University of Oklahoma
- 4.2. Introductory training on the inter-American system of human rights – National Defense University
- 4.3. Introductory training on the inter-American system of human rights – Boston College Law School
- 4.4. International Course on Public Policies on Human Rights – MERCOSUR Institute for Public Policy on Human Rights (IPPDH)
- 4.5. “Héctor Fix Zamudio” Diploma Program on the Inter-American System of Human Rights – National Autonomous University of Mexico
- 4.6. Diploma Program of the OAS School of Governance
- 4.7. Inter-American Defense College
- 4.8. Training on the inter-American system of human rights for members of academia and the civil society in Canada

#### **4.1. Introduction to the inter-American human rights system – University of Oklahoma**

142. On March 19, 2024, the Commission held an on-site training workshop for 18 students from the College of International Studies of the University of Oklahoma.

143. The workshop included an introductory module on the inter-American system of human rights and its mechanisms, which was supplemented with a module on the petition and case system. In addition, during the workshop, a dialogue was held with students about careers they could pursue in the field of human rights.

#### **4.2. Introductory training on the inter-American of human rights system – National Defense University**

144. On March 19, 2024, the Commission held an on-site training workshop for 27 students from the National Defense University (William J. Perry Center for Hemispheric Defense Studies) in Washington, D.C. The workshop included an introductory module on the inter-American system of human rights and its mechanisms.

145. The students were mostly military or police officers from various countries in the region. The majority of participants were from the Caribbean (Belize, Dominica, Guyana, Jamaica, Saint Vincent and the Grenadines, and Suriname). Twenty-seven persons were trained, 12 of whom were women.

#### **4.3. Introductory training on the inter-American of human rights system – Boston College Law School**

146. On March 24, 2024, the Commission held a training workshop for students from the International Human Rights Clinic at the Boston College Law School. A group of 14 students were trained.

147. The workshop included an introductory module on the Inter-American System of Human Rights and its mechanisms, which was supplemented with a module on the petition and case system and the precautionary measures mechanism.

#### **4.4. International Course on Public Policies on Human Rights**

148. On June 27, 2024, the call for applications was launched for the seventh edition of the International Course on Public Policies on Human Rights, which is run jointly with the MERCOSUR Institute for Public Policy on Human Rights (IPPDH). On July 22, 2024, a list was published with the results. Eighty individuals were selected from a total of 2,061 applications from 33 countries.



149. The International Course on Public Policies on Human Rights is a comprehensive training course targeted at public officials responsible for devising, managing, implementing and assessing public policies, as well as at members of social organizations and movements, and scholars from MERCOSUR and OAS member states.

150. The first part of the course was delivered virtually between July and October and included an optional specialization workshop on the inter-American human rights system, which was held on October 22, 23 and 24 and was attended by 36 persons, 23 of whom were women. Subsequently, between December 2 and 6, the closing week of the course took place at the IPPDH headquarters, located in Espacio Memoria y Derechos Humanos ex ESMA, in the city of Buenos Aires, Argentina. Persons from 26 countries of the region took part in the training and 47 participants met the passing criteria and received their certificate.

151. The virtual phase was structured around 13 synchronous sessions, including thematic modules on the human rights of children and adolescents, public and citizen innovation laboratories, migration and human trafficking, and corruption and human rights.

152. The in-person phase included spaces for exchange that were complemented by theory and practice lectures with experts in public policy evaluation, indicator systems, and budget and gender, so as to round off the course face to face; there was also a panel on participation in public policies, which featured activists and representatives of civil society organizations. During the closing week, the participants presented their final projects, which consisted in hypothetical drafts of public policies under a human rights-based approach.

#### **4.5. “Héctor Fix Zamudio” Diploma Program on the Inter-American of Human Rights System**

153. Between August 12 and November 13, the 12<sup>th</sup> edition of the “Héctor Fix Zamudio” Diploma Program on the Inter-American of Human Rights System was delivered in a hybrid format. It was run within the framework of a cooperation agreement with the National Autonomous University of Mexico (UNAM). The program was organized by the Institute for Legal Research and the Office of the General Counsel of the UNAM, the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, the Office of the United Nations High Commissioner for Human Rights in Mexico, the International Committee of the Red Cross and the Electoral Judicial School attached to the Electoral Tribunal of Mexico’s Federal Judiciary.

154. The purpose of the training was for participants to learn about the general characteristics (origin, legal sources, bodies, mandate, mechanisms) of each of the bodies that make up the inter-American human rights system, as well as about the standards and jurisprudence that have been developed with respect to some human rights.

155. A total of 71 students —45 women and 26 men— attended the course. Sixty-eight of the students enrolled in the 2024 edition of this training were Mexican, one student was Brazilian, one was Colombian and one was Peruvian.

156. This training initiative comprised 133 sessions and a total load of 194 hours, with compulsory modules on international human rights law, the inter-American system of human rights, relevant inter-American jurisprudence and the protection of persons in vulnerable situations. Upon reaching the end of the core modules, students were able to choose between three optional modules on different topics: international standards on the right of women to a life free of violence; the link between the inter-American and universal systems of human rights and other regional systems, as well as other instances of International Human Rights Law; or political rights and conventionality control in connection to democracy and electoral processes.

157. During the course, Commissioners and Commission experts participated as lecturers in 23 classes, which covered topics such as the human rights of LGBTI persons, women, persons with disabilities and persons of African descent, as well as the fight against racial discrimination and the Commission’s human rights monitoring and protection mechanisms, among others.



#### 4.6. Diploma Program of the OAS School of Governance

158. Between September 23 and 27, as part of the OAS School of Governance Diploma Program “Governance, Management and Public Leadership in the Inter-American System,” a hybrid training course was run on inter-American standards on democracy and human rights. Seventy-four persons from 18 OAS member states joined the course, who came from the public sector, the private sector and civil society organizations.

#### 4.7. Inter-American Defense College

159. On October 16, in-person training was delivered to 51 students from the armed forces, police forces and civilian agencies of OAS member states. The purpose of the course was to provide an overview of key human rights issues, the international system of human rights and international human rights law.

#### 4.8. Training on the inter-American system of human rights for members of academia and the civil society in Canada

160. On December 5, 2024, the Commission ran a workshop mostly targeted at members of the Canadian civil society and academia. The workshop was aimed at improving understanding of the inter-American system of human rights and, more specifically, the operation of the various mechanisms of the Commission, in particular the petition and case system and the precautionary measures system.

161. The training was delivered virtually and featured Commissioner Arif Bulkan, Rapporteur for Canada. Thirty-five persons attended the workshop, 24 of whom were women.

### 5. Training by geographic area

162. Below is a description of other training activities organized by geographic area.

#### 5.1. Caribbean

5.1.1. CARICOM: Annual Seminar for CARICOM countries on the inter-American human rights system: mechanisms of the inter-American system for the promotion and protection of human rights, with a special focus on climate change in the context of the right to development.

5.1.2. Haiti: Training delivered in collaboration with the OHCHR.

5.1.3. Caribbean Court of Justice (CCJ) – Training on the standards of the inter-American system on access to justice, equality and nondiscrimination.

5.1.4. Training on the inter-American system targeted at government officials and the civil society in Barbados.

5.1.5. Training on the inter-American system with a focus on indigenous peoples targeted at government officials and the civil society in Belize.

5.1.6. Training on hearings at the Commission targeted at the Caribbean Network.

5.1.7. Training for Caribbean civil society organizations on the rights of women deprived of liberty.

5.1.8. Strategic litigation seminar: Food, Nutrition and the Law in the Commonwealth Caribbean.



#### **5.1.1 Annual Seminar for CARICOM countries on the inter-American human rights system: mechanisms of the inter-American system for the promotion and protection of human rights, with a special focus on climate change in the context of the right to development**

163. On October 30, 2024, the 13<sup>th</sup> Annual Seminar on Human Rights for CARICOM countries was held. The annual seminar is a joint initiative undertaken by the Inter-American Commission on Human Rights and the George Washington University Law School (GWULS) that began in 2012.

164. The seminar was delivered virtually and was targeted at diplomatic officers and other state agents involved in the protection, promotion and monitoring of human rights. In this edition, the training course focused on the mechanisms of the inter-American system for the promotion and protection of human rights with a special focus on climate change in the context of the right to development. The seminar also included two presentations: one on the Commission's Individual Petition System Portal and another one on the rights of older persons.

165. The seminar featured Commissioners Roberta Clarke and Gloria de Mees, alongside experts from the Commission's Executive Secretariat.

166. The training reached 116 officials representing eight CARICOM countries (Antigua and Barbuda, Bahamas, Barbados, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, and Trinidad and Tobago). Out of the total number of participants, approximately 80 were women.

#### **5.1.2. Haiti: Training delivered in collaboration with the OHCHR**

167. Between April 25 and 26, 2024, training sessions targeted at human rights defenders were held jointly with the OHCHR on the inter-American system and its mechanisms. The purpose of these workshops was for participants to get a clearer understanding of the inter-American system of human rights and, more specifically, the operation of the various mechanisms of the Commission, in particular the human rights monitoring system, the petition and case system and the precautionary measures system.

168. The training was delivered virtually by experts from the Commission. Twenty-six persons joined the workshops, 10 of whom were women.

#### **5.1.3. Caribbean Court of Justice (CCJ) – Training on the standards of the inter-American system on access to justice, equality and nondiscrimination**

169. On June 5, 2024, a training session was run for members of the Caribbean Court of Justice. The session was also attended by other judges from the Caribbean (members of the Caribbean Association of Judicial Officers).

170. The training centered on the standards of the inter-American system on access to justice, equality and nondiscrimination.

171. It was led by Commissioners Jose Luis Caballero Ochoa and Gloria De Mees (alongside experts from the Commission's Executive Secretariat). Commissioner Caballero delivered a presentation on access to justice and Commissioner De Mees spoke about equality and nondiscrimination. Twenty-five persons joined the activity, 15 of whom were women.

#### **5.1.4. Training on the inter-American system targeted at government officials and the civil society in Barbados**



172. Within the framework of the technical cooperation visit to Barbados conducted between October 8 and 12, 2024, the Inter-American Commission on Human Rights held two training sessions for state and non-state agents, both supported by Commissioner Gloria De Mees.

173. Both training sessions focused on the inter-American system of human rights, its origin, composition, mandate and function, as well as on its different mechanisms. The session for state agents also included a module on technical cooperation and a module on the Commission's Individual Petition System Portal; the latter was delivered virtually.

174. The session for state agents took place on October 10 and was attended by 12 persons, including 10 women. The session for non-state agents was run on October 11 and was attended by 21 persons, including 15 women. This session included a module during which a mock hearing was held. It was also an opportunity to discuss various human rights issues with participants.

#### **5.1.5. Training on the inter-American system with a focus on indigenous peoples targeted at government officials and the civil society in Belize**

175. Within the framework of the visit to Belize to provide technical assistance and follow up on recommendations, which was conducted between October 15 and 18, 2024, the Commission held two training sessions for state and non-state agents. Commissioner José Luis Caballero Ochoa participated in the session targeted at state agents.

176. Both training sessions focused on the inter-American system of human rights, its origin, composition, mandate and function, as well as on its different mechanisms. They also included a module on technical cooperation and one on standards regarding indigenous peoples.

177. The session for state agents took place on October 17, and a total of 21 persons joined, 13 of whom were women. The session for non-state agents was delivered on October 18, and was attended by 17 persons, including 13 women. It also provided an opportunity to discuss various human rights issues.

#### **5.1.6. Training on hearings before the Commission targeted at the Caribbean Network**

178. On August 12, 2024, the Commission delivered a virtual training session to Caribbean civil society organizations on the Commission's hearing mechanism. The purpose of this training was to help the civil society to better use said mechanism. The event took place in the context of the decision to give priority attention to the Caribbean region, in accordance with Program 17 of the Commission's Strategic Plan.

179. The session included information on the purpose of the hearings and how to request them. It reached 36 persons, 23 of whom were women.

#### **5.1.7. Training for Caribbean civil society organizations on the rights of women deprived of liberty**

180. On June 7, 2024, a training session was run for Caribbean civil society organizations on the Inter-American System of Human Rights, with a special focus on the rights of women deprived of liberty. This session was held in compliance with Programs 17 and 21 of the Commission's Strategic Plan (priority attention to the Caribbean and promotion and dissemination of mechanisms and standards of the Inter-American Human Rights System).

181. The session included an introduction to the inter-American human rights system and its mechanisms, followed by presentations on the specific rights of women deprived of liberty and the particular challenges faced by women in prison in the Caribbean. Twelve persons attended the training, including 10 women.



### **5.1.8. Strategic litigation seminar: Food, Nutrition and the Law in the Commonwealth Caribbean**

182. On November 7, a training session was held as part of the strategic litigation seminar Food, Nutrition and Law in the Commonwealth Caribbean. The seminar was organized in collaboration with the Global Health Advocacy Incubator (GHAi) and the Global Center for Legal Innovation on Food Environments, an initiative of the O'Neill Institute for National and Global Health Law at Georgetown University.

183. The overall objectives of this workshop were to build legal and litigation capacity in the region and to explore possible avenues for promoting front-of-package labeling (FOPL) and other public policy priorities. The workshop focused on three aspects of food policy: healthy food environments at schools, restricting the marketing of unhealthy foods to children, and front-of-package warning labeling (FOPWL), which are not being implemented despite existing political will. Thirty-five persons from different Caribbean countries joined the workshop.

## **5.2. Mesoamerica**

5.2.1. Guatemala: University of the Isthmus.

5.2.2. Mexico: Monterrey Institute of Technology and Higher Education.

5.2.3. Panama: NGOs against human trafficking.

### **5.2.1. University of the Isthmus, Guatemala**

184. On April 5, a training session was delivered to law students at the University of the Isthmus (Guatemala), with a special focus on the petition and case system and the monitoring mechanism. Five persons attended.

### **5.2.2. Monterrey Institute of Technology and Higher Education, Mexico**

185. On April 2, a training session was delivered at the Monterrey Institute of Technology and Higher Education on the mandate and operation of the Commission. The purpose of this activity was to provide information on the mandate and operation of the Commission to undergraduate law, political science and international relations students. By participating in the class, the students learned about the different mechanisms through which the Commission fulfills its mandate.

### **5.2.3. NGOs against human trafficking, Panama**

186. On April 4, in cooperation with the OHCHR, a training session was delivered to 20 persons from nongovernmental antitrafficking organizations on the mechanisms of precautionary and provisional measures. The training was organized within the framework of a regional network of civil society organizations that provide legal advice and representation to victims of human trafficking in Latin America under a project of the Office of the High Commissioner for Human Rights (OHCHR for the Human Rights of Refugees and Migrants in Venezuela).

## **5.3. South America**

### **5.3.1. Prosecutors from the Public Prosecutor's Office of Minas Gerais, Brazil**

187. On October 1, a training session was held in Brazil for prosecutors from the Public Prosecutor's Office of Minas Gerais on the main mechanisms of the Inter-American Commission on Human Rights, that is, monitoring, technical cooperation, training, petitions and cases, and precautionary measures. Twenty persons attended.



### C. Other promotion and training activities related to special procedures, thematic rapporteurships and follow-up of recommendations

188. Below is a summary of the promotion and training activities of the Commission's thematic rapporteurships and other work carried out throughout the year in relation to its human rights promotion mandate. Many of these activities were organized in cooperation with other actors, thus strengthening collaboration with civil society organizations, academia, regional and international institutions, and States.

189. As for the special rapporteurships, the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA) carried out 57 activities this year. Out of these, 48 were related to promotion and nine were related to training. For more information on these activities, please refer to REDESCA's annual report. The Office of the Special Rapporteur for Freedom of Expression (RELE) carried out 41 activities. Out of these, 38 were related to promotion and reached 782 persons, and three were related to training. For more information on these activities, refer to RELE's annual report.

#### 1. Thematic rapporteurships

190. The mandate of the thematic rapporteurships is based on Article 41 of the American Convention on Human Rights and Article 18 of the Statute of the Inter-American Commission, which establish the Commission's specific functions in terms of human rights promotion. In addition, Article 15 of the Commission's Rules of Procedure sets forth that the Commission may create rapporteurships to contribute to a better performance of its functions, and it establishes guidelines on the operation of the rapporteurships (For more information on the rapporteurships' activities during 2024, see Chapter 3.A of this annual report.).

191. Below is a brief description of the various promotion and training activities carried out by each of the thematic rapporteurships in 2024.

##### 1.1. Rapporteurship on the Rights of Indigenous Peoples

192. In 1990, the Inter-American Commission on Human Rights established the Rapporteurship on the Rights of Indigenous Peoples for the purpose of focusing attention on the indigenous peoples of the Americas, who are especially exposed to human rights violations due to their situation of vulnerability, and to strengthen, drive and systematize the work of the Commission in this area. For more information, go to: [OAS, IACHR, Rapporteurship on the Rights of Indigenous Peoples \(oas.org\)](https://oas.org/IACHR/Rapporteurship%20on%20the%20Rights%20of%20Indigenous%20Peoples).

RAPPORTEURSHIP ON THE RIGHTS OF INDIGENOUS PEOPLES PROMOTION ACTIVITIES						
Name of the activity	Organized by	Audience	Location	Format	Date	Objective
Meeting on the right to water and health in the face of the impact of mining	CENDA, CEPA Oruro, Colectivo CASA and Plataforma de Acciones Populares de Defensa de la Madre Tierra	Civil society	Oruro, Bolivia	Blended	March 26	Disseminating inter-American standards on health issues related to mining activities in collaboration with indigenous organizations and communities  50 attendees



<b>Territorial Rights, the State and the Mapuche People: Perspectives in the Context of the Work of the Commission towards Peace and Understanding</b>	Observatorio Ciudadano (OC), the Human Rights Center of the University of Chile School of Law and the International Work Group for Indigenous Affairs (IWGIA). In collaboration with: IACHR, OHCHR	Mixed	Santiago de Chile and Temuco, Chile	In person	September 5–7	Disseminating inter-American standards on the land and territorial rights of indigenous peoples  324 attendees
<b>Inter-American standards on the protection of the right to self-determination of indigenous peoples in Brazil</b>	IACHR, the Federal Public Prosecutor's Office of Brazil and APIB (Articulation of Indigenous Peoples of Brazil)	Civil society	Brasília, Brazil	Blended	November 7	Disseminating in Portuguese the inter-American standards contained in the report <i>Right to Self-Determination of Indigenous and Tribal Peoples</i>  30 attendees

## 1.2. Rapporteurship on the Rights of Women

193. In 1994, the Commission created the Rapporteurship on the Rights of Women, whose initial task was to analyze the extent to which the legislation and practices relating to women's rights in the member states were in line with the general obligations set forth in regional human rights instruments such as the American Convention on Human Rights, the American Declaration of the Rights and Duties of Man and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, known as the Convention of Belém do Pará. The Commission addresses gender issues based on its mandate to promote and protect human rights in the Americas. Guided by the principles of equality and nondiscrimination, which are the cornerstone of the inter-American system's instruments, the Commission has identified the protection of women's rights as a priority for the region. For more information, go to: OAS, IACHR, Rapporteurship on the Rights of Women, Mandate (oas.org).

### RAPPOURTEURSHIP ON THE RIGHTS OF WOMEN PROMOTION ACTIVITIES



Name of the activity	Organized by	Audience	Location	Format	Date	Objective
<b>Crisis in Haiti: Women Human Rights Defenders in the Struggle for Women's Rights</b>	IACHR, American University Academy on Human Rights and International Humanitarian Law and the War Crimes Research Office	Mixed	Regional	Online	March 20	Raising awareness about issues impacting women as part of the Women's History Month series of panels  175 attendees

<b>RAPORTEURSHIP ON THE RIGHTS OF WOMEN TRAINING ACTIVITIES</b>						
Name of the Activity	Objective	Audience	Location	Format	Date	Number of people trained
<b>Inter-American standards related to women's right to a life free of violence</b>	Increasing knowledge to prevent violations of women's rights	Mixed	Honduras, Tegucigalpa	In person	August 14	75
<b>Course on access to justice with a gender perspective and under inter-American human rights standards</b>	Increasing knowledge of inter-American human rights standards on access to justice with a gender perspective	State	Brazil, Brasília	In person	September 4-6	117
<b>Technical meeting with prosecutors from the Office of the Public Prosecutor of Minas Gerais, Brazil</b>	Increasing knowledge of the main mechanisms of the IACHR	State	Washington, D.C.	In person	October 1	20

### 1.3. Rapporteurship on Human Mobility



194. In 1996, in response to the critical situation faced by internally displaced persons and migrant workers and their families in several countries of the continent, the Commission created the Rapporteurship on Internally Displaced Persons and the Rapporteurship on Migrant Workers and Members of their Families. While these rapporteurships drew closer attention to the human rights of migrants, their families and internally displaced persons, since its inception, the Commission has also prioritized the protection and promotion of the human rights of other groups in a situation of vulnerability in the context of human mobility due to the forced migration of hundreds of thousands of persons who were compelled to flee or abandon their homes as a result of the dictatorships and armed conflicts in the region throughout the 20<sup>th</sup> century.

195. In 2012, the Commission decided to unify both rapporteurships and expand its mandate to address the multiple challenges posed by human mobility in the region, whether in the form of international, internal, forced or voluntary migration. The new mandate focuses on the respect and guarantee of the rights of migrants and their families, asylum seekers, refugees, stateless persons, victims of human trafficking, internally displaced persons, as well as other vulnerable groups in the context of human mobility. For more information, go to: [OAS, IACHR, Rapporteurship on the Rights of Migrants \(oas.org\)](https://oas.org).

RAPPOURTEURSHIP ON HUMAN MOBILITY PROMOTION ACTIVITIES						
Name of the Activity	Organized by	Audience*	Location	Format	Date	Objective
<b>Best Practices for a Culture of Respect, Tolerance and Human Rights to Combat Xenophobia</b>	OAS Committee on Migration Issues	State	Regional	Online	February 13	Sharing best practices to create a culture of respect, tolerance and human rights to combat xenophobia  23 attendees
<b>2024 World Conference on Statelessness</b>	Institute on Statelessness and Inclusion (ISI), Nationality for All (NFA) and Development of Human Resources for Rural Areas (DHRRA) Malaysia	Mixed	Selangor, Malaysia	In person	February 26	Disseminating Resolution No. 02/23 on the right to nationality, the prohibition of arbitrary deprivation of nationality and statelessness
<b>Seminar “Protection of the Right to Nationality: Resolution No. 02/23 of the Inter-American</b>	Refugee Studies Centre, University of Oxford	Mixed	Regional	Online	March 6	Disseminating inter-American standards on the obligations of States to ensure that all persons have a nationality and the urgent need



<b>Commission on Human Rights"</b>						to adopt measures to prevent, reduce and eradicate statelessness  230 attendees
<b>Review of the refugee status determination procedure conducted by the Office of the Comptroller General of the Republic</b>	Office of the Comptroller General of the Republic of Costa Rica	State	Costa Rica	Online	March 8	Disseminating inter-American standards on refugee status determination procedures  7 attendees
<b>Presentation of the report <i>La militarización del Instituto Nacional de Migración</i></b>	IBERO	Civil society	Mexico	Blended	March 14	Disseminating inter-American standards on the adoption of migration policies based on a human rights approach rather than on border security concerns  94 attendees
<b>Session "Specialized Assistance and Protection of Accompanied and Unaccompanied Children and Adolescents" by the Committee on Migration Issues</b>	OAS Committee on Migration Issues	State	Regional	Online	March 21	Disseminating Resolution No. 5/23 on the participation of children and adolescents and the mechanisms for its implementation by States in procedures related to the migration status of children and adolescents  33 attendees
<b>First regional consultation on the protection of persons in situations of human mobility</b>	State of Chile	Mixed	Mexico City	In person	April 5	Disseminating the Commission's role in the adoption of the Cartagena Declaration



and stateless persons						140 attendees
<b>Presentation of the report <i>No nos dejen morir aquí. Incendio en la estancia migratoria de Ciudad Juárez</i></b>	Fundación para la Justicia y el Estado Democrático de Derecho	Mixed	Mexico City	Online	April 8	Presenting the report one year after the fire at a migrant detention center in Ciudad Juárez, where 40 migrants lost their lives and 27 were injured  821 attendees
<b>MIRPS session 1: Introduction to procedures suitable for children and adolescents</b>	MIRPS and OAS Department of Social Inclusion	Mixed		Online	April 11	Disseminating inter-American standards on the protection of human rights  53 attendees
<b>Release of the report <i>Análisis de jurisprudencia de los tribunales superiores de justicia en materia de protección internacional en Chile</i></b>	Office of the United Nations High Commissioner for Refugees (UNHCR), National Office in Chile; Supreme Court of Chile and Centro de Políticas Migratorias (CPM)	Mixed	Santiago, Chile	In person	April 25	Disseminating the most recent developments in Chilean case law as well as international and inter-American standards on matters such as determining the best interest of the child, collective expulsion, due process, legal status regularization and statelessness  63 attendees
<b>Third Alianza Global del Ombudsperson Local International Congress: "Human Mobility: a Local Perspective"</b>	Alianza Global del Ombudsperson Local	National human rights institutions	Buenos Aires, Argentina	In person	May 7–9	Disseminating the work of the Rapporteurship on Human Mobility of the Commission, the challenges identified and the protection standards for migrants, refugees, asylum



						seekers, stateless persons and victims of human trafficking  115 attendees
<b>Second thematic consultation of the Cartagena+40 Process</b>	State of Chile	Mixed	Brasília, Brazil	In person	May 16–17	Participating in the second thematic consultation of the Cartagena+40 Process on inclusion and integration through alternative, comprehensive and sustainable solutions  129 attendees
<b>Visibilizing the Invisible: Legal Identification, Nationality and Name of Children on the Move in the Americas</b>	Inter-American Dialogue	Mixed	Regional	Online	May 16	Discussing advances, challenges and recommendations to guarantee the legal identification, nationality and name of children on the move in the Americas  230 attendees
<b>Thirty-sixth online course on international refugee law</b>	Department of International Refugee Law and Migration Law, International Institute of Humanitarian Law	Mixed	Regional	Online	June 3–28	Disseminating inter-American standards on the protection and defense of the rights of refugees (the activity also aimed at refugees and displaced persons)  46 attendees
<b>Third thematic consultation of the Cartagena+40 Process</b>	State of Chile	Mixed	Bogota, Colombia	In person	June 19	Reflecting to identify and promote concerted solutions to strengthen the



						protection of forcibly displaced people in the context of disasters and the effects of climate change 140 attendees
<b>Event on trafficking in persons, mixed migration and protection of migrants at sea</b>	United Nations Special Rapporteur on trafficking in persons	Mixed	Geneva, Switzerland	In person	June 25	Disseminating inter-American human rights standards relating to victims and persons at risk of human trafficking in the context of mixed migrant and refugee movements at sea and search and rescue operations
<b>Dialogue on the Cartagena+40 process and launch of the Global Alliance to End Statelessness of the Latin American and Caribbean Group (GRULAC)</b>	Latin American and Caribbean Group (GRULAC)	Mixed	Geneva, Switzerland	In person	June 25	Disseminating the Commission's role in the adoption of the Cartagena Declaration since 1984, emphasizing the complementarity between mechanisms for the regularization of legal status (migration status) and international protection mechanisms
<b>Collaborative work to promote the protection of the human rights of asylum seekers and refugees</b>	Platform of Independent Experts on Refugee Rights (PIERR)	Mixed	Geneva, Switzerland	In person	June 27	Disseminating inter-American standards to address the main challenges regarding human mobility in the region, focusing on border



						outsourcing and militarization, migrant detention and summary expulsion procedures that fail to ensure due process guarantees
						80 attendees
<b>First meeting of the IACHR Dialogue Network to combat human trafficking in the Americas</b>	IACHR, Rapporteurship on Human Mobility	Civil society	Regional	Online	July 2	Disseminating the work of the Commission in the monitoring of human trafficking in the region
						31 attendees
<b>Climate-related displacement: a women's rights-based approach</b>	Instituto para las Mujeres en la Migración (IMUMI)	Mixed	Mexico	Online	July 10	Discussing climate change and human mobility patterns in Northern Central America and the differentiated impact of the climate emergency on women
<b>Regional workshop on national adaptation and human mobility plans in Latin America</b>	International Organization for Migration	State	Antigua, Guatemala	In person	August 28-29	Disseminating standards on human mobility and their incorporation into national adaptation plans and other relevant instruments in Latin America
						25 attendees
<b>Experiences, challenges and lessons on internal displacement in the region learned from</b>	Department of Social Inclusion, Secretariat for Access to Rights and Equity, OAS	Mixed	Washington, D.C.	Blended	September 10	Disseminating inter-American standards to address internal displacement in the region



the regional and universal systems						69 attendees
Inter-American Course on Migration and Protection, panel “Migration, Asylum and Forced Displacement in the Americas: Main Dynamics and the Role of International Organizations”	OAS Department of Social Inclusion and University of Notre Dame Keough School of Global Affairs	Mixed	Washington, D.C.	In person	September 11	Disseminating inter-American standards on human mobility to address ongoing challenges in the region  248 attendees
New childhoods in migration flows and forced displacement	Defense for Children International Costa Rica	Mixed	Regional	Online	September 17	Disseminating inter-American standards on children and adolescents in migration flows and forced displacement in the region  82 attendees
Regional event “Preventing and Eradicating Statelessness in the Americas”	Department of Social Inclusion, Secretariat for Access to Rights and Equity, OAS	Mixed	Regional	Blended	October 11	Disseminating inter-American standards related to the eradication of statelessness and the protection of stateless persons in the Americas  95 attendees
Third regional meeting of public defender offices “Access to Territory and Public Defense”	Inter-American Association of Public Defenders	State	San José, Costa Rica	Blended	October 22–23	Discussing access to territory and public defense in countries such as Venezuela, Mexico, Panama, Brazil and Ecuador  23 attendees
Migration in the Context of Socio-	ParlAmericas	Mixed	Regional	In person	October 23–25	Discussing recommendations for the effective



<b>Environmental Challenges (Eighth gathering of the ParlAmericas Parliamentary Network on Climate Change and Sustainability, sixteenth meeting of the ParlAmericas Parliamentary Network for Gender Equality)</b>						and inclusive incorporation of climate migration considerations  50 attendees
<b>International forum “Human Mobility and Violation Patterns: Experiences for the Guarantee and Protection of Rights”</b>	ICESI University, Swiss Agency for Development and Cooperation, Swisscontact, Public Actions Group of the ICESI university (GAPI)	Mixed	Cali, Colombia	Blended	November 19–20	Discussing the challenges surrounding human mobility, focused on the search for solutions that safeguard the rights of migrants, refugees and displaced persons
<b>Workshop on the right to nationality and legal citizenship</b>	Ministry of Foreign Affairs of Uruguay, National Human Rights Institution and Office of the Ombudsperson (INDDHH), UNHCR	Mixed	Montevideo, Eastern Republic of Uruguay	Blended	November 19	Disseminating inter-American standards on legal citizenship based on an international human rights law approach, disseminating regional best practices to ensure the legal identity of persons  107 attendees
<b>Regular meeting of the R4V Regional Protection Sector</b>	Regional Protection Sector–R4V Platform	Mixed	Regional	Online	November 26	Disseminating the mechanisms available to the Commission for addressing mixed migration movements (hearings,



						precautionary measures, among others)
						34 attendees

RAPPOURTEURSHIP ON THE RIGHTS OF MIGRANTS TRAINING ACTIVITIES						
Name of the Activity	Objective	Audience	Location	Format	Date	Number of people trained
Training on IACHR mechanisms for civil society organizations, IACHR Dialogue Network to combat human trafficking	Presenting the human rights defense mechanisms provided by the Commission to the public	Civil society	Regional	Online	November 25	19

#### 1.4. Rapporteurship on the Rights of the Child

196. The Commission established the Rapporteurship on the Rights of the Child during a session held between September 24 and October 13, 1998, for the purpose of bolstering respect for the human rights of boys, girls and adolescents in the Americas. The rapporteurship cooperates in the analysis and evaluation of the human rights situation of boys, girls and adolescents in the Americas and offers guidance to the Commission in proceedings involving individual petitions, cases and requests for precautionary and provisional measures related to children and adolescents' rights. Additionally, it conducts on-site visits to States and prepares studies and publications. For more information, go to: [OAS, IACHR, Rapporteurship on the Rights of the Child, \(oas.org\)](https://oas.org).

RAPPOURTEURSHIP ON THE RIGHTS OF THE CHILD PROMOTION ACTIVITIES						
Name of the Activity	Organized by	Audience	Location	Format	Date	Objective
Thematic session "Specialized Assistance and Protection of Accompanied and Unaccompanied Children and	OAS Committee on Migration Issues	State	Regional	Online	March 21	Disseminating recommendations and best practices of the inter-American system  33 attendees



<b>Adolescents," organized by the Committee on Migration Issues</b>						
<b>MIRPS session 1: Introduction to procedures suitable for children and adolescents</b>	MIRPS and OAS Department of Social Inclusion	Mixed	Northern Triangle Mesoamerica	Online	April 11	Disseminating inter-American standards  53 attendees
<b>Caribbean Dialogue Network Meeting</b>	Monitoring Section 3	Civil society	Caribbean	Online	May 2	Discussing inter-American standards related to corporal punishment against boys and girls  17 attendees
<b>Visibilizing the Invisible: Legal Identification, Nationality and Name of Children on the Move in the Americas</b>	Inter-American Dialogue	Mixed	Regional	Online	May 16	Discussing the legal identification, nationality and name of children on the move in the Americas  230 attendees
<b>The Rights of Children and Adolescents in the Inter-American Human Rights System</b>	Institute of Judicial Studies, Supreme Court of Justice of the Province of Buenos Aires	State	Argentina	Online	June 3	Disseminating inter-American standards  130 attendees
<b>Regional event to commemorate the thirty-fifth anniversary of the Convention on the Rights of the Child</b>	UNICEF	Mixed	Panama	In person	November 20	Disseminating inter-American standards during the commemoration of the thirty-fifth anniversary of the Convention on the Rights of the Child on November 20 (World's Children Day)  89 attendees



RAPPOURTEURSHIP ON THE RIGHTS OF THE CHILD TRAINING ACTIVITIES						
Name of the Activity	Objective	Audience	Location	Format	Date	Number of people trained
Training and education course for lawyers specializing in children and adolescent law	Sharing a space for training and reflection with a human rights approach, incorporating a child and adolescent perspective, and addressing cross-cutting issues considering the challenges in this professional field; presenting the inter-American human rights system with a focus on the protection of children and adolescents' rights (the IACHR was in charge of this presentation)	Civil society	Argentina	Online	April 4	227

### 1.5. Rapporteurship on Human Rights Defenders and Justice Operators

197. In March 2011, the Commission decided to create a rapporteurship on the situation of human rights defenders, considering the petitions it had received and with the aim of raising the visibility of the important role that human rights defenders and justice operators play in building a democratic society in which the Rule of Law is in full effect. As a result, the former unit established in 2001 became a rapporteurship which carries out various activities to monitor the situation of all persons engaged in the defense of rights in the region, including justice operators. For more information, go to: [OAS, IACHR, Rapporteurship on Human Rights Defenders and Justice Operators, \(oas.org\)](https://www.oas.org/en/iachr/rapporteurship-on-human-rights-defenders-and-justice-operators).

RAPPOURTEURSHIP ON HUMAN RIGHTS DEFENDERS AND JUSTICE OPERATORS PROMOTION ACTIVITIES						
Name of the Activity	Organized by	Audience	Location	Format	Date	Objective
Fourth regional meeting on	OHCHR and IACHR	Mixed	Bogota, Colombia	In person	April 15-16	Discussing the different challenges



policies for the protection of human rights defenders in Latin America						faced by countries in the region for the protection of human rights defenders  80 attendees
Regional meeting on methodologies for investigations into attacks and homicides against human rights defenders in Latin America	OHCHR and IACHR	Mixed	Bogota, Colombia	In person	April 17–18	Disseminating inter-American human rights standards on the investigation of crimes against human rights defenders, as well as persisting challenges (best practices and areas for improvement were identified)  80 attendees
Challenges in defending and protecting human rights in the region and the role of the inter-American human rights system	Race and Equality	Civil society	Mexico City	In person	May 7	Disseminating the role of the inter-American human rights system in the protection of human rights defenders
Meeting of Central American and Mexican judges	Due Process of Law Foundation and others	Civil society	San José, Costa Rica	In person	October 28	Discussing the application and enforcement of international standards on judicial independence, with a special focus on Inter-American human rights standards
Intermechanism meeting on environmental defenders	International Federation for Human Rights (FIDH) and World Organization Against Torture (OMCT)	Civil society	Paris, France	In person	October 29–30	Discussing guarantees for the protection of environmental defenders  15 attendees
Launch Declaration+25	RFK Human Rights and International Service for	Civil society	Washington , D.C.	In person	November 12	Disseminating the United Nations Declaration on Human Rights



	Human Rights					Defenders, the commemoration of its twenty-fifth anniversary and the presentation of Declaration+25  40 attendees
<b>Fourth international seminar on policies for the protection of human rights defenders and journalists</b>	Espacio OSC	Civil society	Mexico City	In person	November 13–14	Presenting standards related to mechanisms for the protection of human rights defenders

RAPPEURSHIP ON HUMAN RIGHTS DEFENDERS AND JUSTICE OPERATORS TRAINING ACTIVITIES						
Name of the Activity	Objective	Audience	Location	Format	Date	Number of people trained
<b>Training on standards on human rights defenders for the Sales Pimenta Working Group</b>	Increasing knowledge of inter-American standards for the protection of human rights defenders	Mixed	Brazil, Brasília	Online	June 11	30
<b>Inter-regional discussion on protection mechanisms</b>	Increasing knowledge of protection mechanisms in various countries	Mixed	Bogota, Colombia	In person	July 8–12	20

#### 1.6. Rapporteurship on the Rights of Persons Deprived of Liberty and to Prevent and Combat Torture

198. The Rapporteurship on the Rights of Persons Deprived of Liberty was established by the Commission in March 2004. Since then, it has monitored the situation of people subjected to any form of deprivation of liberty in OAS member states. To this end, and among other activities, the rapporteurship conducts visits to States, promotes the mechanisms of the Inter-American Human Rights System for protecting the rights of persons deprived of liberty and prepares reports with specialized recommendations for OAS member states to enhance the respect for and guarantee of the human rights of these persons. The mandate of the rapporteurship was expanded in 2019 to include the prevention and fight against torture. For more information, go to: [OAS, IACHR, Rapporteurship on the Rights of Persons Deprived of Liberty and to Prevent and Combat Torture \(oas.org\)](https://www.oas.org/en/iachr/rapp).



<b>RAPPORTEURSHIP ON THE RIGHTS OF PERSONS DEPRIVED OF LIBERTY AND TO PREVENT AND COMBAT TORTURE PROMOTION ACTIVITIES</b>						
Name of the Activity	Organized by	Audience	Location	Format	Date	Objective
<b>Regional workshop “Towards the Humanization of Criminal and Penitentiary Policies for Minor Drug Offenses: A Path towards Proportionality and Criminal Alternatives”</b>	COPOLAD	Mixed	Barcelona, Spain	In person	June 24–25	Discussing the design of more equitable and effective criminal policies under inter-American human rights standards
<b>Academic event “The Fundamental Rights of Persons Deprived of Liberty”</b>	Dominican Section of the Instituto Iberoamericano de Derecho Constitucional and Georgetown University O’Neill Institute	Mixed	Dominican Republic	Online	July 3	Disseminating inter-American standards on the rights of women deprived of liberty
<b>Hemispheric dialogue on human rights and drug policy: a perspective based on a risk management and harm reduction approach</b>	Office of the President of Uruguay	State	Montevideo, Uruguay	Online	September 23	Discussing between countries of the region the implementation of drug policies and human rights, with a special focus on risk management and harm reduction strategies
<b>Tenth International Congress of Public Defender Offices from Latin America</b>	Office of the Public Defender of Costa Rica	Mixed	San José, Costa Rica	In person	October 24	Disseminating inter-American standards on access to justice for indigenous peoples, migrants, refugees and women deprived of



						liberty in Latin America
<b>International Penitentiary Congress 2024</b>	Querétaro State Penitentiary System Commission	Mixed	Querétaro, México	In person	October 25	Discussing tools to guarantee the rights of persons deprived of liberty
<b>Regional meeting “Enforcement of the Prohibition against Torture: the Role of the Judiciary in its Prevention from a Gender perspective”</b>	Supreme Court of Chile, Committee for the Prevention of Torture of Chile (CPT) and Association for the Prevention of Torture (APT)	State	Chile	In person	December 3	Discussing the role of the judiciary in preventing torture and cruel, inhuman or degrading treatment or punishment, with a special focus on the situation of women and LGBTI+ persons  50 attendees
<b>Discussion on the situation of women deprived of liberty</b>	Committee for the Prevention of Torture of Chile (CPT); School of Governance of the University of Chile and Association for the Prevention of Torture (APT)	Mixed	Chile	In person	December 2	Discussing the situation of women in the penitentiary system  30 attendees
<b>Latin America and the Caribbean regional consultation meeting on the implementation of the Bangkok rules</b>	United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD)	Mixed	San José, Costa Rica	Online	November 26	Discussing progress and challenges in the implementation of the Bangkok Rules, from a local and regional perspective  200 attendees



<b>RAPORTEURSHIP ON THE RIGHTS OF PERSONS DEPRIVED OF LIBERTY AND TO PREVENT AND COMBAT TORTURE TRAINING ACTIVITIES</b>						
Name of the Activity	Objective	Audience	Location	Modality	Date	Number of people trained
<b>Training for Caribbean civil society and organizations defending women deprived of liberty</b>	Increasing knowledge of the Commission and its mechanisms, as well as of the topic of women in prison, with a special focus on the findings, standards and recommendations of the thematic report on women deprived of liberty in the Americas	Civil society	Caribbean	Online	June 7	12

### 1.7. Rapporteurship on the Rights of Persons of African Descent and against Racial Discrimination

199. During its 122<sup>nd</sup> period of sessions, which took place between February 23 and March 11, 2005, the Commission created the Rapporteurship on the Rights of Persons of African Descent and against Racial Discrimination. The main objectives of the Rapporteurship include working with OAS member states to raise awareness about their obligations to respect the human rights of Afro-descendants and to eliminate all forms of racial discrimination, analyzing the current challenges the countries of the region face in this area, making recommendations designed to overcome the obstacles, identifying and sharing best practices in the region with respect to this matter, and providing any technical assistance requested by the member states in the implementation of the recommendations in domestic law and in practice. Its work with the civil society focuses on expanding knowledge of the guarantees and mechanisms that the inter-American human rights system offers for the protection of the rights of Afro-descendants and against racial discrimination. For more information, go to: [OAS :: IACHR :: Rapporteurship on the Rights of Persons of African Descent and against Racial Discrimination \(oas.org\)](https://oas.org).

<b>RAPORTEURSHIP ON THE RIGHTS OF PERSONS OF AFRICAN DESCENT AND AGAINST RACIAL DISCRIMINATION PROMOTION ACTIVITIES</b>						
Name of the activity	Organized by	Audience	Location	Format	Date	Objective
<b>Suriname Human Rights 75 Film Tour Project</b>	United Nations Development Programme (UNDP),	Mixed	Paranimbo, Suriname	Blended	February 20	Disseminating inter-American standards related to gender,



	Suriname Office					ethnicity and cultural issues
<b>Opening ceremony   VII Inter-American Week for People of African Descent</b>	OAS, General Secretariat	Mixed	Washington, D.C.	In person	March 18	Holding commemorative activities; no information available on the number of attendees
<b>Side event during the VII Inter-American Week for People of African Descent in the Americas, "Strategies for Economic Empowerment of Women of African Descent"</b>	Permanent missions of Brazil and Colombia to the OAS and Geledés – Black Women Institute	Mixed	Washington, D.C.	Online	March 21	Discussing strategies for and challenges to the economic empowerment of women of African descent, with a focus on key issues related to the invisibility of gender and race, as well as intergenerational poverty
<b>Special Meeting of the OAS Permanent Council to commemorate the International Day of Remembrance for the Victims of Slavery and the Transatlantic Slave Trade</b>	OAS, Permanent Council	Mixed	Washington, D.C.	Blended	March 25	Commemorating the International Day of Remembrance for the Victims of Slavery and the Transatlantic Slave Trade
<b>RIAFRO Webinar "Why do we need a Declaration on the Rights of People of African Descent?"</b>	Inter-American Network of High Authorities on Policies for Afro-descendant Populations (RIAFRO)	Mixed	Regional	Online	March 25	Disseminating the inter-American standards applicable to the draft of an American Declaration on the Rights of People of African Descent
<b>Dialogue on a draft declaration on the rights of people of African descent in the context of the twenty-second period of sessions of the Intergovernmental Working</b>	OHCHR Regional Office for South America and Latin American Council for the Decade for People of African Descent (ALDA)	Mixed	Regional	Online	May 17	Disseminating the promotion of and full respect for the human rights of Afro-descendants under the international human rights system



<b>Group on the Effective Implementation of the Durban Declaration and Programme of Action</b>						
<b>Securing Afro-Descendant Peoples' Land Tenure Rights in Latin America and the Caribbean: An Effective Pathway to Conservation and Climate Change Action</b>	The Rights and Resources Initiative (RRI), the Proceso de Comunidades Negras (PCN) and the Coordenação Nacional de Articulação das Comunidades Negras Rurais Quilombolas (CONAQ), in partnership with the Vice Presidency of the Republic of Colombia	Mixed	Bogota, Colombia	In person	June 11–14	Disseminating inter-American standards related to Afro-descendent people and their role in the protection of biodiversity in strategic ecosystems and the mitigation of, and adaptation to, climate change
<b>Inter-American Forum against Discrimination within the framework of the fifty-fourth ordinary period of sessions of the OAS General Assembly</b>	Race and Equality	Mixed	Paraguay	In person	June 25	Disseminating the inter-American system and its mechanisms
<b>Promotional visit to the Dominican Republic</b>	Race and Equality	Mixed	Santo Domingo, Dominican Republic	Online	October 1–5	Disseminating the inter-American system and its mechanisms
<b>Thirty-fifth period of sessions of the UN Working Group of Experts on People of African Descent</b>		Mixed	New York, U.S.A.	Online	December 2	Disseminating inter-American standards on the rights of Afro-descendants and the elimination of racial discrimination



RAPPORTEURSHIP ON THE RIGHTS OF PERSONS OF AFRICAN DESCENT AND AGAINST RACIAL DISCRIMINATION TRAINING ACTIVITIES						
Name of the activity	Objective	Audience	Location	Format	Date	Number of people trained
First National Meeting of the Network of Afro-Honduran Lawyers	Increasing knowledge about access to the justice system	Civil society	Tegucigalpa, Honduras	Online	May 10	Figure not available
Training program "Achieving Equity: Tools from the Inter-American System and the Universal Human Rights Protection System." Panel "Equitable and Restorative Justice"	Broadening knowledge about the mechanisms offered by the inter-American and universal systems for the protection of human rights	Civil society	Santo Domingo, Dominican Republic	In person	October 2	Figure not available
Program for raising awareness about the rights of persons and peoples of African descent	Driving knowledge about the mechanisms available under the inter-American system for the protection of human rights	National human rights institutions across the region	San José, Costa Rica	Online	September 25	Figure not available

### 1.8. Rapporteurship on the Rights of Lesbian, Gay, Trans, Bisexual, and Intersex Persons

200. In November 2011, at its 143<sup>rd</sup> period of sessions, the Commission created a specialized unit in this area within its Executive Secretariat, which became fully operative on February 15, 2014. The Rapporteurship on the Rights of Lesbian, Gay, Trans, Bisexual, and Intersex (LGBTI) Persons started up on February 1, 2024, giving continuity to the main lines of work of the LGBTI Unit, addressing issues of sexual orientation, gender identity, gender expression and body diversity. For more information, go to: OAS :: IACHR :: Rapporteurship on the Rights of Lesbian, Gay, Bisexual, Trans and Intersex Persons (oas.org).



RAPPOURTEURSHIP ON THE RIGHTS OF LGBTI PERSONS PROMOTION ACTIVITIES						
Name of the activity	Organized by	Audience	Location	Format	Date	Objective
<b>Building an LGBTIQ+ database in Latin America and the Caribbean</b>	Red Sin Violencia LGBTI	Mixed	Colombia	Online	March 14	Discussing the creation of a regional LGBTIQ+ statistical database in the region
<b>Release of a <i>Guía de lenguaje incluyente y buenas prácticas para erradicar los discursos de odio en materia de diversidad sexual</i> by the Human Rights Commission of the state of Jalisco (CEDHJ)</b>	CEDHJ	Mixed	Jalisco, Mexico	Online	March 19	Releasing the <i>Guía de lenguaje incluyente y buenas prácticas para erradicar los discursos de odio en materia de diversidad sexual</i>
<b>Commemoration of International Transgender Day of Visibility at an OAS Permanent Council meeting</b>	LGBTI Core Group of the OAS	Mixed	Washington, D.C.	Blended	April 17	Commemorating the International Transgender Day of Visibility (CP/INF. 10164/24)
<b>Roundtable and technical dialogue on how to end the so-called conversion therapy</b>	LGBTI Core Group of the OAS	Mixed	Washington, D.C.	Blended	April 19	Discussing the causes and consequences of the practices known as “conversion therapy”
<b>Police, Law Enforcement, and LGBTI+ Communities: Best Practices in Training and Capacity-Building</b>	LGBTI Core Group of the OAS	Mixed	Washington, D.C.	Blended	May 10	Facilitating a technical dialogue and the exchange of information, experiences, tactics and strategies on the treatment afforded by the police and law enforcement officials to LGBTI persons, so that the audience has a new “tool kit” available to understand the realities faced by LGBTI persons
<b>International relations, foreign</b>	Ministry of Foreign	Mixed	Brasília, Brazil	Blended	June 25	Disseminating inter-American standards in



<b>policy and LGBTQIA+ Rights</b>	Affairs of Brazil					the context of the International LGBTQIA+ Pride Day
<b>Caribbean Dialogue Network meeting on the rights of LGBTI+ persons in the Caribbean</b>	IACHR	Civil society	Caribbean	Online	October 11	Disseminating inter-American standards in connection with the rights of LGBTI+ persons
<b>Regional Forum "Towards a Regional Protocol on the investigation of killings of LGBTIQ+ persons"</b>	OHCHR	Civil society	City of Guatemala, Guatemala	In person	November 7-8	Disseminating guidelines for the criminal investigation of violent deaths of LGBTIQ+ persons <b>50 attendees</b>
<b>Annual Forum on Human Rights, "Building Freedom: Political Strategies for LGBTIQ+ Rights and an Inclusive Future"</b>	Fundación Iguales, Panama	Civil society	Panama City, Panama	In person	December 4-5	Disseminating inter-American standards

<b>RAPORTEURSHIP ON THE RIGHTS OF LGBTI PERSONS TRAINING ACTIVITIES</b>						
<b>Name of the activity</b>	<b>Objective</b>	<b>Audience</b>	<b>Location</b>	<b>Format</b>	<b>Date</b>	<b>Number of people trained</b>
<b>Training course on gender violence against LGBTIQ+ persons</b>	Broadening knowledge about the mechanisms designed to investigate and punish violence in all spheres of life and guarantee the protection of victims and their families through fair and efficient proceedings	State	Ecuador	Online	May 9	88
<b>Workshop on LGBTI jurisprudence</b>	Improving understanding of the standards laid down by jurisprudence on the rights of LGBTI persons	Civil society	Regional	Online	May 14– June 14	30
<b>Seminar "Reinforcing the Capacities of LGTBIQ+ Civil</b>	Broadening knowledge about the mandate of the IACHR and about international standards	Civil society	Honduras	Online	May 30	12



<b>Society Organizations in Honduras</b>	on the human rights of LGBTI persons					
<b>Training course organized by the International Association of Lesbian, Gay, Bisexual, Trans and Intersex for Latin America and the Caribbean (ILGA-LAC) on 1) IACHR monitoring mechanisms and 2) inter-American standards on the protection of the rights of LGBTI persons</b>	Improving knowledge by the civil society on 1) IACHR monitoring mechanisms and 2) inter-American standards on the protection of the rights of LGBTI persons	Civil society	Regional	Online	June 10	12
<b>Workshop on LGBTI jurisprudence</b>	Improving knowledge about inter-American jurisprudence with LGBTI activists	Civil society	Asunción, Paraguay	In person	June 26	60
<b>Training session on inter-American standards for the protection of the human rights of LGBTI persons</b>	Strengthening knowledge by the civil society about 1) IACHR monitoring mechanisms and 2) inter-American standards on the protection of the rights of LGBTI persons	Mixed	Belém, Brasília, Brazil	In person	September 2-3	47
<b>Training sessions to reinforce capacities, targeted at officials from the Ministry of Social Development (MIDES) of Uruguay: "Sexual Diversity under a Human Rights- and Nondiscrimination-Based Approach"</b>	Drafting a set of practical recommendations and specific actions that can be implemented by public agencies to improve inclusion of LGBT+ persons in the labor market; reinforcing collaboration networks among several players interested in promoting diversity and equality in the workplace	State	Montevideo, Uruguay	In person	September 12-13	80



### 1.9. Rapporteurship on Memory, Truth, and Justice

201. The Rapporteurship on Memory, Truth, and Justice of the Inter-American Commission on Human Rights was created in 2019 following an analysis of the challenges to the implementation of legal and policy measures in the region in response to serious human rights violations. The Commission considered that the issue continued to be a priority for the region's countries and required close follow-up. Accordingly, it determined that the rapporteurship would support contributions to fight impunity and promote integral reparations, truth and memory in the Americas, shedding light on the structural ties between the past and the present. For more information, go to: [OAS :: IACHR :: Rapporteurship on Memory, Truth, and Justice](#).

RAPPOURSHIP ON MEMORY, TRUTH, AND JUSTICE PROMOTION ACTIVITIES						
Name of the activity	Organized by	Audience	Location	Format	Date	Objective
<b>II International Conference on Transitional Restorative Justice: Healing, Transforming and Building Peace, panel "New Frontiers of Transitional Restorative Justice and Dialogues Driven by Different Sources of Knowledge"</b>	Special Jurisdiction for Peace (JEP)	Mixed	Bogotá, Colombia	In person	July 2–3	Discussing "transitional restorative justice" from different perspectives

RAPPOURSHIP ON MEMORY, TRUTH, AND JUSTICE TRAINING ACTIVITIES						
Name of the activity	Objective	Audience	Location	Format	Date	Number of people trained
<b>Course "Public Policies of Memory, Truth, Justice, Reparation and Guarantees of Nonrepetition," Module 4: Justice Proceedings</b>	Discussing justice proceedings in the context of policies on memory, truth, justice, reparation and guarantees of nonrepetition, and the actions taken by the IACHR on the subject	Mixed	Buenos Aires, Argentina	Online	June 18	Figure not available

### 1.10. Rapporteurship on the Rights of Persons with Disabilities

202. In February 2019, the Commission created the Thematic Rapporteurship on the Rights of Persons with Disabilities to build the technical and institutional capacities necessary so that persons with disabilities are able to ensure the effective protection of their rights across the region, to create new mechanisms and to identify dynamics to achieve progress in the development of inter-American standards in line with the inter-American conventions. The Rapporteurship on the Rights of Persons with Disabilities



objective is to give visibility to the human rights challenges and violations that persons with disabilities in the Americas face to ensure the effective promotion and protection of their human rights, through the different mechanisms available under the inter-American system, and to identify synergies and new opportunities to move forward in the development of robust inter-American standards and promote laws, policies and practices that guarantee the effective and equal enjoyment of human rights by persons with disabilities on an equal footing). For more information, go to: [OAS :: IACHR :: Rapporteurship on the Rights of Persons with Disabilities \(oas.org\)](https://oas.org)

<b>RAPORTEURSHIP ON THE RIGHTS OF PERSONS WITH DISABILITIES PROMOTION ACTIVITIES</b>						
Name of the activity	Organized by	Audience	Location	Format	Date	Objective
<b>Webinar “Information Accessibility for Persons with Disabilities”</b>	Central American Bank for Economic Integration (CABEI), Economic Commission for Latin America and the Caribbean (ECLAC), National Institute for Transparency, Access to Information and Personal Data Protection (INAI)	Mixed	Central America	Online	September 10	Disseminating inter-American standards as part of the commemoration of the International Day for Universal Access to Information 178 attendees
<b>Webinar “2024 International Day of Persons with Disabilities”</b>	Mexican Federation of Human Rights Public Agencies, Federal Public Defender’s Office of Brazil, Federación Iberoamericana de Ombudsman (FIO), IACHR and Public Ombudsperson Office of Colombia	Mixed	Regional	Online	December 3	Raising awareness and driving conversations about the rights of persons with disabilities, as well as the challenges and opportunities they face, in commemoration of the 2024 International Day of Persons with Disabilities; reinforcing the commitment to inclusion, equal opportunities and accessibility; and emphasizing good practices and innovative initiatives that allow persons with disabilities to fully participate in all aspects of society  51 attendees



<b>Presentation of the IACHR Rapporteurship at the opening session of the United Nations Committee on the Rights of Persons with Disabilities</b>	Secretariat of the United Nations Committee on the Rights of Persons with Disabilities	Committee members; UN officials	International	Online	March 4, 2024	Sharing the work of the IACHR Rapporteurship on the subject and the priorities set for 2024 with the Committee on the Rights of Persons with Disabilities; inviting the Committee to work together and in coordination
---	--	---------------------------------	---------------	--------	---------------	--

RAPPEURSHIP ON THE RIGHTS OF PERSONS WITH DISABILITIES TRAINING ACTIVITIES						
Name of the activity	Objective	Audience	Location	Format	Date	Number of people trained
<b>Presentation by the Caribbean Court of Justice (CCJ) of the Rapporteurship on the Rights of Persons with Disabilities: "Main obstacles to punishment and reparation in cases of violence against persons with disabilities and/or structural obstacles"</b>	Improving the exchange of significant legal, institutional and jurisprudential advances; facilitating technical support and training between the IACHR and the CCJ	Mixed	Caribbean	Online	November 7	35

### 1.11. Rapporteurship on the Rights of Older Persons

203. At its 171<sup>st</sup> period of sessions, held in February 2019, the Commission decided to create the Thematic Rapporteurship on the Rights of Older Persons to expand and deepen the existing institutional framework for monitoring the protection of the rights of older persons. Previously, in March 2017, the Unit on the Rights of Older Persons had been created, during the 162<sup>nd</sup> period of sessions and within the framework of the 2017–2021 Strategic Plan, after having performed a diagnosis which highlighted that the protection of the rights of older people continued to be a priority challenge in the region that demanded close monitoring by the Inter-American Commission on Human Rights, also considering the adoption of the Inter-American Convention on Protecting the Human Rights of Older Persons in 2015.

204. In 2024, in addition to the promotional activities of the Rapporteurship on the Rights of Older Persons reported, the work of the Rapporteurship focused on the dissemination of the report *Human Rights of the Elderly and National Protection Systems in the Americas*. To that effect, Rapporteur De Mees participated in several promotion events about the inter-American standards on the rights of older persons in general and, specifically, on the care and autonomy of older persons, their protection against violence and abuse, and the experience of the Commission in the adoption and promotion of the Inter-American Convention on Protecting



the Human Rights of Older Persons. For more information enter: [OAS :: IACHR :: Rapporteurship on the Rights of Older Persons \(oas.org\)](https://oas.org)

RAPPOREURSHIP ON THE RIGHTS OF OLDER PERSONS PROMOTION ACTIVITIES						
Name of the activity	Organized by	Audience	Location	Format	Date	Objective
<b>Challenges and gaps in international human rights law and mechanisms concerning violence, abuse, and neglect of older persons in all settings, including private, public, and institutional settings, as well as specific contexts like armed conflicts, natural disasters, and pandemics</b>	OHCHR	Mixed	Geneva, Switzerland	In person	June 14	Deepening the awareness of state agents of structural problems that give rise to human rights violations in the hemisphere and of Program 14 (Attention to the structural factors that give rise to discrimination and violence against persons in situation of exclusion, in this case, concerning older persons)
<b>Dissemination of the report <i>Human Rights of the Elderly and National Protection Systems in the Americas</i></b>	Network of National Institutions for the Promotion and Protection of Human Rights in the American Continent (RINDHCA)	States	Regional	Online	June 6	Disseminating inter-American standards on the rights of older persons and their protection
<b>The World Congress, Adult Support and Care: "From Adult Guardianship to Personal Autonomy"</b>	International Guardianship Network	Mixed	Buenos Aires, Argentina	In person	October 27– 30	Discussing international human rights standards and ethics on the support and care of adults, gender perspective and ageing, sanitary and biotechnological approaches, self-protection acts, living wills and notarized powers of attorney, financial decision-making, judicial proceedings and legal responsibility, among others



## 2. Special mechanisms

### 2.1. Mechanism to Monitor the Recommendations Issued by the Interdisciplinary Group of Independent Experts (GIEI) for Bolivia (MESEG)

SPECIAL MONITORING MECHANISM FOR BOLIVIA (MESEG)						
TRAINING ACTIVITIES						
Name of the activity	Objective	Audience*	Location	Format	Date	Number of people trained
Training on the inter-American human rights system (IAHRS), Part I	Training members of the civil society from La Paz on the IAHRS, the country report and the follow-up of the recommendations made by the GIEI	Civil society	La Paz	In person	July 1	12 (5 women)
Training on the IAHRS, Parts I and II	Training members of the organizations of victims of La Paz on the IAHRS, the country report and the follow-up of the recommendations made by the GIEI	Civil society	La Paz	In person	July 1-2	15 (8 women)
Training on the IAHRS, Parts I and II	Training members of organizations of victims of El Alto on the reparation mechanism and the criteria for its determination	Civil society	La Paz	In person	July 2-3	15 (8 women)
Training on the IAHRS, Parts I and II	Training members of NGOs from Cochabamba on the reparation mechanism and the criteria for its determination	Civil society	Cochabamba	In person	July 3-4	6 (4 women)
Training on the IAHRS, Parts I and II	Training members of organizations of victims of Cochabamba on the IAHRS, the country report and the follow-up of the recommendations made by the GIEI	Civil society	Cochabamba	In person	July 4-5	10 (6 women)
Training workshop of	Training on the precautionary	Civil society		Online	July 1-31	N/A



some NGOs from Bolivia	measures mechanism					
---------------------------	-----------------------	--	--	--	--	--

## 2.2. Special Monitoring Mechanism for Nicaragua (MESENI)

SPECIAL MONITORING MECHANISM FOR NICARAGUA PROMOTION ACTIVITIES						
Name of the activity	Organized by	Audience	Location	Format	Date	Objective
<b>Response of Protection Bodies to the Stripping of Nationality and Other Reprisals against a Sector of the Population Identified as Opposition</b>	Race and Equality	Mixed	Washington, D.C.	In person	February 8	Holding conversations a year after the forced exile of 222 Nicaraguan citizens, the deprivation of nationality suffered by other 94 Nicaraguan citizens and the situation of over 91 persons who are still arbitrarily deprived of liberty for political reasons in Nicaragua  40 attendees
<b>Resisting to Continue Defending Human Rights: Reflections One Year after Forced Exile and Stripping of Nicaraguan Nationality</b>	Race and Equality	Mixed	San José, Costa Rica	In person	March 8	Holding conversations a year after the forced exile of 222 Nicaraguan citizens, the deprivation of nationality suffered by other 94 Nicaraguan citizens and the situation of over 91 persons who are still arbitrarily deprived of liberty for political reasons in Nicaragua  40 attendees
<b>International Solidarity for Nicaragua: Setbacks, Advancements and Future Challenges</b>	Race and Equality	State, civil society	Geneva, Switzerland	In person	September 12	Disseminating and raising the visibility of the situation of Nicaragua in the context of the forthcoming Universal Periodic Review (UPR) and promoting the work of the MESENI



						50 attendees
--	--	--	--	--	--	--------------

SPECIAL MONITORING MECHANISM FOR NICARAGUA TRAINING ACTIVITIES						
Name of the activity	Objective	Audience*	Location	Format	Date	Number of people trained
<b>Training on international advocacy for human rights defenders</b>	Training Nicaraguan human rights defenders on international advocacy concerning the serious human rights violations that have been committed in Nicaragua since 2018	Civil society	San José, Costa Rica	Blended	February 24	28

### 2.3. Special Monitoring Mechanism for Venezuela (MESEVE)

SPECIAL MONITORING MECHANISM FOR VENEZUELA PROMOTION ACTIVITIES						
Name of the activity	Organized by	Audience*	Location	Format	Date	Objective
What Venezuelan migrants go through in the face of xenophobia and the absence of rights	Centro de Justicia y Paz (CEPAZ)	Civil society	Venezuela	Online	January 31	Holding a dialogue about human mobility and current migration policies, especially in the United States  35 attendees (29 women)
The impact of Venezuela's "NGO law" on humanitarian aid and human rights	Office of the Special Rapporteur for Freedom of Expression	Mixed	Washington, D.C.	Blended	March 15	Holding a dialogue on the draft Law on Control, Regularization, Operations and Financing of Nongovernmental and Related Organizations.  76 attendees (37 women)
Electoral participation in	MESEVE	Civil society	Washington, D.C.	In person	March 20	Discussing effective strategies for democratic players



Project for Venezuela						to communicate with voters
						9 attendees (4 women)
International justice in Venezuela	MESEVE	Civil society	Bogotá, Colombia	Blended	August 21–22	Discussing the work of the Commission concerning the situation in Venezuela
						54 attendees
Fifty-seventh session of the UN Human Rights Council #HRC57 on #Venezuela	MESEVE	Mixed	Geneva, Switzerland	Blended	September 20	Presenting the work of the Commission related to Venezuela

### 3. Follow-up on recommendations and SIMORE

205. During 2024, the Follow-up on Recommendations and Impact Section (SRI) carried out a series of promotion and training activities whose purpose was to share and publicize the features of the inter-American SIMORE. Those activities were intended to encourage member states, civil society organizations and autonomous entities to create accounts and publish information on the follow-up of recommendations on the SIMORE platform. Chapter I of this annual report contains more information on the activities undertaken in the context of the inter-American SIMORE, as well as additional activities involving joint roundtables with civil society organizations to optimize recommendation follow-up.

206. The following is a list of the main training and promotion activities conducted to disseminate and publicize the SIMORE online tool. Some additional activities related to recommendation follow-up are also listed.

207. During 2024, based on the training strategy for the use of SIMORE, the Commission continued to conduct training sessions for potential users from OAS member states, the civil society, autonomous organizations and academic institutions. Over the course of the year, the Commission organized and conducted a total of nine online sessions to provide training on the use of the inter-American SIMORE. Out of those training exercises, three were addressed to member States (June 7, July 17 and December 3), three were targeted at civil society organizations (May 9, October 31 and November 28) and three at autonomous human rights organizations (February 28, April 3 and May 8).

FOLLOW-UP SECTION PROMOTION ACTIVITIES						
Name of the activity	Organized by	Audience	Location	Format	Date	Objective
Follow-up methodologies: SIMORE	IACHR	The Danish Institute for Human Rights	Washington, D.C., USA	Online	February 28	Sharing information on the operation of the inter-American SIMORE



						2 attendees
Follow-up methodologies: SIMORE	IACHR	National Recommendations Tracking Database (NRTD)	Washington, D.C., USA	Online	April 3	Informing the OHCHR team about the SIMORE features
Follow-up methodologies: SIMORE	IACHR	The Danish Institute for Human Rights	Washington, D.C., USA	Online	May 8	1 attendee Exploring collaboration and joint work areas with regard to the SIMORE
Follow-up of IACHR recommendations and decisions	IACHR	Chilean National Mechanism for the Prevention of Torture (MNPT)	Washington, D.C., USA	Online	May 9	2 attendees Informing about recommendation follow-up mechanisms, including the SIMORE
Caribbean Dialogue Network meeting on the follow-up of recommendations	IACHR	Civil society	Washington, D.C., USA	Online	October 31	1 attendee Educating the Caribbean civil society on the work of the IACHR related to the follow-up of its recommendations
						32 attendees

FOLLOW-UP SECTION TRAINING ACTIVITIES						
Name of the activity	Objective	Audience	Location	Format	Date	Number of people trained
Training on the follow-up of recommendations and precautionary measures under a gender-based approach targeted at officials of the Brazilian State	Expanding knowledge of the follow-up of recommendations and precautionary measures under a gender-based approach for officials of the Brazilian State who work specifically in the reporting of information about compliance to the IACHR	State	Brasília	In person	June 7	15
Training on the inter-American SIMORE.	Informing about the SIMORE and its use	State of Bolivia	Washington, D.C., USA	Online	July 17	7
Training on the inter-American SIMORE	Explaining how to upload the information required for Chapter V of the annual report to the SIMORE	State of Peru	Washington, D.C., USA	Online	December 3	2



Recommendation follow-up methodologies	Providing information on the process to issue and follow up on recommendations, including the use of the SIMORE	Civil society	Guatemala	In person	November 28	30
--	--	------------------	-----------	--------------	----------------	----

208. In terms of the results of the strategy for the dissemination of and training on the system, at the end of 2024, the Commission had recorded a total of 228 active user accounts, with which stakeholders are able to publish information on the follow-up of the Commission's recommendations. Out of those accounts, 53 were created for 12 OAS member states (four of these were created for the State of Bolivia and two for Peru in 2024). Moreover, there are 143 active accounts for civil society organizations and universities. One of those accounts was activated in 2024 for an organization in Colombia. Finally, as of this date, there are 32 active accounts for 14 independent organizations, one of which was activated in 2024 for the MNPT. These numbers are highly significant in that they provide an important base of strategic actors allied to the inter-American SIMORE who are able to upload information on recommendation compliance through this online platform.





# IVa

**Situation of  
Human Rights  
in the Region**



---

**CHAPTER IV.A: SITUATION OF HUMAN RIGHTS IN THE  
REGION**

<b>OVERVIEW OF HUMAN RIGHTS SITUATION BY COUNTRY .....</b>	<b>475</b>
<b>I. ANTIGUA AND BARBUDA.....</b>	<b>478</b>
<b>II. ARGENTINA .....</b>	<b>480</b>
<b>III. BAHAMAS.....</b>	<b>489</b>
<b>IV. BARBADOS.....</b>	<b>492</b>
<b>V. BELIZE .....</b>	<b>495</b>
<b>VI. BOLIVIA .....</b>	<b>499</b>
<b>VII. BRAZIL .....</b>	<b>505</b>
<b>VIII. CANADÁ .....</b>	<b>515</b>
<b>IX. CHILE .....</b>	<b>520</b>
<b>X. COLOMBIA.....</b>	<b>527</b>
<b>XI. COSTA RICA .....</b>	<b>537</b>
<b>XII. DOMINICA .....</b>	<b>544</b>
<b>XIII. DOMINICAN REPUBLIC .....</b>	<b>546</b>
<b>XIV. ECUADOR.....</b>	<b>553</b>
<b>XV. EL SALVADOR .....</b>	<b>560</b>
<b>XVI. GRENADA .....</b>	<b>569</b>
<b>XVII. GUATEMALA.....</b>	<b>571</b>



<b>XVIII.</b>	<b>GUYANA .....</b>	<b>580</b>
<b>XIX.</b>	<b>HAITI.....</b>	<b>585</b>
<b>XX.</b>	<b>HONDURAS.....</b>	<b>589</b>
<b>XXI.</b>	<b>JAMAICA .....</b>	<b>598</b>
<b>XXII.</b>	<b>MEXICO .....</b>	<b>603</b>
<b>XXIII.</b>	<b>PANAMÁ .....</b>	<b>614</b>
<b>XXIV.</b>	<b>PARAGUAY.....</b>	<b>619</b>
<b>XXV.</b>	<b>PERU .....</b>	<b>624</b>
<b>XXVI.</b>	<b>SAINT KITTS AND NEVIS .....</b>	<b>636</b>
<b>XXVII.</b>	<b>SAINT VINCENT AND THE GRENADINES.....</b>	<b>638</b>
<b>XXVIII.</b>	<b>SAINT LUCIA.....</b>	<b>639</b>
<b>XXIX.</b>	<b>SURINAME.....</b>	<b>641</b>
<b>XXX.</b>	<b>TRINIDAD AND TOBAGO.....</b>	<b>644</b>
<b>XXXI.</b>	<b>UNITED STATES .....</b>	<b>647</b>
<b>XXXII.</b>	<b>URUGUAY .....</b>	<b>656</b>

<b>PARTIAL DISSENTING VOTE OF COMMISSIONER CARLOS BERNAL PULIDO ON CHAPTER IV.A DEVELOPMENT OF HUMAN RIGHTS IN THE REGION - OVERVIEW OF THE HUMAN RIGHTS SITUATION BY COUNTRY .....</b>	<b>662</b>
---	------------



## CHAPTER IV.A

### SITUATION OF HUMAN RIGHTS IN THE REGION

#### OVERVIEW OF HUMAN RIGHTS SITUATION BY COUNTRY<sup>1</sup>

#### METHODOLOGY

1. The Commission approved that Chapter IV.A of its 2024 Annual Report should correspond to an overview of the human rights situation in the States of the region, with special emphasis on the rights and issues prioritized by the IACHR through its Thematic Rapporteurships,<sup>2</sup> as well as on the cross-cutting themes established by the Commission in its 2023-2027 Strategic Plan.<sup>3</sup>

2. In preparing this section, the IACHR took into account the information received regarding the human rights situation in the region during 2024, in the exercise of its monitoring function. The IACHR used input from the different mechanisms through which the IACHR has followed up on the situation in the country, such as public hearings, thematic visits, requests for information under Article 41 of the American Convention and Article 18 of the IACHR Statute, and precautionary measures; as well as information from civil society organizations, journalistic notes, decisions and recommendations from specialized international bodies, among others.

3. In addition, and in accordance with the powers established in Article 41 of the American Convention and Article 18 of the Statute of the IACHR, in September 2024, the Commission requested information from the Member States on the rights, themes and cross-cutting issues prioritized in the Strategic Plan mentioned above. The IACHR received responses from the following Member States before the close of this report: Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Mexico, Panama, Paraguay, Peru, Suriname, and Uruguay. The IACHR is grateful for and appreciates the information sent, which has been included in this chapter.

4. The Commission is grateful for the information provided by institutions and civil society organizations throughout the year through the different monitoring mechanisms, which was included in this section.

#### TRENDS

5. This introduction highlights some of the advances and challenges observed in the human rights situation in the region during 2024. To this end, trends were identified with respect to the cross-cutting themes of democratic institutions and citizen security, memory, truth and justice, as well as equality and non-

---

<sup>1</sup> Chapter not approved by Commissioner Carlos Bernal Pulido, with a partial reasoned vote. The partial reasoned vote is found at the end of this chapter.

<sup>2</sup> The IACHR has the following 11 thematic rapporteurships: Rapporteurship on the Rights of Indigenous Peoples; Rapporteurship on the Rights of Women; Rapporteurship on Human Mobility; Rapporteurship on the Rights of the Child; Rapporteurship on Human Rights Defenders; Rapporteurship on the Rights of Persons Deprived of Liberty; Rapporteurship on the Rights of Persons of African Descent and against Racial Discrimination; Rapporteurship on the Rights of Lesbian, Gay, Bisexual, Trans and Intersex Persons; Rapporteurship on Memory, Truth and Justice; Rapporteurship on Older Persons; Rapporteurship on Persons with Disabilities. There are also two Special Rapporteurships: Special Rapporteurship on Freedom of Expression; and Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>3</sup> The IACHR's [Strategic Plan 2023-2027](#) includes the following cross-cutting themes: democratic institutionality; human rights institutionality; gender, intercultural and intersectionality approach; security and violence; access to justice and judicial independence; development and human rights; human rights in the digital environment; promotion of the ratification of inter-American human rights instruments.



discrimination, particularly with respect to persons and groups in situations of special vulnerability. The IACHR monitoring was particularly attentive to the effects, in terms of human rights, of unequal power relations between individuals and social groups. These inequalities are rooted in the complex intersection of historical, economic, political and cultural factors that have given rise to historical and systematic discrimination and human rights violations.

6. In terms of **democratic institutions**, although the holding of free and democratic elections in the region is recognized, there were serious challenges to the principle of separation of powers, one of the essential elements of representative democracy.<sup>4</sup> In particular, a series of actions promoted by powerful groups from within and outside the State were observed, aimed at weakening **judicial independence** and, consequently, the democratic rule of law. These include, among others, legal initiatives, political trials or disciplinary proceedings, which seek to arbitrarily remove judicial operators and prosecutors. Reports were received of undue interference by other branches of government and private individuals in the selection processes of justice operators, through the failure to apply minimum fundamental criteria such as equality, non-discrimination, training, merit and transparency, in accordance with Inter-American standards. Initiatives of the Executive and/or Legislative Branch were also observed in defiance of the enforcement of judicial decisions. The independence of the judiciary is an essential condition both for its functioning and for guaranteeing human rights and the democratic rule of law.

7. In this context, we observed both a growing questioning of democratic institutions by the population and an increase in polarization in the societies of the Americas. In particular, the way in which this exacerbated polarization impacts democracies, by placing institutionality in second place to partisan and emotional affiliations. This, with the consequent loss of citizen confidence in institutions and the generation of conditions for the emergence of various forms of political violence.<sup>5</sup> Democracy, the rule of law and human rights are interdependent pillars for guaranteeing peace, stability and development in the region. Within this triad, the system of checks and balances plays an essential role in preventing abuses of power, guaranteeing equality before the law, protecting human rights and promoting social cohesion.

8. With respect to **citizen security**, the Commission observed major challenges in addressing the high levels of violence and insecurity resulting from criminality and organized crime. Militarization actions persist in the region and the excessive use of force in the face of demonstrations. At the same time, in several countries in different parts of the region, States are resorting more frequently to the suspension of guarantees through states of emergency to address this situation. In this sense, the IACHR has questioned its use when it is decreed either in a prolonged or permanent manner, when it is based on vague or ambiguous expressions such as "acts of violence in different regions of the country", or when there is a lack of justification or indications that the situation could not have been addressed through the ordinary mechanisms of the State. For its part, the Inter-American Court has pointed out that the suspension of guarantees must operate as a strictly exceptional measure to confront real emergency situations and does not constitute a means to confront common criminality.

9. The Commission recalls that public policies on citizen security must provide effective and efficient responses to the demands of a democratic society, based on a comprehensive approach to the causes and consequences of crime, and within the limits established by international and inter-American human rights standards. Faced with the false dilemma between adopting effective actions to confront crime and complying with the international human rights obligations of States, the Commission emphasizes that respect for fundamental rights is not only compatible with a citizen security policy, but is its indispensable condition.

---

<sup>4</sup> Article 3: "Essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms; access to and the exercise of power subject to the rule of law; the holding of periodic, free, fair elections based on universal and secret suffrage as an expression of the sovereignty of the people; the pluralistic system of political parties and organizations; and the separation and independence of the branches of government

<sup>5</sup> In this sense, the IACHR pronounced itself in the [report "Social Cohesion: The Challenge for the Consolidation of Democracy in Bolivia"](#), OEA/Ser.L/V/II. Doc.1/24 January 20, 2024, para. 75.



10. In this cross-cutting context between democratic institutions and citizen security, there was a generalized tendency to **reduce civic space**. This situation is manifested in restrictions on the right to protest, the disproportionate use of public force against demonstrators and journalists, and an increasingly hostile environment for the exercise of freedom of expression and the work of **human rights defenders**. The passing of laws limiting their funding and actions, including through the cancellation of their legal status. The Commission documented attacks, threats and a high number of murders against human rights defenders, as well as the criminalization of their work in several States in the region as a way of hindering the right to defend human rights.

11. Likewise, the IACHR observed the worsening situation of insecurity for **justice operators**, particularly in the face of organized crime, as well as harassment in the face of decisions contrary to their interests. It is the obligation of the States to guarantee the security of their justice operators against all kinds of external pressures, since the exercise of the jurisdictional function can be seriously affected, and consequently access to justice.

12. Along the same lines, the IACHR noted the weakening of institutions and policies specializing in **memory, truth, justice and reparation** for serious violations of human rights, as well as the absence of key regulations related to historical memory and the search for missing persons. It also identified serious setbacks in the fight against impunity, expressed in the processing or approval of laws that allow the statute of limitations for crimes against humanity or setbacks in emblematic criminal cases.

13. Significant progress was made in the region in the area of **equality and non-discrimination**. Some States advanced legislation and public policies to guarantee the rights derived from a family relationship between persons of the same sex; to promote the inclusion of persons and groups historically discriminated against in the labor and educational spheres; and to promote political participation and access to basic services for indigenous communities and persons of African descent; as well as to guarantee the ESCR of persons with disabilities. Progress was also made in the recognition of the rights of the **elderly**, as well as in the consolidation and strengthening of systems of care and protection of the rights of this population.

14. However, in other countries, the particular challenges faced by individuals and groups suffering from historical and systematic discrimination intensified. In particular, there was an increase in hate speech, misinformation and questioning of the rights of **LGBTI people, women, Afro-descendants, indigenous and tribal peoples**, as well as initiatives that threaten the full participation and autonomy of **people with disabilities**. Likewise, there was a weakening of legislation, policies and institutions dedicated to combating discrimination and violence against these groups. This has led to an increase in violence, particularly against women and LGBTI people. This is in addition to the already high rates of gender violence against women, particularly in the family or domestic sphere. In addition, systematic discrimination against indigenous peoples and Afro-descendants has worsened.

15. With respect to the rights of **children and adolescents**, the IACHR observed that significant challenges persist, particularly the poverty that still plagues a significant portion of this population and the violence against children and adolescents in family, educational, and institutional settings. Also of concern is the tendency observed in some countries to implement curfews, which could violate the individual liberty of children and adolescents.

16. With regard to the situation of persons **deprived of their liberty**, the IACHR identified a deterioration in detention conditions in several countries in the region, characterized by overcrowding, lack of access to basic services and lack of reintegration activities. This is compounded by intra-prison violence and torture in prisons, as well as the implementation, in some countries, of more restrictive detention regimes with measures that severely limit contact with family members and defense counsel, affecting the fundamental rights of detainees.

17. Finally, with respect to **people in human mobility**, the outlook for 2025 shows a worrisome panorama, with the use of discourse and other policies by authorities that stigmatize them, pointing out that



they threaten national security and are economically detrimental to the countries of transit or destination. This context is accompanied by threats of mass detention and deportation, seriously affecting those who migrate for different reasons or who seek international protection. The IACHR also noted setbacks characterized by the implementation of restrictive migration policies aimed at containing the movement of people and limiting access to protection procedures

18. Pursuant to Article 59.2.e.i of the IACHR Rules of Procedure, the following is a country-by-country overview of the human rights situation in the hemisphere during the year 2024. Each section is divided into two parts: **general considerations**, highlighting progress and challenges per country identified by each of the thematic rapporteurships; and **specific issues**, corresponding to the cross-cutting themes prioritized in the IACHR Strategic Plan, in particular: democratic institutions, human rights institutions, access to justice, citizen security, equality and non-discrimination. This overview is complemented by the reports of the Office of the Special Rapporteur for Freedom of Expression (RELE) and the Office of the Special Rapporteur for Economic, Social, Cultural and Environmental Rights (REDESCA), which are published in the respective chapters of this annual report.

## I. ANTIGUA AND BARBUDA

### • General considerations

19. As it relates to **progress**, the Commission notes efforts by the State to reduce delays in its criminal justice system. Moreover, the IACHR takes note of the progress of a judicial challenge against abortion laws in the State. Additionally, the Commission highlights the State's efforts to provide adequate medical care to persons with psychosocial disabilities who are deprived of liberty.

20. As it relates to **challenges**, the IACHR notes with concern the increase in homicides and the introduction of a juvenile curfew in the State. Moreover, the Commission takes note of the high occupancy levels in His Majesty's Prison.

21. The State did not respond to the request for information to prepare this chapter.

### • Specific issues

22. With respect to **democratic institutional**ity, the Commission notes the Electoral Commission's submission in March of its report on the 2023 general election. According to public information, this Report underscores the need for the reform of electoral laws, particularly regarding campaign financing, and identifies current lacunas in the laws, including the Representation of the People's Act, which make it challenging to regulate the financing activities of political parties.<sup>6</sup>

23. Regarding **citizen security**, in September the State passed the Anti-Gang Act, which seeks to discourage gang-related activity and membership in an effort to maintain public order and safety.<sup>7</sup> According to the Act, a person who recruits another person, including a child, to a gang commits an offence and can face up to 10 years in prison if found guilty.<sup>8</sup>

24. Moreover, the Commission notes with concern an increase in homicides in the State. According to public information, for the period between January and June 2024 there were approximately 6 homicides, compared to 2 homicides reported for the same period in 2023.<sup>9</sup> While this is low as compared to

<sup>6</sup> Antigua News Room, [Antigua and Barbuda Electoral Commission Report Urges Overhaul of Campaign Financing Laws](#), March 4, 2024.

<sup>7</sup> Antigua and Barbuda, [Anti-Gang Bill, 2024](#), September, 2024.

<sup>8</sup> Antigua and Barbuda, [Anti-Gang Bill, 2024](#), section 7, September, 2024.

<sup>9</sup> Antigua News Room, [Antigua: Murders up for the first half of 2024](#), July 4, 2024.



other homicide figures in the Caribbean region, this represents an approximate 200% increase in homicides in 2024. The State's homicide rate was 6.23 per 100,000 inhabitants as of June.<sup>10</sup>

25. In relation to **access to justice**, according to public information, in May the amendment to the Criminal Proceedings (Trial by Judge Alone) Act made judge alone trials permanent, including for inchoate offences. This amendment seeks to assist with the reduction of delays in the criminal justice system.<sup>11</sup> The IACHR also notes the State's introduction of the Partnership of the Caribbean and the European Union on Justice (PACE Justice) Project in July. This Project aims to enhance the institutional capacities of officials in the criminal justice system and reduce the backlog of court cases via the training of judicial and public officials on restorative justice and criminal mediation best practices.<sup>12</sup>

26. With respect to the rights of **children**, the IACHR takes note with concern of the juvenile curfew introduced in October through the Small Charges (Amendment) Act, 2024. This legislation, which does not specify an end-term, establishes a curfew which makes it an offence for unaccompanied minors to be out at night unless they are with a parent or guardian, and during the day unless they are engaged in lawful recreational or educational activities.<sup>13</sup> Additionally, the Commission has noted reports indicating an increasing trend of school dropouts among youths under 16, largely attributed to a heightened fear of gang violence.<sup>14</sup>

27. Regarding the rights of **women**, in November the State launched a sexual offenders' registry as part of the implementation of the law approved in 2022 to combat sexual recidivism.<sup>15</sup> Further, the High Court decided to continue with the trial challenging the abortion legislation that allows women to terminate pregnancies only in cases of risk to their health.<sup>16</sup> According to the claimant, the current law lacks guidelines to differentiate between legal and illegal termination of pregnancy, which promotes arbitrary and discriminatory practices against women.<sup>17</sup>

28. In addition, the Commission takes note of the workshop, hosted in March, aimed at the media to promote language with a gender perspective and prevent the dissemination of gender stereotypes within the framework of the Canada-CARICOM Expert Deployment Mechanism.<sup>18</sup> Additionally, the Commission notes that in May the Government proposed the creation of public daycare centers to reduce the costs associated with childcare in order to facilitate the incorporation of young mothers into the labor market, especially those from densely populated areas.<sup>19</sup>

29. As for **persons deprived of liberty**, the Commission takes note of the State's efforts in April to relocate inmates with psychosocial disabilities from His Majesty's Prison to a dedicated facility. According to public information, a refurbished facility in the East of the island will serve as this temporary space and will be

<sup>10</sup> The IACHR calculated the homicide rate based on the State's population of 96,286 according to data from The World Bank Group. The World Bank Group, [Antigua and Barbuda](#), 2023.

<sup>11</sup> Antigua Observer, [Trials by Judge Alone made permanent as Senate passes Bill unanimously](#), May 22, 2024; Antigua and Barbuda, [Criminal Proceedings \(Trial By Judge Alone\) Bill, 2021](#), 2021.

<sup>12</sup> Antigua News, [Government lauds the Pace Justice Project initiative aimed at Speeding Up Court Cases](#), July 5, 2024; UNDP Barbados and the Eastern Caribbean [@UNDP]. (July 4, 2024). *Antigua & Barbuda's heavy backlog of criminal cases is putting a strain on their judicial system* [Tweet]. Twitter. <https://x.com/UNDPBarbadosEC/status/1808943626011168778>; United Nations Development Programme, [The Partnership of the Caribbean and the European Union on Justice \(PACE Justice\) Regional Programme](#), October 17, 2023.

<sup>13</sup> Government of Antigua and Barbuda, [Small Charges \(Amendment\) Act](#), 2024.

<sup>14</sup> Antigua News Room, [Youths Dropping Out of School Because of Fear of Violence](#), September 2, 2024.

<sup>15</sup> Antigua News, [Antigua and Barbuda launches sex offenders registry with controlled access](#), November 30, 2024.

<sup>16</sup> Antigua News Room, [High Court Allows Abortion Law Challenge to Move Forward in Antigua and Barbuda](#), October 17, 2024.

<sup>17</sup> NY Carib News, [Antigua/Barbuda – Colonial Era Abortion Laws Challenged](#), October 29, 2024.

<sup>18</sup> Government of Antigua and Barbuda, [Antigua and Barbuda National Report for the Beijing Declaration and Platform for Action](#), 2024, p. 41.

<sup>19</sup> Antigua News, [Gov't on a roll to uplift women in Antigua and Barbuda](#), May 16, 2024.



staffed with a complement of personnel, including nurses.<sup>20</sup> However, the Commission expresses its concern regarding the State's prison system which, as of September 2024, has an occupancy level of 266.7%.<sup>21</sup>

30. In addition, the Commission expresses its concern regarding the death of an inmate in August at His Majesty's Prison after having an altercation with a prison guard.<sup>22</sup> The IACHR takes note that a prison guard has been charged with homicide and remanded into the custody.<sup>23</sup>

31. In relation to the **death penalty**, the IACHR notes that the State continues to retain the death penalty punishment even though no executions have been carried out since 1991, no one is currently under this penalty, and nobody has been sentenced to death since 1991.<sup>24</sup>

## II. ARGENTINA

### • General considerations

32. In 2024, Argentina achieved **progress** in the implementation of the adversarial system of justice in federal criminal courts, the introduction of a special framework for the regularization of Venezuelan migrants, the development of programs to promote the inclusion of persons with disabilities in the workplace, education and sports, the establishment of a state observatory for the care system for adults and older persons, and the provision of support to Roma communities involved in legislative activities to secure the recognition of their rights.

33. As it relates to **challenges**, the Commission underscores the consequences of the measures aimed at reorganizing and downsizing the State, which have undermined the efforts to combat gender-based violence and discrimination and have had a greater impact on the enjoyment of economic, social, cultural and environmental rights (ESCERs). Moreover, the Commission observed setbacks in memory, truth and justice policies, which are essential for addressing the legacy of human rights violations in the country.

34. On October 10, 2024, the State submitted its response to the Commission's request for information to prepare this chapter.<sup>25</sup>

### • Specific issues

35. With regard to the **democratic institutional**ity, the State informed that it had adopted measures to guarantee access to public information and ensure transparency in the public administration, such

<sup>20</sup> Antigua Observer, [Judge tasks minister with finding suitable detention facility for mentally ill murder accused](#), April 12, 2024; Antigua Observer, ['Better late than never': Gov't plans to move mentally ill inmates out of national prison](#), April 19, 2024; Caribbean Loop News, [Antigua: Mentally ill prisoners to be moved to a separate facility](#), April 18, 2024; Antigua Newsroom, [Government Allocates Crabbes Building for Mentally Challenged Offenders' Care and Security](#), April 18, 2024; and Caribbean National Weekly, [Antigua and Barbuda to relocate mentally unstable prisoners](#), April 18, 2024.

<sup>21</sup> World Prison Brief, [Antigua and Barbuda](#), May 2023. Also, see: Statista, [Prison occupancy rates in the Caribbean as of 2024 - by country](#), September 2024.

<sup>22</sup> Antigua Observer, [Prison inmate died of blood clot linked to injuries, death certificate says](#), August 3, 2024; Antigua Newsroom, [Funeral Held for Man Who Died from Injuries After Prison Altercation](#), September 5, 2024; and Caribbean National Weekly, [Correctional officer charged with murder of inmate in Antigua](#), September 12, 2024.

<sup>23</sup> Antigua Newsroom, [Prison officer Remanded To Prison For Murder](#), September 12, 2024; Antigua Observer, [Prison guard detained for questioning over inmate death](#), September 10, 2024; Antigua Observer, [Father awaits justice for son's death after former prison guard charged with murder](#), September 12, 2024; and Caribbean National Weekly, [Correctional officer charged with murder of inmate in Antigua](#), September 12, 2024.

<sup>24</sup> World Coalition Against the Death Penalty, [Antigua and Barbuda](#), May 2023. Last visited: October 2024.

<sup>25</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024.



as regulations governing requests for information and a new methodology for monitoring active transparency policies within the public administration.<sup>26</sup>

36. As part of these measures, the government issued executive decrees to reorganize state institutions by merging ministries, transferring competencies and closing entities. These actions were carried out under the state of public emergency declared in 2023, which covered economic, financial, fiscal, administrative, social security, public utility rates, health and social matters. The State reported that the purpose of this declaration was to ensure the stability of the national budget and improve bureaucratic efficiency.<sup>27</sup>

37. However, during a thematic hearing organized by the Commission, organizations warned about the regressive effects on human rights of the austerity policies and cuts in social protection programs that were implemented without considering their impact on the most vulnerable sectors, such as workers of the popular economy. They highlighted, in particular, the negative impact on the national intelligence system, retirement and pension programs and telecommunications and internet services. These organizations added that social participation had been weakened and that essential programs aimed at eradicating poverty had been put at risk.<sup>28</sup>

38. In this regard, a report issued by the National Statistics and Census Institute (INDEC) revealed that poverty affected 52.9 percent of the population in the first semester of the year, impacting 15.7 million people. This represents an 11.2 percent increase nationwide compared to the second half of 2023.<sup>29</sup>

39. With respect to **human rights institutions**, the National Congress has yet to appoint the head of the National Office of the Ombudsperson, a challenge that has persisted for 15 years and continues to undermine this institution.<sup>30</sup> Similarly, Congress may fail to adopt measures to extend the mandate of the current Ombudswoman for the Rights of Children and Adolescents in Argentina, set to expire in March 2025, or to appoint a new head to the office, potentially jeopardizing the defense of the rights of this population.<sup>31</sup>

40. The State shut down the National Institute Against Discrimination, Xenophobia and Racism (INADI), which was responsible for handling cases involving racism and xenophobia and served as the focal institution for the United Nations Committee on the Elimination of Racial Discrimination (CERD).<sup>32</sup>

41. Regarding **citizen security**, the State reported that it had provided training to provincial and federal security forces, as well as federal prison staff, as part of the Training Program for Security Forces on Human Rights and the Prevention of Institutional Violence.<sup>33</sup>

42. However, several cases of disproportionate use of public force against demonstrators and journalists were recorded in 2024. The Commission noted that, between January and September 2024, several demonstrations near the National Congress of Argentina were met with violent repression. For instance, from January 31 to February 2, 31 people were arrested and 285 were injured during demonstrations against the “Omnibus Bill of Law” (*Ley de Bases y Puntos de Partida para la Libertad de los Argentinos*), including 35

<sup>26</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024.

<sup>27</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024.

<sup>28</sup> IACHR, Press Release No. 290/24, [IACHR Concludes its 191st Period of Sessions with 35 Public Hearings on Human Rights in The Americas](#), November 21, 2024.

<sup>29</sup> National Statistics and Census Institute (INDEC), [Incidencia de la pobreza y la indigencia en 31 aglomerados urbanos - Primer semestre de 2024 - Informes técnicos / Vol. 8, No. 220](#), Buenos Aires, September 26, 2024.

<sup>30</sup> IACHR, [2023 Annual Report, Chapter IV.A. Argentina](#), para. 43.

<sup>31</sup> Office of the Ombudswoman for the Rights of Children and Adolescents, *Op. cit.* See also: *Tiempo Argentino*, “[La Defensoría de la Niñez podría quedar acéfala: ‘Sería trágico para el sistema de protección de derechos’](#),” December 5, 2024.

<sup>32</sup> DW, “[Argentina cierra instituto nacional contra la discriminación](#),” February 23, 2024; Government of Argentina, “[INADI](#),” August 6, 2024.

<sup>33</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024.



journalists who were struck by rubber bullets and sprayed with tear gas.<sup>34</sup> On June 12, reports highlighted the excessive use of nonlethal weapons by security forces during demonstrations against the “Bill of Law on Principles,” (which was a second debate on the former Omnibus Bill of Law); as a result, several journalists were injured.<sup>35</sup> On September 11, the use of tear gas and rubber bullets was reported during demonstrations by pensioners against the veto on the Pension Adjustment Law. Demonstrators and bystanders, including children and older adults, were injured during the protest, as documented by the National Committee to Prevent Torture.<sup>36</sup>

43. On **access to justice**, the State informed that National Directorate for Assistance to Victims of Institutional Violence and Discrimination, which operates under the Secretariat of Human Rights, had provided assistance and support in 549 cases of institutional violence. These cases involved torture and arbitrary detentions, among other issues.<sup>37</sup> The Argentina State also reported measures to ensure access to justice for persons with disabilities through the National Registry of Communication Facilitators. For its part, the Ministry of Justice published a decree for the gradual implementation of the adversarial system of justice in the federal criminal courts, based on principles such as equality between the parties, as well as oral and public proceedings. The State indicated that this system is expected to be implemented nationwide by 2027.<sup>38</sup>

44. With regard to the rights of **indigenous peoples**, the State repealed the decree extending the “emergency concerning the possession and ownership of lands traditionally occupied by indigenous communities.” This action represents a regulatory setback, inasmuch as it put an end to the suspension of evictions on lands traditionally occupied by indigenous peoples.<sup>39</sup> However, evictions were carried out in the provinces of Jujuy,<sup>40</sup> Río Negro<sup>41</sup> and Chubut<sup>42</sup> even while the territorial emergency was in place.

45. In addition, the State reopened technical legal-cadastral land surveys that had already been completed, thus creating legal uncertainty over lands traditionally occupied by indigenous peoples.<sup>43</sup> It also suspended the National Registry of Indigenous Communities and halted administrative procedures for granting legal status to indigenous communities. In addition, 13 districts still lack a provincial registry.<sup>44</sup>

46. These measures were adopted in a context marked by stigmatizing statements against indigenous peoples and their leaders.<sup>45</sup> In response to these challenges, the Commission issued a press release calling on the Argentine State to uphold its international obligations regarding the rights of indigenous peoples when adopting administrative measures and legal provisions concerning the recognition of indigenous peoples’ legal personality and land titling.<sup>46</sup>

47. As to the **rights of women**, the restructuring process of the public administration that began in December 2023 has significantly weakened the institutional framework and policies dedicated to women’s

<sup>34</sup> IACHR, Press Release No. 30/24, [Amid Social Protests in Argentina, the IACHR and Its Special Rapporteurship for Freedom of Expression Highlight Inter-American Standards Concerning Respect for Human Rights, Especially the Right to Peaceful Protest and the Right to Freedom of the Press](#), February 8, 2024.

<sup>35</sup> IACHR, Press Release No. 158/24, [Argentina Must Respect Rights to Freedom of Association and Peaceful Assembly While Keeping Its Citizens Safe, Say IACHR and Its Special Rapporteurship for Freedom of Expression](#), July 4, 2024.

<sup>36</sup> IACHR, Press Release No. 220/24, [IACHR and SRFOE urge Argentina to uphold the right to social protest](#), September 23, 2024.

<sup>37</sup> The issues and forms of violence reported more frequently were related to access to justice (21.4 percent, mostly related to difficulties in communicating with public defenders), health (16.6 percent), prison conditions (13.4 percent), unlawful coercion (11.5 percent), injuries (8.5 percent), harassment (7.7 percent), threats (4.8 percent), death (4 percent), arbitrary detention (3.9 percent), gender-based violence (2.5 percent), torture (0.9 percent) and fabricated proceedings (0.8 percent).

<sup>38</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024.

<sup>39</sup> *Official Gazette of the Argentine Republic*, [Decree No. 1.083/2024](#), December 9, 2024.

<sup>40</sup> *Página 12*, “[Violento desalojo de familias indígenas en Guerrero](#),” October 17, 2024.

<sup>41</sup> *Infoterritorial*, “[Condenas contra el Pueblo Mapuche y negación del derecho indígena](#),” October 3, 2024.

<sup>42</sup> *La Tecla Patagonia*, “[Los Alerces: mapuches convocan a resistir el desalojo](#),” October 22, 2024.

<sup>43</sup> *Official Gazette of the Argentine Republic*, [National Institute for Indigenous Affairs \(INAI\) Resolution No. 44/2024](#), September 12, 2024.

<sup>44</sup> *Official Gazette of the Argentine Republic*, [INAI Resolution No. 53/2024](#), September 30, 2024.

<sup>45</sup> *Página 12*, “[Patricia Bullrich no cesa con su discurso de odio contra los pueblos originarios](#),” October 19, 2024.

<sup>46</sup> IACHR, Press Release No. 304/24, [IACHR urges Argentina to respect indigenous peoples’ territorial rights](#), December 4, 2024.



protection.<sup>47</sup> In particular, the closure of the Undersecretariat for Protection Against Gender-Based Violence was the final step in the dismantling of the Ministry of Women, Genders and Diversity (MMGyD).<sup>48</sup> For the first time in 40 years, there is no governing body in the country responsible for the design and implementation of policies to prevent and eradicate gender-based violence.<sup>49</sup> This situation, along with other challenges, was addressed during a public hearing convened by the Commission, where organizations reported setbacks in public policies aimed at addressing and eradicating gender-based violence and at guaranteeing sexual and reproductive rights.<sup>50</sup>

48. The State reported that the policies and programs previously implemented by the former Undersecretariat for Protection Against Gender-Based Violence are currently undergoing auditing, review and refocusing.<sup>51</sup> Hence, various secretariats and directorates within the National Ministry of Justice are implementing some of the key programs initially created by the now-defunct MMGyD on prevention, protection, care and access to justice for victims of violence.<sup>52</sup> Notwithstanding that, it is concerning that some of these programs have been adversely affected by the closure of institutions, budget cuts, underexpenditure and/or widespread layoffs. Such is the case of the 144 Helpline, the Acompañar (Support) program, the Access to Justice Centers, the Acercar Derechos (Narrowing Gaps in Access to Rights) program, among others.<sup>53</sup>

49. Moreover, high-rank officials have made statements denying the existence of gender-based violence, a dismissive stance that may incite violence against women, as in the brutal attack on a women human rights defenders.<sup>54</sup> In this context, the National Office of the Ombudsperson documented 147 femicide victims between January and June 2024, most of whom were killed by their partners or former partners.<sup>55</sup> Meanwhile, the civil society had recorded 212 femicides and 526 attempted femicides as of November 20, 2024.<sup>56</sup>

50. Similarly, according to information collected by the civil society, funding for key programs such as the National Plan for the Prevention of Unintended Pregnancy in Adolescence (ENIA Plan) and the Development of Responsible Sexual Health and Procreation Program has been suspended or reduced. Additionally, the Ministry of Health is reportedly failing to distribute supplies for the legal termination of pregnancy (ILE) or contraceptive methods. The civil society also reported barriers to accessing ILE services,

<sup>47</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024, p. 22. In IACHR files; *Official Gazette of the Argentine Republic*, [Decree No. 451/2024](#), May 23, 2024.

<sup>48</sup> IACHR [CIDH], (June 11, 2024), #CIDH manifiesta preocupación por la eliminación del Ministerio de Mujeres, Géneros y Diversidades [X post], X, <https://x.com/CIDH/status/1800654013957808526>.

<sup>49</sup> Equipo Latinoamericano de Justicia y Género *et al.*, Request for thematic hearing “Current status of policies to prevent, punish, and eradicate gender-based violence,” 191<sup>st</sup> period of sessions, August 20, 2024, pp. 2 and 9.

<sup>50</sup> IACHR, thematic hearing “[Argentina: Current Status of Policies to Prevent, Punish and Eradicate Gender-Based Violence](#),” 191<sup>st</sup> period of sessions, November 15, 2024.

<sup>51</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024, p. 22. In IACHR files.

<sup>52</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024, pp. 22–28. In IACHR files; *Official Gazette of the Argentine Republic*, [Decree No. 735/2024](#), August 15, 2024.

<sup>53</sup> IACHR, thematic hearing “[Argentina: Current Status of Policies to Prevent, Punish and Eradicate Gender-Based Violence](#),” 191<sup>st</sup> period of sessions, November 15, 2024; Ministry of Justice, [Response to a request for access to public information submitted by Amnesty International Argentina](#), August 26, 2024, pp. 7–10; National Ministry of Justice, [Resolution No. 178/2024](#), June 6, 2024; Asociación Civil por la Igualdad y la Justicia (ACIJ) and Equipo Latinoamericano de Justicia y Género (ELA), [Presupuesto 2025. Una distribución injusta de los recursos para mujeres, niñas y adolescentes](#), October 10, 2024.

<sup>54</sup> Follow-up Mechanism to the Belém do Pará Convention (MESECVI) and IACHR, [Committee of Experts of MESECVI and IACHR Rapporteur on the Rights of Women condemn attack on Human Rights Defender in Argentina and express concern about guarantees of protection for women](#), April 10, 2024.

<sup>55</sup> National Office of the Ombudsperson, [Observatorio de Femicidios de la Defensoría del Pueblo de la Nación](#), June 30, 2024.

<sup>56</sup> Mujeres de la Matria Latinoamericana (MUMALÁ), National MUMALÁ Observatory, [Registro Nacional de Femicidios](#), November 20, 2024.



including the abusive use of conscientious objections, delays in providing care, refusal to address ILE cases involving advanced pregnancies and instances of violence and stigmatization on the part of the health staff.<sup>57</sup>

51. With regard to the rights of **persons in the context of human mobility**, the Commission highlights the adoption of Provision No. 388 of September 5, 2024, by the National Directorate of Migration, which created a special framework for the regularization of Venezuelan migrants, as a positive development.<sup>58</sup> This measure reportedly benefits Venezuelans who were already in Argentine territory at the time of its coming into force, as well as those lacking valid travel documents who seek to enter the country. In particular, this provision allegedly facilitates access to the country through regular routes by providing flexible options for verifying identity and guaranteeing a legal residence permit of at least two years for those who meet the requirements.

52. Furthermore, the composition of the National Commission for Refugees (CONARE) was modified on September 12, 2024, by means of Decree No. 819, under which the representative of INADI — dissolved pursuant to Decree No. 696 of August 5, 2024— was replaced with a representative of the Ministry of Security.<sup>59</sup> Decree No. 819, issued (allegedly) under a law declaring a public administrative emergency and delegating legislative powers to the executive branch, justified this reform on the alleged need to adopt “urgent state measures” in this area.<sup>60</sup>

53. Subsequently, Decree No. 942 of October 21, 2024, introduced amendments to Law No. 26,165,<sup>61</sup> which were focused on procedural guarantees and grounds for exclusion in international protection proceedings. In particular, it eliminated review instances and reduced the time frame for filing appeals against decisions that deny, terminate or revoke the status of refugee. Moreover, Decree No. 942 classifies as criminal offenses certain conducts that are not explicitly defined as unlawful under national legislation, thus enabling the State to refuse protection even when an asylum seeker has merely been accused. These reforms contravene the principle of presumption of innocence and, by laying down vague or indeterminate criminal criteria, fail to demonstrate the existence of circumstances of sufficient gravity to render such measures proportional, objective and legitimate.

54. With respect to **human trafficking**, the aforementioned Provision No. 388/2024, under which the Special Framework for the Regularization of Migrants Born in the Bolivarian Republic of Venezuela was created, may help reduce the vulnerability of these people, thereby decreasing their risk of becoming potential victims of human trafficking.<sup>62</sup> The government also enacted the Law on Labor Inclusion for Victims of Human Trafficking which had been passed by the Legislature of the Province of Tierra del Fuego and Southern Atlantic Islands.<sup>63</sup> This law aims to provide paid job training for victims of human trafficking who have no prior work or academic experience.

55. With regard to the rights of **children and adolescents**, according to official records, 30 percent of households were unable to afford the basic food basket in the first quarter of 2024, leading to a rise in the number of children and adolescents experiencing poverty and food insecurity. Furthermore,

<sup>57</sup> IACHR, thematic hearing “[Argentina: Current Status of Policies to Prevent, Punish and Eradicate Gender-Based Violence](#),” 191<sup>st</sup> period of sessions, November 15, 2024; Equipo Latinoamericano de Justicia y Género *et al.*, Request for thematic hearing on the “Current status of policies to prevent, punish and eradicate gender-based violence,” 191<sup>st</sup> period of sessions, August 20, 2024; ACIJ *et al.*, [Plan ENIA en riesgo](#), May 28, 2024; *Ámbito*, “[Alerta por el Plan de prevención del Embarazo No Intencional Adolescente \(ENIA\)](#),” April 27, 2024; *El Diario AR*, “[San Isidro: advierten que no se está garantizando el derecho al aborto en el Hospital Materno Infantil](#),” November 5, 2024.

<sup>58</sup> National Directorate of Migration of Argentina, [Provision No. 388/2024](#), September 5, 2024.

<sup>59</sup> National Institute Against Discrimination, Xenophobia, and Racism (INADI), [Decree No. 696/2024](#), August 5, 2024.

<sup>60</sup> National Congress of Argentina, [Law on Principles and Baselines for the Freedom of Argentine People No. 27.742](#), July 8, 2024.

<sup>61</sup> National executive branch of Argentina, [Decree No. 942/2024](#), October 22, 2024.

<sup>62</sup> National Directorate of Migration of Argentina, [Provision No. 388/2024](#), September 5, 2024.

<sup>63</sup> Government of Argentina, “[Tierra del Fuego ya cuenta con una Ley de Inclusión Laboral para Víctimas de Trata](#),” February 8, 2024.



challenges persisted with regard to the continuation of food delivery programs and secure funding for community and school canteens.<sup>64</sup>

56. In addition, as of September 2024, the State had recorded 14 legislative initiatives to lower the age of criminal responsibility, with some proposals suggesting a reduction to as low as 12 years of age. Among these initiatives, there was a bill aimed at reforming National Law No. 22,278, known as the Criminal System for Minors. Moreover, pending initiatives seek to increase prison sentences for this population, with penalties potentially reaching up to 20 years of imprisonment.<sup>65</sup>

57. Regarding **persons deprived of liberty**, the National Committee to Prevent Torture (CNPT), together with other national mechanisms to prevent torture in the region, adopted both the Declaration of San José aimed at institutional strengthening and networking, and the Global Action for the Rights of Persons with Disabilities Deprived of Liberty.<sup>66</sup> Additionally, according to a CNPT report published in 2024, mass incarceration practices are reportedly in place in the country, which consist in using pretrial detention and denying requests for alternative measures and early release from prison.<sup>67</sup>

58. In this context, the country is reportedly considering adopting a criminal and penitentiary policy that may violate the rights of persons accused or convicted of crimes.<sup>68</sup> In addition, temporary facilities such as police stations or police detention centers are reportedly still being used as permanent detention sites. According to data collected by academic institutions, in 7 out of all 24 Argentina's jurisdictions, the provincial rate of confinement in police stations was over 30 percent.<sup>69</sup> Among these, the provinces of La Pampa, Tucumán and Santiago del Estero had the highest rates with 61.40 percent, 51.86 percent and 50.41 percent, respectively.<sup>70</sup>

59. Furthermore, the number of individuals detained in police stations in the city of Buenos Aires has reportedly increased by nearly 47 percent in one year. In response, the city government announced measures including the implementation of electronic ankle bracelets in cases of house arrest, the deportation of migrants who have committed crimes, the construction of new detention centers and the installation of detention modules in police stations.<sup>71</sup> However, these modules reportedly fail to ensure detention conditions compatible with human dignity, inasmuch as, according to official records, they consist of "conditioned metal structures" located in "yards or parking lots."<sup>72</sup>

60. With regard to the fight against torture, during the first quarter of 2024, the National Office of the Prison Ombudsman (PPN) documented 77 cases of torture and ill-treatment and filed 34 criminal complaints related to these cases. In addition, investigations were conducted into the deaths of six people who

<sup>64</sup> Office of the Ombudswoman for the Rights of Children and Adolescents, *Características generales de la población de niñas, niños y adolescentes en Argentina Desafíos en la garantía de sus derechos*, September, 2024. In IACHR files; ACIJ, "[La respuesta a la crisis alimentaria infantil no puede esperar](#)," February 12, 2024; UNICEF, "[Aumentó la indigencia en la infancia: cada vez más chicas y chicos viven en la pobreza extrema](#)," March 12, 2024; UNICEF, "[10 millones de niñas y niños consumen menos carnes y lácteos por falta de ingresos](#)," June 11, 2024.

<sup>65</sup> Office of the Ombudswoman for the Rights of Children and Adolescents, *Características generales de la población de niñas, niños y adolescentes en Argentina Desafíos en la garantía de sus derechos*, September, 2024. In IACHR files. See also: Fundación Sur Argentina, *Análisis técnico del Proyecto del Poder Ejecutivo de Régimen Penal Juvenil*, August, 2024; Red de Jueces Penales de la Provincia de Buenos Aires, "[Baja de la edad de imputabilidad: pronunciamiento de la red](#)," February 12, 2024.

<sup>66</sup> Committee for the Prevention of Torture (CPT) of Chile, *Declaración de San José para el fortalecimiento institucional y el trabajo en red* and *Acción global por los derechos de las personas con discapacidad en privación de libertad*, May 10, 2024.

<sup>67</sup> National Committee to Prevent Torture (CNPT) of Argentina, *Informe anual 2023*, May 2024, pp. 15–16, 18–20.

<sup>68</sup> See: CNN, "[Análisis | ¿Qué busca Argentina en el 'modelo Bukele' de seguridad?](#)," June 19, 2024; *El Debate*, "[La ministra de Seguridad argentina visita a Bukele para importar su método de lucha contra el crimen](#)," June 17, 2024; *Infobae*, "[Patricia Bullrich: 'Nos interesa adaptar el modelo de Bukele'](#)," February 5, 2024.

<sup>69</sup> This term refers to the percentage of people detained by the province who are held in police stations.

<sup>70</sup> Instituto de Estudios Comparados en Ciencias Penales y Sociales, *Ránking provincial de personas encerradas en comisarías*, August 2024, p. 2.

<sup>71</sup> Jorge Macri [@jorgemacri], (May 3, 2024), MEDIDAS PARA MEJORAR LA SEGURIDAD La situación actual en las comisarías y alcaidías de nuestra Ciudad exige una acción inmediata que garantice la seguridad de los porteños [X post], X, <https://x.com/jorgemacri/status/1786370124099866887>.

<sup>72</sup> Government of the City of Buenos Aires, "[Cómo son los nuevos módulos para alojar a los detenidos en la Ciudad](#)," May 6, 2024.



were held in custody by the Federal Penitentiary Service, as well as into the deaths of four individuals who had been detained under federal court orders in prisons or police stations managed by provincial authorities or the city of Buenos Aires.<sup>73</sup>

61. In terms of progress regarding the situation of **Afro-descendants and the fight against racial discrimination**, the State reported that it provided support to Roma communities that participated in activities held by the National Congress, which is currently studying bills introduced in 2023 aimed at guaranteeing their rights through recognition and reparation.<sup>74</sup> Civil society organizations reported that the State had failed to take action to provide funding for public policies and protection measures aimed at Afro-descendants.<sup>75</sup>

62. As regards the human rights of **LGBTI persons**, in March 2024, the Argentine justice system convicted 11 individuals for crimes against humanity that were committed during the last military dictatorship. Among the victims of these crimes were eight trans women.<sup>76</sup> In its reasoned judgment, the First Federal Oral Criminal Court of La Plata recognized the systemic nature of the persecution and repression of trans women, which sought to establish a generic and hegemonic sex model.<sup>77</sup>

63. Similarly, in October 2024, the Second Oral Criminal Court of La Plata convicted an individual for the aggravated homicide of Tehuel de la Torre, a young transgender man who disappeared in 2021 and was presumed dead by the Argentine authorities. The conviction was based on the hate motivations of the crime.<sup>78</sup> Furthermore, in October, the Argentine justice system acquitted LGBTI activist Pierina Nochetti of charges related to painting a mural with the phrase “Where is Tehuel?” in Necochea.<sup>79</sup> Activists had raised concerns about the potential use of this case to criminalize social protest and freedom of expression.<sup>80</sup>

64. Media outlets and civil society organizations reported that high-rank officials issued stigmatizing statements against diverse gender identities and the gender perspective.<sup>81</sup> Additionally, the authorities announced restrictions on the application of the Gender Identity Law for persons deprived of liberty,<sup>82</sup> and terminated the employment contracts of at least 90 trans persons who held positions in the public sector.<sup>83</sup>

65. A 2024 report published by the National Observatory of Hate Crimes Against the LGBT+ Persons revealed that at least 133 crimes motivated by the sexual orientation, gender identity and/or gender

<sup>73</sup> National Office of the Prison Ombudsperson (PPN), [Boletín estadístico Número 30 - 1er Trimestre 2024](#), July 3, 2024.

<sup>74</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024, p. 28. In IACHR files.

<sup>75</sup> Diáspora Africana de la Argentina (African Diaspora of Argentina), [Llamado a contribuciones a la sociedad civil para el Consejo de Derechos Humanos de las Naciones Unidas](#), April 5, 2024; Página 12, [La violencia Avanza](#), March 16, 2024.

<sup>76</sup> *Tiempo Argentino*, [“Juicio Brigadas: un fallo histórico que reconoce la persecución a mujeres trans en la dictadura,”](#) March 27, 2024; *El País*, [“La Justicia argentina reconoce a personas trans como víctimas de delitos de lesa humanidad en un fallo histórico,”](#) March 27, 2024.

<sup>77</sup> National judiciary, First Federal Oral Criminal Court of La Plata, Reasoned Judgment announced on March 26, 2024, File No. FLP 737/2013/T01, Minicucci, Federico *et al.*, July 5, 2024.

<sup>78</sup> *Agencia Presentes*, [“Juicio por Tehuel: la sentencia condenó a Ramos por homicidio agravado por odio a la identidad de género,”](#) August 30, 2024; *Revista Pensamiento Penal*, [“Caso Tehuel: condena por homicidio agravado por odio a la identidad de género y a la orientación sexual,”](#) September 2, 2024.

<sup>79</sup> *Página 12*, [“Absolución para Pierina Nochetti, la activista lgbti enjuiciada por un grafitti,”](#) November 1, 2024.

<sup>80</sup> *Agencia Presentes*, [“Juicio contra Pierina Nochetti por pintar un mural: el municipio propuso una conciliación,”](#) October 30, 2024; Amnesty International, [“En un mismo país, Argentina, dos historias se entrelazan revelando la lucha constante por la justicia y la igualdad,”](#) May 17, 2024.

<sup>81</sup> *Clarín*, [“Mariano Cúneo Libarona: ‘Rechazamos la diversidad de identidades sexuales que no se alinean con la biología,’](#) August 28, 2024.

<sup>82</sup> Office of the President of the Argentine Republic, [“Javier Milei anunció el fin de la utilización de la Ley de Género para lograr un traslado de penal,”](#) November 26, 2024; *La Unión*, [“Milei prohibirá que los presos se trasladen de penal por cambio de género,”](#) November 26, 2024.

<sup>83</sup> *CNN Argentina*, [“¿Cómo afectan los despidos generalizados del Gobierno de Milei a la población trans y no binaria argentina?”](#) April 30, 2024; *Página 12*, [“El gobierno despidió a más de 90 personas trans de la administración pública,”](#) April 6, 2024.



expression of the victims had been committed during the previous year,<sup>84</sup> including an arson attack against three lesbian women, which claimed the lives of two of them. This crime was condemned by the Commission.<sup>85</sup>

66. With regard to **memory, truth and justice** processes, the Argentine State reported that, between 2006 and September 2024, the Office of the Ombudsperson for Crimes Against Humanity recorded 328 judgments on crimes against humanity committed during the dictatorship, resulting in 1,187 convictions and 192 acquittals. The State added that 278 proceedings remain ongoing, with 379 persons being prosecuted, 70 awaiting decisions on their procedural status and 467 facing charges and awaiting trial.<sup>86</sup> As stated above, among these cases is the one in which the Argentine justice system recognized eight trans persons as victims of these crimes for the first time.<sup>87</sup> Furthermore, the State signed the Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and Other International Crimes.<sup>88</sup>

67. Despite the progress made, civil society organizations expressed concerns over serious setbacks ranging from the weakening of litigation capabilities in cases of crimes against humanity to the closure of programs and specialized institutional spaces. In particular, they reported the dismissal of officials from the Secretariat of Human Rights who were responsible for institutional complaints and victim assistance in cases of crimes against humanity, as well as the cancellation of the Collective Memory and Social Inclusion Program, under which audiovisual records of the trials related to such crimes were created. Moreover, the organizations reported the dissolution of the Special Investigation Unit of the National Commission for the Right to Identity (CONADI), which conducted administrative investigations focused on possible cases of child abduction during the dictatorship. These organizations added that the 2025 budget allocated to the National Genetic Data Bank had been reduced, thus impacting the predictability of its operation. For its part, the State informed that these reforms aim to avoid the duplication of efforts in the context of the economic crisis and guaranteed its commitment to the trials for crimes against humanity and to preserving archives and remembrance sites.<sup>89</sup>

68. In addition to the foregoing, the State disbanded the Armed Forces Documentary Survey and Analysis Team as well as the Joint Committee on Intelligence Documents, both of which had been instrumental in the reconstruction of state archives related to human rights violations. In parallel, the Ministries of Defense and Security refused to respond to the requests for information submitted by the CONADI.<sup>90</sup> The State justified these institutional reforms as necessary to prevent the duplication of efforts in the context of the economic crisis and asserted that only the Public Prosecutor's Office and the judiciary may request information for investigating crimes against humanity.<sup>91</sup>

69. In turn, civil society organizations reported a reduction in the budget of the Secretariat of Human Rights, which allegedly jeopardizes the continued existence of eight remembrance sites that rely on

---

<sup>84</sup> National Observatory of Hate Crimes Against the LGBT+ Population, *Informe 2023*, 2024; *Página 12*, “En 2023 hubo 133 crímenes de odio,” May 10, 2024.

<sup>85</sup> IACHR [@CIDH], (May 15, 2024), #Argentina: #CIDH condena el ataque incendiario contra cuatro mujeres lesbianas, en el que se afectaron sus derechos a la vida y a la integridad personal [X post], X, <https://x.com/CIDH/status/1790810883867750483>.

<sup>86</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024, October 10, 2024, pp. 17-18.

<sup>87</sup> *El País*, “La Justicia argentina reconoce a personas trans como víctimas de delitos de lesa humanidad en un fallo histórico,” March 26, 2024.

<sup>88</sup> Ministry of Foreign Affairs, International Trade and Worship of Argentina, Press Release No. 084/24, “La Argentina firmó la Convención de Liubliana/La Haya sobre cooperación internacional en la investigación y enjuiciamiento de crímenes de genocidio, de lesa humanidad, de guerra y otros crímenes internacionales,” February 15, 2024.

<sup>89</sup> IACHR, thematic hearing “Argentina: Impact of Memory, Truth and Justice Policies on Human Rights,” 191<sup>st</sup> period of sessions, Washington, D.C., United States of America, November 14, 2024.

<sup>90</sup> IACHR, thematic hearing “Argentina: Impact of Memory, Truth and Justice Policies on Human Rights,” 191<sup>st</sup> period of sessions, Washington, D.C., United States of America, November 14, 2024.

<sup>91</sup> IACHR, thematic hearing “Argentina: Impact of Memory, Truth and Justice Policies on Human Rights,” 191<sup>st</sup> period of sessions, Washington, D.C., United States of America, November 14, 2024.



state funding, thus leading to staff layoffs.<sup>92</sup> According to the information received, all these measures have been implemented in the context of official statements, even from the highest-rank government authorities, which downplay, deny or vindicate the serious human rights violations committed during the dictatorship. In addition, stigmatization campaigns were reportedly mounted against organizations advocating for memory, truth, justice and reparations in the country.<sup>93</sup> Furthermore, the Commission voiced its concern over Bill No. 2,434/23, currently pending before the National Congress, which seeks to establish a statute of limitations of 20 years to determine the criminal liability and advance on the criminal prosecution from the moment the State becomes aware of a crime in cases where a judgment has not become final. The bill fails to include provisions to exempt crimes against humanity from such statute limitations<sup>94</sup>.

70. With regard to the rights of **older persons**, the State created the Observatory of the Care System for Adults and Older Persons under the Ministry of Health.<sup>95</sup> Additionally, the city of Buenos Aires developed the Club+Simple application, which is designed to facilitate older persons' access to community integration and recreational events within a user-friendly digital environment.<sup>96</sup> In the field of health, access to vaccines for respiratory infections was improved.<sup>97</sup> In terms of housing, the Permanent Household Survey (EPH) revealed that 7.25 percent of individuals over the age of 60 in Argentina live in rented homes, which accounts for 6.58 percent of the total tenant population nationwide. It also underscored the barriers to access housing that older persons face due to the unavailability of mortgage options<sup>98</sup>.

71. In October, the Commission, through the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA), requested information from the Argentine State regarding the decline in the purchasing power provided by social security benefits. In its response, the State explained that the method currently in force for calculating retirement and pension allowances was established in Decree No. 274/24, which mandates a monthly adjustment based on the General Level of the National Consumer Price Index. According to the information provided, after the decree came into force, the cumulative inflation between April and September 2024 reached 33 percent; consequently, benefits were adjusted by 74 percent, leading to an increase of 31 percent in their actual value. The government also noted that the extraordinary pension bonus for low-income senior citizens continued to be paid to mitigate the negative effects of the previous system (Law No. 27,609)<sup>99</sup>.

72. Furthermore, the National Agency for Disability (ANDIS), which is currently under the National Ministry of Health, is responsible for designing, coordinating and implementing public policies related to **persons with disabilities**, as well as for promoting the full enjoyment of their rights.<sup>100</sup> The State informed that ANDIS Resolution No. 494/2024 set the starting date for the submission of projects to the Programs for Persons with Disabilities within the framework of the National Fund for the Social Inclusion of Persons with Disabilities (FONADIS). These programs include the Support Program for High Performance Athletes with Disabilities, which provides subsidies to athletes with disabilities for purchasing the equipment necessary for their sports activities; the Program to Strengthen Inclusive Productive Units, which offers financial support to productive units made up of persons with disabilities; and the Educational Inclusion Program, which aims to

<sup>92</sup> IACHR, thematic hearing "Argentina: Impact of Memory, Truth and Justice Policies on Human Rights," 191<sup>st</sup> period of sessions, Washington, D.C., United States of America, November 14, 2024; IACHR, thematic hearing "Regional: Impact of Attacks on Remembrance Sites on the Right to Memory, Truth and Justice," 190<sup>th</sup> period of sessions, online, July 11, 2024.

<sup>93</sup> IACHR, thematic hearing "Argentina: Impact of Memory, Truth and Justice Policies on Human Rights," 191<sup>st</sup> period of sessions, Washington, D.C., United States of America, November 14, 2024.

<sup>94</sup> Senate of the Argentine Republic, Bill No. 2434/23, "On the incorporation of paragraph 8 to Article 59 of Law No. 11,179, the Argentine Criminal Code, on the right to be tried within a reasonable time." See also: *El Observador*, "Escándalo en el bloque de la LLA: Lourdes Arrieta publicó un borrador de proyecto de ley para dejar en libertad a represores," August 26, 2024.

<sup>95</sup> *Consultor Salud*, "Nueva iniciativa en Argentina: Observatorio del Sistema de Cuidado para Adultos y Mayores," June 20, 2024.

<sup>96</sup> Computer Weekly, "Club+Simple, la app que busca integrar a los adultos mayores en Argentina," January 22, 2024.

<sup>97</sup> *Ámbito*, "La nueva vacuna clave para adultos mayores que llegó a la Argentina: de qué se trata," May 31, 2024.

<sup>98</sup> *Infobae*, "'Inquilinización': en 20 años se duplicó la cantidad de adultos mayores que alquilan en la Argentina," October 14, 2024.

<sup>99</sup> Communication from Argentina, NO-2024-11510488-APN-DNPSS#MCH, October 21, 2024.

<sup>100</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024.



improve the infrastructure of public or private schools and thus ensure the inclusion of persons with disabilities<sup>101</sup>.

### III. BAHAMAS

- **General considerations**

73. As it relates to **progress**, the IACHR welcomes the passage of the Ombudsman Act which will establish an Ombudsman's Office responsible for the promotion and protection of human rights. Moreover, the State's legislative efforts to reduce crime are noted including the introduction of the Bail Amendment and Anti-Gang Bills. The State's efforts to improve the situation of detainees is welcomed, in particular, the passage of the Immigration Detention Center Regulation.

74. In relation to **challenges**, the Commission notes an increase in homicides and worrying trends regarding gender-based violence. Additionally, the Commission notes that there has been no amendment to the law following the judicial decision in 2023 regarding statelessness.

75. The State did not respond to the request for information to prepare this chapter.

- **Specific issues**

76. Regarding **democratic institutional**ity, the Commission notes allegations of corruption regarding high-ranking public officials. In November, several Bahamian government officials, including high-ranking members of the Royal Bahamas Police Force, were indicted in the United States in connection with their alleged participation in a massive illicit drug importation conspiracy.<sup>102</sup> Subsequently, the Prime Minister issued a statement assuring that the State will act decisively to investigate all those responsible for the alleged misconduct.<sup>103</sup> In December, the Prime Minister informed the House of Assembly that the Police Commissioner had tendered his resignation, and the Police Force will be reformed under new leadership.<sup>104</sup> Further, the government introduced into the House of Assembly the Independent Commission of Investigations Bill, 2024 which will provide for the establishment of an independent Commission to conduct investigations into serious allegations of criminal activity by members of the security forces and specified public officials.<sup>105</sup>

77. With respect to **human rights institutional**ity, the Commission observes the passage of the Ombudsman Act 2024.<sup>106</sup> As previously reported by the Commission, the Ombudsman will be responsible for the investigation of any administrative action of a State authority to determine whether there is evidence of maladministration or breach of fundamental rights on the part of the authority.<sup>107</sup> According to the Office of the Attorney General, the Office of the Ombudsman's primary role will be "promotion and protection of all human rights".<sup>108</sup> In October, the United Nations High Commissioner for Human Rights established its first dedicated regional office in The Bahamas, led by Michelle Brathwaite of Barbados. The office's creation was

<sup>101</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024.

<sup>102</sup> United States Attorney's Office, [U.S. Attorney Announces Cocaine Importation Charges Against Chief Superintendent Of Royal Bahamas Police Force And Other Bahamian Officials](#), November 27, 2024.

<sup>103</sup> Office of the Prime Minister of the Commonwealth of The Bahamas, [Prime Minister Davis's Communication to Parliament on the United States District Court Southern District of New York Indictment Regarding Bahamian Nationals and Officials](#), November 27, 2024.

<sup>104</sup> The Tribune, [Police Commissioner Clayton Fernander resigns](#), December 4, 2024; The Nassau Guardian, [Police Commissioner resigns](#), December 4, 2024.

<sup>105</sup> The Government of The Bahamas, [Independent Commission of Investigations Bill](#), December 4, 2024.

<sup>106</sup> The Government of The Bahamas, [Ombudsman Act 2024](#), March 12, 2024.

<sup>107</sup> IACHR, [Annual Report, Chapter IV.A "Bahamas"](#), 2023, para 75.

<sup>108</sup> The Government of The Bahamas, [Ombudsman Act 2024](#), March 12, 2024, section 7; [Ombudsman Bill 2024 will provide a forum where citizens can report mistreatment by government agencies](#), February 13, 2024. the Office of the Ombudsman's primary role will be "promotion and protection of all human rights."



driven by Caribbean Community (Caricom) states, with a resolution introduced by The Bahamas' Permanent Mission and endorsed by Caricom's Ministers of Foreign Affairs. The office will staff members in The Bahamas, Barbados, Belize, Guyana, Jamaica, Suriname, and Trinidad and Tobago.<sup>109</sup>

78. In relation to **citizen security**, the IACHR takes note of the State's efforts to reduce crime and an overall increase in homicides. In relation to its crime suppressing initiatives, the State has tabled the Bail Amendment and the Anti-Gang Bills, 2024. According to the State, the Bail Amendment Bill is an important tool in its crime prevention strategy which will allow the revocation of bail where a person while on bail commits an offence, interferes with a witness or fails to appear in court. The Bill has been passed in the House of Assembly.<sup>110</sup> Further, the State introduced the Anti-Gang Bill in the House of Assembly. The Bill, which targets organized crime, makes it an offence to be a member of an organized criminal group to engage in any related criminal activity.<sup>111</sup>

79. On the other hand, the Commission notes an increase in homicides in the State. According to public information, there were 119 homicides reported for 2024,<sup>112</sup> as compared to a total of 110 homicides reported in 2023,<sup>113</sup> which represents an approximately 8% increase in homicides. This represents a homicide rate of 28.8 per 100,000 inhabitants.<sup>114</sup>

80. Regarding **access to justice**, the IACHR notes the coming into force of the Court Services Act 2023 and the passage of the Trial by Judge Alone Bill 2024 in the House of Assembly. On July 1, 2024, the Court Services Act came into effect. According to the State, this Act aims to modernize and improve the efficiency of the judicial system with the creation of a Court Services Council which will manage all administrative matters of the Courts, provide training, education and support for judicial officers, among other duties.<sup>115</sup> Moreover, the Trial by Judge Alone Bill 2024 was passed in the House of Assembly in May.<sup>116</sup> According to the Bill, an accused person may waive their constitutional right to a jury trial in favor of a trial by a judge alone.<sup>117</sup>

81. Regarding the rights of **women**, the IACHR notes the establishment of a shelter for victims of domestic violence, worrying trends regarding gender-based violence and the existence of a significant wage gap compared to men. In October 2024, according to public information, the State acquired a new shelter for women victims of domestic violence, including their children.<sup>118</sup> A study conducted in the State and published this year revealed that 25.2% of Bahamian women have experienced physical or sexual violence during their lifetime, while 33.7% have been victims of psychological violence and 8.2% have suffered sexual violence by their partner.<sup>119</sup> Within this context, the Commission notes the repeated calls from civil society to make amendments to the Sexual Crimes Law to punish instances of marital rape.<sup>120</sup>

82. Moreover, the IACHR notes with concern reports of alleged sexual abuse against women by members of the Royal Bahamas Police Force. According to public information, at least five members were

<sup>109</sup> Jamaica Observer, [UN High Commission for Human Rights establishes Caribbean office](#), October 12, 2024.

<sup>110</sup> The Government of The Bahamas, [Second Reading of Bail \(Amendment\) Bill Tabled in the Senate](#), February 13, 2024; [Bail \(Amendment\) Bill 2024](#).

<sup>111</sup> Office of the Prime Minister of The Bahamas, ["ENOUGH IS ENOUGH" – Prime Minister Davis Champions Tough New Anti-Gang Legislation in the House of Assembly](#), April 17, 2024; The Government of The Bahamas, [Anti-Gang Bill](#), 2024.

<sup>112</sup> The Tribune, [Murder rate up 8% over prior year](#), January 2, 2025; The Nassau Guardian, [Two shot dead in barbershop](#), December 23, 2024.

<sup>113</sup> Royal Bahamas Police, [The State of Crime](#), January 2024.

<sup>114</sup> The IACHR calculated the homicide rate based on the State's population of 412,623 according to data from The World Bank, [Population, total – The Bahamas](#), 2023.

<sup>115</sup> The Government of The Bahamas, [Court Services Act 2023 Comes Into Effect](#), July 1, 2024; [Court Service Act 2023](#), December 29, 2023.

<sup>116</sup> The Tribune, [Trial by Judge Alone Bill passes in the House of Assembly](#), May 9 2024.

<sup>117</sup> The Government of The Bahamas, [Trial by Judge Alone \(Miscellaneous Provisions\) Bill](#), 2024.

<sup>118</sup> The Tribune, ["Violence shelter bought" - but few details given](#), October 2, 2024.

<sup>119</sup> The Nassau Guardian, [Data on violence against women a wake-up call](#), April 12, 2024.

<sup>120</sup> The Nassau Guardian, [Breaking Chains: The silence of the vows — Unveiling marital rape in The Bahamas](#), September 9, 2024; Eyewitness News, [Path towards criminalizing marital rape still unclear](#), April 13, 2024. The Nassau Guardian, [Crisis Centre presses for action on marital rape bill](#), April 18, 2024; IACHR, [Annual Report 2023](#), Chapter IVa, December 31, 2023, para. 80; IACHR, [Annual Report 2022](#), Chapter IVA, April 1, 2023, para. 70.



charged with several counts of rape for incidents that occurred in October 2024.<sup>121</sup> The Commission also notes the existence of a significant wage gap of 33% compared to men and a notable underrepresentation of women in management positions within the private sector.<sup>122</sup>

83. With respect to the rights of **persons in the context of human mobility**, the Commission continues to observe with concern the State's ongoing practice of deporting irregular migrants, notably Haitian nationals, without proper assessment of international protection needs. According to public information, in March, the Bahamas Department of Immigration and Ministry of National Security repatriated 263 Haitian migrants after their attempt to make landfall in the State.<sup>123</sup>

84. With regard to the prevention of **statelessness**, the Commission notes that there has been no amendment to the law following the judicial decision in 2023 regarding statelessness. In 2023, the Judicial Committee of the Privy Council, the State's highest court, ruled that all children born in The Bahamas can acquire Bahamian nationality at birth once one parent is Bahamian, regardless of the parents' marital status.<sup>124</sup> Despite this ruling, the laws which contained discriminatory provisions against women's ability to transfer nationality remained in force and had not been amended. In this context, the Prime Minister has stated that no legislative amendments were needed to enforce the decision of the Privy Council, and the rules of the passport offices have been amended.<sup>125</sup> The Commission understands that these measures do not address fully the decision of the Privy Council and no further information on how the ruling is being effectively implemented is available to the IACHR.<sup>126</sup>

85. Regarding **trafficking in persons**, the IACHR takes note of the 2024 Regional Trafficking in Persons Committee Forum, which was organized by the State in collaboration with the United Nations Office on Drugs and Crime. This Forum involved 14 participating Caribbean States and sought to advance screening methods and emphasize techniques for detecting trafficking cases.<sup>127</sup>

86. Regarding the situation of **people of African descent and against racial discrimination**, the situation of Haitian migrants raises concerns regarding human rights violations and ethnic discrimination. Human rights institutions and organizations have reported cases of discrimination and labor exploitation, including wages below the minimum, the withholding of work permits by employers, and ethnic-racial profiling by immigration authorities.<sup>128</sup>

87. Regarding the rights of **LGBTI people**, the Commission welcomes the holding of the first LGBTI pride march in the State in October 2024. This event, which was held peacefully, represented a significant advance in the visibility of sexual and gender diversity in The Bahamas. However, it is noted with

<sup>121</sup> Royal Bahamas Police Force, [Daily Crime Reports](#), October 21 2024; Royal Bahamas Police Force, [Daily Crime Reports](#), October 28 2024; Eyewitness News, [Women's rights activists cry shame on men accused of rape](#), October 26, 2024; Eyewitness, [Another officer charged with rape](#), October 29, 2024.

<sup>122</sup> Attiya Waris, Report of the Independent Expert on the Effects of Foreign Debt and Related International Financial Obligations of States on the Full Enjoyment of All Human Rights, Particularly Economic, Social and Cultural Rights, Attiya Waris, January 31, 2024, para. 20.

<sup>123</sup> IACHR, [Annual Report, Chapter IV.A "Bahamas"](#), 2023, paras 81-82; Eye Witness News, [Govt will not suspend deportations to Haiti](#), March 21, 2024; [Repatriations continue for Haitian migrants](#), March 20, 2024; Inter-American Development Bank and Inter-American Investment Corporation, [IDB Group Country Strategy with The Commonwealth of The Bahamas \(2024-2028\)](#), February 2024.

<sup>124</sup> Judicial Committee of the Privy Council, [Attorney General v Shannon Tyreck and others \(Bahamas\)](#), Case ID JCPC/2022/0015, May 4, 2023. See also: IACHR, [Annual Report, Chapter IV.A "Bahamas"](#), 2023, paras 83.

<sup>125</sup> Eyewitness News, [No citizenship legislation coming after privy council ruling](#), September 20, 2024.

<sup>126</sup> IACHR, [Press Release No. 230/24](#), "IACHR calls on States to continue adopting measures to prevent and eradicate statelessness in the region", September 27, 2024.

<sup>127</sup> United Nations, [Regional Trafficking in Persons Committee \(TIPCOM\) Forum to Focus on Enhancing Screening and Best Practices in the Caribbean](#), July 19, 2024.

<sup>128</sup> United States Department of State, Bureau of Democracy, Human Rights and Labor, [Country Reports on Human Rights Practices for 2023 – The Bahamas](#), April 22, 2024.



concern that participants faced insults and ridicule from some spectators during the march, reflecting the persistence of attitudes of discrimination towards the LGBTI population.<sup>129</sup>

88. Note is also taken of the challenges faced by LGBTI people and people with disabilities in the country, especially in the context of migration. Recent reports indicate that migrants are particularly exposed to discrimination in various areas, which limits their access to basic services and opportunities for social integration.<sup>130</sup> A worrying case is the disappearance in June 2024 of Taylor Casey, a transgender human rights defender originally from Chicago.<sup>131</sup>

89. As for **persons deprived of liberty**, the Commission observes the State's efforts to improve the situation of detainees. In particular, it values the passing of the Immigration Detention Center Regulation in December 2023, which seeks to establish domestic standards for the administration of detention centers in line with international human rights standards.<sup>132</sup>

90. In addition, the IACHR takes note of the State's plans, expressed in September, to build a new detention facility focused on rehabilitation.<sup>133</sup> On the other hand, the IACHR expresses its concerns about the occupancy level of 161.7% of the State's prison system as of September 2024.<sup>134</sup>

91. In relation to the **death penalty**, the IACHR observes that the Bahamas has maintained a *de facto* moratorium in place. According to the World Coalition Against Capital Punishment, no executions have taken place since 2000, no one has been sentenced to death since this time, and nobody is currently under a sentence of death.<sup>135</sup>

#### IV. BARBADOS

- **General considerations**

92. As it relates to **progress**, the IACHR notes the establishment of a National Advisory Council on Citizen Security, the intention of the State to establish a National Gender Policy to address the prevalence of gender-based violence, and of significant efforts by the State in promoting the call for reparations for people of African descent. The Commission also highlights the technical cooperation and promotional visit to the State in October.

93. With regards to **challenges**, the Commission notes with concern the increase in homicides and high levels of domestic and sexual violence against women. Moreover, the IACHR takes note that discriminatory provisions against women's ability to transfer nationality to daughters and sons remain in force in the State.

94. The State did not respond to the request for information to prepare this chapter.

<sup>129</sup> The Tribune, [First gay pride march safely held but participants faced onlookers' jeers](#), October 15, 2024.

<sup>130</sup> Eyewitness News, [REPORT: LGBTQ+, migrants and people with disabilities face significant discrimination in The Bahamas](#), March 25, 2024.

<sup>131</sup> Blade, America's LGBTQ News Source, [Black transgender woman from Chicago disappears in the Bahamas](#), July 11, 2024.

<sup>132</sup> The Bahama Journal, [New Immigration and Detention Regulations](#), December 1, 2024; and Eyewitness News, [Sears insists Detention Center using best practices](#), August 10, 2024.

<sup>133</sup> Eyewitness News, [Plans for new correctional facility shaping up](#), September 16, 2024.

<sup>134</sup> World Prison Brief, [Bahamas](#), May 2023. Last visited: October 2024. Also, see: Statista, [Prison occupancy rates in the Caribbean as of 2024, by country](#), September 2024.

<sup>135</sup> World Coalition Against the Death Penalty, [Bahamas](#), May 23, 2023. Last visited: October 2024.



- **Specific issues**

95. In relation to **democratic institutional**ity, the IACHR notes the submission of the final Report by the Parliamentary Reform Commission and the Constitutional Reform Commission.<sup>136</sup> The Parliamentary Reform Commission has recommended the introduction of National Members of Parliament. According to the Report, these National Members of Parliament will not represent a specific constituency but instead represent the interests of the entire populace and be empowered to advocate in Parliament on national policy issues. Further, the Report recommended increasing the number of Opposition Senate seats from two to five and the introduction of an intermittent progress report on all legislation passed but not yet proclaimed in order to promote the Executive's accountability to Parliament.<sup>137</sup>

96. In addition, following public consultations which commenced in 2022, the final report of the Constitutional Reform Commission prescribes the expansion of the fundamental rights and freedoms to include, in particular, the right to work, to access information held by the State, to fair and just administrative action, to vote and to stand for election, as well as the establishment of a National Human Rights Commission which would raise awareness about human rights as well as receive and investigate alleged human rights violations.<sup>138</sup> According to public information, the reports of both Commissions will be the subject of public consultation.<sup>139</sup>

97. Concerning **human rights institutions**, in October the IACHR conducted a technical cooperation and promotional visit to Barbados. This visit focused on promoting the Inter-American System of Human Rights, strengthening the Commission's relations with the country to increase collaboration in human rights and promoting technical cooperation mechanisms and capacity building for the State, civil society and other non-state actors.<sup>140</sup>

98. With respect to **citizen security**, the Commission highlights the passage of the new Bail Act in July which repeals the previous law relating to the granting of bail within criminal matters. This new law increases the age under which a person is considered a child from 14 years to 18 years, expands the grounds and factors for refusing bail, and places the burden onto the accused to prove that bail should be granted.<sup>141</sup> Further, the IACHR notes the establishment of a National Advisory Council on Citizen Security, whose mandate includes multi-sectoral consultations on solutions to the crime situation and the proposal for the establishment of a Serious Organized Crime Unit.<sup>142</sup>

99. According to public information, the State recorded 50 homicides in total in 2024, compared to 21 homicides recorded in total in 2023, which represents an approximate 138.09% increase.<sup>143</sup> This indicates that the State's homicide rate was 17.71 per 100,000 inhabitants.<sup>144</sup>

100. Regarding **access to justice**, the IACHR observes the efforts to improve the justice system through the launch of a new Court Case Management System in the Magistrate's Courts which is expected to assist with modernizing the justice system and reducing some of the existing delays in the administration of

<sup>136</sup> Barbados Government Information Service, [Parliamentary Reform Commission Presents Report to President](#), July 22, 2024; Barbados Government Information Service, [CRC Hands over Report to President of Barbados](#), September 30, 2024.

<sup>137</sup> Parliamentary Reform Commission, Report 2024, June 27, 2024, para 3.19-3.25.

<sup>138</sup> IACHR, [Annual Report, Chapter IV.A "Barbados"](#), 2022, para. 87; Report of the Constitutional Reform Commission 2024, September 16, 2024.

<sup>139</sup> Barbados Today, [Barbadians to weigh in on reform recommendations this month](#), November 2, 2024.

<sup>140</sup> IACHR, [Press Release No. 256/24](#), "IACHR concludes technical cooperation and promotional visit to Barbados", October 18, 2024.

<sup>141</sup> Parliament of Barbados, [Bail Act, 2024](#), sections 2 and 6, July 30, 2024.

<sup>142</sup> Barbados Government Information Service, [PM announces new National Advisory Council on Citizen Security](#), September 19, 2024; Barbados Government Information Service, [Serious Organised Unit Coming To Tackle Crime](#), July 8, 2024.

<sup>143</sup> Caribbean Broadcasting Cooperation, [Police correct 'inaccurate' report of murder statistics](#), January 9, 2025; Nation News, [Year in Review: A drop in crime](#), January 15, 2024.

<sup>144</sup> The IACHR calculated the homicide rate based on the State's population of 282, 336 according to data from The World Bank. [The World Bank, Population – total Barbados](#), 2023; Barbados Today, [We can't continue on this path, says AG](#), December 12, 2024.



justice.<sup>145</sup> Further, in August, the State passed the Criminal Justice (Plea Negotiations and Agreements) Bill which aims to provide for plea negotiations and plea agreements between the accused and prosecutor in criminal cases and will assist in expediting the criminal justice process.<sup>146</sup> The Commission also highlights the new Sentencing Guidelines of the Barbados Supreme Court which were released in May to help ensure consistency and fairness in the sentencing of offenders by prescribing a detailed sentencing process for judges and magistrates.<sup>147</sup>

101. Concerning the rights of **children**, the Commission welcomes the passage of the Child Protection Act in May to safeguard children from abuse and neglect, provide for children in need of care and protection and to promote overall child welfare.<sup>148</sup> The IACHR also acknowledges the reestablishment of the National Child Labour Committee and its efforts to drive and guide national initiatives aimed at preventing and eliminating all forms of child labor in Barbados.<sup>149</sup>

102. With regard to the rights of **women**, the Commission takes note of the announcement of a study on the prevalence of gender-based violence on the island.<sup>150</sup> This study will accompany the proposed creation of the National Gender Policy which will be delivered to the Government by March 2025.<sup>151</sup> However, the Commission notes with concern the prevalence of domestic and sexual violence against women.<sup>152</sup> According to public information made available in 2024, there were 572 cases of domestic violence in 2023, a 21% increase compared to 471 cases in 2022. Of these reports, 55% of the incidents were related to physical assault.<sup>153</sup> Moreover, between January and June, there were 22 rapes reported<sup>154</sup> and civil society reported a 30% increase in calls to crisis lines.<sup>155</sup>

103. In relation to the rights of **persons in the context of human mobility**, the IACHR notes the State's intention to enact a new Immigration Bill. According to public information, this new Bill, which will replace the Immigration Act of 1976, is to be tabled in Parliament before the end of 2024.<sup>156</sup> However, the IACHR was not informed of the content of the bill and as of the date of writing this report, the Bill is yet to be laid in Parliament.

104. With regards to **statelessness**, the Commission notes that laws containing discriminatory provisions against women's ability to transfer nationality to daughters and sons remain in force in the State but also takes note of the recommendation of the Barbados Constitutional Reform Commission to address gender discrimination in relation to citizenship.<sup>157</sup> In its final report, the Reform Commission recommended the removal of all gender discrimination in citizenship provisions of the laws and the conferral of citizenship on an equal basis regardless of sex.<sup>158</sup>

<sup>145</sup> Barbados Government Information Service, [United States & Barbados Partner To Improve Court System Efficiency](#), March 25, 2024.

<sup>146</sup> Parliament of Barbados, [Criminal Justice \(Plea Negotiations and Agreements\) Bill, 2024](#), June 24, 2024.

<sup>147</sup> Barbados Government Information Service, [Sentencing Guidelines: Delivering Fairness & Justice in Barbados](#), May 15, 2024.

<sup>148</sup> The Barbados Parliament, [Children Protection Act, 2024](#), May 29, 2024.

<sup>149</sup> Ministry of Labour, Barbados, Press Release, "[Message by the Hon. Colin E. Jordan, M.P. Minister of Labour, Social Security and the Third Sector for World Day Against Child Labour 2024](#)", June 12, 2024.

<sup>150</sup> CBC, [Effort to address gender-based violence in Barbados](#), November 25, 2024.

<sup>151</sup> St Kitts & Nevis Observer, [Barbados Setting The Pace On Updating Gender Laws](#), November 26, 2024; IACHR, Annual Report, [Chapter IV.A "Barbados"](#), 2023, para. 99.

<sup>152</sup> Barbados Today, [Spike in domestic violence despite drop in serious crime](#), March 14, 2024; Barbados Today, [Rape stats intensify calls to end gender-based violence](#), November 26, 2024.

<sup>153</sup> Barbados Today, [Spike in domestic violence despite drop in serious crime](#), March 14, 2024.

<sup>154</sup> Barbados Today, [Crime in decline despite surge in slayings, police report](#), June 15, 2024.

<sup>155</sup> CBC, [Effort to address gender-based violence in Barbados](#), November 25, 2024.

<sup>156</sup> Loop News, [Budget 2024: New Immigration Bill coming this year](#), March 18, 2024.

<sup>157</sup> IACHR, Press Release No. 230/24, [IACHR calls on States to continue adopting measures to prevent and eradicate statelessness in the region](#), September 27, 2024; Barbados Government Information System, [CRC Report, Pocket Guide & Draft Constitution Bill 2024](#), November 21, 2024.

<sup>158</sup> Barbados Government Information System, [CRC Report, Pocket Guide & Draft Constitution Bill 2024](#), November 21, 2024.



105. Regarding the situation of **people of African descent and against racial discrimination**, the State has undertaken significant efforts calling for a reparations agenda linked to the period of slavery. The Commission notes that the Prime Minister requested that Caribbean countries be included in the Church of England's reparations plan due to its role in the transatlantic slave trade.<sup>159</sup> Additionally, the State decided to halt the acquisition of a former slave plantation, owned by a British conservative Parliamentarian, in response to civil society demands urging the owner to transfer the land to the State as a gesture of reparations for historical injustices.<sup>160</sup>

106. With respect to the rights of **LGBTI persons**, the Commission notes statements made in October by high-level public officials in favor of the use of gender-neutral language by amending the Sexual Offences Act. The inclusion of such a perspective regarding gender would aim to ensure the protection of all persons against sexual offences, regardless of their gender identity.<sup>161</sup> In addition, the IACHR notes with concern the ruling of the Employment Rights Tribunal of Barbados, issued in August, which dismissed the complaint of an unjustified termination of employment brought by a transgender woman against her employer. The Tribunal ruled that there was no standing to allege gender discrimination since transgender persons are not recognized under the laws of the State.<sup>162</sup>

107. With respect to the rights of **persons deprived of liberty**, the Commission takes note of the State's continuous efforts during 2024 to attain food security and improve the health of inmates through food production programs in the national prison system. This includes the installation of a new water irrigation system and other infrastructure.<sup>163</sup>

108. In relation to the **death penalty**, the Commission notes that no executions have been carried out since 1984.<sup>164</sup> According to the most updated information, as of May 2023, there were six individuals under the sentence of death.<sup>165</sup>

## V. BELIZE

### • General considerations

109. As it relates to **progress**, the IACHR highlights the proposed expansion of the Ombudsman's Office's mandate to include the protection and promotion of human rights, the passage of several pieces of legislation aimed at reforming the criminal justice system and the passage of the Marriage Amendment Bill which raises the age of legal marriage to 18. Further, the Commission notes the approval of the National Gender Policy and proposed legislative reform regarding sexual harassment in the State. Further, the Commission highlights the technical cooperation and promotional visit to the State in October.

110. As it relates to **challenges**, the Commission notes with concern an increase in homicides and the continued reliance on States of Emergency (SOE). Moreover, the IACHR highlights high levels of complaints regarding gender-based violence and restrictive regulations regarding abortion, and reports of the mistreatment of persons deprived of liberty that include the use of isolation as a form of punishment.

<sup>159</sup> The Voice UK, [Mia Mottley slams 'unacceptable' exclusion of the Caribbean in church reparations plans](#), October 1, 2024.

<sup>160</sup> Reuters, [Barbados 'pauses' acquisition of former slavery plantation owned by Tory MP](#), April 24, 2024.

<sup>161</sup> Barbados Today, [Abrahams defends gender-neutral amendments to Sexual Offences Act](#), October 9, 2024.

<sup>162</sup> Loop Caribbean News, [Barbados: Tribunal rules against transgender dismissal by law firm](#), August 13, 2024; Barbados Today, [Right bodies back ERT's dismissal of transgender case](#), August 15, 2024.

<sup>163</sup> Barbados Today, [Prison gets closer to food self-sufficiency goal](#), September 17, 2024. Also see: Caribbean Broadcasting Corporation, [Efforts on to make Dodds Prison self-sufficient](#), November 24, 2023; and Barbados Today, "Prison on mission to boost food security", September 22, 2022.

<sup>164</sup> World Coalition Against the Death Penalty, [Barbados](#), May 23, 2023. Last visited: October 2024.

<sup>165</sup> World Coalition Against the Death Penalty, [Barbados](#), May 23, 2023. Last visited: October 2024.



111. The State did not respond to the request for information to prepare this chapter.

- **Specific issues**

112. In relation to **democratic institutional**ity, the IACHR takes note of the tabling of the Representation of the People Amendment Bill, 2024 in the House of Representatives of the Belizean Parliament. This Bill proposes to give effect to the Redivision Report of the Elections and Boundaries Commission by varying boundaries and removing and creating electoral divisions.<sup>166</sup> Civil society has expressed opposition to the redistricting proposed by the Bill and have called for it to be rejected by the Parliament. At the time of writing this report, the Bill was before the Public Service House Committee.<sup>167</sup>

113. With regards to **human rights institutions**, the Commission welcomes the approval granted by the government for the restructuring of the Ombudsman's Office, which includes expanding its mandate "to protect and promote human rights as set out in the Paris Principles and its General Observations". Further, the IACHR notes the intention of the government to establish a National Human Rights Institution in line with its commitment under the human rights treaties signed by Belize.<sup>168</sup>

114. Further, in October the IACHR conducted a technical cooperation and promotional visit to Belize. This visit focused on promoting the Inter-American System of Human Rights, technical cooperation mechanisms and capacity building, strengthening the Commission's relations with the country to increase collaboration in human rights, as well as conducting meetings to gather information relevant to the State's progress with Case 12.053 on the Maya Indigenous communities in Toledo.<sup>169</sup>

115. In December, Belize officially joined the Inter-American Convention on the Protection of Human Rights of Older Persons by depositing its accession document with the Organization of American States General Secretariat. During the deposit ceremony, Belize's Permanent Representative to the OAS, emphasized the country's commitment to human rights at all life stages, promoting dignity and inclusivity for older adults.<sup>170</sup>

116. Regarding **citizen security**, according to the Belize Crime Observatory, there were 80 homicides reported for the period January to November 2024, which represented an approximately 2.5% increase as compared to the 78 homicides reported for the same period in 2023.<sup>171</sup> This represents a homicide rate of 19.4 per 100,000 inhabitants as of June 2024.<sup>172</sup>

117. With respect to the use of States of Emergency, in its 2023 Annual Report the Commission noted the use of an SOE in Belize City which ended in August 2023 and resulted in the detention of 25 persons.<sup>173</sup> In June 2024, the State again implemented an SOE in certain parts of the Belize and Cayo districts with the aim of suppressing increasing homicides and organized criminal activity. Under Article 18 of its Statute, the IACHR requested information from the State on this SOE particularly regarding the persons detained, specifically children.<sup>174</sup> In response, the State informed that 107 persons had been detained as of August 22, 2024 under the SOE, with 8 of those persons being children. Further, the State noted that all detainees,

---

<sup>166</sup> National Assembly of Belize, [Representation of the People Amendment Bill](#), 2024.

<sup>167</sup> Amandala, [House Committee hears objections to redistricting report](#), June 12, 2024; Breaking Belize News, [Opposition Leader, Peace Movement denounce proposed electoral bill: A "violation of fundamental rights"](#), June 11, 2024.

<sup>168</sup> Office of the Ombudsman of Belize, 2023 Annual Report, July 2024, pgs. 38 – 41.

<sup>169</sup> IACHR, [Press Release No. 268/24](#), "IACHR concludes visit to Belize", October 30, 2024.

<sup>170</sup> Organization of American States, [Belize Joins the Inter-American Convention on the Protection of Human Rights of Older Persons](#), December 16, 2024.

<sup>171</sup> Belize Crime Observatory, [Crime Comparative January-November 2023-2024](#), July 2024.

<sup>172</sup> The IACHR calculated the homicide rate based on the State's population of 410,825 according to data from The World Bank. The World Bank, [Population, total - Belize](#), 2023.

<sup>173</sup> IACHR, [Annual Report, Chapter IV.A "Belize"](#), 2023, para 112.

<sup>174</sup> IACHR, Belize – State of Emergency, Article 18 IACHR Statute, August 14, 2024, IACHR Archive.



including children, had the right to legal representation, either chosen by themselves, provided by their families, or through the Government's Legal Aid Department.<sup>175</sup> The SOE ended on September 24, 2024.<sup>176</sup>

118. On the issue of **access to justice**, the State enacted the Criminal Procedure (Plea Discussion and Plea Agreement) Act 2024; the Alternative Sentencing Act 2024; and the Criminal Records (Rehabilitation of Offenders) Act 2024.<sup>177</sup> According to official information, these pieces of legislation are collectively geared towards facilitating a more efficient system for the timely disposal of criminal cases, focusing on restorative justice, and providing offenders with the ability to reintegrate into society without the stigma of a criminal record inhibiting their future.<sup>178</sup>

119. Moreover, in October the State launched a new website for its Senior Courts with the aim of enhancing the delivery and access to justice. According to official information, the new website is designed to provide easier access to information from litigants, judicial officers, legal practitioners, and members of the public thereby ensuring greater transparency and efficiency. In this regard, the new website would serve as a central hub for a wide range of services and resources, allowing users to access judgments, practice directions and other relevant updates.<sup>179</sup>

120. With regard to the rights of **children**, the IACHR welcomed the passage of the Marriage Amendment Bill, which raises the age of legal marriage to 18 and eliminates provisions allowing parental or guardian consent for the marriage of children.<sup>180</sup> The Commission also welcomes the Cabinet's approval for Belize to accede to the 1996 Hague Convention on Child Protection and the 2007 Hague Convention on Child Support. The 1996 Convention enhances safeguards for children across borders, while the 2007 Convention provides a framework for the enforcement of child support decisions abroad.<sup>181</sup> In addition, the IACHR commends the State on receiving certification from the World Health Organization (WHO) for eliminating the mother-to-child transmission of HIV and syphilis (EMTCT).<sup>182</sup>

121. With respect to the rights of **women**, the IACHR welcomes the approval of the National Gender Policy 2024-2030 that focuses on various areas such as health, education, employment, the prevention of gender violence and the participation of women in decision-making positions.<sup>183</sup> On the other hand, the Commission takes note of the introduction of new Bill which seeks to reform the Protection Against Sexual Harassment Act to provide protection for victims in the digital sphere and means of redress. In addition, employers will be obligated to implement a sexual harassment policy and maintain a register of complaints. However, this reform proposal includes criminal sanctions for reports considered false, which may discourage victims from reporting.<sup>184</sup> Between January and October 2024, 2,400 gender-based violence complaints were registered, of which 1,924 corresponded to female victims.<sup>185</sup>

<sup>175</sup> Government of Belize, Response: Belize – State of Emergency, August 22, 2024, IACHR Archive.

<sup>176</sup> Love FM, [Over 150 Men Set to Be Released as State of Emergency Expires on September 24](#), September 19, 2024.

<sup>177</sup> National Assembly of Belize, [Criminal Procedure \(Plea Discussion and Plea Agreement\) Act 2024; Alternative Sentencing Act 2024; Criminal Records \(Rehabilitation of Offenders\) Act 2024](#).

<sup>178</sup> Government of Belize Press Office, [Cabinet Brief](#), February 29, 2024.

<sup>179</sup> Government of Belize Press Office, [PRESS RELEASE - The Senior Courts of Belize Launch the New Website to Enhance the Delivery and Access to Justice](#), October 30, 2024.

<sup>180</sup> CIDH - IACHR [@CIDH]. (December 3, 2024). The IACHR welcomes the Senate's unanimous approval of the Marriage Amendment Bill [Tweet]. Twitter: <https://x.com/CIDH/status/1864040640465502492>

<sup>181</sup> Government of Belize Press Office, Press Release, ["Cabinet Grants Approval for Belize to Accede to Three International Conventions"](#), June 26, 2024.

<sup>182</sup> UNICEF, Press Release, ["Belize, Jamaica and St. Vincent and the Grenadines eliminate mother-to-child transmission of HIV and syphilis"](#), May 7, 2024.

<sup>183</sup> Committee on the Elimination of Discrimination Against Women (CEDAW), [Responses of Belize to the list of issues and questions relating to its combined fifth and sixth periodic report. Committee on the Elimination of Discrimination against Women](#), October 11, 2024, para. 15.

<sup>184</sup> Committee on the Elimination of Discrimination Against Women (CEDAW), [Responses of Belize to the list of issues and questions relating to its combined fifth and sixth periodic report. Committee on the Elimination of Discrimination against Women](#), October 11, 2024, para. 53; BBN, [Belize introduces landmark bill to combat sexual harassment in the digital age](#), June 30, 2024.

<sup>185</sup> Belize Crime Observatory, [Domestic Violence Report](#), October 2024.



122. Moreover, in terms of sexual and reproductive rights, the IACHR notes restrictive regulations on access to abortion which expose victims of rape or incest to criminalization.<sup>186</sup> Likewise, the Commission notes that there are no regulations to guarantee the access of adolescents to sexual and reproductive health services.<sup>187</sup>

123. Regarding the situation of **persons in the context of human mobility**, the IACHR notes that The State's Amnesty Program, realized in collaboration with the International Organization for Migration (IOM), seeks to regularize the status of migrants in Belize<sup>188</sup>. According to official information, as of May, 2024, approximately 12,765 applications from migrants from 32 countries were being processed.<sup>189</sup> This Amnesty Program has resulted in migrants receiving permanent residency cards which allow them to reside, work and operate in Belize, and also qualifies them to apply for Belizean nationality after five years of residency.<sup>190</sup>

124. Regarding **human trafficking**, in January the Group of Women Parliamentarians, members of the Senate and the House of Representatives, participated in a training aimed at providing legislative leaders with the knowledge and tools necessary to contribute to the eradication of human trafficking.<sup>191</sup> In August, the Leadership Summit on Human Trafficking took place, with the objective of strengthening the knowledge on best practices as well as common errors in the response to human trafficking.<sup>192</sup>

125. Regarding the **rights of indigenous peoples**, the Government of Belize and the Ministry of Human Development acted to advance in the delimitation of villages and the implementation of a Maya customary land tenure policy. The draft policy proposes a conceptual model for Maya villages to apply for areas of land to be automatically registered as Maya customary lands. The draft allows for the application for additional lands to be registered beyond these limitations once villages can show evidence or proof of customary land use and occupation.<sup>193</sup>

126. On the situation of **people of African descent and against racial discrimination**, the Commission notes that available data from 2024 indicated an overrepresentation of Garífuna people and women from the Maya community in the highest unemployment rates, when compared to the rates among other ethnicities. Specifically, the unemployment rate for Maya women stands at 8.4%, more than three times higher than the rate among Maya men, which is 2.6%. The highest unemployment rate, however, is found among the Garífuna people, reaching 13.5% of this population.<sup>194</sup>

127. Regarding the rights of **persons with disabilities**, according to official information, a Situational Analysis on Children with Disabilities developed by the State in partnership with UNICEF will provide a comprehensive framework to examine the conditions and challenges faced by this population and aims to uncover critical data gaps, identify barriers to inclusion, and guide the development of evidence-based policies and programs that foster an inclusive society. Consultations will be held with children with disabilities,

---

<sup>186</sup> Committee on the Elimination of Discrimination Against Women (CEDAW), [Responses of Belize to the list of issues and questions relating to its combined fifth and sixth periodic report, Committee on the Elimination of Discrimination against Women](#), October 11, 2024, para. 54.

<sup>187</sup> Committee on the Elimination of Discrimination Against Women (CEDAW), [Responses of Belize to the list of issues and questions relating to its combined fifth and sixth periodic report, Committee on the Elimination of Discrimination against Women](#), October 11, 2024, para. 55.

<sup>188</sup> IACHR, [Annual Report Chapter IV.A "Belize"](#), 2023, para 115.

<sup>189</sup> Government of Belize Press Office, [Joint Press Release: Office of the Prime Minister and Ministry of Finance, Economic Development and Investment, Blue Economy, and Civil Aviation and Immigration, and Ministry of Rural Transformation, Community Development, Labour, and Local Government](#), April 2, 2024.

<sup>190</sup> Government of Belize Press Office, [Amnesty – Welcoming Residents to our Belizean Society](#), February 23, 2024; Government of Belize Press Office, [Press Release: Belize advances in integration of asylum-seekers](#), September 4, 2024; Breaking Belize News, [New Permanent residents granted status through Belize's flagship Amnesty Program](#), December 6, 2024.

<sup>191</sup> National Assembly, [Women's Parliamentary Caucus – Human Trafficking Training](#), January 29, 2024.

<sup>192</sup> Government of Belize, [Trafficking in Persons Leadership Summit](#), August 30, 2024.

<sup>193</sup> Government of Belize, [Update on Draft Maya Customary Land Tenure Policy](#), January 31, 2024.

<sup>194</sup> International Labour Organization, [Decent Work Country Programme Belize 2024-2029](#), June 11, 2024, p. 19; Statistical Institute of Belize, [Labour Force Survey Tables](#), 2022.



their families, and community stakeholders so that the voices of children and their caregivers can inform the development of targeted interventions.<sup>195</sup>

128. As for **persons deprived of liberty**, the Commission is concerned about reports of mistreatment of prisoners. According to public information published in 2024, the prison system uses isolation without proper sanitation or ventilation as a form of punishment.<sup>196</sup> Also, inmates have reported the use of pepper spray inside the cells.<sup>197</sup>

129. Regarding the **death penalty**, the IACHR notes that there has been no progress to remove this punishment from the statutory books, even though no execution has occurred since 1985, and nobody is currently sentenced to death.<sup>198</sup>

## VI. BOLIVIA

### • General considerations

130. In 2024, the State made **progress** in conducting national and penitentiary censuses, drafting bills to address sexual crimes and introducing measures to combat climate change focused on Afro-descendant women and young people. Bolivia also established the Interinstitutional Commission for Victims of Political Violence to promote memory, truth and justice and preserve the memory of victims of the dictatorship.

131. However, **challenges** persisted in terms of institutional weakness, which was aggravated by the partial renewal of the positions in the high courts and the extension of the duration of some positions in the judiciary. Additionally, political polarization within the party in office worsened, and the lack of effective dialogue mechanisms led to social unrest.

132. On October 8, 2024, the State submitted its response to the Commission's request for information to prepare this chapter.<sup>199</sup>

### • Specific issues

133. As regards the progress made in terms of **democratic institutionality**, in 2024, the State completed the National Population and Housing Census, a critical step for the allocation of resources and the implementation of public policies.<sup>200</sup> In addition, the Plurinational Constitutional Court (TCP) ratified the prohibition of indefinite reelection.<sup>201</sup> In parallel, political parties met and agreed to hold general elections in 2025, ensure the fair distribution of seats and suspend primary elections.<sup>202</sup> Following this meeting, the Plurinational Legislative Assembly (ALP) passed a law to uphold the political parties' decision, although it faced

<sup>195</sup> Government of Belize, [The Government of Belize and UNICEF Partner to Produce a Groundbreaking Situational Analysis on Children with Disabilities](#), December 10, 2024.

<sup>196</sup> United States Department of State, [2023 Country Reports on Human Rights Practices: Belize](#), April 22, 2024; and Belize Breaking News, [2023 Human Rights Report revealed prison isolation rooms infested with snakes, roaches](#), April 22, 2024.

<sup>197</sup> Channel 5, [S.O.E. Prisoners Complain about Life at Prison](#), September 24, 2024.

<sup>198</sup> World Coalition Against the Death Penalty, [Belize](#), May 23, 2023. Last visited: October 2024.

<sup>199</sup> Report submitted by the Plurinational State of Bolivia in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note Verbale OI.US. Cs-275/2024, Route Sheet: 54786.24, October 8, 2024.

<sup>200</sup> Report submitted by the Plurinational State of Bolivia in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note Verbale OI.US. Cs-275/2024, Route Sheet: 54786.24, October 8, 2024.

<sup>201</sup> Bolivian Information Agency (ABI), ["TCP veta reelección continua o discontinua a la Presidencia. Morales no puede buscar nuevo mandato"](#), November 8, 2024.

<sup>202</sup> This declaration was adopted as part of the Multiparty and Interinstitutional Meeting for Democracy. Plurinational State of Bolivia, *Official Gazette*, Law No. 1578, August 19, 2024.



criticism from opposition sectors.<sup>203</sup> Judicial elections were held on December 15 after several postponements by the ALP and the TCP.<sup>204</sup>

134. However, the judicial election process was completed only partially after the TCP declared the call for candidates to the Plurinational Constitutional Court void in the departments of Pando, Cochabamba, Santa Cruz, Beni and Tarija, as well as to the Supreme Court of Justice (TSJ) in the departments of Beni and Pando, which resulted in the extension of the duration of some positions in the judiciary and was met with rejection by the public.<sup>205</sup>

135. In parallel, governance was affected by the escalation of internal disputes within the Movement for Socialism–Political Instrument for the Sovereignty of the Peoples (MAS-IPSP) political party.<sup>206</sup> This division fueled tensions within the ALP, where opposing factions fought to control the legislative branch. One faction began protests to demand the acknowledgment of former president Evo Morales’s leadership and his registration as presidential candidate. Conversely, the other faction within the party backed the political leadership of current President Luis Alberto Arce Catacora.<sup>207</sup> On June 26, an alleged coup attempted by a sector of the army deployed military vehicles and occupied public spaces in La Paz, raising concerns over institutional weakness.<sup>208</sup>

136. With respect to **access to justice and judicial independence**, the Commission engaged in a process of technical cooperation with the ALP of Bolivia regarding the preselection of candidates for the country’s courts and the Judicial Council. This process was guided by inter-American standards related to the selection of judicial authorities and involved various state institutions. As part of the cooperation process, the Commission and the ALP drafted and presented a document systematizing the inter-American standards applicable to the judiciary, as well as a technical note on the merits criteria for evaluating candidates, which was a matter of discussion between the ALP and the Commission’s country rapporteur.<sup>209</sup>

137. According to information from the Plurinational Electoral Entity, 82 percent of the population participated in the election held in late 2024. Unlike the judicial elections that took place in 2011 and 2017, the percentage of valid votes surpassed that of blank and null votes, reaching 64.29 percent of the total.<sup>210</sup>

138. Nevertheless, the partial suspension of the elections and the further extension of the duration of the terms of the representatives from Pando, Cochabamba, Santa Cruz, Beni and Tarija in the TCP, as well as those from Beni and Pando in the TSJ, were met with public rejection, inasmuch as they were perceived as a threat to the Rule of Law and undermined the confidence in the justice system.<sup>211</sup> In this context, the TCP announced criminal and disciplinary sanctions against judges who contravened this precedent, a measure that justice operators considered a violation of their judicial independence.<sup>212</sup> This situation has heightened social

<sup>203</sup> These sectors viewed this decision as disregarding the internal democratic procedures required by electoral law. *EFE, “Evo Morales dice que las primarias en Bolivia se suspendieron porque Arce tiene ‘miedo’,”* August 20, 2024.

<sup>204</sup> The Ombudsperson warned that the suspension of the judicial elections posed a threat to democracy and expressed concern over the institutional weakness of the State. See: *La Razón, “El Defensor del Pueblo advierte sobre el riesgo democrático por la suspensión de las judiciales,”* October 15, 2024.

<sup>205</sup> Plurinational Constitutional Court (TCP), Judgment No. 0770/2024-S4, November 4, 2024. See also: OAS, *Preliminary Report of the OAS Electoral Observation Mission in Bolivia*, December 17, 2024.

<sup>206</sup> The Commission expressed its concern over this situation. See: IACHR, Press Release No. 282/24, *IACHR warns of human rights impacts of growing unrest in Bolivia and calls for dialogue*, November 8, 2024.

<sup>207</sup> IACHR, Press Release No. 282/24, *IACHR warns of human rights impacts of growing unrest in Bolivia and calls for dialogue*, November 8, 2024.

<sup>208</sup> IACHR, Press Release No. 156/24, *IACHR Condemns Coup Attempt in Bolivia*, July 3, 2024.

<sup>209</sup> IACHR, Press Release No. 73/24, *IACHR Announces Technical Cooperation with the State of Bolivia*, April 15, 2024.

<sup>210</sup> Plurinational Electoral Entity (ONPE), *“Conozca los resultados de las Elecciones Judiciales de 2024,”* December 29, 2024.

<sup>211</sup> International Commission of Jurists, Due Process of Law Foundation and Latin American Federation of Judges, *Ni elecciones judiciales integrales ni reforma de la justicia en Bolivia*, 2024, p. ; *Erbol, “Asociación de Magistrados critica la sentencia del TCP que obstaculiza las Elecciones Judiciales,”* November 11, 2024; *El Deber, “El TCP bloquea el diálogo político por la ley 144 y crece rechazo a la ‘autoprórroga,’”* February 1, 2024.

<sup>212</sup> *ATB, “TCP advierte con remitir al Ministerio Público a quienes incumplan sentencia que dispuso elecciones judiciales parciales,”* December 4, 2024.



distrust, particularly regarding the treatment of ongoing judicial cases, including those related to the 2019 electoral crisis, such as the case against former governor of Santa Cruz Luis Fernando Camacho.<sup>213</sup>

139. With regard to **human rights institutions**, the Commission for the Submission of State Reports on Human Rights and Enforced Disappearances (CPIE) held six sessions.<sup>214</sup>

140. As to **citizen security**, the State provided human rights training for police officers on the legal limits on the use of force.<sup>215</sup> In turn, the Police issued Memorandum No. 17/2024 to ensure respect for the rights of LGBTI persons during police operations.<sup>216</sup>

141. However, political polarization fueled violence during social protests, which mimicked historical conflict dynamics in Bolivia. The Office of the Ombudsperson recorded 410 conflicts between January and September, which were linked to labor, economic and governance demands.<sup>217</sup> In October, the government deployed joint military and police forces<sup>218</sup> to clear road blockades. In addition, according to reports, non-state armed groups were involved in violent incidents or citizen security operations,<sup>219</sup> and opposition demonstrators were detained with no access to medical screening for 12 hours.<sup>220</sup> Former President Evo Morales also denounced an armed attack, which the State attributed to an antinarcotics operation.<sup>221</sup>

142. With regard to the situation of **Afro-descendant persons and policies against racial discrimination**, the State committed to prioritizing measures to address the impact of climate change on Afro-descendant women and young people.<sup>222</sup>

143. In turn, the CERD concluded that discrimination and structural racism had been perpetuated in the country, noting the excessive use of force and racial profiling by law enforcement officials against

<sup>213</sup> IACHR, Request for information submitted under Article 41 of the American Convention on Human Rights, May 28, 2024. In IACHR files.

<sup>214</sup> Report submitted by the Plurinational State of Bolivia in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note Verbale OI.US. Cs-275/2024, Route Sheet: 54786.24, October 8, 2024.

<sup>215</sup> Report submitted by the Plurinational State of Bolivia in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note Verbale OI.US. Cs-275/2024, Route Sheet: 54786.24, October 8, 2024.

<sup>216</sup> Information submitted by the Office of the Ombudsperson for the preparation of the Annual Report of the Commission.

<sup>217</sup> According to the quarterly reports on unrest in Bolivia issued by the Office of the Ombudsperson, 410 conflicts were recorded between January and September 2024, primarily driven by social demands related to labor (19 percent), economic issues (19 percent) and governance (15 percent), among others. The parties involved frequently used pressure tactics such as demonstrations (27 percent), blockades (9 percent) and confrontations (8 percent), among others. Information submitted by the Office of the Ombudsperson for the preparation of the Annual Report of the Commission.

<sup>218</sup> Information submitted by the Office of the Ombudsperson for the preparation of the Annual Report of the Commission; *EFE*, “La Policía desbloquea la carretera tomada por ‘evistas’ en la región más grande de Bolivia,” November 4, 2024.

<sup>219</sup> The Ombudsperson informed: “During the demonstration held between September 17 and 23 and led by former president EMA [Evo Morales Ayma], the Ombudsperson raised concerns over the presence of paramilitary groups, which the Public Prosecutor’s Office did not investigate. In addition, during the operations led by police forces to clear road blockades on the Ichilo bridge (Santa Cruz) on October 22, the Office of the Ombudsperson once again expressed concern over reports that paramilitary groups were (allegedly) operating alongside the police, an irregular and unlawful situation. Moreover, in the early hours of October 31, groups of civilians attempted to remove a blockade in the Santa Cruz-Cochabamba highway in the city of Mairana (Santa Cruz), leaving one person seriously injured. Furthermore, according to a press release from the Ministry of Foreign Affairs, on November 1, irregular groups attacked three military units in Chapare, department of Cochabamba. These groups reportedly took over 200 military officers hostage and stole combat weapons and ammunition from military vehicles.” Information submitted by the Office of the Ombudsperson for the preparation of the Annual Report of the Commission.

<sup>220</sup> Information submitted by the Office of the Ombudsperson for the preparation of the Annual Report of the Commission.

<sup>221</sup> IACHR [@CIDH], (October 30, 2024), #Bolivia: #CIDH llama al Estado a investigar con la debida diligencia la denuncia de ataque armado contra el vehículo que transportaba al expresidente Evo Morales, el 27 de octubre en Cochabamba [X post], X, [https://x.com/CIDH/status/1851630455574929714?ref\\_src=twsrc%5Etfw](https://x.com/CIDH/status/1851630455574929714?ref_src=twsrc%5Etfw); ABL, “Revelan que Evo Morales atropelló e intentó asesinar a un efectivo antinarcóticos,” October 28, 2024.

<sup>222</sup> *Ahora El Pueblo*, “Bolivia plantea diplomacia de los pueblos para cambiar la realidad de los afrodescendientes,” July 31, 2024; United Nations Development Programme (UNDP), “Afrodescendientes de los países andinos dialogan sobre los desafíos del cambio climático,” July 30, 2024.



indigenous persons, Afro-Bolivians, migrants, asylum seekers and refugees.<sup>223</sup> The CERD emphasized that structural racism contributed to high rates of maternal mortality, obstetric violence and teenage pregnancy among indigenous and Afro-descendant women in rural areas.<sup>224</sup>

144. With regard to the rights of **women**, bills were introduced to repeal provisions on the crime of statutory rape and to amend Article 308 of the Criminal Code on the crime of rape. The amendment seeks to establish the absence of the victim's consent as the basic requirement for the crime and to remove intimidation or violence as requirements.<sup>225</sup> Additionally, the State made progress in drafting a protocol for assisting victims of harassment and political violence.<sup>226</sup>

145. However, in 2024, the Public Prosecutor's Office recorded 45,396 cases of gender-based violence, mostly related to family or domestic violence (33,907).<sup>227</sup> Seventy-eight femicides had been reported as of November, most of them in La Paz,<sup>228</sup> including an attempted femicide in a detention center in Cochabamba, where the victim was assaulted by her former partner, who had been previously convicted of femicide.<sup>229</sup> Sexual violence also reached alarming levels, with 3,390 cases of sexual abuse, 2,813 cases of rape, 2,449 cases of rape against minors and 1,677 cases of statutory rape.<sup>230</sup> In this challenging context, the legislative branch advanced a bill to amend Article 94 of the Comprehensive Law to Guarantee a Life Free of Violence to Women, which raised concerns over the potential revictimization of the victims by reducing deadlines and subjecting complaints to additional review.<sup>231</sup>

146. As regards the rights of **indigenous peoples**, communities denounced the contamination of water sources in Ayllu San Agustín de Puñaca, Oruro, caused by mining activity, highlighting its disproportionate impact on indigenous women, forced migration and agricultural and livestock farming.<sup>232</sup> In turn, the forest fires in September particularly affected indigenous peoples, forcing at least 10 communities to relocate and seek shelter in the cities of Concepción and San Javier.<sup>233</sup>

147. In terms of progress related to the human rights of **LGBTI persons**, the Office of the Ombudsperson, in cooperation with organizations of transgender people, convened a committee to advocate

<sup>223</sup> United Nations, Committee on the Elimination of Racial Discrimination (CERD), [Concluding Observations on the combined twenty-first to twenty-fourth periodic reports of the Plurinational State of Bolivia](#), CERD/C/BOL/CO/21-24, January 4, 2024, para. 29.

<sup>224</sup> United Nations, Committee on the Elimination of Racial Discrimination (CERD), [Concluding Observations on the combined twenty-first to twenty-fourth periodic reports of the Plurinational State of Bolivia](#), CERD/C/BOL/CO/21-24, January 4, 2024, para. 45.

<sup>225</sup> Committee on the Elimination of Discrimination against Women (CEDAW), *Information received from the Plurinational State of Bolivia on follow-up to the concluding observations on its seventh periodic report*, CEDAW/C/BOL/FCO/7, July 2, 2024, para. 3; Chamber of Deputies, [Bill on the "Enhanced protection for infants, children and adolescents"](#), April 1, 2024; Plurinational Legislative Assembly of Bolivia, [Law No. 010/2023-2024 C.V. "creating the criminal offense of incestuous rape, repealing the provisions on statutory rape and recognizing the lack of consent as an element of the crime of rape to guarantee access to justice"](#), April 4, 2024.

<sup>226</sup> Report submitted by the Plurinational State of Bolivia in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note Verbale OI.US. Cs-275/2024, Route Sheet: 54786.24, October 8, 2024, p. 15. In IACHR files.

<sup>227</sup> Government of the Plurinational State of Bolivia, ["Fiscalía reporta 45.396 casos de violencia en Bolivia y hace un llamado a fortalecer las campañas de prevención"](#), November 25, 2024.

<sup>228</sup> Public Prosecutor's Office of Bolivia, ["Bolivia registra 78 víctimas de feminicidio y 31 de infanticidio: la paz es el departamento con mayor incidencia"](#), November 21, 2024.

<sup>229</sup> *La Razón*, ["Feminicida torturó, quemó e intentó sacarle los ojos a su expareja dentro de El Abra"](#), October 14, 2024.

<sup>230</sup> Government of the Plurinational State of Bolivia, ["Fiscalía reporta 45.396 casos de violencia en Bolivia y hace un llamado a fortalecer las campañas de prevención"](#), November 25, 2024.

<sup>231</sup> This would consist of an interview in a Gessel chamber with the intervention of specialized experts. Citizen Platform for Access to Justice and Human Rights, Request for thematic hearing "Bolivia: Setbacks in the legal framework for addressing gender-based violence," 191<sup>st</sup> period of sessions, August 20, 2024, p. 2. In IACHR files; *Visión 360*, ["Organizaciones defensoras de derechos de mujeres rechazan proyecto de Ley 143 de senadora Arce"](#), April 23, 2024.

<sup>232</sup> IACHR, thematic hearing ["Bolivia: Impact of mining on the right to water"](#), 190<sup>th</sup> period of sessions, Washington, D.C. [online], July 8, 2024.

<sup>233</sup> *Debates Indígenas*, ["Incendios forestales devastan comunidades indígenas en Bolivia"](#), October 1, 2024.



for the rights of transgender people in Bolivia and coordinate joint actions in their favor.<sup>234</sup> It also urged the State to protect the rights of an intersex person born in 2024.<sup>235</sup>

148. Furthermore, as of May, the Office of the Ombudsperson had documented two murders against trans persons. In one case, the alleged perpetrator was arrested and brought before judicial authorities.<sup>236</sup> In this context, civil society organizations reiterated the need for the State to adopt measures guaranteeing the full enjoyment of rights by trans, non-binary and gender-diverse persons without discrimination, particularly in light of the effects of a 2017 TCP judgment that restricted the exercise of some rights.<sup>237</sup>

149. With regard to **memory, truth and justice** processes, as of May 2024, the Bolivian State had compensated 853 victims of political violence during the dictatorship and established the Interinstitutional Commission for Extraordinary Review to reassess over 4,000 reparation requests which had previously been rejected.<sup>238</sup> In addition, the Ministry of Justice and Institutional Transparency installed memorial plaques in former detention and torture centers, and launched the virtual Paseo de la Memoria (memory route) to facilitate access to historical information about that period, thus reinforcing the country's memory, truth and justice processes.<sup>239</sup>

150. Notwithstanding the foregoing, six decades after the *coup d'état*, serious human rights violations committed during the dictatorship in Bolivia remain unpunished. In addition, there are no policies in the country in relation to the search for disappeared people and new legislation is still required to certify their absence, as well as to preserve and protect remembrance sites, thus hindering progress in terms of justice and historical memory.<sup>240</sup>

151. With regard to the rights of **children and adolescents**, the Ministry of Health and Sports and the Departmental Health Services signed a manifesto for the health of children and adolescents, by which they committed to prioritize the full vaccination schedule as a fundamental healthcare measure to curb and reduce the spread of preventable diseases.<sup>241</sup> Moreover, the State carried out vaccination campaigns against several diseases such as human papillomavirus infection,<sup>242</sup> poliomyelitis<sup>243</sup> and influenza.<sup>244</sup>

152. In 2024, there was an increase in sexual violence against children and adolescents in Bolivia. Between January and June, 1,466 cases of rape were reported, which accounts for an upturn of 6.7 percent

<sup>234</sup> Office of the Ombudsperson of Bolivia, "[Defensoría del Pueblo y organizaciones conforman comité de incidencia para la vigencia de derechos de las personas trans](#)," April 3, 2024.

<sup>235</sup> Office of the Ombudsperson of Bolivia, "[Pronunciamiento Ante El Nacimiento De Una Persona Intersexual, La Defensoría Del Pueblo Exige Protección De Sus Derechos Y Dignidad Humana](#)," July 26, 2024.

<sup>236</sup> Office of the Ombudsperson of Bolivia, "[Defensoría del Pueblo insta a las autoridades garantizar derechos de las personas LGBTI](#)," May 17, 2024; *El día*, "[Oruro: Presunto autor de feminicidio de Noelia fue aprehendido](#)," May 23, 2024.

<sup>237</sup> *La Razón*, "[En 8 años, 671 personas registraron el cambio de su identidad género](#)," March 31, 2024.

<sup>238</sup> Pursuant to Law No. 1568 of July 4, 2024. In: Government of the Plurinational State of Bolivia, Annex, Human Rights Situation in the Plurinational State of Bolivia, Note Verbale OI.US. Cs-275/2024 of October 8, 2024, p. 19.

<sup>239</sup> Government of the Plurinational State of Bolivia, Annex, Human Rights Situation in the Plurinational State of Bolivia, Note Verbale OI.US. Cs-275/2024 of October 8, 2024, p. 19.

<sup>240</sup> IACHR, thematic hearing "Regional: Impact of attacks on remembrance sites on the right to memory, truth, and justice," 190<sup>th</sup> period of sessions [online], July 11, 2024. See also: IACHR, Social Cohesion: The Challenge to Consolidate Democracy in Bolivia, OEA/Ser.L/V/II. Doc.1/24, January 20, 2024, paras. 476–483.

<sup>241</sup> Ministry of Health and Sports of Bolivia, "[Gobierno nacional y sedes suscriben un manifiesto por la salud de las niñas y niños de Bolivia y asumen la vacunación como prioridad sanitaria](#)," March 4, 2024.

<sup>242</sup> Ministry of Health and Sports of Bolivia, "[Gobierno inicia histórica vacunación contra el virus del papiloma humano a niñas de 10 a 14 años y niños de 10 años](#)," April 11, 2024.

<sup>243</sup> Ministry of Health and Sports of Bolivia, "[Bolivia activa la Vacunación de las Américas con la meta de proteger a 1.1 millones de niñas y niños de la poliomieltis](#)," April 23, 2024.

<sup>244</sup> Ministry of Health and Sports of Bolivia, "[La vacunación contra la influenza cubrió a más del 100 por ciento de la meta en niñas y niños de 2 a 12 años de edad](#)," August 28, 2024.



compared to the figures recorded in the same period of 2023 according to official data,<sup>245</sup> which points to an increasingly concerning issue.

153. In relation to the rights of **older persons**, the Ministry of Health and Sports carried out medical campaigns free of charge by means of the Unified Health System (SUS) and the National Program for Strengthening Functional Healthcare Networks.<sup>246</sup> In addition, the State recorded an increase in the access of older persons to the annuity program Renta Dignidad (Dignified Pension) and to different state initiatives that seek to shed light on the problem of violence against the elderly.<sup>247</sup>

154. However, in terms of challenges, people protested against Bill No. 035/2023-2024, which, according to union leaders, was intended to impose mandatory retirement at 65 years of age. The Government of Bolivia later clarified that the text of said bill only establishes the need for a medical examination at that age, so as to prove that people can continue working.<sup>248</sup> In this regard, the International Labor Organization (ILO) warned about the high rate of labor participation of persons over 65 years old in Bolivia, which is the State with the highest percentage thereof in the region.<sup>249</sup> In this context, the civil society expressed their concern about physical, psychological, economic and verbal violence against older persons<sup>250</sup> and demanded that the State address the phenomenon of loneliness that is currently affecting this population.<sup>251</sup>

155. With regard to **persons deprived of liberty**, Bolivia completed a prison census that included over 29,000 persons deprived of liberty.<sup>252</sup> Furthermore, the State undertook social reinsertion programs, such as work activities for women inmates at the Women's Prison (COF) in Obrajes,<sup>253</sup> and educational and artistic workshops at three prisons in Cochabamba.<sup>254</sup> In addition, the Bolivian mechanism for combating torture, together with others in the region, adopted both the Declaration of San José aimed at institutional strengthening and networking and the Global Action for the Rights of Persons with Disabilities Deprived of Liberty.<sup>255</sup>

156. However, the Office of the Ombudsperson reported that prisons in Bolivia face serious overcrowding, which is aggravated by the overuse of pretrial detention. This has hampered access to health services and has led to problems with the allocation of *prediarios* (monthly state allowances to inmates for purchasing food and other personal expenses), which are insufficient to cover nutrition needs.<sup>256</sup> According to official data reported by the World Prison Brief, as of July 2024, Bolivia's prison population amounted to 31,105 persons, while as of December 2023, the official prison capacity was 10,521 persons.<sup>257</sup> These figures indicate that, with an overpopulation of 20,584 persons, the current overcrowding rate accounts for 195.6 percent. This

<sup>245</sup> Office of the Ombudsperson of Bolivia, "[Día Nacional de la Solidaridad con las Víctimas de Agresiones Sexuales y en Contra de la Violencia Sexual en Niños, Niñas y Adolescentes](#)," August 9, 2024.

<sup>246</sup> ABI, "[Salud fortalece políticas y programas para mejorar la calidad de vida del adulto mayor](#)," August 26, 2024 (accessed on November 15, 2024).

<sup>247</sup> La Razón, "[El 10% de la población boliviana ya cobra la Renta Dignidad](#)," August 18, 2024 (accessed on November 15, 2024).

<sup>248</sup> Ministry of Economy and Finance, "[El Proyecto de Ley N° 035/2023-2024 no limita el derecho a seguir trabajando a los adultos mayores de 65 años o más](#)," April 9, 2024 (accessed on November 15, 2024).

<sup>249</sup> La Razón, "[Bolivia es el país con más trabajadores mayores de 65 años](#)," April 21, 2024 (accessed on November 15, 2024).

<sup>250</sup> Los Tiempos, "[Los ancianos sufren cinco tipos de abuso y hay más casos en la zona sur](#)," June 16, 2024 (accessed on November 15, 2024).

<sup>251</sup> Episcopal Conference of Bolivia, "[Estudio revela que el 42% de las personas mayores en Bolivia se sienten solas y el 25% viven solas](#)," July 26, 2024 (accessed on November 15, 2024).

<sup>252</sup> ABI, "[Concluye censo en cárceles, más de 29.000 privados de libertad fueron empadronados](#)," March 23, 2024.

<sup>253</sup> Bolivia.com, "[Privadas de libertad de Obrajes lanzan 'La Perruquería', una peluquería canina operada por las reclusas](#)," February 7, 2024; ABC, "[Conocé 'La Perruquería': así es la peluquería canina atendida por privadas de libertad en Bolivia](#)," February 7, 2024; Infobae, "['Puya' es el escaparate para los tejidos hechos por jóvenes y mujeres reclusos en Bolivia](#)," February 18, 2024; ABC, "['Puya' es el escaparate para los tejidos hechos por jóvenes y mujeres reclusos en Bolivia](#)," February 18, 2024.

<sup>254</sup> Nodal, "[El arte que libera: reinserción social en la cárcel de mujeres](#)," July 5, 2024; Opinión, "[Talleres creativos transforman vidas detrás de los muros de los penales](#)," June 30, 2024; NotiBolivia, "[Talleres creativos transforman vidas detrás de los muros de los penales](#)," June 30, 2024.

<sup>255</sup> CPT of Chile, "[Declaración de San José, adoptada por los Mecanismos Nacionales y Locales de Prevención de la Tortura \(MNP y MLPs\) de América Latina para el fortalecimiento institucional y el trabajo en red and Acción global por los derechos de las personas con discapacidad en privación de libertad](#)," May 10, 2024.

<sup>256</sup> Office of the Ombudsperson of Bolivia, "[Informe Defensorial revela que el 55 por ciento de la población penitenciaria femenina pertenece a poblaciones en situación de vulnerabilidad](#)," August 22, 2024.

<sup>257</sup> Institute for Crime & Justice Policy Research, Birkbeck, University of London, "[World Prison Brief data – Bolivia](#)," 2024.



makes Bolivia the country with the third highest rate of prison overcrowding in the Americas.<sup>258</sup> Moreover, between January and June 2024, the number of women deprived of liberty increased by 12.5 percent; more than half of them (55.39 percent) are pregnant women, mothers, older women, persons with disabilities or persons who belong to vulnerable groups, which therefore points to the need for urgent measures to address overcrowding.<sup>259</sup>

157. In relation to **human trafficking**, the Plurinational Council against Human Trafficking and Smuggling reactivated a technical commission for the criminal prosecution of crimes of human trafficking, smuggling of migrants and related offences.<sup>260</sup> This initiative seeks to strengthen the coordinated work between the members of the Council on prevention and investigation of these crimes. The Regional Platform against Human Trafficking and Smuggling of Migrants was created to consolidate best practices between Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela.<sup>261</sup>

## VII. BRAZIL

### • General considerations

158. The Commission noted progress in the strengthening of democratic institutions and access to justice, along with the enactment of laws that benefit people with disabilities and protect the rights of children and adolescents. It also observed actions undertaken against racial discrimination and the recognition of the land rights of the Quilombola communities.

159. Nevertheless, the Commission identified challenges in relation to citizen security, given the reports on deaths during police operations in the state of São Paulo and the increase of violence in indigenous territories. Moreover, it noted the advancement of bills that might curtail women's sexual and reproductive health rights, as well as undermine the rights of trans persons.

160. On November 7, 2024, the State submitted its response to the Commission's request for information to prepare this chapter.<sup>262</sup>

### • Specific issues

161. In terms of **democratic institutional**ity, the State reported on the creation of the National Observatory on Misinformation and for the Defense of Democracy, linked to the Superior Electoral Court (TSE), in response to the attacks on the electoral system observed during the elections in 2022.<sup>263</sup> In the same vein, the Federal Supreme Court (STF) ordered the arrest of 208 persons for failing to comply with precautionary measures related to the extremist acts of January 8, 2023.<sup>264</sup> The Federal Police have indicted former President Jair Bolsonaro and 36 former officials for attempting a coup d'état following the 2022 elections. They face

<sup>258</sup> Institute for Crime & Justice Policy Research, Birkbeck, University of London, [World Prison Brief data. Highest to Lowest – Occupancy level \(based on official capacity\)](#), 2024.

<sup>259</sup> Office of the Ombudsperson of Bolivia, [“Cinco de cada diez mujeres privadas de libertad se encuentran en situación de vulnerabilidad por ser madres, estar embarazadas, ser personas adultas mayores o personas con discapacidad entre otros,”](#) August 21, 2024.

<sup>260</sup> Ministry of Justice and Institutional Transparency of Bolivia, [“Primera sesión del consejo contra la Trata y Tráfico de Personas 2024, determina reforzar acciones de persecución penal,”](#) March 4, 2024.

<sup>261</sup> IOM, [“PRETT: Se llevó a cabo la Primera Reunión Técnica 2024 para la prevención y respuesta a la trata de personas y el tráfico ilícito de migrantes en América del Sur,”](#) June 11, 2024.

<sup>262</sup> Permanent Mission of Brazil to the Organization of American States (OAS), Situation of Human Rights in Brazil, Input for Chapter IV of the 2024 Annual Report. In IACHR files.

<sup>263</sup> Permanent Mission of Brazil to the OAS, Situation of Human Rights in Brazil, Input for Chapter IV of the 2024 Annual Report, p. 5. In IACHR files.

<sup>264</sup> *Poder 360*, [“Moraes manda prender mais de 200 envolvidos no 8 de Janeiro,”](#) June 6, 2024.



charges of violently undermining the Democratic Rule of Law, coup d'état, and criminal conspiracy, with the alleged intent to assassinate magistrates and elected officials, including the president and vice president.<sup>265</sup>

162. Furthermore, the STF suspended the operation of the social network X from August 30 to October 8 for failing to comply with a court order requiring the appointment of a legal representative in Brazil, in accordance with the country's prevailing legal framework. This measure was ordered once the company shut down its office in disagreement with a court ruling ordering it to block accounts used to spread hate speech and fake news.<sup>266</sup> In October 2024, the platform complied with the legal requirements and was authorized to resume operations in the country.<sup>267</sup>

163. Regarding **human rights institutions**, the State reported on the adoption of strategies for the protection of human rights with a special focus on groups exposed to greater discrimination. Specifically, the State implemented the National Human Rights System, with a decentralized perspective;<sup>268</sup> it launched the Opinion or Hate website, a tool to raise awareness and combat hate speech;<sup>269</sup> it enacted Law No. 14,992, which establishes guidelines to promote the inclusion of persons with an autism spectrum disorder (ASD) in the labor market;<sup>270</sup> and it established the Committee for Monitoring the National Strategy to Combat Violence against LGBTQIA Persons.<sup>271</sup> It also reactivated the Special Commission on Political Deaths and Disappearances, created in 1995.<sup>272</sup>

164. As for **access to justice**, the STF and the National Council of Justice (CNJ) launched the New Judicial Service Portal, which centralizes access to justice and updates the Brazilian judicial system with upgraded technology.<sup>273</sup> In addition, the executive branch enacted Law No. 14,941, which provides for a committee to manage the resources of the Federal Public Defense Fund, which will allow for the expansion of comprehensive and free legal assistance to regions in the interior of Brazil.<sup>274</sup>

165. These initiatives are complementary to the efforts made to democratize justice, given that, according to data from the Brazilian Bar Association (OAB), only 16 percent of the persons prosecuted in the country have access to public defenders.<sup>275</sup>

166. With regard to **citizen security**, the State reported on the modernization of public security actions through initiatives such as the National Body Cameras Project, which promotes the use of recording devices by security agents; the Project to Increase Homicide Investigation Capacity through Specialized Units; the Project to Increase the Service Capacity of the Military Police; the Project on Digital Transformation for Public Security Agencies, which seeks to centralize information; and the National Guidelines on the Use of Force by Public Security Agents.<sup>276</sup>

<sup>265</sup> BBC, "[Joias, vacina e, agora, golpe: as acusações contra Bolsonaro](#)," November 21, 2024.

<sup>266</sup> Federal Supreme Court (STF), "[STF determina suspensão do X, antigo Twitter, em todo o território nacional](#)," August 30, 2024.

<sup>267</sup> *O Globo*, "[Um mês após desbloqueio, plataforma X retoma acessos no Brasil, mas em patamar menor, mostra levantamento](#)," November 2, 2023.

<sup>268</sup> Permanent Mission of Brazil to the OAS, Situation of Human Rights in Brazil, Input for Chapter IV of the 2024 Annual Report, p. 1. In IACHR files.

<sup>269</sup> Permanent Mission of Brazil to the OAS, Situation of Human Rights in Brazil, Input for Chapter IV of the 2024 Annual Report, p. 1. In IACHR files.

<sup>270</sup> Permanent Mission of Brazil to the OAS, Situation of Human Rights in Brazil, Input for Chapter IV of the 2024 Annual Report, p. 2. In IACHR files.

<sup>271</sup> Permanent Mission of Brazil to the OAS, Situation of Human Rights in Brazil, Input for Chapter IV of the 2024 Annual Report, p. 3. In IACHR files.

<sup>272</sup> Permanent Mission of Brazil to the OAS, Situation of Human Rights in Brazil, Input for Chapter IV of the 2024 Annual Report, pp. 4–5. In IACHR files.

<sup>273</sup> UNDP, "[Novo Portal de Serviços do Poder Judiciário centraliza acesso à Justiça no Brasil](#)," December 3, 2024.

<sup>274</sup> Federal Senate, "[Conselho que amplia acesso à justiça gratuita no interior do país é sancionado](#)," July 31, 2024.

<sup>275</sup> Brazilian Bar Association, "[Desigualdade no acesso à justiça no Brasil: Entre formalismos e a busca por soluções – por Eduardo Koetz](#)," July 18, 2024.

<sup>276</sup> Permanent Mission of Brazil to the OAS, Situation of Human Rights in Brazil, Input for Chapter IV of the 2024 Annual Report, p. 55. In IACHR files.



167. Available official data also shows that the homicide rate dropped by 5 percent —50 percent in 2024 compared to 2023—, amounting to a total of 32,451 victims of intentional homicide as of November 2024. The states with the highest number of recorded cases were Bahia, Ceará, Pernambuco and Rio de Janeiro.<sup>277</sup>

168. Regarding police violence, the State faces a significant challenge. According to information provided by the civil society, during the first quarter of 2024 alone, the number of deaths perpetrated by the civil and military police in the Baixada Santista, São Paulo, reportedly reached a record high of 84 victims, the highest toll in the last 11 years and a 394 percent increase compared to the 17 victims recorded in the same period of 2023.<sup>278</sup> In response, the Supreme Federal Court (STF) mandated the use of body cameras by military police officers during operations in São Paulo. It also called for the implementation of additional cameras based on a police lethality risk analysis and urged the publication of relevant data on the website of São Paulo's Public Security Secretariat, following a request from the Public Defender's Office.<sup>279</sup> The Commission has received alarming reports indicating that investigations into police interventions lack sufficient independence, as they are conducted by the police themselves. This raises serious concerns about potential threats to the right to access justice.<sup>280</sup>

169. Regarding the situation of **indigenous peoples**, in 2024, the Amnesty Commission of the Ministry of Human Rights and Citizenship (MDHC) approved, for the first time since its creation, a request for collective reparations for serious violations of the rights of indigenous communities during the military regime (1964–1985), including massacres, torture and forced displacement.<sup>281</sup> In addition, the State undertook measures to curb and remove trespassers and *garimpeiros* (illegal gemstone miners) from the Yanomami Amazon reservation, thus reinforcing the protection of this indigenous territory.<sup>282</sup>

170. In terms of challenges, legal uncertainty in relation to land tenure persisted due to the possible reestablishment of the “timeframe thesis,” which restricts claims and titling in favor of indigenous communities. In this context, the STF created a settlement committee, although organizations pointed out they are inadequately represented therein and expressed their disagreement with the proposal.<sup>283</sup> An increase in violence in indigenous territories was also reported, especially in the states of Bahia,<sup>284</sup> Paraná<sup>285</sup> and Mato Grosso do Sul,<sup>286</sup> where indigenous leaders and members of the Pataxó Hã-Hã-Hãe, Avá-Guarani and Guarani Kaiowá communities have been murdered.

171. Publicly available sources reported that Ademir Machado Reis, from the Caramuru Catarina Paraguassu Indigenous Reserve, was found dead days after a military intervention by the Força-Tarefa in the area on January 9, which took place without the community's prior consent. On January 16, Roberto Bráz Ferreira, a Pataxó Indigenous man, was found dead in his home with signs of severe beatings.<sup>287</sup> Additionally,

<sup>277</sup> Ministry of Justice and Public Security of Brazil, [Mapa da Segurança Pública 2024](#) and [Dados Nacionais de Segurança Pública. Vitimas – Homicídio Doloso](#).

<sup>278</sup> Ponte, “[Mortes pela polícia na Baixada Santista \(SP\) cresceram 394% no 1º trimestre de 2024](#),” April 30, 2024. In addition, official data published in 2024 report that 6,381 people died due to police intervention in 2023. See Ministry of Justice and Public Security of Brazil, [Mapa da Segurança Pública 2024](#) and [Dados Nacionais de Segurança Pública. Vitimas-Mortes por Intervenção Policial](#).

<sup>279</sup> STF, “[Presidente do STF vê risco a direitos fundamentais e determina uso obrigatório de câmeras corporais por PMs em SP](#),” December 9, 2024.

<sup>280</sup> Federal Prosecutor's Office for Citizen Rights. Information sent to the IACHR on February 12, 2025. In IACHR files.

<sup>281</sup> Agência Brasil, “[Comisión aprueba perdón a víctimas indígenas de la dictadura militar](#),” April 3, 2024.

<sup>282</sup> Reuters, “[Brazil says it has nearly cleared gold miners from Amazon Yanomami reservation](#),” September 14, 2024.

<sup>283</sup> Instituto Socioambiental, “[Organizaciones advierten sobre riesgo de retroceso en derechos indígenas en el STF](#),” August 29, 2024.

<sup>284</sup> Agência Brasil, “[Indígenas denunciam assassinato de mulher pataxó em conflito na Bahia](#),” January 21, 2024.

<sup>285</sup> Conselho Indigenista Missionário, “[Fazendeiros atacam Avá-Guarani do Tekoha Y'Hovy, no oeste do Paraná, como se fossem caça](#),” August 28, 2024.

<sup>286</sup> G1, “[Índigena é morto a tiros em confronto com a polícia militar em Antônio João, em MS](#),” September 18, 2024.

<sup>287</sup> Conselho Indigenista Missionário, “[Em 2024 violência contra os povos indígenas persiste no Sul e Extremo Sul da Bahia](#),” January 22, 2024.



on September 18, Neri Guarani Kaiowa was fatally shot during an operation conducted by the Military Police of Mato Grosso do Sul.<sup>288</sup>

172. Regarding advances in the situation of **Afro-descendant persons and policies against racial discrimination**, the Jury Court of Rio de Janeiro convicted two former policemen as direct perpetrators of the murders of human rights defender Marielle Franco and her driver Anderson Gomes in 2018. In addition, the police concluded the investigation into the masterminds of the murders, which resulted in the imprisonment of two political leaders.<sup>289</sup>

173. Furthermore, the State demarcated and titled lands for more than 19 Quilombola communities in nine states, benefiting more than 4,500 families,<sup>290</sup> and created a special directorate to guarantee that this population enjoys their territorial rights.<sup>291</sup> The State also promoted an agenda of reparations for damages caused during the time of slavery, which was submitted to the Government of Portugal.<sup>292</sup> Moreover, the executive branch launched the first policy targeted at the country's Roma population, which includes anti-discrimination measures, the recognition of land rights and access to human rights.<sup>293</sup>

174. However, rates of lethal violence in Afro-descendant communities during police operations increased significantly in 2024, especially in the states of São Paulo, Rio de Janeiro and Bahia.<sup>294</sup> In the first two months of the year, deaths perpetrated by police officers increased by 94 percent, including reprisal killings against specific communities, according to reports.<sup>295</sup> Among the most serious cases, the Commission notes that of Gabriel Renan Soares, 26, who was shot 11 times in the back after attempting to steal cleaning products in São Paulo on November 3.<sup>296</sup> Moreover, Thainara Vitória Francisco dos Santos, who was 18 years old and pregnant, died on November 14 in Governador Valadares, Minas Gerais, after being arrested and assaulted by police officers while defending her 15-year-old autistic brother.<sup>297</sup> Also, Marcelo Barbosa do Amaral, 25, was assaulted and thrown from a bridge by military police in São Paulo on December 3.<sup>298</sup>

175. Furthermore, structural racism continued to disproportionately impact Quilombola communities, who denounced the granting of environmental licenses to operate in their ancestral territories, as well as deforestation, the use of pesticides, threats and the criminalization of environmental defenders.<sup>299</sup> The Quilombola community of Queimadas, in Minas Gerais, reported threats and reprisals due to their opposition to the operations of mining company Herculano.<sup>300</sup> Other reports point to human rights violations

<sup>288</sup> BdF, "['Indígenas são assassinados, mandantes são impunes', denunciam organizações em nota de solidariedade aos Guarani Kaiowá](#)," September 18, 2024.

<sup>289</sup> BBC News, "[Assassinos de Marielle e Anderson são condenados a décadas de prisão](#)," October 31, 2024.

<sup>290</sup> Government of Brazil, "[Governo Federal destina mais de 120 mil hectares a 4,5 mil quilombolas de Alcântara](#)," September 19, 2024.

<sup>291</sup> Ministry of Racial Equality of Brazil, "[Governo Federal cria Diretoria de Territórios Quilombolas no Incra e fortalece agenda de titulações no Brasil](#)," September 9, 2024.

<sup>292</sup> UOL, "[Brasil trabalhará com Portugal para adotar medidas concretas de reparação](#)," April 24, 2024.

<sup>293</sup> Ministry of Racial Equality of Brazil, "[MIR lança Plano Nacional de Políticas para Povos Ciganos](#)," August 1, 2024.

<sup>294</sup> IACHR, thematic hearing "[Brazil: Human rights violations in police raid contexts](#)," 190<sup>th</sup> regular period of sessions, July 12, 2024; G1, "[Capitão e cabo da PM se tornam réus por homicídio na Operação Escudo no litoral de SP](#)," July 23, 2024. During Operation Summer (formerly known as Operation Shield), 56 persons were killed between February 3 and April 1, 2024.

<sup>295</sup> InSight Crime, "[En Brasil, tácticas policiales recicladas dan los mismos resultados](#)," March 14, 2024.

<sup>296</sup> CNN, "[Novas imagens mostram que policial executou jovem negro pelas costas em SP](#)," December 2, 2024.

<sup>297</sup> G1, "[Polícia Civil vai investigar caso de jovem que morreu ao ser presa em Governador Valadares](#)," November 15, 2024; SBT News, "[Jovem de 18 anos morre em viatura após defender irmão autista de abordagem da PM](#)," November 16, 2024; Brasil 247, "[Jovem grávida de MG é morta em abordagem policial ao tentar defender irmão autista](#)," November 17, 2024.

<sup>298</sup> Folha de S.Paulo, "['Ou você pula da ponte ou eu jogo você': vítima relata como foi jogada por PM em SP](#)," December 6, 2024.

<sup>299</sup> SSB, "[Campanha Contra a Violência no Campo Acompanha Missão da Comissão Nacional de Enfrentamento a Violência no Campo no Maranhão](#)," February 27, 2024.

<sup>300</sup> Brasil de Fato, "[MAM denuncia ameaça de violência a comunidade quilombola de Queimadas, no Serro \(MG\)](#)," March 19, 2024.



by corporate actors,<sup>301</sup> which have sparked high levels of violence against indigenous and Quilombola persons and leaders,<sup>302</sup> as well as the failure to demarcate these communities' territories.<sup>303</sup>

176. Regarding the **rights of women**, the State adopted measures to strengthen its regulatory framework and public policies for the prevention, tackling and eradication of gender-based violence. Among these, it established the crime of femicide as an autonomous crime<sup>304</sup> and modified regulations to guarantee priority and adequate assistance to women in situations of domestic and family violence by the health and public security systems.<sup>305</sup> In terms of prevention, the executive branch launched the Action Plan of the National Pact for the Prevention of Femicide<sup>306</sup> and carried out various awareness campaigns to prevent femicide and political violence against women.<sup>307</sup>

177. Similarly, important measures were undertaken to promote gender equality in various areas, including the ratification of Convention 189 and Recommendation No. 201 of the ILO on the rights of home-based workers,<sup>308</sup> the implementation of a gender perspective in the 2024–2027 multi-year plan,<sup>309</sup> and efforts made to mainstream said approach in public policies and budgets.<sup>310</sup>

178. Moreover, in 2024, only 10 percent of the Women's Police stations operated uninterruptedly, as established by law,<sup>311</sup> and there are currently only 10 Brazilian Women's House units in operation, despite efforts to expand their coverage.<sup>312</sup> In this context, sexual violence rates against girls and adolescents continue to be alarming, as 49.6 percent of cases involve girls aged 10 to 14 years.<sup>313</sup> In addition, in some of its rulings, the Superior Court of Justice underestimated the seriousness of sexual violence against girls under 14 years of age in cases involving consensual relationships, young aggressors or subsequent pregnancies.<sup>314</sup> High rates of sexual exploitation of women, girls and adolescents were still observed in highways, tourist areas in the northeast region, coastal areas<sup>315</sup> and indigenous communities living in poverty.<sup>316</sup> Moreover, the State

<sup>301</sup> IACHR, thematic hearing "[Brazil: State responsibility for human rights violations in company activities](#)," 190<sup>th</sup> regular period of sessions, July 16, 2024.

<sup>302</sup> IACHR, Press Release No. 097/24, [IACHR Grants Precautionary Measures to Members of the Tapeba Indigenous People of Caucaia in Brazil](#), May 10, 2024; IACHR, Press Release No. 134/24, [IACHR extends precautionary measures to members of the Pataxó Hã-Hã-Hã Indigenous People in Brazil](#), June 11, 2024; Front Line Defenders, "[Brazil: Attack on Antonio Alves and death threats against Human Rights Defenders from Quilombo Onça in Maranhão](#)," June 25, 2024.

<sup>303</sup> *Ibid.*

<sup>304</sup> Presidency of the Republic, [Law No. 14,994](#), October 9, 2024.

<sup>305</sup> Presidency of the Republic, [Law No. 14,847](#), April 25, 2024; [Law No. 14,899](#), June 17, 2024.

<sup>306</sup> Presidency of the Republic, "[Governo Federal lança Plano de Ação do Pacto Nacional de Prevenção aos Femicídios](#)," March 19, 2024; *Agência Brasil*, "[Brasil apresenta plan nacional para la prevención de feminicidio](#)," March 20, 2024.

<sup>307</sup> Information provided by the State of Brazil for the Commission's annual report. In IACHR files. Information provided by the Federal Prosecutor's Office for Citizen Rights, under the Public Prosecutor's Office, for the Commission's annual report, November 29, 2024. In IACHR files; *Agência Brasil*, "[El gobierno brasileño lanza la campaña Femicidio Cero](#)," August 8, 2024; Presidency of the Republic, "[Ministério das Mulheres lança campanha 'Mais mulheres no poder, mais democracia'](#)," June 11, 2024.

<sup>308</sup> Presidency of the Republic, [Decree No. 12,009](#), May 1, 2024.

<sup>309</sup> Presidency of the Republic, [Law No. 14,802](#), Art. 4, Item II, January 10, 2024.

<sup>310</sup> Ministry of Planning and Budget, [Transversalidade de Gênero nas Políticas Públicas, no Plano e no Orçamento. Guia Prático para Gestoras e Gestores Públicos](#), Brasília, 2024; Ministry of Women's Affairs, [National Report on the implementation of the Beijing Declaration and Platform for Action](#), 2024, p. 13.

<sup>311</sup> VEJA, "[Apenas 10% das delegacias da mulher do país funcionam 24h: veja mapa](#)," May 10, 2024; Presidency of the Republic, [Law No. 14,541](#), April 3, 2023.

<sup>312</sup> Ministry of Women's Affairs, "[Governo federal investiu R\\$ 296 milhões em Casas da Mulher Brasileira desde 2023](#)," November 12, 2024.

<sup>313</sup> Cerqueira, D. and Bueno, S., [Atlas da violência 2024](#), Ipea and FBSP, Brasília, 2024.

<sup>314</sup> Representatives of the Office of the Special Prosecutor for Women of the Assembly of the state of Amazonas, September 19, 2024. In IACHR files. Superior Court of Justice of Brazil, Panel No. 5, AREsp 2,389,611, October 17, 2024, and Panel No. 6, AgRg Resp 2,015,310, September 12, 2023.

<sup>315</sup> In the first semester of 2024 alone, Disque 100 received 2,128 reports of sexual exploitation. MDHC of Brazil, [Disque Direitos Humanos \(Disque 100\)](#), first semester of 2024, accessed on December 4, 2024. See: *G1*, "[Exploração sexual de crianças e adolescentes: Rodovias federais tem 9,745 pontos vulneráveis](#)," May 18, 2024; Freedom Fund, "[Prevalence of commercial sexual exploitation in Recife, Brazil](#)," February 15, 2024.

<sup>316</sup> INESC, "[Sexo em troca de comida, violência sexual contra crianças indígenas](#)," 2022. *Brasil 247*, "[PF investiga esquema de aliciamento de indígenas menores de idade e favorecimento à prostituição](#)," December 23, 2023. *Brasil de Fato*, "[Associação de mulheres indígenas denuncia estupro coletivo e morte de mulher Kaingang no Paraná](#)," September 25, 2024.



recorded several cases of gender-based violence against women human rights defenders, journalists, community leaders in favelas, activists<sup>317</sup> and women in politics.<sup>318</sup>

179. In addition to the above, the STF decided as a precautionary measure to suspend the validity of the resolution of the Federal Medical Board of Brazil that prohibited the performance of legal abortions after 22 weeks of gestation.<sup>319</sup> However, obstacles to access legal abortion persist, such as inadequate or delayed healthcare provision, the demands for patients to meet criteria that are not provided for by law, the denial of service in cases permitted by law, the spread of misinformation, the claim of conscientious objection by medical personnel and the lack of such health services outside the state capitals.<sup>320</sup> Moreover, several bills have been introduced with a view to imposing greater restrictions on access to sexual and reproductive healthcare.<sup>321</sup> This took place in a context of high maternal mortality rates in the country, which amounted to 43,196 cases between January and August 2024, most of the victims being Afro-descendant women.<sup>322</sup>

180. Regarding **persons deprived of liberty**, the STF decriminalized the possession of cannabis for personal use, establishing a limit of 40 grams or six female *Cannabis sativa* plants to differentiate between personal use and commercialization.<sup>323</sup> In addition, the State adopted the Fair Sentence strategy at the national level to address the unconstitutional state of affairs in Brazilian prisons,<sup>324</sup> in compliance with the STF ruling of October 4.<sup>325</sup> This plan, already approved by the STF in December, must be implemented within three years and defines specific actions to address the challenges related to detention.<sup>326</sup> The National Council of Justice also adopted a resolution providing for judicial inspections in detention facilities,<sup>327</sup> in addition to the accession of the National Committee to Prevent and Combat Torture (CNPCT) to the Declaration of San José —aimed at institutional strengthening and networking—, and the Global Action for the Rights of Persons with Disabilities Deprived of Liberty.<sup>328</sup>

181. In addition, the CNPCT issued Recommendation No. 13 on April 24, 2024, which establishes guidelines for the creation and strengthening of the aforementioned mechanisms in all units across the country.

<sup>317</sup> Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), [Concluding observations on the combined eighth and ninth periodic reports of Brazil](#), June 6, 2024, para. 28.

<sup>318</sup> In the context of the 2024 elections, over 66.7 percent of elected women mayors claimed to have suffered some form of gender-based political violence during the campaign or mandate. National Confederation of Municipalities of Brazil, [Estudo Violência Política de Gênero e Fundo Especial de Financiamento de Campanha – MMM](#), 2024.

<sup>319</sup> STF, “[STF suspende resolução do CFM que dificulta aborto em gestação decorrente de estupro](#),” May 17, 2024; Federal Medical Board, [CFM Resolution No. 2.378/2024](#), April 3, 2024.

<sup>320</sup> CEDAW, [Concluding observations on the combined eighth and ninth periodic reports of Brazil](#), June 6, 2024, para. 34; Agência Brasil, “[STJ autoriza aborto legal que foi negado a adolescente de 13 anos](#),” July 25, 2024; Metrôpoles, “[Há sete meses, hospital de SP não oferece aborto legal após 22ª semana](#),” June 17, 2024; Metrôpoles, “[Menina de 14 anos estuprada viajou de SP à BA para fazer aborto legal](#),” June 19, 2024; ABC, “[Desinformación y burocracia: el calvario de las brasileñas para acceder al aborto legal](#),” July 18, 2024; IACHR, [2023 Annual Report. Chapter IV.A. Development of Human Rights in the Region](#), December 31, 2023, para. 165; IACHR, [2022 Annual Report. Chapter IV.A. Development of Human Rights in the Region](#), April 1, 2023, para. 176.

<sup>321</sup> Chamber of Deputies, [Constitutional Amendment Proposal No. 164/2012](#), passed by the CCJC on November 27, 2024; Chamber of Deputies, [Bill No. 1904/2024](#); AP News, “[Proyecto de ley que equipara aborto tardío con homicidio genera protestas masivas en Brasil](#),” June 15, 2024.

<sup>322</sup> Ministry of Health, [Painel de Monitoramento da Mortalidade Materna](#), accessed on December 4, 2024; Ministry of Health, “[Morte de mães negras é duas vezes maior que de brancas, aponta pesquisa](#),” November 23, 2023.

<sup>323</sup> Agência Brasil, “[La Corte Suprema de Brasil despenaliza consumo personal de marihuana](#),” June 26, 2024; Agência Brasil, “[Se fijan 40g de marihuana para diferenciar usuario de traficante](#),” June 27, 2024; El país, “[Brasil despenaliza el consumo de marihuana en una decisión que abre la puerta a miles de excarcelaciones](#),” June 27, 2024.

<sup>324</sup> National Secretariat of Criminal Policy, Ministry of Justice and Public Security of Brazil, [Pena Justa](#), April 2024.

<sup>325</sup> STF, [Summary of Ruling ADPF 347](#), October 4, 2023. See also: Association for the Prevention of Torture, “[La APT propone acciones estratégicas para el plan nacional de reforma penitenciaria de Brasil](#),” September 12, 2024.

<sup>326</sup> IACHR [CIDH], (December 23, 2024), #Brasil: #CIDH comemora a aprovação do “Plano de Pena Justa” pelo Supremo Tribunal Federal [X post], X, <https://x.com/cidh/status/1871290210400780689?s=43&t=uf3HRk57pcbUZ8Q3BWn5zg&mx=2>.

<sup>327</sup> National Council of Justice of Brazil, [Resolution No. 593](#), November 8, 2024.

<sup>328</sup> CPT of Chile, [Declaración de San José, adoptada por los Mecanismos Nacionales y Locales de Prevención de la Tortura \(MNP y MLPs\) de América Latina para el fortalecimiento institucional y el trabajo en red and Acción global por los derechos de las personas con discapacidad en privación de libertad](#), May 10, 2024.



The State also mapped the State Systems to Prevent and Combat Torture on the platform of the National Human Rights Observatory to monitor their creation, their current status and other additional information.<sup>329</sup>

182. Notwithstanding the progress made, with a total prison population of 642,491 persons as of December 2023,<sup>330</sup> Brazil continues to rank third in largest prison populations in the world.<sup>331</sup> Furthermore, taking into account that the country's official prison capacity is 487,208 people, the overcrowding rate is 31.9 percent.<sup>332</sup> In this outlook, the Congress amended legislation to prohibit humanitarian temporary releases on specific dates, such as Christmas. As a result, temporary releases are only granted to people who request to leave to attend professional training or go to work.<sup>333</sup>

183. In addition to the above, specific risk situations were observed in the prisons of some states, such as Pará, where the civil society reported various violations.<sup>334</sup> In the prisons of Goiás, a CNJ report identified overcrowding in 14 facilities and shed light on precarious infrastructure, insufficient food, acts of torture and lack of legal assistance.<sup>335</sup> In Minas Gerais, available data shows that 69 percent of the 218 prisons are overcrowded and in "regular, bad or very bad" condition.<sup>336</sup> Finally, the federal and Rio de Janeiro mechanisms for combating torture indicated that the José Frederico Marques Public Prison, where custody hearings are held, is currently in a precarious status mainly due to unsanitary conditions, lack of drinking water, inadequate toilets, lack of mattresses and shortage of medicines.<sup>337</sup>

184. In relation to the rights of **human rights defenders**, the State reported that the Program for the Protection of Human Rights Defenders (PPDDDH) operated across Brazil through voluntary agreements between the federal government and the federated states. Paraíba, Pará, Bahia and other states had state teams in place, while Amazonas, Roraima and Mato Grosso do Sul had region-focused federal teams in place; the remaining states worked under the guidance of the Federal Technical Team.<sup>338</sup> The State also noted that, in 2024, program funding was increased by 85 percent—from 17.6 million Brazilian reais in 2023 to 32.9 million Brazilian reais in 2024, including 4.8 million Brazilian reais allocated to the protection of the Yanomami people. In addition, region-focused technical teams were expanded, and an office was set up in Porto Seguro, Bahia, thus bolstering the program's coverage in the southern area of the state of Bahia.<sup>339</sup>

185. The Commission continued to follow up on the activities carried out by the Sales Pimenta Technical Working Group (GTT), whose purpose is to prepare the National Plan for the Protection of Human Rights Defenders, Communicators and Environmentalists and a bill on the National Policy for the Protection of Human Rights Defenders.<sup>340</sup> In the framework of the public hearing "Follow-up on the Joint Working Group on Precautionary Measures in favor of Bruno Araújo Pereira, Dom Phillips and 11 members of UNIVAJA – MC 449-

<sup>329</sup> Permanent Mission of Brazil to the OAS, Situation of Human Rights in Brazil, Input for Chapter IV of the 2024 Annual Report, pp. 38 and 42. In IACHR files.

<sup>330</sup> National Secretariat of Criminal Policy, Ministry of Justice and Public Security of Brazil, [Relatório de Informações Penais. 15º ciclo SISDEPEN. 2º semestre de 2023 \(RELIPEN\)](#), 2024, p. 12.

<sup>331</sup> World Prison Brief and Institute for Crime & Justice Policy Research, [Highest to Lowest – Prison Population Total](#), 2024.

<sup>332</sup> National Secretariat of Criminal Policy, Ministry of Justice and Public Security of Brazil, [Dados Estatísticos do Sistema Penitenciário. Presos em Unidades Prisionais no Brasil – Período de Julho a Dezembro de 2022](#), 2023. See also: IACHR, [2022 Annual Report](#), Chapter IV.A. Development of Human Rights in the Region, para. 185.

<sup>333</sup> *France 24*, "El Congreso de Brasil no permitirá más la salida de presos por razones humanitarias," June 1, 2024; *The Rio Times*, "Brazil's Congress Overturns Lula's Veto. Ends Prisoner 'Holiday' Releases," May 29, 2024; *SWI swissinfo.ch*, "El Congreso tumba el veto de Lula y vuelve a prohibir las salidas temporales de los presos," May 29, 2024.

<sup>334</sup> Coletivo Felipa Maria Aranha, Official Letter No. 0008/2024, July 30, 2024. In IACHR files; Information provided to the IACHR by the civil society via email, May 21–22 and July 3, 2024. In IACHR files.

<sup>335</sup> CNJ, [Relatório de Inspeções. Estabelecimentos Prisionais do Estado de Goiás](#), 2023. Agência Brasil, "CNJ encontra superlotação e tortura nos presídios de Goiás," April 11, 2024.

<sup>336</sup> Public Prosecutor's Office of the state of Mato Grosso, "Superlotação: quase 70% dos presídios de Minas Gerais estão em condições de regulares a péssimas," January 31, 2024; *G1*, "Superlotação: quase 70% dos presídios de Minas Gerais estão em condições de regulares a péssimas," January 31, 2024.

<sup>337</sup> National Mechanism for Preventing and Combating Torture and Mechanism for Preventing and Combating Torture of the state of Rio de Janeiro, [Relatório de inspeção. Cadeia Pública Frederico Marques – Rio de Janeiro/RJ, 07 de dezembro 2023](#), May 13, 2024.

<sup>338</sup> Federative Republic of Brazil, Input for Chapter IV of the 2024 Annual Report of the IACHR, November 7, 2024, p. 44.

<sup>339</sup> Federative Republic of Brazil, Input for Chapter IV of the 2024 Annual Report of the IACHR, November 7, 2024, pp. 44–45.

<sup>340</sup> Federative Republic of Brazil, Input for Chapter IV of the 2024 Annual Report of the IACHR, November 7, 2024, p. 45.



22,” the State reported to the Commission that it had held three public hearings, 54 public consultations and 11 sessions as part of the work of the GTT, including consultations with the Commission and with the United Nations Special Rapporteur on human rights defenders. The draft National Plan for the Protection of Human Rights Defenders was subject to public consultation between November 13 and 26, 2024 and had to be submitted by December 12, 2024.<sup>341</sup>

186. Nevertheless, 2024 was marked by attacks on human rights defenders, especially indigenous defenders. On May 30, Quilombola defender Antonio Alvez was the victim of an armed attack in Santa Inés, Maranhão, and other defenders from Quilombo Onça, such as Antonio Jean, Valdivino Lopes and Reginaldo da Conceição, received death threats.<sup>342</sup> Due the context of violence against indigenous peoples in Bahia, Paraná and Mato Grosso do Sul linked to the defense of their territorial rights, the Commission extended the scope of the precautionary measures granted to the Pataxó Hã-Hã-Hãe people after the murder of the *majé* Nega Pataxó Hã-Hã-Hãe on January 21 and following threats against community leaders.<sup>343</sup>

187. Regarding progress related to the rights of **LGBTI persons**, Brazil undertook various public policies, such as a campaign to celebrate trans visibility as part of its national strategy to combat violence against LGBTQIA+ persons under the Ministry of Human Rights.<sup>344</sup> This Ministry also created a program to support homeless LGBTQIA+ persons, promote economic empowerment and decent employment, and combat violence in rural areas, to which 8.5 million Brazilian reais (1.62 million US dollars) were earmarked.<sup>345</sup> Moreover, the Federal Prosecutor’s Office for Citizen Rights supported the establishment of quotas for trans persons in universities,<sup>346</sup> and the Ministry of Education issued an ordinance against harassment and prejudice that incorporates an inclusive perspective.<sup>347</sup>

188. Additionally, the STF unanimously ratified the ruling indicating that the Unified Health System should update its platforms so that trans persons can access consultations, examinations and procedures according to their specific needs and regardless of their sex assigned at birth.<sup>348</sup> The STF also ordered an investigation of transphobic actions on social media against trans Congresswoman Erika Hilton.<sup>349</sup>

189. In terms of challenges, according to data published by the civil society in January, 257 LGBTI persons died under violent circumstances during 2023 in Brazil.<sup>350</sup> Out of these deaths, 145 victims were trans persons.<sup>351</sup> In this context, the civil society reported that there are over 70 laws in force that limit the rights of trans persons in various contexts, such as education, health, sports and the use of public spaces and restrooms.<sup>352</sup>

190. Regarding the processes of **memory, truth and justice**, the State reported the reinstatement of the Special Commission on Political Deaths and Disappearances —in charge of the search for people killed

<sup>341</sup> IACHR, public hearing “[Brazil: Follow-up on preventive measures for members of UNIVAJIA indigenous peoples](#),” held during the 191<sup>st</sup> regular period of sessions, November 13, 2024.

<sup>342</sup> Front Line Defenders, “[Brazil: Brazil: Attack on Antonio Alves and death threats against Human Rights Defenders from Quilombo Onça in Maranhão](#),” June 25, 2024; Protect Defenders, “[Brazil – Physical attack and death threats against Indigenous leaders and HRDs](#),” July 31, 2024.

<sup>343</sup> IACHR, [Resolution No. 38/2024](#), Precautionary Measure No. 61-23, Members of the Pataxó Hã-Hã-Hãe indigenous people regarding Brazil (Extension), June 3, 2024.

<sup>344</sup> MDHC, “[MDHC lança campanha alusiva aos 20 anos da visibilidade trans](#),” January 22, 2024.

<sup>345</sup> Social Communication Secretariat, “[Programas de proteção e garantia de direitos de pessoas LGBTQIA+ terão investimentos de R\\$ 8.5 milhões](#),” June 3, 2024; Permanent Mission of Brazil to the OAS, Note No. 346, November 7, 2024, pp. 3 *et seq.* In IACHR files.

<sup>346</sup> *Brasil de Fato*, “[MPF defende cotas para pessoas trans em concursos públicos e universidades](#),” January 18, 2024.

<sup>347</sup> Permanent Mission of Brazil to the OAS, Note No. 346, November 7, 2024, pp. 23 *et seq.* In IACHR files.

<sup>348</sup> MDHC, “[Após 20 anos, pessoas trans recebem reconhecimento histórico em evento promovido pelo MDHC](#),” January 30, 2024.

<sup>349</sup> STF, “[STF determina prosseguimento de investigação sobre transfobia contra deputada Erika Hilton](#),” October 16, 2024.

<sup>350</sup> Agência Brasil, “[Brasil: Cifran en 257 las muertes violentas de LGBTQIA+ durante 2023](#),” January 27, 2024.

<sup>351</sup> Agência Brasil, “[Brasil registrou 145 assassinatos de pessoas trans no ano pasado](#),” January 29, 2024; Benevides, B. G., *Dossiê: Assassinatos e violências contra travestis e transexuais brasileiras em 2023*, Associação Nacional de Travestis e Transexuais (ANTRA), Brasília, 2024.

<sup>352</sup> Meeting with Brazilian civil society organizations, April 3, 2024. Notes in IACHR files; *Farol da Bahia*, “[Brasil tem pelo menos 77 leis antitrans em vigor em 18 estados](#),” January 28, 2024.



and disappeared for political reasons during the military dictatorship—,<sup>353</sup> following its dissolution in December 2022.<sup>354</sup> The State also announced a plan to resume the search and identification of the victims of the guerrilla of Araguaia.<sup>355</sup> In addition, it reported that it is advancing on the creation of a permanent committee to follow up on the recommendations contained in the Final Report of the National Truth Commission,<sup>356</sup> and it reported on the calls for tender to set up two Memory Centers of Victims of State Violence in the cities of Santos and Rio de Janeiro.<sup>357</sup> Furthermore, the Public Prosecutor's Office filed a complaint requesting that 42 former agents of the military dictatorship be found liable for the torture and disappearance of persons who opposed the regime.<sup>358</sup>

191. Despite these advances, the lack of financial resources has hindered the operation of the Amnesty Commission.<sup>359</sup>

192. With respect to **children and adolescents**, Brazil made progress in the protection of their rights by means of Law No. 14,811 and Law No. 15,032, which established measures against violence in schools and child sexual abuse,<sup>360</sup> in addition to allocating public funds for sports clubs to implement policies against child abuse.<sup>361</sup> It also created the National System to Monitor and Combat Violence in Schools<sup>362</sup> and it passed resolutions on digital rights<sup>363</sup> and family coexistence.<sup>364</sup> It was further reported that during the 12<sup>th</sup> National Conference on the Rights of Children and Adolescents over 300 children and adolescents participated in the drafting of public policies.<sup>365</sup>

193. However, in 2024, complaints of sexual exploitation of children and adolescents in the island of Marajó, in Pará, led the MDHC to promote the establishment of two Comprehensive Care Centers in Portel and Soure, equipped in collaboration with Fundação ParáPaz. In addition, the Marajó Citizenship Program, focused on combating child abuse and sexual exploitation and guaranteeing access to public policies in the region, has continued to be implemented since its launch in 2023.<sup>366</sup> According to official data, as of July, there were over 255,000 complaints of human rights violations against children and adolescents, including physical, psychological and sexual abuse, as well as neglect and exploitation.<sup>367</sup>

194. Regarding the situation of **persons in the context of human mobility**, between January and September, Brazil recorded the entry of 143,352 people, including 71,266 Venezuelans under the category of "shelter." In that period, the country received 55,940 asylum applications, and the National Committee for Refugees (CONARE) resolved 43,019 cases, granting asylum to 5,938 persons (13.8 percent). In addition, between January and August, 203,473 migrants, refugees and stateless persons formally joined the labor market. Between 2017 and September 2024, 255,972 Venezuelans requested asylum in Brazil, out of which

<sup>353</sup> Federative Republic of Brazil, Note No. 346, Annex, November 7, 2024. Federative Republic of Brazil, Input for Chapter IV of the 2024 Annual Report of the IACHR, pp. 49 and 52.

<sup>354</sup> IACHR, [2022 Annual Report, Chapter IV.A, Development of Human Rights in the Region](#), April 1, 2023, para. 178.

<sup>355</sup> Federative Republic of Brazil, Note No. 346, Annex, November 7, 2024. Input for Chapter IV of the 2024 Annual Report of the IACHR, p. 53.

<sup>356</sup> Federative Republic of Brazil, Note No. 346, Annex, November 7, 2024. Input for Chapter IV of the 2024 Annual Report of the IACHR, p. 49.

<sup>357</sup> Federative Republic of Brazil, Note No. 346, Annex, November 7, 2024. Input for Chapter IV of the 2024 Annual Report of the IACHR, p. 15.

<sup>358</sup> Agência Brasil, "[MPF pede responsabilização e multas para 42 ex-agentes da ditadura](#)," March 18, 2023.

<sup>359</sup> *Brasil de Fato*, "[Comissão de Anistia do governo opera com dinheiro 'emprestado' e não tem verbas para próximos meses](#)," September 2, 2024.

<sup>360</sup> Special Secretariat for Legal Affairs of Brazil, [Law No. 14,811](#), January 12, 2024.

<sup>361</sup> Special Secretariat for Legal Affairs of Brazil, [Law No. 15,032](#), November 21, 2024.

<sup>362</sup> Presidency of the Republic of Brazil, [Decree No. 12,006](#), April 24, 2024.

<sup>363</sup> MDHC, National Secretariat on the Rights of Children and Adolescents, General Coordination of the National Council on the Rights of Children and Adolescents, [Resolution No. 245](#), April 5, 2024.

<sup>364</sup> National Council of the Public Prosecutor's Office, [Resolution No. 293](#), May 28, 2024.

<sup>365</sup> Agência Brasil, "[Crianças e adolescentes debatem propostas sobre direitos pós-pandemia](#)," April 4, 2024; *Brasil de Fato*, "[Após 5 anos, conferência nacional volta a debater políticas para crianças e adolescentes](#)," April 5, 2024; Social Protection Secretariat, "[Ceará marca presença na 12ª Conferência Nacional da Criança e do Adolescente, em Brasília](#)," April 3, 2024.

<sup>366</sup> MDHC, Request for information No. 249/2024. Information submitted by Congressman Nikolas Ferreira on April 11, 2024.

<sup>367</sup> MDHC, [Painel de Dados da Ouvidoria Nacional de Direitos Humanos](#), July 8, 2024.



134,070 were granted refugee status (52.3 percent), which thus evidences the country's role as a recipient of human mobility flows in the region.<sup>368</sup>

195. The legislative branch also passed an amendment to the Migration Law that expands legal protection for refugees and migrants, especially those in a situation of socioeconomic vulnerability. The amendment allows for easier access to the labor market and to education, inasmuch as it removes bureaucratic obstacles that used to restrict access to these rights.<sup>369</sup> In addition, the Ministry of Justice and Public Security held the 2<sup>nd</sup> National Conference on Migration, Asylum and Statelessness (COMIGRAR), which included an inclusive approach to guide public policies aimed at strengthening the rights of these groups. The Conference resulted in the selection of proposals in six key areas: equal treatment, socioeconomic inclusion, addressing rights violations, governance, migration regularization and interculturality. These actions constitute progress in the protection of migrants in the country.<sup>370</sup>

196. In April and May 2024, extreme weather events in Rio Grande do Sul affected 2.3 million people, internally displacing more than 600,000 people. Six months later, challenges persisted in restoring public services, rebuilding infrastructure and ensuring adequate housing for the displaced persons.<sup>371</sup> Moreover, the situation worsened at the Guarulhos airport, in São Paulo, where 192 migrants and asylum seekers were held in precarious conditions, given that they were not provided with a space for sleeping, had insufficient food and hygiene resources and faced mobility restrictions.<sup>372</sup> Reports indicate there were deportations without warning, families were separated, women were detained in the same spaces as men and officials engaged in medical negligence, as in the case of the Ghanaian citizen Evans Ossêi Ússu, who died of a widespread infection.<sup>373</sup> In addition, the State issued Technical Note No. 18/2024, in which it advised to not grant admission to migrants in transit, therefore restricting their right to seek asylum.<sup>374</sup>

197. With respect to **human trafficking**, the Ministry of Foreign Affairs, the Ministry of Justice and Public Security and the International Organization for Migration (IOM) launched a campaign to inform and advise Brazilian nationals, particularly fashion models and soccer players, about working abroad and the risk of human trafficking.<sup>375</sup> Moreover, in July, the State held a bilateral meeting with Bolivia to strengthen operations at its border with Brazil to combat human trafficking, among other crimes.<sup>376</sup>

198. In relation to **persons with disabilities**, among the progress made, the Commission highlights that the Government of Brazil created the National Registration System for Persons with Autism Spectrum Disorder, which simplifies the issuance of credentials, so as to grant easier access to public policies.<sup>377</sup>

199. However, according to official data, 8,302 cases of domestic violence against persons with disabilities have been reported, out of which 3,662 involved people with psychosocial disabilities, who were the majority of victims.<sup>378</sup> Civil society organizations also expressed their concern<sup>379</sup> about the processing of a

<sup>368</sup> Ministry of Justice and Public Security of Brazil, [Migração no Brasil: Boletim Informativo N° 5](#), November 2024.

<sup>369</sup> Permanent Mission of Brazil to the OAS, Situation of Human Rights in Brazil, Input for Chapter IV of the 2024 Annual Report. In IACHR files.

<sup>370</sup> Ministry of Justice and Public Security of Brazil, "[Comigrar elegeu 60 prioridades para migrantes, refugiados e apátridas](#)," November 11, 2024.

<sup>371</sup> UNHCR, [Brazil Floods Emergency Six-Month Impact Report, May–November 2024](#), December 2024.

<sup>372</sup> IACHR, Request for public hearing during the 192<sup>nd</sup> regular period of sessions on the prohibition to seek asylum/shelter at international airports in Brazil, December 3, 2024. In IACHR files.

<sup>373</sup> IACHR, *op. cit.*

<sup>374</sup> Ministry of Justice and Public Security, National Secretariat of Justice, Migration Department of Brazil, [Technical Note No. 18/2024/Gab-DEMIG/DEMIG/SENAIUS/MJ](#), August 2, 2024.

<sup>375</sup> Government of Brazil, [Tráfego de Pessoas e Orientações para o Trabalho no Exterior](#), May 2, 2024.

<sup>376</sup> Government of Brazil, "[Lula: 'Estamos comenzando una nueva era en las relaciones Brasil-Bolivia'](#)," July 10, 2024.

<sup>377</sup> *Exame*, "[Governo cria sistema de emissão de carteira nacional da pessoa com TEA](#)," July 17, 2024.

<sup>378</sup> Brazilian Public Security Forum, "[Violência contra pessoas com deficiência](#)," July 3, 2024.

<sup>379</sup> Human Rights Watch Brazil [[@hrw\\_brasil](#)], (July 11, 2024), Está tramitando na @camaradeputados um projeto de lei (PL 5679/23) p/ possibilitar a esterilização de pessoas com deficiência intelectual ou condições de saúde mental, [X post], X, [https://x.com/hrw\\_brasil/status/1811475425853423828](https://x.com/hrw_brasil/status/1811475425853423828). See also: Federative Republic of Brazil, Chamber of Deputies, Chamber News Agency, "[Projeto altera norma sobre esterilização cirúrgica de pessoas com deficiência mental](#)," March 15, 2024.



bill to amend Article 10 of the Family Planning Law to allow for the nonconsensual sterilization of persons with disabilities.<sup>380</sup>

## VIII. CANADÁ

### • General considerations

200. With respect to **progress**, the Commission takes note of the coming into force of the Act to Enact the Fighting Against Forced Labor and Child Labor in Supply Chains and to amend the Customs Tariff. It also welcomes the launch of the Supporting Indigenous Victims of Crime (SIVC) initiative, aimed at funding projects to enhance access to victim-centered services led by indigenous communities. In addition, it takes note of efforts carried by the State, the Government of the Northwest Territories, and the Inuvialuit Regional Corporation to support Inuit-led child and family services.

201. In relation to **challenges**, the Commission expresses its concern about migrant workers who are participants of the Temporary Foreign Worker Program (TFWP) program as they may be at a higher risk of labor exploitation. It also observes with concern that, indigenous women, girls and adolescents continue to be exposed to being victims of murder, disappearances, and family violence. In addition, the IACHR expresses concern over allegations of racial profiling and discrimination, according to a report on anti-black racism from the Canadian Human Rights Commission.

202. On October 10, the State submitted its response to the Commission's request for information to prepare this chapter.

### • Specific issues

203. In relation to **democratic institutional**ity, the Commission values efforts by the State to protect the integrity of its electoral system. In May, the State approved Bill C-70, an Act Respecting Countering Foreign Interference, which proposes to update existing laws to better equip the government to detect, disrupt, and protect against foreign threats.<sup>381</sup> A Bill C-70 will also amend existing laws, among others: the Security of Information Act, the Canadian Security Intelligence Service Act, and the Canada Evidence Act. In addition, the Commission takes note of introduced amendments to Canada Election Act (CEA) to enhance citizens' participation and trust in Canada's electoral process.<sup>382</sup>

204. In relation to **human rights institutional**ity, the Commission takes note of the appointment in June, of the new chief commissioner of the Canadian Human Rights Commission (CHRC).<sup>383</sup> Based on publicly available information, the Ministry of Justice is conducting a background check on the new appointee for allegedly making antisemitic comments in the past.<sup>384</sup>

205. Regarding **citizen security**, the State indicated that, in 2024, it continued to move forward with Bill C-21, an act focused on strengthening gun control measures and containing violence. The Bill's measures will include among others the implementation of a nationwide freeze on handguns and the

<sup>380</sup> Federative Republic of Brazil, [Law No. 9.263](#), January 12, 1996.

<sup>381</sup> Government of Canada, Government of Canada, Report of Canada on the Request for Information from the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, on file with the IACHR, October 10, 2024, p. 1.

<sup>382</sup> Government of Canada, [Minister LeBlanc introduces legislation to further strengthen Canada's electoral process](#), March 20, 2024.

<sup>383</sup> Government of Canada, [New Chief Commissioner of the Canadian Human Rights Commission appointed by Minister of Justice](#), June 14, 2024.

<sup>384</sup> CBC, [Feds reviewing new human rights commissioner's online posts after Jewish advocates raise concerns](#), June 25, 2024; Toronto Sun, [Minister delays appointment of new human-rights commissioner after independent review](#), August 7, 2024.



establishment of a technical definition for prohibited firearms to address the risk of assault-style firearms.<sup>385</sup> In addition, the State informed that in 2024, funds were allocated to the Canada Border Service Agency (CBSA) and the Royal Canadian Mounted Police (RCMP) to prevent firearms from illegally entering Canada.<sup>386</sup>

206. With respect to **access to justice**, the State indicated that in 2024, launched the Supporting Indigenous Victims of Crime (SIVC) initiative to improve the availability of, and access to, indigenous-led, culturally safe and trauma-informed victims services.<sup>387</sup> It is expected that this initiative will support projects that advance a wide range of activities to increase access to survivor-centered services and support, and activities that will reflect community needs. In addition, the IACHR takes note of other initiatives such as the provision of funding to support access to legal aid in the criminal justice system, and to support increased access to justice for tenants through resources, advice, and information.<sup>388</sup>

207. Regarding the rights of **children**, the Commission welcomes the coordination agreement signed in September by the Government of Canada, the Government of the Northwest Territories, and the Inuvialuit Regional Corporation to support Inuit-led child and family services<sup>389</sup>. This agreement paves the way for Inuvialuit to rightfully determine how best to support the well-being of their families, reinforce their way of life, and strengthen ties within their communities, including by preserving children's connections to their culture.<sup>390</sup> In addition, the Commission takes note that in February the Online Harms Act was introduced, aimed at making online platforms responsible for addressing harmful content and for creating a safer online space that protects all people in Canada, especially children.<sup>391</sup>

208. Regarding the rights of **women**, the Commission welcomes the continuation and/or adoption of new measures to guarantee sexual and reproductive rights. Among others: i) the launch of a national coverage plan that would guarantee free access to contraceptive medicines and devices;<sup>392</sup> ii) the investment in research projects on health issues that affect women and people of sexual diversity;<sup>393</sup> iii) the continuation of the Menstrual Equity Fund pilot project that seeks to guarantee access to menstrual hygiene products and education on sexual and reproductive health and rights for people in a situation of economic vulnerability,<sup>394</sup> and; iv) amendments to the Labor Code that requires the availability of menstrual hygiene products in all federally regulated workplaces.<sup>395</sup>

209. However, the Commission notes with concern that indigenous women, girls, and adolescents continue to be exposed to a greater risk of being victims of murder, disappearances, violence in the family or intimate partner sphere, sexual violence and forced sterilizations, compared to other women.<sup>396</sup> In the absence

<sup>385</sup> Government of Canada, Government of Canada, Report of Canada on the Request for Information from the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, on file with the IACHR, October 10, 2024, p. 5.

<sup>386</sup> Government of Canada, Government of Canada, Report of Canada on the Request for Information from the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, on file with the IACHR, October 10, 2024, p. 5.

<sup>387</sup> Government of Canada, Government of Canada, Report of Canada on the Request for Information from the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, on file with the IACHR, October 10, 2024, p. 6.

<sup>388</sup> Government of Canada, Government of Canada, Report of Canada on the Request for Information from the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, on file with the IACHR, October 10, 2024, p. 6.

<sup>389</sup> Government of Canada, Government of Canada, Report of Canada on the Request for Information from the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, on file with the IACHR, October 10, 2024, p. 6.

<sup>390</sup> Prime Minister of Canada, Press Release, "[Government of Canada, Government of the Northwest Territories, and Inuvialuit Regional Corporation reach a historic coordination agreement to support Inuit-led child and family services](#)", September 30, 2024.

<sup>391</sup> Government of Canada, Press Release, "[Government of Canada introduces legislation to combat harmful content online, including the sexual exploitation of children](#)", February 26, 2024.

<sup>392</sup> Prime Minister of Canada, [Making contraception and diabetes medications free for Canadians](#), May 24, 2024.

<sup>393</sup> [Government of Canada, Finding solutions for women and gender diverse people's top health priorities](#), October 21, 2024.

<sup>394</sup> Government of Canada, [Government of Canada continues to advance menstrual equity](#), May 28, 2024.

<sup>395</sup> Government of Canada, [Government Response to the Report of the Standing Committee on the Status of Women](#), March 1, 2024, p. 2.

<sup>396</sup> CEDAW Committee, Concluding Observations on Canada's Tenth Periodic Report, October 29, 2024, paras. 21, 23, 29, and 37; Government of Canada Department of Justice, [Understanding Indigenous Women and Girls' Experiences with Victimization and Violence](#), June 11, 2024; Government of Canada, [Ending gender-based violence against Indigenous Peoples](#), September 9, 2024; Government of Canada, Indigenous [Services Canada Statement of Support for Canada's National Action Plan on Women, Peace and Security – 2023 to 2029](#), March 26, 2024; Statistics Canada, [Court outcomes in homicides of Indigenous women and girls, 2009 to 2021](#), October 4, 2023.



of specific official data on femicide,<sup>397</sup> the IACHR resorts to other publicly available sources of information that indicate that, as of October 2024, 137 violent deaths of women were reported, mostly perpetrated by their partners or family members,<sup>398</sup> of which 16% would be indigenous women and girls. They would also account for 11% of all missing women.<sup>399</sup>

210. In relation to **human mobility**, the State indicated that actions have been put in place under the Temporary Foreign Worker Program (TFWP) to protect migrant workers. Official information shows that, from January 1 to August 31, 2024, the Immigration, Refugees and Citizenship Canada (IRCC) has granted 2,789 permits under the TFWP and the Open Work Permit for Vulnerable Workers (OWP-V). Moreover, the State reported that since the launching of the OWP-V in 2019 and until August 31, 2024, a total of 7,652 permits for vulnerable workers have been approved.<sup>400</sup>

211. Despite the above initiative, the Commission observes with concern that, based on information available to the IACHR, migrant workers who are participants of the TFWP program are at a higher risk of labor exploitation compared to Canadian nationals mainly due to the nature of their visas.<sup>401</sup> According to information available, migrant workers under this program may suffer wage theft, unsafe conditions at work, excessive working hours without rest, inadequate housing, and racist abuse, among others. After an official visit to Canada in July, the United Nations Special Rapporteur on Contemporary Forms of Slavery stated that TFWP expressed their concerns over the Program indicating that it “serves as a breeding ground for contemporary forms of slavery, as it institutionalizes asymmetries of power that favor employers and prevent workers from exercising their rights”.<sup>402</sup>

212. Regarding the detention of migrants, the Commission takes note of the use of alternative programs to migration detention by the Canada Border Service Agency (CBSA). According to official information, as of March 2024, a total of 12,819 individuals were enrolled in these programs.<sup>403</sup> However, the Commission expresses concern over the preliminary findings of the United Nations Working Group on Arbitrary Detention, who conducted an official visit to Canada from May 13 to 24, 2024. As per their findings, alternatives to detention are often only considered after arrest at the review hearing, when the prejudice of being removed from family, community and employment may have already been done.<sup>404</sup>

213. Furthermore, the Working Group was alarmed by the fact that Canada allows children and youths to be held in centers for migrants and recommended the State to prohibit any migration-related detention of persons under the age of 18.<sup>405</sup> In addition, the Working Group expressed concerns over the fact that private security contractors who guard the detainees are not CBSA officials, making it more difficult for detainees to access information regarding their status and to lodge complaints about their detention conditions.<sup>406</sup>

<sup>397</sup> CEDAW Committee, Concluding Observations on Canada's Tenth Periodic Report, October 29, 2024, par. 21.

<sup>398</sup> Canadian Femicide Observatory for Justice and Accountability, [2024 Victims](#), October 2024; Battered Women's Support Services, [Should Femicide Be a Distinct Crime in the Criminal Code?](#), September 13, 2024.

<sup>399</sup> Assembly of First Nations, [Indigenous women are four times more likely than non-Indigenous women to be victims of violence](#), October 25, 2024; Amnesty International, [Canada must Protect Indigenous Women, Girls and 2SLGBTQIA+ People](#), September 10, 2024.

<sup>400</sup> Government of Canada, Report of Canada on the Request for Information from the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, on file with the IACHR, October 10, 2024, p. 6.

<sup>401</sup> CIDH, *Solicitud de audiencia pública en el ámbito del 192 Período de Sesiones sobre explotación laboral de trabajadores migrantes bajo el programa canadiense de trabajador extranjero temporal*, archivo de la CIDH, 3 de diciembre de 2024.

<sup>402</sup> United Nations, [Visit to Canada Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences](#), July 22, 2024.

<sup>403</sup> Government of Canada, [Parliamentary Committee Notes: Immigration Detention](#), July 8, 2024

<sup>404</sup> Office of the United Nations High Commissioner for Human Rights, [Working Group on Arbitrary Detention: Preliminary Findings from its visit to Canada \(13 to 24 May 2024\)](#), May 24, 2024.

<sup>405</sup> Office of the United Nations High Commissioner for Human Rights, [Working Group on Arbitrary Detention: Preliminary Findings from its visit to Canada \(13 to 24 May 2024\)](#), May 24, 2024.

<sup>406</sup> Office of the United Nations High Commissioner for Human Rights, [Working Group on Arbitrary Detention: Preliminary Findings from its visit to Canada \(13 to 24 May 2024\)](#), May 24, 2024, pgs. 9 and 10.



214. With respect to the prevention of **statelessness**, the Commission welcomes the State's decision to introduce Bill C-71 on May, 2024,<sup>407</sup> that would: i) automatically remedy the status of any person already born who would have been a citizen were it not for the first-generation limit; and ii) establishes a new framework for citizenship by descent going forward that would allow for access to citizenship beyond the first generation based on a substantial connection to Canada.<sup>408</sup> According to public information, while the amendments are passed, Canada appears to be processing applications for subsequent generations born abroad if the applicant can demonstrate an urgent need for Canadian citizenship such as statelessness, among others.<sup>409</sup> On December 19, 2023, the Ontario Superior Court of Justice declared that the first-generation limit for those born abroad is unconstitutional.<sup>410</sup>

215. In relation to **human trafficking**, the State informed of its first Supply Chain Act, which requires certain entities and government institutions to report annually on the measures taken to prevent and reduce forced and child labor in supply chains. By May of 2024, 5,795 report submissions had been received, of which 5,650 came from entities and 145 were governmental.<sup>411</sup> However, the Commission takes note of the report presented by the United Nations Special Rapporteur on Contemporary Forms of Slavery including its causes and consequences, which indicated that the distribution of responsibilities between the Federal Government and provincial and territorial governments systematically create situations of interjurisdictional negligence, thus, contributing to increased vulnerability to contemporary forms of slavery for certain groups and hampering efforts to protect and assist victims, with particular impacts on indigenous peoples, migrants, the homeless and people with disabilities.<sup>412</sup>

216. Regarding the rights of **indigenous peoples**, the Commission welcomes the launch in October of the Supporting Indigenous Victims of Crime (SIVC)<sup>413</sup> initiative, aimed at funding projects to enhance access to victim-centered services led by indigenous communities. Similarly, the Commission was informed about the availability of funding to improve access to justice for indigenous and "racialized communities" in British Columbia.<sup>414</sup>

217. In January 2024, the British Columbia Supreme Court convicted three Indigenous land defenders—Sleydo' (Molly Wickham), Shaylynn Sampson, and Corey Jayohcee Jocko—of criminal contempt for defying an injunction against obstructing Coastal GasLink pipeline construction on Wet'suwet'en territory. They subsequently filed abuse of process applications, alleging misconduct by the Royal Canadian Mounted Police (RCMP) during their November 2021 arrests.<sup>415</sup> In July 2024, Wet'suwet'en Chief Dsta'hyl was sentenced to 60 days of house arrest for peacefully opposing the pipeline construction. Amnesty International condemned his conviction and confinement, asserting he was unjustly penalized for defending his people's land and rights amid a climate emergency, and declared him a 'prisoner of conscience'.<sup>416</sup>

218. In relation to **people of African descent and against racial discrimination**, the State reported the findings of the Steering Group for Canada's Black Justice Strategy, outlining policy recommendations and accountability measures that will guide the Government's response to address systemic

---

<sup>407</sup> Parliament of Canada, [An Act to amend the Citizenship Act \(2024\)](#), s.f.

<sup>408</sup> Government of Canada, [Bill C-71: An Act to amend the Citizenship Act \(2024\)](#), May 23, 2024.

<sup>409</sup> Bart Law LPP, [Canada Expands Citizenship to Second Generation Born Abroad](#), June 27, 2024.

<sup>410</sup> Government of Canada, [Bill C-71: An Act to amend the Citizenship Act \(2024\)](#), May 23, 2024.

<sup>411</sup> Government of Canada, Report of Canada on the Request for Information from the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, on file with the IACHR, October 10, 2024, p. 4.

<sup>412</sup> United Nations, [Visit to Canada Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences](#), July 22, 2024.

<sup>413</sup> Government of Canada, [Support for Indigenous Victims of Crime Initiative](#), October 15, 2024.

<sup>414</sup> Government of Canada, Government of Canada, Report of Canada on the Request for Information from the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, on file with the IACHR, October 10, 2024, p. 7.

<sup>415</sup> Frontline Defenders, [Court rules RCMP abused its power in criminalisation of three Wet'suwet'en defenders](#), February 25, 2025.

<sup>416</sup> Amnesty International, [Wet'suwet'en Campaign Updates: First Prisoner of Conscience and Key Legal Developments - Prisoner of Conscience Designation](#), September 13, 2024.



racism and the overrepresentation of individuals of African descent in the criminal justice system.<sup>417</sup> In January, the Royal Canadian Mounted Police (RCMP) launched the Race-Based Data Collection Initiative, which collects and analyzes race-based data to better understand the experiences of racialized communities in their interactions with frontline officers RCMP.<sup>418</sup> In June, the State launched the Canada's Anti Racism Strategy 2024-2028, aimed at building a better, fairer and more inclusive country by advancing racial equity and promoting economic, social and cultural empowerment.<sup>419</sup>

219. On the other hand, the Ontario Human Rights Commission (OHRC) proposed an enforceable agreement with the Toronto Police Service (TPS) and the Toronto Police Services Board (TPSB) in response to insufficient progress on recommendations issued in 2023 aimed at addressing anti-Black racism in the city's policing practices.<sup>420</sup> Moreover, a report from the Canadian Human Rights Commission revealed allegations of interpersonal and institutional racial discrimination within the Privy Council's Office.<sup>421</sup> It also documented racial profiling and excessive use of force by police officers in Ottawa, Hamilton, and Montreal.<sup>422</sup> The report highlighted the murder of Vanessa Rentería Valencia, an Afro-Colombian refugee, who was fatally shot by a RCMP officer in Surrey, British Columbia.<sup>423</sup> Additionally, 51% of racialized individuals aged 15 and older reported experiencing discrimination, compared to 27% of non-racialized individuals, underscoring persistent inequalities.<sup>424</sup>

220. Regarding the **rights of LGBTI persons**, the Canadian government invested public funds to support civil society initiatives that aim to recognize the rights of LGBTI persons. For example, in June the Government proposed \$12 million over five years for projects to combat hate against the 2SLGBTQI+ communities.<sup>425</sup> Nevertheless, several bills were introduced in October in the province of Alberta that aim to restrict the rights of transgender persons.<sup>426</sup> According to public information, the Health Statutes Amendment Act seeks to limit access to gender-affirming healthcare for transgender children and adolescents, including hormonal treatments and gender-affirming surgeries, although such surgeries are rarely performed.<sup>427</sup>

221. In relation to **human rights defenders**, the Commission notes with concern the case of Wet'suwet'en indigenous defenders who since 2022 have been accused of contempt after allegedly failing to comply with a court order (injunction) granted in favor of a gas company that is building a gas pipeline within the community's territory.<sup>428</sup> In January 2024, of the 20 people accused, three were found guilty of the crime

<sup>417</sup> Government of Canada, Government of Canada, Report of Canada on the Request for Information from the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, on file with the IACHR, October 10, 2024, p. 3.; Department of Justice Canada, [A Roadmap for Transformative Change: Canada's Black Justice Strategy](#), June 2024; Toronto Star, "[Canada is putting too many Black Canadians behind bars. Here is what we can do about it](#)", August 7, 2024; Government of Canada, [Canada's Black Justice Strategy](#), June 28, 2024.

<sup>418</sup> Royal Canadian Mounted Police, [RCMP launches Race-Based Data Collection pilot project](#), January 9, 2024.

<sup>419</sup> Government of Canada, [The Government of Canada launches Changing Systems, Transforming Lives: Canada's Anti-Racism Strategy 2024-2028](#), June 8, 2024.

<sup>420</sup> Ontario Human Rights Commission, [Ontario Human Rights Commission written deputation to the Toronto Police Services Board on the implementation of recommendations from the OHRC's report From Impact to Action](#), March 18, 2024.

<sup>421</sup> CBC News, "[Privy Council Office workers face culture of 'racial stereotyping': internal report](#)", July 29, 2024; The Conversation, [International review of the Canadian Human Rights Commission can provide limited gains for anti-racism advocacy](#), June 28, 2024.

<sup>422</sup> CTV News, [Ottawa Police disproportionately used force against Black and Middle Eastern residents in 2022: report](#), January 19, 2024; CBC News, [Hamilton police still using force disproportionately on Black people: report](#), June 28, 2024; The Guardian, [Racial profiling is systemic problem in Montreal police](#), judge rules, September 4, 2024.

<sup>423</sup> Global News, [Supporters of mother killed in Surrey RCMP shooting call for transparent investigation](#), September 27, 2024; CBC News, [Community demands answers in fatal police shooting of Surrey mom](#), September 26, 2024; RCI, [Refugiada colombiana es abatida por la policía canadiense en Surrey](#), October 1, 2024.

<sup>424</sup> Statistics Canada, [Half of racialized people have experienced discrimination or unfair treatment in the past five years](#), May 16, 2024.

<sup>425</sup> Government of Canada, [Security funding to support Pride organizations amidst increased hate](#), June 3, 2024; Government of Canada, Response to the IACHR 2024 Annual Human Rights Report Request, Archived by the IACHR, October 10, 2024, p. 3.

<sup>426</sup> CTV News, ['Doctors aren't always right': Alberta goes ahead with controversial transgender policies in 3 new bills](#), October 31<sup>st</sup>, 2024; CBC, [Alberta tables bills on transgender youth health care, students' pronouns, opt-in sex education](#), October 31<sup>st</sup>, 2024.

<sup>427</sup> Legislative Assembly of Alberta, Bill 26, [Health Statutes Amendment Act](#), 2024.

<sup>428</sup> Amnistía Internacional, [Canada: International Delegation to Attend Trial of Wet'suwet'en Land Defenders](#), 11 de junio de 2024.



of contempt and challenged this process,<sup>429</sup> while, in February of this year, another of the leaders was found guilty and sentenced to 60 days of house arrest in July of 2024.<sup>430</sup> The deliberations have continued throughout the year.

222. Regarding the processes of **memory, truth and justice**, the IACHR takes note of the final report on Indigenous-led Reparation Framework for Missing and Disappeared Children and Unmarked Burials associated with Indian Residential Schools, of October 29. The appointment of the Independent Special Interlocutor responsible for the report followed the investigation of the Truth and Reconciliation Commission of Canada and aimed to support the recovery of the indigenous children who went missing after they were separated from their families to attend those schools up until the decade of 1990<sup>431</sup>. The report indicated that, among others: i) many disappearances are attributable to the State; ii) highlights the urgency for creating a commission of inquiry; and iii) reveals the existence of a culture of amnesty and impunity in Canada.<sup>432</sup> The Report identifies 42 obligations to be met within an indigenous people-led reparation system for truth, justice, and reconciliation.<sup>433</sup> In this regard, the IACHR values the inclusion of the signature and ratification of the American Convention on Human Rights and the acceptance of the jurisdiction of the Inter-American Court on Human Rights as one of the obligations cited.

## IX. CHILE

### • General considerations

223. In 2024, Chile made significant **progress** in relation to social rights, especially in terms of labor and pension reforms. A bill was drafted to create the National System of Support and Care; gender mainstreaming was implemented in foreign policy and international trade programs; and measures were adopted to prevent, punish and eradicate violence against women.

224. Nevertheless, Chile faced **challenges** in the field of citizen security, insomuch as bills that might be regressive with respect to the use of force by law enforcement officers and the armed forces were processed. Human mobility policies also raised concern, given the possible risk of measures restricting the exercise of refugee and asylum rights.

225. On November 5, 2024, the State submitted its response to the Commission's request for information to prepare this chapter.<sup>434</sup>

### • Specific issues

226. In relation to **democratic institutional**ity, Chile enacted Law No. 21,693, which "amends various legal bodies to improve the electoral system and hold the 2024 municipal and regional elections in two

<sup>429</sup> Amnistía Internacional, [Canada: International Delegation to Attend Trial of Wet'suwet'en Land Defenders](#), 11 de junio de 2024.

<sup>430</sup> Amnistía Internacional, [Canada: International Delegation to Attend Trial of Wet'suwet'en Land Defenders](#), 11 de junio de 2024.

<sup>431</sup> Government of Canadá, [Indian Residential Schools Settlement Agreement](#), September 9, 2021; Office of the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burials Sites Associated with Indian Residential Schools, [Executive Summary Final Report on the Missing and Disappeared Indigenous Children and Unmarked Burials in Canada](#), October 29, 2024.

<sup>432</sup> Office of the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burials Sites Associated with Indian Residential Schools, [Today, The Independent Special Interlocutor Released her Final Report and the Indigenous-led Reparations Framework for Missing and Disappeared Children and Unmarked Burials](#), Press Release, Gatineau, Quebec, October 29, 2024.

<sup>433</sup> Office of the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites associated with Indian Residential Schools, [Executive Summary: Final Report on the Missing and Disappeared Indigenous Children and Unmarked Burials in Canada](#), 2024, pags. 203 – 222.

<sup>434</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024. In IACHR files.



days.” During these two days, elections of regional governors, mayors, councilpersons and regional councillors were held. According to Chile’s Electoral Service (SERVEL), 13,112,090 people casted their votes out of a total of 15.4 million eligible voters, which accounts for an 84.87 percent turnout, the highest figure in the country’s electoral history.<sup>435</sup>

227. Regarding **human rights institutions**, Chile undertook measures to advance the implementation of the Escazú Agreement, including the drafting of the 2024–2030 National Plan for the Participatory Implementation of the Escazú Agreement, and the submission to Congress of an amendment to Law No. 19,300 on General Environmental Principles. The latter is intended to make the country’s institutions stronger and more efficient in dealing with environmental issues.<sup>436</sup>

228. In November 2024, when passing the 2025 Budget Law, the Chamber of Deputies excluded the allocation of resources to the National Human Rights Institute (INDH) due to the lack of guidance from the government on increasing these funds.<sup>437</sup> Subsequently, the Senate approved the allotment of resources to the INDH with 18 votes in favor, 15 votes against and one abstention, according to official sources.<sup>438</sup>

229. Moreover, the bill that “establishes a new Criminal Code” constitutes progress in terms of **access to justice**, insomuch as it includes new crimes such as cybercrimes, environmental crimes, cyber harassment, phishing and pharming. Additionally, if approved, the reform would eliminate concepts such as offenses against decency or public morals from national legislation and introduce a new sentencing system.<sup>439</sup> In addition to the above, the United Nations Special Rapporteur on the independence of judges and lawyers highlighted different advances in the consolidation of a robust justice system, among these, the upgrade of the criminal justice infrastructure, the digitalization of the judicial system and the advances made in gender issues by the Technical Secretariat for Gender Equality and Non-Discrimination and the Commission for Peace and Understanding.<sup>440</sup>

230. However, the Rapporteur also underscored some challenges that Chile still faces, such as the persistence of significant socioeconomic inequality, which translates into unequal access to justice, and the allegations of influence peddling in possible key appointments in the judiciary.<sup>441</sup> Furthermore, the Senate decided to remove a Supreme Court justice who was an environmental and health rights defender following a constitutional accusation,<sup>442</sup> on charges of notable dereliction of duty by failing to exercise correctional functions and omitting to report the misconduct of his daughter, who also performs judicial functions.<sup>443</sup> This decision was criticized by high-level authorities, who warned that the resolution could set a “dangerous precedent” by affecting the indispensable independence of the judiciary through misleading procedural maneuvering.<sup>444</sup>

<sup>435</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, p. 5. In IACHR files.

<sup>436</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, p. 15.

<sup>437</sup> *La Tercera*, “[Gobierno deja al INDH con \\$1 en la tramitación de Presupuesto de la Cámara de Diputados](#),” November 15, 2024.

<sup>438</sup> Senate of Chile, “[Con la reposición de los gastos del INDH avanza votación del erario nacional](#),” November 21, 2024.

<sup>439</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, p. 38. In IACHR files.

<sup>440</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, p. 37. In IACHR files.

<sup>441</sup> Office of the United Nations High Commissioner for Human Rights, “[Chile debe aprovechar los logros alcanzados en el Poder Judicial para abordar la desigualdad y evitar la influencia indebida: Relatora Especial](#),” August 9, 2024.

<sup>442</sup> *La Tercera*, “[Senado destituye al juez Sergio Muñoz de la Corte Suprema](#),” October 16, 2024.

<sup>443</sup> Senate of Chile, “[Senado aprueba acusación constitucional contra juez Sergio Muñoz](#),” October 16, 2024.

<sup>444</sup> *El País*, “[Boric sobre la destitución del juez Sergio Muñoz de la Suprema: ‘Sienta un precedente que es muy peligroso’](#),” October 17, 2024.



231. Concerning **citizen security**, the State incorporated the Supraterritorial Prosecutor's Office, specialized in organized crime and highly complex crimes, into the Public Prosecutor's Office.<sup>445</sup> The State also created the Ministry of Security and introduced reforms to the anti-terrorist law.<sup>446</sup>

232. However, the State faced challenges in passing the bill on the use of force by agents of the public security forces and the armed forces at the first legislative stage, that is, the Chamber of Deputies. This bill excluded the principle of proportionality and established new presumptions to release law enforcement agents from criminal liability.<sup>447</sup> According to official sources, this bill is currently being examined by the Senate.<sup>448</sup>

233. In this regard, in a joint press release, the Inter-American Commission on Human Rights and the Office of the United Nations High Commissioner for Human Rights (OHCHR) expressed their concern about the removal of the principle of proportionality (according to which the use of force needs to be in strict accord with the seriousness of the threat or crime and the legitimate public order or law enforcement purpose that is being pursued). Both agencies also recalled that international standards indicate that military justice may only handle crimes committed by active military officers in the course of duty and that civilians may not, under any circumstances, be tried by military courts.<sup>449</sup>

234. Regarding the situation in the country's southern macro-region, the State reported on the successive decrees issued on the constitutional state of emergency in the Araucanía region and the provinces of Arauco and Biobío since 2022. While the State reported a decrease of 36 percent in rural violence during 2024 compared to the same period in 2023, and a fall of 26 percent compared to 2021,<sup>450</sup> the Commission still observed alarming facts, such as the murder of three police officers who were shot and then incinerated inside their police car on April 27, 2024, in the region of Biobío.<sup>451</sup>

235. The Chilean State has made some progress in the processes of **memory, truth and justice** with the implementation of the National Search Plan intended to locate 1,469 disappeared persons during the dictatorship. This plan identified over 36,000 relevant documents and 47 sites of interest for forensic search.<sup>452</sup> The government announced the expropriation of land to build memory sites<sup>453</sup> and urgently submitted a bill to repeal the Amnesty Law, which has been in force since 2014.<sup>454</sup> In addition, Chile signed the Ljubljana-The Hague Convention, which reinforces international cooperation to investigate and prosecute the crime of genocide, crimes against humanity and other international crimes.<sup>455</sup>

236. As for challenges, Chile recorded repeated attacks to memory sites: over 160 aggressions have been recorded since 2018, out of which 20 took place in 2024. These attacks included acts of vandalism with

<sup>445</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, p. 33. In IACHR files.

<sup>446</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, pp. 34 and 35. In IACHR files.

<sup>447</sup> Chamber of Deputies, [15805-07 Rules on the Use of Force \(RUF\)](#), Official Letter No. 19,441 of May 3, 2024.

<sup>448</sup> Chamber of Deputies, [Bill No. 15.805-07](#) of April 10, 2023.

<sup>449</sup> IACHR, Press Release No. 124/24, [IACHR and OHCHR Ask Chilean Legislators to Respect Human Rights Standards Concerning Security](#), June 13, 2024.

<sup>450</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, p. 36. In IACHR files.

<sup>451</sup> IACHR [CIDH], (May 6, 2024), #Chile: #CIDH repudia el asesinato de los carabineros Carlos Cisterna, Sergio Arévalo y Misael Vidal, el #27Abril en la región del Biobío. Los funcionarios recibieron disparos y el auto policial fue incinerado con los agentes dentro [X post], X, <https://x.com/CIDH/status/1787545929744023590>.

<sup>452</sup> Republic of Chile, Note Verbale No. 234/2024 of November 5, 2024, Annex. Report of the Republic of Chile submitted to the IACHR, pp. 13 – 15.

<sup>453</sup> IACHR, thematic hearing, "Regional: Impact of attacks on remembrance sites on the right to memory, truth and justice," 190<sup>th</sup> period of sessions, online, July 11, 2024. See also: DW, "Chile inicia expropiación de terrenos de Colonia Dignidad," June 2, 2024.

<sup>454</sup> Republic of Chile, Note Verbale No. 234/2024 of November 5, 2024, Annex. Report of the Republic of Chile to the IACHR, pp. 15–16.

<sup>455</sup> Ministry of Foreign Affairs, "Chile Suscribe el Convenio Liubliana – La Haya," February 14, 2024.



negationist slogans, theft and arson,<sup>456</sup> such as the fire reported at the sawmill of Neltume, which had been declared part of the national heritage.<sup>457</sup> Furthermore, the State has faced some challenges in terms of site maintenance due to the absence of a memory law,<sup>458</sup> problems with access to funding and delays in the allocation of resources.<sup>459</sup> In addition, the country's failure to recognize forced displacement during the dictatorship as a crime against humanity has restricted access to justice and reparation for victims.<sup>460</sup>

237. With respect to the situation of **persons in the context of human mobility**, the State created the Interministerial Advisory Committee for the Implementation of the National Policy on Migration and Foreigners, which is in charge of providing advice on policy execution and the design of an action plan.<sup>461</sup> In addition, the State implemented the Sello Migrante (Migration Stamp) program, which acknowledges the work of those municipalities that promote the inclusion of migrants, with 141 municipalities registered as of June 2024.<sup>462</sup> Moreover, the Second Chamber of the Supreme Court annulled a deportation order against a Venezuelan woman with family ties in Chile, which sets a relevant precedent in the protection of the rights of migrants.<sup>463</sup>

238. Additionally, Chile played a key role in the Cartagena +40 Process, leading efforts to strengthen protection and solutions for refugees, displaced persons, and stateless individuals in Latin America and the Caribbean. This process culminated in the adoption of the Chile Declaration and Plan of Action 2024-2034, which serves as an updated guide for governments in the region in the implementation of comprehensive and sustainable responses for refugees, displaced and stateless persons.<sup>464</sup>

239. However, Law No. 21,655, which reforms legislation on the protection of refugees and migrants in Chile, restricted effective access to the right to seek and receive asylum. In particular, it set out an initial verification stage that allows authorities to reject requests found ungrounded or fraudulent without a profound analysis by the corresponding competent authority.<sup>465</sup> This couples with the obstacles faced by Venezuelan and Haitian nationals to exercise their right to seek and receive asylum, as well as to access protection or migration regularization mechanisms. From 2010 to 2024, out of the 30,597 asylum applications filed, only 957 were approved, which translates into a low approval rate of 3.1 percent. In addition, 89.1 percent of the applications remained pending for years, without a final resolution, which posed serious administrative challenges in the system.<sup>466</sup>

240. Regarding indigenous peoples, the State implemented policies with a special focus on the regions of Biobío, Araucanía, Los Ríos and Los Lagos, with an intercultural approach centered mainly in rural areas and Mapuche communities. As part of these measures, the Interministerial Council for Coordination of

<sup>456</sup> IACHR, thematic hearing, "Regional: Impact of attacks on remembrance sites on the right to memory, truth and justice," 190<sup>th</sup> period of sessions, online, July 11, 2024.

<sup>457</sup> Meeting with civil society organizations and memory sites in Chile held on August 13, 2024. In IACHR files. See also: *Diario Futrono*, "Enorme incendio destruyó antiguo aserradero declarado Patrimonio Nacional en Neltume," June 6, 2024.

<sup>458</sup> IACHR, thematic hearing, "Regional: Impact of attacks on remembrance sites on the right to memory, truth and justice," 190<sup>th</sup> period of sessions, online, July 11, 2024. Meeting with civil society organizations and memory sites in Chile held on August 13, 2024. In IACHR files.

<sup>459</sup> IACHR, thematic hearing, "Regional: Impact of attacks on remembrance sites on the right to memory, truth and justice," 190<sup>th</sup> period of sessions, online, July 11, 2024.

<sup>460</sup> Meeting with civil society organizations on forced displacement during the military dictatorship in Chile held on October 1, 2024. In IACHR files. Meeting with civil society organizations and memory sites in Chile held on August 13, 2024. In IACHR files.

<sup>461</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, p. 30. In IACHR files.

<sup>462</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, p. 31. In IACHR files.

<sup>463</sup> Judiciary of Chile, "[Corte Suprema deja sin efecto expulsión de ciudadana venezolana con arraigo familiar en Chile](#)," June 24, 2024.

<sup>464</sup> ACNUR, [Cartagena+40: La Declaración y Plan de Acción de Chile consolidan el liderazgo de América Latina y el Caribe en la protección de personas refugiadas, desplazadas y apátridas](#), 12 de diciembre de 2024.

<sup>465</sup> IACHR, Press Release No. 093/24, [IACHR Concerned About Migration Reforms that Restrict the Right to Asylum in Chile](#), May 7, 2024.

<sup>466</sup> IACHR, public hearing [Chile: Guaranteeing the Right to Asylum](#), 191<sup>st</sup> period of sessions, Washington, D.C., United States, November 13, 2024. Information provided by civil society organizations.



the Plan Buen Vivir (Good Living Plan), created in 2023,<sup>467</sup> started to operate, and dialogue sessions were held through the Presidential Commission for Peace and Understanding. These actions sought to set the foundations for medium- and long-term solutions related to land and reparation for Mapuche communities.<sup>468</sup>

241. Moreover, the Chilean Senate suspended the processing of Coastal Marine Areas of Native Peoples (ECMPO) under the framework of the Lafkenche Law (Law No. 20,249), a tool used by indigenous communities to protect and safeguard their cultural, economic and spiritual practices in coastal territories.<sup>469</sup> In response, unconstitutionality appeals have been filed with the Constitutional Court, which admitted these appeals and scheduled sessions to analyze the merits of the case.<sup>470</sup>

242. As for the human rights of **women**, the State enacted Law No. 21,675, which governs the prevention, punishment and eradication of gender-based violence against women. This law includes types of violence that had been previously overlooked, such as vicarious, symbolic and gynecological and obstetric violence, and provides for a follow-up mechanism designed to ensure compliance with measures related to gender violence.<sup>471</sup> Also, a pilot project for an Integrated System of Information on gender violence was put in place<sup>472</sup> and significant measures concerning equality were adopted. They include labelling budget allocations with a gender perspective in the 2025 budget, an action plan for a feminist foreign policy that has gender equality as its cornerstone, the adoption of a gender approach in international trade agreements<sup>473</sup> and reforms to the Labor Code through laws that promote work-life balance, as well as the prevention, investigation and punishment of labor and sexual harassment and workplace violence.<sup>474</sup> Chile also took steps forward aimed at amending the community property system, which is considered discriminatory against women, and give priority to its processing.<sup>475</sup> The State also amended the rules on conscientious objection under Law No. 21.030, which ensures that the exercise of such objection does not prevent access to the voluntary termination of pregnancy when permitted by law.<sup>476</sup>

243. However, between January and November 2024, the country registered 41 femicides and 266 attempted femicides.<sup>477</sup> Alarming cases of violence and sexual exploitation against migrant women were also reported, especially in border areas, as well as an increase in the use of digital technologies to commit acts of online violence.<sup>478</sup> In addition, challenges persisted in terms of access to reproductive health goods and services, including high rates in the use of conscientious objection, limited access to contraceptives and family

<sup>467</sup> Ministry of Social Development and Family of Chile, "[Consejo Interministerial para la Coordinación del Plan Buen Vivir celebró su primera sesión](#)," January 26, 2024.

<sup>468</sup> Government of Chile, Response by the State, p. 29.

<sup>469</sup> *Resumen*, "[La indicación que suspende la aplicación de la Ley Lafkenche expresa el racismo del estado hacia los pueblos originarios y una peligrosa regresión de derechos en Chile](#)," November 26, 2024.

<sup>470</sup> *Ecooceanos*, "[Tribunal Constitucional: Pueblos originarios expresan total rechazo a iniciativa de la industria salmonera que intenta suspender la Ley Lafkenche](#)," December 27, 2024.

<sup>471</sup> Library of the National Congress of Chile, "[Ley 21675 estatuye medidas para prevenir, sancionar y erradicar la violencia en contra de las mujeres, en razón de su género](#)," June 14, 2024.

<sup>472</sup> Government of Chile, [Informe nacional para la Conferencia Mundial sobre la Mujer y la aprobación de la Declaración y Plataforma de Acción de Beijing](#), June 2024, p. 54.

<sup>473</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, pp. 18 and 26. In IACHR files.

<sup>474</sup> Library of the National Congress of Chile, "[Ley 21.645 que modifica el Título II del Libro II del Código del Trabajo "de la protección a la maternidad, paternidad y vida familiar" y regula un régimen de trabajo a distancia y teletrabajo en las condiciones que indica](#)," December 29, 2023; "[Ley N°21.643 que modifica el Código del Trabajo en materia de prevención, investigación y sanción del acoso laboral, sexual y violencia en el trabajo](#)," January 15, 2024.

<sup>475</sup> Human Rights Council, [National report submitted pursuant to Human Rights Council resolutions No. 5/1 and 16/21. Chile. A/HRC/WG.6/46/CHL/1](#), February 12, 2024, para. 73; Chamber of Deputies, "[Proyecto que Modifica Código Civil y otras leyes, regulando el régimen patrimonial de sociedad conyugal. Número de boletín 7567-07](#)," Gazette No. 7567-07, accessed on December 9, 2024.

<sup>476</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, p. 20. In IACHR files.

<sup>477</sup> Ministry of Women and Gender Equality, [Femicidios](#), accessed on December 6, 2024.

<sup>478</sup> CEDAW, [Concluding observations on the eighth periodic report of Chile of October 31, 2024](#), paras. 25 and 49.



planning, stigmatization of women living with HIV and obstetric violence, with a particular impact on women in situations of greater vulnerability.<sup>479</sup>

244. Concerning **human rights defenders**, in April 2024, Chile approved a Protocol for the Protection of Human Rights Defenders. This interinstitutional coordination protocol seeks to reinforce the State's response and set out protection measures for those who face risks or threats to their fundamental rights because of the work they do in the defense of human rights.<sup>480</sup>

245. With respect to the rights of **Afro-descendant persons and policies against racial discrimination**, in the context of the enforcement of Law No. 21,151—which legally recognizes the Chilean tribal people of African descent,<sup>481</sup>—the State passed regulations on prior consultation for this ethnic-racial group.<sup>482</sup> The State also included a self-identification question for Afro-descendant people in the Population and Housing Census carried out between March and June 2024. This census invited several ethnic peoples, including 45 Afro-Chilean organizations at the first stage of intercultural participation.<sup>483</sup>

246. In 2024, educational and informative public policies were implemented to prevent violence against women and **LGBTI persons** in education centers<sup>484</sup> and to promote the rights of women and sexually diverse people, with a focus on trans children and adolescents.<sup>485</sup> In addition, the Ministry of Justice and Human Rights reaffirmed Law No. 20,609 with the creation of anti-discrimination institutions under the Undersecretariat of Human Rights and a Council for Equality and Non-Discrimination.<sup>486</sup>

247. However, significant challenges persisted, such as the exclusion of questions on sexual orientation in the 2024 census by the National Institute of Statistics<sup>487</sup> and regressive measures including the prohibition approved by both the Senate and the Chamber of Deputies against the public funding of hormone therapy for trans children.<sup>488</sup> Furthermore, a Chamber commission recommended that health and education policies for LGBTI persons be repealed and that aspects related to children in the Gender Identity Law be amended.<sup>489</sup>

248. With regard to the rights of **children and adolescents**, the State approved the new Policy on Children and Adolescents together with the 2024–2032 Action Plan, which prioritizes the integral well-being of children and adolescents, supporting their development throughout their life and strengthening political and

<sup>479</sup> CEDAW, [Concluding observations on the eighth periodic report of Chile, October 31, 2024](#), para. 37. El Mostrador, “[Mujeres viviendo con VIH en Chile: esterilizaciones forzadas y falta de Educación Sexual Integral](#),” January 20, 2024; IACHR, 2023 Annual Report, [Chapter IVa](#), December 31, 2023, para. 226.

<sup>480</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, p. 11. In IACHR files.

<sup>481</sup> Ministry of Social Development and Family of Chile, [Decree No. 12](#), of August 26, 2024.

<sup>482</sup> Ministry of Social Development and Family of Chile, “[Ministerio de Desarrollo Social y Familia presenta reglamento de consulta al Pueblo Tribal Afrodescendiente Chileno](#),” August 28, 2024.

<sup>483</sup> Government of Chile, Report of the Republic of Chile to the IACHR, Communication No. 701-24/CIDH/SE/MPCT-IA, November 5, 2024, p. 30. In IACHR files.

<sup>484</sup> Movement for Homosexual Integration and Liberation (MOVILH), “[Mineduc lanza Decálogo para prevenir la violencia hacia las mujeres y las personas LGBTIQ+](#),” November 29, 2024; Ministry of Education, [Decálogo para la prevención y el abordaje de la violencia de género en establecimientos educativos](#), 2024.

<sup>485</sup> Ministry of Women and Gender Equality, “[Gobierno lanza campaña de prevención de la violencia con foco en la niñez y la adolescencia trans](#),” December 3, 2024; MOVILH, “[Gobierno lanza campaña para promover los derechos de niños, niñas y adolescentes trans](#),” December 3, 2024.

<sup>486</sup> Ministry of Foreign Affairs of Chile, Report of the Republic of Chile to the Inter-American Commission on Human Rights, Communication No. 701-24/CIDH/SE/MPCT-IA of November 5, 2024. In IACHR files, p. 26.

<sup>487</sup> MOVILH, “[Censo 2024: protestan contra la exclusión de preguntas que ayuden a generar políticas públicas para la diversidad sexual](#),” March 9, 2024; El Mostrador, “[INE elimina pregunta referente a orientación sexual en Censo 2024](#),” January 3, 2024.

<sup>488</sup> MOVILH, “[Transfobia: la Cámara prohíbe al Minsal financiar la salud de niños, niñas y adolescentes trans](#),” November 14, 2024; MOVILH, “[Grave: Senado rechaza financiamiento para terapias hormonales en menores de 18 años](#),” November 21, 2024; La Tercera, “[Senado ratifica decisión de la Cámara: niega recursos al Minsal para terapias hormonales a menores por disforia de género](#),” November 20, 2024.

<sup>489</sup> MOVILH, “[Transfobia: Comisión de la Cámara pide derogar políticas en Salud y Educación para niños, niñas y adolescentes trans](#),” September 19, 2024; Nuevo Poder, “[Comisión pide suspender tratamientos hormonales en niños trans](#),” November 19, 2024.



institutional conditions to guarantee their rights.<sup>490</sup> In addition, comprehensive protection rules were made consistent with key laws, such as the law creating the National Specialized Protection Service, the Law on Financial Contributions and the Law of Guarantees.<sup>491</sup> Furthermore, Chile established the Presidential Advisory Commission to look into and shed light on violations of the rights of children and adolescents under the custody of the National Children's Service.<sup>492</sup> In response to the call made by the Office of the Ombudsperson for Children, the Ministry of Education authorized 8,718 additional vacancies for unenrolled students, as part of the Plan to Strengthen Enrollment.<sup>493</sup>

249. Concerning the rights of **older persons**, the State moved forward with the deployment of the National Support and Care System (SNAC), which is called Chile Cuida (Chile Cares), under which 20 new day community centers were opened as a result of an increase in budget allocation and supply services for older persons.<sup>494</sup> Furthermore, three new "protected housing units" were opened during 2024, which will drive support and care for each person who lives in these units.<sup>495</sup> The country also developed the Diabfrail LatAm project in the city of Cauquenes, whose purpose is to promote healthy aging and the autonomy of older persons by means of recreational activities and multisectoral participation.<sup>496</sup>

250. A public report by the academia indicates that individuals over the age of 50 have faced the greatest challenges in finding employment since the COVID-19 pandemic.<sup>497</sup>

251. As for **persons deprived of liberty**, the Court of Guarantees of Puerto Montt heard a writ of *amparo* filed to protect women detained in the Alto Bonito prison who were in appalling conditions due to overcrowding, deficient infrastructure and lack of appropriate spaces and mattresses. The Court admitted the remedy and ordered such conditions be improved.<sup>498</sup> Furthermore, the Chilean Committee to Prevent Torture (CPT), together with other national mechanisms to prevent torture in the region, adopted the San José Declaration aimed at institutional strengthening and networking and the Global Action for the Rights of Persons with Disabilities Deprived of Liberty.<sup>499</sup>

252. Chile also took measures in 2024, under the Master Plan on Prison Infrastructure, to increase the number of vacancies in the prison system,<sup>500</sup> including new bidding processes to maintain infrastructure and build new penitentiaries.<sup>501</sup>

<sup>490</sup> Ministry of Education of Chile, "[Comité Interministerial aprueba por unanimidad la nueva Política de la Niñez y Adolescencia y su Plan de Acción 2024-2032](#)," April 30, 2024.

<sup>491</sup> Ministry of Social Development and Family of Chile, "[Por unanimidad: Sala del Senado aprueba en general proyecto de ley de armonización de normas de protección integral de la niñez y adolescencia](#)," March 12, 2024.

<sup>492</sup> Government of Chile, "[Día de los Derechos Humanos: Creamos la Comisión de Verdad, Justicia y Reparación para Víctimas del Sename](#)," December 10, 2024.

<sup>493</sup> Ministry of Education of Chile, "[Mineduc entrega balance del proceso de admisión escolar 2024: fueron habilitados más de 8.700 cupos para escolares sin matrícula](#)," April 5, 2024.

<sup>494</sup> State of Chile, Communication No. 701-24/CIDH/SE/MPCT-IA, November 5, 2024.

<sup>495</sup> State of Chile, Communication No. 701-24/CIDH/SE/MPCT-IA, November 5, 2024.

<sup>496</sup> Pan American Health Organization (PAHO), "[Proyecto Diabfrail LatAm en Chile presenta notables mejoras funcionales en personas mayores con Diabetes de comunidades Rurales y urbanas](#)," November 6, 2024 (November 18, 2024).

<sup>497</sup> *La Tercera*, "[Cuando las empresas no quieren contratar a personas mayores: así es el 'edadismo' que afecta a Chile](#)," June 26, 2024 (November 18, 2024).

<sup>498</sup> *Biobio Chile*, "[Por condiciones indignas: justicia acoge recurso del INDH en favor de 8 internas de cárcel Alto Bonito](#)," August 6, 2024; *El Conquistador Red Los Lagos*, "[Acogen recurso de amparo en favor de reclusas del penal Alto Bonito](#)," August 7, 2024.

<sup>499</sup> CPT of Chile, "[Declaración de San José para el fortalecimiento institucional y el trabajo en red y Acción global por los derechos de las personas con discapacidad en privación de libertad](#)," May 10, 2024.

<sup>500</sup> Asociación de Concesionarios de Obras de Infraestructura Pública A.G. (COPSA), "[Ministerio de Justicia y Derechos Humanos anuncia gran inversión en infraestructura penitenciaria](#)," January 19, 2024.

<sup>501</sup> *Curiocity*, "[Gobierno invita al sector privado a involucrarse en plan de inversiones en infraestructura carcelaria](#)," January 25, 2024; *Emol*, "[No sólo aumento de plazas: Las 'urgencias' de una nueva política carcelaria ante la crisis de seguridad y la nueva criminalidad](#)," January 23, 2024; COPSA, "[Ministerio de Justicia y Derechos Humanos anuncia gran inversión en infraestructura penitenciaria](#)," January 19, 2024.



253. These infrastructure measures were adopted in the context of the prison crisis faced by Chile after the 48-percent increase in prison population between 2021 and 2024<sup>502</sup> due to the tightening of the criminal policy related to citizen security, drug trafficking and organized crime.<sup>503</sup> This approach has led to an increase in the number of sentences, their duration and the use of pretrial detention, which resulted in an overcrowding rate of 137.6 percent in August 2024, with critical conditions in some prisons.<sup>504</sup> In addition, in June 2024, 10 Gendarmerie officials were detained due to the fact that they were allegedly members of a corruption network related to arms trafficking, drug trafficking and other crimes in prisons.<sup>505</sup>

254. Finally, with regard to **human trafficking**, the United Nations Human Rights Council (UNHRC), in its analysis of the Seventh Periodic Report of Chile on the International Covenant on Civil and Political Rights, underscored the progress made in the fight against human trafficking. The measures highlighted included the prevention measures targeted at vulnerable populations, the streamlining of procedures to identify victims, better efforts to investigate, prosecute and punish these crimes and the guarantee of integral reparation for victims, including medical, material and legal assistance, support for their social reintegration and protection against revictimization.<sup>506</sup>

## X. COLOMBIA

### • General considerations

255. In 2024, the State **made progress** in terms of citizen security and democratic institutionality, promoting the rights of Afro-descendant and indigenous people. It performed actions under the Development Plan to transform territories with low state presence and it approved the retirement reform as part of an integral response to armed conflict and violence in the country. Specifically, in April, it welcomed an on-site visit from the IACHR, reaffirming its commitment to international human rights oversight and accountability.

256. As for **challenges**, the violence caused by the armed conflict continued to have a serious impact on human rights defenders, social leaders, indigenous and Afro-descendant peoples, peasant communities, women, children and adolescents. In addition, the lack of political consensus hindered the application of strategies to transform the areas most affected by conflict and state absence.

257. On October 3, 2024, the State submitted an extensive, detailed response to the Commission's request for information to prepare this chapter<sup>507</sup>.

<sup>502</sup> The calculations were made by the IACHR on the basis of data published by Gendarmerie. See: Chilean Gendarmerie, Ministry of Justice and Human Rights of Chile, [Reportes Estadísticos Mensuales - Estadística de población penal a cargo de Gendarmería de Chile](#), August 31, 2021; Chilean Gendarmerie, Ministry of Justice and Human Rights of Chile, [Estadística General Penitenciaria – Subsistema cerrado – Régimen de control cerrado](#), August 31, 2024.

<sup>503</sup> See: Center of Public Studies, [“Un sistema desbordado: radiografía al sistema penitenciario,”](#) July 18, 2024; *El Mostrador*, [“El desborde del sistema penitenciario chileno: la crisis más allá de la cárcel de máxima seguridad,”](#) August 17, 2024; *Espacio Público*, [Informe de Seguridad Pública: Tendencias recientes en crimen](#), April 29, 2024; *Insight Crime*, [“Is Chile Losing Control of its Prisons?,”](#) April, 15, 2024; *Emol*, [“No sólo aumento de plazas: Las “urgencias” de una nueva política carcelaria ante la crisis de seguridad y la nueva criminalidad,”](#) January 23, 2024.

<sup>504</sup> CPT of Chile, [“Máxima seguridad y aislamiento,”](#) July 13, 2024.

<sup>505</sup> *Emol*, [“Red de corrupción, secuestros, y destrucción de infraestructura: Las nuevas alertas en Gendarmería por la crisis carcelaria,”](#) June 24, 2024; *Infobae*, [“Cayó una red de gendarmes que traficaban armas en las cárceles chilenas,”](#) June 19, 2024; *CNN*, [“Desbaratan red de corrupción en cárceles de dos regiones: Gendarmes ayudaban a presos a cometer delitos a cambio de dinero,”](#) June 17, 2024; *Swiss Info*, [“Detienen a 9 gendarmes chilenos en activo por presunta corrupción en las cárceles,”](#) June 17, 2024.

<sup>506</sup> United Nations, [International Covenant on Civil and Political Rights. Concluding Observations on the Seventh Periodic Report of Chile](#), May 1, 2024.

<sup>507</sup> Republic of Colombia, Information sent for the preparation of the 2023 Annual Report of the IACHR, MPC/OEA No. 1347/2023, October 23, 2023.



- **Specific issues**

258. With regard to **democratic institutional**ity, the State emphasized the adoption of a holistic approach towards democracy, one that includes the defense of diversity, equality, justice, the realization of economic, social, cultural and environmental rights, the reaffirmation of the Social Rule of Law and the guarantee to uphold human rights.<sup>508</sup> Under this definition, the State reported on a broad set of actions intended to consolidate peace, drive participation and develop differentiated approaches, among other initiatives.<sup>509</sup> An example of these actions is the implementation of the Permanent Dismantling Action Plan, which embraces several approaches: a differentiated, gender-based and feminist, ethnical, multisectoral, human safety, territorial, supranational plan with a focus on citizen participation. It was designed together with the civil society through the National Commission of Security Guarantees by means of Agreement No. 001 of 2023, adopted by the Government of Colombia through Decree No. 665 of 2024.<sup>510</sup>

259. However, several noticeable security challenges persisted and affected democracy. These challenges included the expansion of armed groups, such as the Clan del Golfo, which expanded its territorial control and its illegal activities.<sup>511</sup> In 2024, violence still affected social leaders and vulnerable communities, and the lack of a clear roadmap in the negotiations clouded peace-making efforts. Furthermore, political polarization and distrust in institutions hindered the effective implementation of initiatives to promote peace. Additionally, the National Electoral Commission (CNE) started an investigation into the expenses of the campaign launched by the Pacto Histórico coalition, represented by the current President Gustavo Petro and other party authorities, which were allegedly above the cap set for electoral campaigns.<sup>512</sup>

260. In terms of **citizen security**, the Public Policy and Permanent Action Plan came into force with the aim of dismantling criminal conducts or organizations that attack human rights defenders, members of social movements or people who participate in the implementation of agreements and the construction of peace.<sup>513</sup> Such actions are supplemented by the Policy on Security, Defense and Coexistence called "Garantías para la Vida y la Paz 2022-2026" (Guarantees for Life and Peace) adopted by the Ministry of Defense<sup>514</sup> and the 2022-2025 National Plan on Criminal Policy.<sup>515</sup>

261. Additionally, the State pointed to the progress made in the implementation of the Paz Total (Total Peace) plan. The plan includes four negotiation tables with armed political groups: the National Liberation Army (ELN) table, created in 2022; the General Staff of the Magdalena Medio Blocks called Comandante Gentil Duarte, Comandante Jorge Suárez Briceño and the Raúl Reyes front of the Revolutionary Armed Forces of Colombia (FARC-EP), a negotiation table created on October 16, 2023; and two recently created tables with Segunda Marquetalia, on June 25, 2024, and Comuneros del Sur, on July 19, 2024.<sup>516</sup>

262. The negotiations held with the ELN and the Central General Staff (EMC) resulted in the complete or partial end of ceasefires, which has increased violence across territories. As for the remaining

---

<sup>508</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 2-3.

<sup>509</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 1-728.

<sup>510</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, p. 147.

<sup>511</sup> *El País*, "[¿Plomo es lo que viene? Un balance a dos años de la paz total](#)," January 5, 2025.

<sup>512</sup> National Electoral Council, [Press release](#), October 8, 2024.

<sup>513</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, p. 605.

<sup>514</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 127-129.

<sup>515</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 145-148.

<sup>516</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 145-148.



negotiation talks, actions have been agreed to reduce violence in the areas where they exist.<sup>517</sup> With regard to the social and legal talks with criminal organizations from Medellín and Valle de Aburrá, Quibdó and Buenaventura, the State reported a strong reduction in murder rates and other crimes against civilians.<sup>518</sup> In 2024, 13,341 homicides were recorded —the lowest figure since 2020.<sup>519</sup>

263. Despite these efforts, levels of violence remain high across the country. Until November 2024, 26 early alerts had been issued for 24 departments, 123 municipalities and 15 non-municipal areas concerning human rights violations by armed groups and their links to drug trafficking, illegal mining and deforestation.<sup>520</sup>

264. With respect to the challenges faced in the **access to justice**, in 2024, the dismissal and/or disqualification by the Inspector General's Office (PGN) of persons holding positions elected by the people remained in place. In 2024, the PGN dismissed and ordered the general disqualification of 14 mayors, 7 governors and 1 member of the Chamber of Deputies. It also suspended and disqualified 4 mayors, 3 councillors and 1 member of the Chamber of Deputies, and it suspended 40 mayors, 24 councillors and 8 governors, which adds up to 72 people sanctioned.<sup>521</sup> In this regard, the plenary of the State Council determined that the PGN could continue applying this type of sanctions until legislation is passed by the Congress on the underlying issue.<sup>522</sup>

265. As for **human rights defenders**, the State ratified a regional agreement on access to information, participation and access to justice in environmental matters in Latin America and the Caribbean —the Escazú Agreement— after the Constitutional Court's approval of Law No. 2,273 of 2022 on August 28, 2024.<sup>523</sup> Moreover, the State resumed the activities of the National Guarantees Working Group.<sup>524</sup>

266. Despite these measures, between January and October 2024, the Office of the Ombudsperson registered 147 murders of defenders or social leaders.<sup>525</sup> Between January 1 and November 30, 2024, the OHCHR received 186 complaints of murders of human rights defenders. Of those, 80 were verified, 11 are under analysis and 95 are not conclusive.<sup>526</sup> According to the United Nations Verification Mission in Colombia, most victims were social leaders and members of community action boards, representatives of indigenous peoples or Afro-descendant and peasant communities. The highest rates of murders were recorded in the departments of Arauca, Cauca and Valle del Cauca.<sup>527</sup> In this context, the Commission issued five resolutions in 2024 that granted precautionary measures in favor of defenders after it learned of facts that were putting the lives and personal integrity of defenders at risk as a result of their activism.<sup>528</sup>

<sup>517</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 385–388.

<sup>518</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 388–390.

<sup>519</sup> National Police of Colombia, [Homicidios de enero a diciembre de 2024](#), January 13, 2025.

<sup>520</sup> Office of the Ombudsperson of Colombia, Information sent for the preparation of the IACHR Annual Report, received on November 29, 2024, pp. 8–12. In IACHR files.

<sup>521</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 284–285.

<sup>522</sup> *El Espectador*, “Procuraduría sí podrá sancionar y destituir a funcionarios de elección popular,” December 3, 2024.

<sup>523</sup> Ministry of the Environment and Sustainable Development, “[Histórico: Escazú es una realidad en Colombia, la Corte avala su constitucionalidad](#),” August 28, 2024; Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, p. 194.

<sup>524</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, p. 141; Colombian Platform for Human Rights, Democracy and Development, “[En Mesa Nacional de Garantías, Estado reconoció riesgo de población líder y defensora de derechos humanos y se comprometió a tomar medidas para mitigarlo](#),” July 17, 2024.

<sup>525</sup> Office of the Ombudsperson of Colombia, Information sent for the preparation of the IACHR Annual Report, received on November 29, 2024, p. 24. In IACHR files.

<sup>526</sup> OHCHR in Colombia, [Homicidios de personas defensoras](#), accessed on November 15, 2024.

<sup>527</sup> UN Security Council, United Nations Verification Mission in Colombia, *Report of the Secretary-General*, [S/2024/694](#), September 26, 2024, para. 46.

<sup>528</sup> IACHR, [Resolution No. 65/24](#), MC 765-24, William Stiven Rojas Rincon and his family unit regarding Colombia, September 19, 2024; [Resolution No. 53/24 \(Follow-up and Extension\)](#), MC 395-18, Authorities and members of the Gonzaya (Buenavista) and Po



267. With regard to investigations of crimes against human rights defenders, the State reported that it learned of 1,325 homicides of defenders and social and community leaders which took place between 2016 and September 11, 2024. Of these cases, 749 were prosecuted, with 186 convictions, 4 sanctioning sentences against minors, 12 appeals and 8 acquittals.<sup>529</sup> As for threats against leaders, the State pointed out that, through the Working Group on Investigation of Threats of the Attorney General's Office (FGN) of Colombia, between 2018 and August 2024, progress was made in the investigations of 120 cases, which led to the following results: 23 convictions, 17 cases in which the principle of opportunity was applied by means of an agreement between the parties, 1 termination of the criminal proceeding upon the death of the indicted person, 8 requests and authorizations of arrest warrants, 2 cases that fell under indigenous jurisdiction, 7 indictments, 49 trials, 1 case processed together with another case on a related crime and 12 cases closed.<sup>530</sup> In this context, while the Commission takes note of such progress, civil society organizations denounce that high levels of impunity persist with regard to these crimes and underscore that, in most cases that result in convictions, the sentences refer to material perpetrators only, without making any reference to the masterminds.<sup>531</sup>

268. Moreover, until June 2024, through the work of the National Protection Unit (UNP), 1,473 protection measures for defenders and social leaders were granted: 821 hard measures and 652 soft measures.<sup>532</sup> They include 665 protection vests, 330 panic buttons, 139 communication devices, 1,509 bodyguards, 369 conventional vehicles, 227 armored vehicles and 68 ground support kits.<sup>533</sup> The budget allocated to the UNP in 2024 amounted to 2.3 trillion Colombian pesos (approximately 553 million US dollars).<sup>534</sup>

269. Nevertheless, the civil society pointed to deficiencies in protection measures associated with material defects found in vehicles, protection vests, phones, panic buttons and mobility restrictions as a result of guards' limited travel expenses and fuel.<sup>535</sup> Such deficiencies were also associated with the lack of institutions in the territory, as well as the absence of qualified personnel and measures based on gender, ethnical-racial and territorial approaches.<sup>536</sup> This hinders the documentary registration required by the UNP<sup>537</sup> to assess risks and the development of effective protection measures.<sup>538</sup>

270. With regard to the rights of **indigenous peoples**, the executive branch issued Decree No. 1,275, which grants indigenous authorities competence over environmental matters within their territories.<sup>539</sup>

---

Piyuya (Santa Cruz de Piñuña Blanco) reservations of the Siona People (ZioBain) regarding Colombia, August 21, 2024; [Resolution No. 34/24](#), MC 376-24, Sonia Chilgueso Dagua, Diana Montilla Moreno and their families regarding Colombia, May 23, 2024; [Resolution No. 33/24](#), MC 1036-23, Víctor Miguel Ángel Moreno Campaña regarding Colombia, May 20, 2024; [Resolution No. 19/24](#), MC 73-24, Thirteen members of the La Plata Bahía Málaga Community Council regarding Colombia, April 8, 2024.

<sup>529</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 269 and 270.

<sup>530</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 269 and 270.

<sup>531</sup> IACHR, Meeting with human rights defenders held in Bogotá on April 15, 2024.

<sup>532</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 269 and 236.

<sup>533</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, p. 236.

<sup>534</sup> National Protection Unit (UNP), [Resolution No. DGRG 0001](#), January 2, 2024.

<sup>535</sup> IACHR, public hearing "[Colombia: Follow-up on precautionary measures for human rights defenders](#)," held in the context of the 191<sup>st</sup> period of sessions on November 11, 2024; IACHR, public hearing "[Implementation of Precautionary Measures for Human Rights Defenders in Colombia](#)," held in the context of the 185<sup>th</sup> period of sessions on October 27, 2022; Amnesty International, *Hope at Risk: The Lack of a Safe Space to Defend Human Rights in Colombia Continues*, 2023, pp. 28 and 38.

<sup>536</sup> IACHR, Meeting with human rights defenders held in Bogotá on April 15, 2024.

<sup>537</sup> IACHR, Meeting with civil society organizations on the rights of women held in Bogotá on April 16, 2024.

<sup>538</sup> IACHR, Meeting with human rights defenders held in Bogotá on April 15, 2024.

<sup>539</sup> Ministry of Environment and Sustainable Development, Decree 1575 "[Por el cual se establecen las normas requeridas para el funcionamiento de los territorios indígenas en materia ambiental y el desarrollo de las competencias ambientales de las autoridades indígenas y su coordinación efectiva con las demás autoridades y/o entidades](#)", 15 October 2024.



The State also highlighted the restitution of at least 55,000 hectares of land to indigenous communities in the departments of La Guajira, Cauca, Valle del Cauca, Chocó and Antioquia in compliance with court orders.<sup>540</sup>

271. Moreover, discrimination based on ethnicity and race, coupled with armed conflicts and illicit economies in indigenous communities, continued to disproportionately affect ethnic groups —the Wounaam, Embera (Chamí, Katío, Dóbida, Eyábida) and Nasa communities being the most impacted.<sup>541</sup> Likewise, year on year, several acts of violence against indigenous leaders were recorded; out of the 47 murder victims registered until September 2024, 12 were indigenous.<sup>542</sup>

272. Concerning forced displacement and confinement, in 2024, indigenous peoples accounted for 35 percent and 42 percent of victims, respectively.<sup>543</sup> The departments where most of these cases were registered are Antioquia, Arauca, Chocó, Cauca, La Guajira, Nariño and Valle de Cauca.<sup>544</sup> In this context, the situation of the Wiwa people is alarming: they have been forced to relocate more than once during 2024.<sup>545</sup> The situation of the communities affected by illegal mining in the basins of the Atrato, Nechi and Cauca rivers must also be highlighted.<sup>546</sup> In addition, violence resulting from the armed conflict, illicit economies, extractive industries and the absence of an institutional response to these facts has jeopardized the survival of cross-border indigenous communities, located across Perú, Colombia and Ecuador.<sup>547</sup>

273. In particular, forced recruitment continued to affect indigenous children and adolescents, who account for 50 percent of the victims.<sup>548</sup> Furthermore, Wayuu children have suffered several violations to their right to food and water.<sup>549</sup>

274. As for the progress made concerning **Afro-descendant persons and policies against racial discrimination**, in the context of the 16<sup>th</sup> session of the Conference of the Parties (COP16), the State acknowledged the key role of Afro-descendants in the preservation and sustainable use of biodiversity. Together with the State of Brazil, it created the Afro-descendant Peoples of the Americas program, which seeks to reaffirm their role as guardians of biodiversity and promote access to cooperation funds earmarked for biodiversity projects.<sup>550</sup> In addition, the State regulated procedures to expand, improve and legally protect the territories traditionally occupied by black Afro-Colombian, Raizal and Palenquera communities.<sup>551</sup>

275. However, several challenges persisted in terms of security and access to rights, which continued to affect the life of Afro-descendants in Colombia. In the context of the armed conflict and the search for territorial control for the operation of illegal economies, in 2024, the Commission granted precautionary

<sup>540</sup> Unit for the Restitution of Lands, [Con más de 55.000 hectáreas entregadas en 2024, la URT le cumple a las comunidades indígenas y afrodescendientes](#), 13 November 2024.

<sup>541</sup> National Indigenous Organization of Colombia (ONIC), Information submitted in the context of the IACHR's *in loco* visit to Colombia, April 2024.

<sup>542</sup> OHCHR, [Homicidios de personas defensoras de los Derechos Humanos](#), reporting on the number of homicides of human rights defenders in Colombia from January 1 to September 30, 2024.

<sup>543</sup> United Nations Office for the Coordination of Humanitarian Affairs (OCHA), [Informe Tendencias e Impacto Humanitario en Colombia 2024 | Fecha de corte: Enero -Septiembre de 2024](#), November 6, 2024.

<sup>544</sup> OCHA, [Informe Tendencias e Impacto Humanitario en Colombia 2024 | Fecha de corte: Enero -Septiembre de 2024](#), November 6, 2024.

<sup>545</sup> Human Rights Council, *Report of the Special Rapporteur on the rights of Indigenous Peoples*, José Francisco Calí Tzay, A/HRC/57/47/Add.1, September 10, 2024. Notes on meetings with representatives of the Wiwa people in June and July 2024. In IACHR files.

<sup>546</sup> Office of the Ombudsperson of Colombia, Information sent for the preparation of the IACHR Annual Report, December 2, 2024, p. 8. In IACHR files.

<sup>547</sup> IACHR, thematic hearing, ["Situation of the A'i Cofán, Andwas, Shuar, Siekopai, Siona, and Wampis Indigenous peoples"](#) 191<sup>st</sup> period of sessions, Washington D.C., United States, November 15, 2024.

<sup>548</sup> IACHR, thematic hearing, ["Colombia: Forced Recruitment of Indigenous Children and Adolescents in the Armed Conflict in Cauca"](#) 189<sup>th</sup> period of sessions, Washington D.C., United States, February 27, 2024.

<sup>549</sup> Office of the Ombudsperson of Colombia, ["Niños wayúu entre cero y cinco años están siendo alimentados únicamente con chicha"](#), May 9, 2024.

<sup>550</sup> Government of Colombia, ["Un logro histórico: Cop16 aprobó el reconocimiento de los Afrodescendientes en el Convenio de Diversidad Biológica \(CDB\)"](#), November 1, 2024.

<sup>551</sup> Government of Colombia, [Decree No. 129 of 2024](#), February 7, 2024.



measures to 13 Afro-descendant leaders who are members of the La Plata Bahía Málaga Community Center.<sup>552</sup> As for racial profiling by state authorities, a case was registered involving an Afro-descendant defender who was a victim of this practice by migration authorities in Bogotá.<sup>553</sup> As for gender violence, the femicide of Naomi Arboleda stands out; she was an African-Colombian young woman who was killed on November 11 in Bogotá after being attacked by a group of men who were harassing her.<sup>554</sup>

276. In addition, some studies reveal the barriers faced by Afro-Colombian women to access sexual and reproductive health services, such as birth control methods and the voluntary termination of pregnancy.<sup>555</sup> In Chocó, 73 percent of women failed to receive information on contraceptive methods and many of them resorted to unsafe practices, including homemade contraceptive devices.<sup>556</sup> Maternal mortality disproportionately affected Afro-descendant women, with higher rates than women without an ethnic affiliation, especially in terms of the impact of unsafe abortions and the lack of access to adequate services.<sup>557</sup>

277. As for the human rights of **women**, the State informed about the presentation of and progress made due to several legislative initiatives focused on the protection of women's rights.<sup>558</sup> In particular, the Senate passed Bill No. 297/2024, which forbids child marriage, domestic partnerships and early unions in Colombia.<sup>559</sup> Moreover, the executive branch launched the National Action Plan on Women, Peace and Security, whose purpose is to take action in favor of women who are victims of the armed conflict and increase their involvement in conflict prevention, management and solution.<sup>560</sup>

278. In addition, the Ministry of Justice and Law implemented a series of measures to improve the judicial response and to fight impunity in cases of violence due to gender and prejudice. In particular, in the context of a strategy called Red Justas, technical and financial support measures were taken to strengthen territorial institutionality, organization processes and the capacities of territorial entities involved in the support, prevention and prosecution of gender-based violence cases.<sup>561</sup> Likewise, the process to draft a bill for the eradication of violence due to gender and prejudice moved forward. The bill presents multiple cross-cutting measures to create a support, protection, investigation and prosecution system that takes on a comprehensive approach towards these types of violence.<sup>562</sup>

<sup>552</sup> IACHR, [Resolution No. 19/2024](#), Precautionary Measure No. 73-24, Thirteen members of the La Plata Bahía Málaga Community Council regarding Colombia, April 8, 2024, para. 35.

<sup>553</sup> Latin American Council of Social Sciences (CLACSO), ["Repudio ante el perfilamiento racial sufrido por Rudy Amanda Hurtado,"](#) October 15, 2024; *La Silla Vacía*, ["Racismo y perfilamiento racial en aeropuerto El Dorado,"](#) October 11, 2024.

<sup>554</sup> *El Espectador*, ["Ayer fue Sara, hoy Naomi: boxeadora olímpica habló del feminicidio de su hermana,"](#) November 14, 2024; *Volcanicas*, ["Justicia para Naomi Arboleda,"](#) November 14, 2024.

<sup>555</sup> ILEX Acción Jurídica, ["IVE desde el margen: Análisis de limitaciones socio jurídicas de las mujeres negras afrodescendientes para el acceso a la Interrupción Voluntaria del Embarazo en Colombia,"](#) 2024, p. 47.

<sup>556</sup> ILEX Acción Jurídica, ["IVE desde el margen: Análisis de limitaciones socio jurídicas de las mujeres negras afrodescendientes para el acceso a la Interrupción Voluntaria del Embarazo en Colombia,"](#) 2024, pp. 69–71.

<sup>557</sup> ILEX Acción Jurídica, ["IVE desde el margen: Análisis de limitaciones socio jurídicas de las mujeres negras afrodescendientes para el acceso a la Interrupción Voluntaria del Embarazo en Colombia,"](#) 2024, p. 75.

<sup>558</sup> These initiatives include Bill No. 239/2024 which seeks to prevent, treat and eradicate female genital mutilation, with a focus on the women and girls of the Emberá people, and a proposal to amend Article 28 of Law No. 1,475 to ensure gender parity in political participation. See: Congress of the Republic of Colombia, ["El Congreso de la República avanza en la protección de los derechos de las mujeres y niñas con proyectos claves,"](#) November 10, 2024; National Electoral Council, ["Proyecto de Ley Estatutaria No. 201 de 2024: 'Por medio del cual se modifica el artículo 28 de la Ley 1475 de 2011, en relación con el porcentaje de la cuota de género para lograr una paridad real y efectiva,'"](#) August 23, 2024.

<sup>559</sup> Congress of the Republic of Colombia, ["Plenaria del Senado aprobó la ley. 'Son niñas no esposas,'"](#) November 13, 2024.

<sup>560</sup> Office of the President of the Republic of Colombia, ["Gobierno del Cambio lanzó oficialmente Plan de Acción Nacional de Mujeres, Paz y Seguridad,"](#) December 1, 2024; *EFE*, ["Gobierno colombiano lanza plan para mujeres víctimas del conflicto y la violencia sexual,"](#) November 30, 2024.

<sup>561</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 122, 123 and 137.

<sup>562</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 121–124; Ministry of Justice and Law, ["Comisión de Expertos para la Reforma a la Justicia avanza en la construcción de proyecto de ley para erradicar violencias de género y por prejuicio,"](#) July 2, 2024.



279. Moreover, despite significant discrepancies found in records, figures on violence against women continue to be alarming.<sup>563</sup> Between January and September 2024, the FGN registered 474 femicides,<sup>564</sup> while the civil society registered 671.<sup>565</sup> In addition, the PGN recorded 198 femicides as of November, most of which were committed by the victim's partner or former partner.<sup>566</sup> Additionally, as of September 2024, the FGN registered 74,695 complaints of domestic violence, with most victims being women, and 21,012 complaints of sexual offenses.<sup>567</sup> In this context, it is alarming that most of the victims of sexual violence are girls who remain exposed to this type of violence even in educational settings.<sup>568</sup>

280. Furthermore, two years after the decision to decriminalize the voluntary termination of pregnancy of 24 weeks or less,<sup>569</sup> some obstacles remained in place in terms of access to this health service. In particular, socioeconomic gaps between urban and rural areas, geographical differences and ignorance regarding the applicable legal framework by health providers pose significant challenges in accessing legal termination of pregnancy, especially for women, children and adolescents who live in rural areas, and even more so for women of indigenous or African descent.<sup>570</sup>

281. As for the rights of **children and adolescents**, the Senate passed a law called *Son niñas no esposas* (They Are Girls, Not Wives) in November 2024, which removed an article of the Civil Code that allowed girls older than 14 years of age to get married with the consent of their parents.<sup>571</sup> Likewise, the passing of Law Sara Sofía o Alerta Colombia (Sara Sofía or Colombia Alert) led to the creation and regulation of a tool to disseminate information on disappeared children and trigger immediate search mechanisms.<sup>572</sup>

282. As for sexual violence against children and adolescents, based on data from the National Institute of Legal Medicine and Forensic Sciences, as of September 2024, 13,420 forensic examinations were performed on children and adolescents to investigate potential sexual crimes. The Colombian Institute of Family Welfare (ICBF) reported that, as of November 2024, administrative rights restoration processes were opened for 13,237 children and adolescents due to sexual violence.<sup>573</sup> The Office of the Ombudsperson expressed their concern about cases of sexual abuse reported in education centers.<sup>574</sup>

283. Additionally, until November 2024, the Office of the Ombudsperson registered 282 cases of recruitment of children and adolescents. Sixty-five percent of those cases involved boys, while 35 percent involved girls.

284. Concerning advances in terms of the situation of **LGBTI persons**, the State adopted significant measures to guarantee the rights of LGBTI persons. Those measures included the creation of a specialized group tasked with the investigation of prejudice-based crimes against such population, with a focus

<sup>563</sup> IACHR, *Observaciones preliminares Visita in loco a Colombia*, April 15–19, 2024, pp. 3, 12 and 13.

<sup>564</sup> Integrated System of Information on Gender-Based Violence (SIVIGE), *Indicadores de VBG según fuente de información*, FGN, accessed on December 9, 2024.

<sup>565</sup> Femicide Observatory of Colombia, *Boletín Mensual de Femicidios, Septiembre 2024*, October 18, 2024.

<sup>566</sup> PGN, "Procuraduría General alerta sobre 198 feminicidios y 8 transfeminicidios en 2024," November 25, 2024.

<sup>567</sup> SIVIGE, *Indicadores de VBG según fuente de información*, FGN, accessed on December 9, 2024.

<sup>568</sup> PGN, "Procuraduría indaga presunto abuso sexual contra seis estudiantes, menores de edad, en Institución Educativa de Ibagué," December 9, 2024; PGN, "Casos de violencia sexual siguen disparados en colegios," May 2, 2024; Secretariat of Education, "Ante caso de presunta violencia sexual, Secretaría de Educación alerta a colegios privados para estar al día en el Sistema de Alertas Tempranas y activar rutas de atención," April 15, 2024; IACHR, 2023 Annual Report, Chapter IVa, December 31, 2023, para. 265.

<sup>569</sup> Constitutional Court of Colombia, Decision No. C-055 of 2022, available at: <https://www.corteconstitucional.gov.co/Relatoria/2022/C-055-22.htm>.

<sup>570</sup> ILEX Acción Jurídica, *IVE desde el margen: Análisis de las limitaciones socio jurídicas de las mujeres negras afrodescendientes*, February 2023, ISBN: 978-958-52847-8-4; Center for Reproductive Rights, *Derechos reproductivos en Colombia*, a report submitted in the context of the IACHR's *in loco* visit to Colombia, April 2024, in IACHR files.

<sup>571</sup> Congress of the Republic of Colombia, "Plenaria del Senado aprobó la ley, 'Son niñas no esposas,'" November 13, 2024.

<sup>572</sup> Congress of the Republic of Colombia, "Ley Sara Sofía: El Senado dio luz verde a proyecto que permite búsqueda urgente de niños desaparecidos," June 12, 2024.

<sup>573</sup> Office of the Ombudsperson of Colombia, Information sent for the preparation of the IACHR Annual Report before the OAS General Assembly, December 2, 2024, pp. 20 and 21. In IACHR files.

<sup>574</sup> Office of the Ombudsperson of Colombia, "Escuelas y colegios deben ser entornos seguros y no de violencia y abuso sexuales," April 7, 2024.



on homicides, femicides, discrimination and harassment.<sup>575</sup> In addition, the Superintendency of Health issued guidelines to ensure adequate medical care for trans persons.<sup>576</sup> Furthermore, the Special Jurisdiction for Peace (JEP) recognized a prejudice-based violence pattern in Macro-case 07 on the recruitment of minors during the armed conflict.<sup>577</sup>

285. In terms of legislative measures, the Chamber of Deputies passed Bill No. 272 of 2024, known as *Ley inconvertibles* (Inconvertible Law), which forbids conversion therapy.<sup>578</sup> Additionally, the Congress submitted Bill No. 122 of 2024, called *Ley Integral Trans* (Integral Trans Law) to protect the rights of people with diverse gender identities.<sup>579</sup> In addition, the Council of Bogotá approved the draft of Agreement No. 399 of 2024 to guarantee the rights of LGBTI children and adolescents in education centers.<sup>580</sup>

286. Furthermore, several challenges have been identified in connection with the above-mentioned steps forward. Bill No. 272 was archived due to the lack of debate in Congress, which put an end to its legislative processing.<sup>581</sup> At the same time, groups that opposed the recognition of rights for trans persons launched a campaign against the guidelines of the Superintendency of Health arguing that they promoted the “hormonization” of children,<sup>582</sup> a statement labelled as disinformation by human rights defenders.<sup>583</sup>

287. In parallel, some law initiatives intended to restrict the rights of trans persons, particularly for children and adolescents, have paved their way in Congress. These include Bill No. 1 of 2024, called *Ley con los niños no te metas* (Leave Children Alone Law), which seeks to forbid hormone therapy, puberty blockers and gender affirmation surgery in persons under 18 years of age, irrespective of recommendations from doctors specialized in the subject matter.<sup>584</sup>

288. Within this context of regressiveness, the Office of the Ombudsperson registered 286 cases of violence against the LGBTI population between January and May 2024.<sup>585</sup> According to civil society organizations, at least 28 trans persons were killed in 2024.<sup>586</sup>

289. With regard to **persons in the context of human mobility**, Colombia established the Special Permanence Permit for Legal Representatives or Guardians of Children and Adolescents (PEP Tutor) aimed at

<sup>575</sup> *Caribe Afirmativo*, “[Logro importante en la rama judicial: la Fiscalía creó un grupo especializado en delitos por orientación sexual e identidad de género](#),” February 28, 2024; FGN (@FiscaliaCol), (February 28, 2024), La Fiscal General de la Nación (e), Martha Janeth Mancera, expidió la Resolución 00077 del 26 de febrero de 2024, que crea el Grupo Nacional de Trabajo (...) [X post], X, <https://x.com/FiscaliaCol/status/1762811997882585452?mx=2>.

<sup>576</sup> Superintendency of Health of Colombia, [External Circular No. 2024150000000011-5 of 2024](#), September 20, 2024.

<sup>577</sup> *Colombia Diversa*, “[La JEP reconoce la violencia por prejuicio contra niños y niñas LGBTQ+](#),” 2024; *Caribe Afirmativo*, “[Las infancias LGBTQ+ también vivieron los estragos de la guerra: La JEP imputa a seis exintegrantes del Secretariado de las FARC-EP por crímenes de guerra de reclutamiento y utilización de niñas y niños y otros crímenes asociados](#),” November 13, 2024.

<sup>578</sup> *Colombia Diversa*, “[La JEP reconoce la violencia por prejuicio contra niños y niñas LGBTQ+](#),” 2024; *Caribe Afirmativo*, “[Las infancias LGBTQ+ también vivieron los estragos de la guerra: La JEP imputa a seis exintegrantes del Secretariado de las FARC-EP por crímenes de guerra de reclutamiento y utilización de niñas y niños y otros crímenes asociados](#),” November 13, 2024.

<sup>579</sup> *Caribe Afirmativo*, “[Quedó radicado el proyecto de Ley Integral Trans en Colombia: un hecho histórico en el país](#),” July 31, 2024.

<sup>580</sup> *Caribe Afirmativo*, “[Aprobado el Proyecto de Acuerdo 399 de 2024: Bogotá Avanza en la Garantía de Derechos para Jóvenes LGBTQ+ en Instituciones Educativas](#),” December 1, 2024; *Infobae*, “[Aprueban proyecto que garantizará los derechos de las comunidades Lgbtiq+ en los colegios públicos y privados de Bogotá](#),” September 2, 2024.

<sup>581</sup> *El País*, “[El Congreso de Colombia hunde de nuevo el proyecto que buscaba prohibir las terapias de conversión sexual](#),” June 13, 2024.

<sup>582</sup> *El País*, “[El bulo transfóbico que evidencia las dificultades para combatir la desinformación en Colombia](#),” October 28, 2024; *Infobae*, “[Convocan marchas en contra de circular de la Supersalud a favor de las personas trans, que incluye procedimientos para menores: 'Con los niños no te metas'](#),” October 2, 2024.

<sup>583</sup> *Infobae*, “[Luis C. Leal denuncia 'desinformación' sobre circular para que personas trans accedan a la Salud](#),” September 24, 2024.

<sup>584</sup> Congress of the Republic of Colombia, [Bill No. 001 of 2024](#).

<sup>585</sup> *Swiss Info*, “[Defensoría registra 286 casos de violencia LGBTI de enero a mayo de 2024 en Colombia](#),” June 28, 2024; *Infobae*, “[Alarmante cifra de casos de violencia contra la población LGTBI en Colombia: van más de 280 en 2024](#),” June 29, 2024.

<sup>586</sup> *Caribe Afirmativo* [@Caribeafirmativ], (November 20, 2024), Hoy, 20 de noviembre, en el Día Internacional de la #MemoriaTrans, rendimos homenaje a las personas trans que han sido víctimas de la violencia (...) [X post], X, <https://x.com/Caribeafirmativ/status/1859224108354986388>.



Venezuelan nationals responsible for minors holding a Temporary Protection Permit (PPT) issued until December 31, 2023. This document allows persons with child custody to regularize their migration status and engage in legal activities.<sup>587</sup> A public consultation process was launched to draft the regulations governing the PEP Tutor permits in order to ensure transparency and incorporate input from the civil society. Moreover, the Constitutional Court issued Judgment No. T-243-23 ordering migration authorities to develop a clear and accessible road map to guide the Venezuelan population on legal alternatives, requirements and deadlines for staying in Colombia.<sup>588</sup>

290. With respect to statelessness, the Constitutional Court issued Judgment No. T-232-24 ordering the Ministry of Foreign Affairs and the National Civil Registry to regulate various articles of Law No. 2136 of 2001 to address the risk of statelessness faced by children born under transnational surrogacy agreements. The Constitutional Court also invited the Superintendency of Notaries and Registry Offices to issue guidelines that account for this risk when recording births following maternity disputes in cases of gestational surrogacy. Additionally, it urged Congress to legislate on surrogacy, considering its transnational dimension and ensuring safeguards against statelessness in compliance with Colombia's international obligations.<sup>589</sup>

291. Moreover, in 2024, more than 170,000 people were forcibly displaced due to the armed conflict and disputes over the control of illegal economic activities, including 43,000 persons in massive displacements and 128,000 in individual forced displacement. Ethnic peoples remained the most affected by massive displacement, with 41 percent of the victims belonging to Afro-descendant communities and 19 percent to indigenous peoples<sup>590</sup>.

292. In relation to **human trafficking**, during the Universal Periodic Review (UPR), the United Nations Human Rights Council recommended that Colombia endorse the Safe Schools Declaration, adopt a protocol to identify and assist victims of human trafficking and strengthen efforts to combat this crime, particularly against women and children<sup>591</sup>.

293. In terms of progress regarding the situation of **persons deprived of liberty**, the State approved the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in May 2024<sup>592</sup>.

294. However, challenges related to detention conditions in prisons and temporary detention facilities persisted. Overcrowding reached 24.6 percent in National Prison Centers (ERON)<sup>593</sup> and 140 percent in temporary detention facilities.<sup>594</sup> This situation was exacerbated by the deplorable infrastructure and poor hygiene conditions, limited access to water, unreliable electricity supply, scarce and low-quality food, deficient medical care, shortage of beds and mattresses and barriers to accessing reintegration programs.<sup>595</sup> Moreover,

---

<sup>587</sup> National Migration Service of Colombia, "[Migración Colombia anuncia la creación de PEP Tutor, un permiso especial de permanencia para representantes legales o custodios de menores venezolanos](#)," October 1, 2024.

<sup>588</sup> IACHR [@CIDH], (July 22, 2024), #Colombia: #CIDH saluda la sentencia T-246-24 de la Corte Constitucional que reconoció el derecho al trabajo y al debido proceso de personas venezolanas solicitantes de refugio; y ordenó al Estado facilitar la información sobre vías de regularización migratoria [X post], X, <https://x.com/CIDH/status/1815447452104765608>.

<sup>589</sup> Constitutional Court of Colombia, First Chamber for Review Proceedings Concerning Writs for the Protection of Constitutional Rights, [Judgment No. T-232 of 2024](#), File No. T-9,398,087, June 18, 2024.

<sup>590</sup> OCHA, [Informe Tendencias e Impacto Humanitario en Colombia 2024 | Fecha de corte: Enero -Septiembre de 2024](#), November 6, 2024.

<sup>591</sup> United Nations, General Assembly, Human Rights Council, 55<sup>th</sup> session, [Report of the Working Group on the Universal Periodic Review. Colombia](#), A/HRC/55/7, February 26-April 5, 2024.

<sup>592</sup> Congress of the Republic of Colombia, Senate of the Republic, Government of Colombia, [Status of bills. Senate: 276/23. Chamber: 364/24](#), May 29, 2024.

<sup>593</sup> Constitutional Court of Colombia, Information regarding the declaration of unconstitutionality concerning the prison system and temporary detention centers, April 17, 2024, p. 9. In IACHR files.

<sup>594</sup> Constitutional Court of Colombia, Information regarding the declaration of unconstitutionality concerning the prison system and temporary detention centers, April 17, 2024, p. 9. In IACHR files.

<sup>595</sup> Observations made by the Commission during its visit to the Riohacha, Buen Pastor and La Modelo prisons as part of its *in loco* visit to Colombia, April 17-18, 2024; Testimonies of persons deprived of liberty in the Riohacha, Buen Pastor and La Modelo prisons received by the Commission during its *in loco* visit to Colombia, April 17-18, 2024.



the National Institute for Prisons (INPEC) faced a deficit of approximately 14,000 officers (including 8,000 security personnel and 6,000 administrative workers)<sup>596</sup>.

295. In February 2024, the State declared a prison emergency in the ERONs in response to attacks on the lives and integrity of INPEC officials.<sup>597</sup> These attacks resulted in the death of at least six officials in 2024, including the director of the La Modelo prison in Bogotá, whose murder was condemned by the Commission on May 17, 2024.<sup>598</sup> In this context, the Commission also notes the implementation of Operation Domino to combat crimes within detention centers<sup>599</sup>.

296. Furthermore, although 92 women had received alternative sentences involving community service pursuant to Law No. 2292, as of November 29, 2024,<sup>600</sup> imprisonment continued to have disproportionate effects due to the absence of measures incorporating a gender and intersectional approach.<sup>601</sup> Incarcerated women faced irregular medical attention and constant ill-treatment.<sup>602</sup> Indigenous persons lack adequate accommodation spaces, while persons with disabilities endured inadequate infrastructure that affected their rights in detention, underscoring the need for comprehensive reforms in the prison system.<sup>603</sup>

297. With respect to **memory, truth and justice**, the State enacted Law No. 2364 of 2024, on the recognition and comprehensive protection of the work and rights of women and other persons who search for victims of enforced disappearance.<sup>604</sup> The executive branch also enacted the reform of the Victims Law (Law No. 1448 of 2011), which, *inter alia*, expanded the definition of victims to include law enforcement agents, victims abroad and relatives of direct victims.<sup>605</sup>

<sup>596</sup> In this regard, see: Information provided to the Commission during a meeting with the director and officials of the La Modelo prison during its *in loco* visit to Colombia, April 18, 2024; Information provided to the Commission during a meeting with the director of the National Institute for Prisons during its *in loco* visit to Colombia, April 18, 2024. Additionally, see: IACHR, Press Release No. 143/24, [IACHR Issues Preliminary Observations of On-Site Visit to Colombia](#) and [Preliminary Observations of On-Site Visit to Colombia](#), June 19, 2024.

<sup>597</sup> Ministry of Justice of Colombia, "[Gobierno nacional declaró emergencia carcelaria en todos los centros penitenciarios del país](#)," February 12, 2024.

<sup>598</sup> In this regard, see: Information provided to the Commission during a meeting with the director of the National Institute for Prisons during its *in loco* visit to Colombia, April 18, 2024; Information provided to the Commission during a meeting with the director and officials of the La Modelo prison during its *in loco* visit to Colombia, April 18, 2024; IACHR [CIDH], (May 17, 2024), #Colombia: #CIDH condena el asesinato del director de la cárcel La Modelo de Bogotá, Élmer Fernández el [#16MAY](#), con quien se había reunido durante la visita in loco al país. Expresa su solidaridad a su familia y colegas, al tiempo que manifiesta su preocupación, debido a que este homicidio ocurre en el contexto de constantes ataques y amenazas a personal del @INPEC\_Colombia [X post], X, <https://twitter.com/CIDH/status/1791599831841923153>.

<sup>599</sup> Ministry of Justice, [Search and Control Operation at La Modelo Prison. Second Phase of 'Operation Domino' Begins](#), January 25, 2024.

<sup>600</sup> Ministry of Justice of Colombia, "[Seguimiento a la Implementación de la Ley de Utilidad pública](#)," September 6, 2024. See also: Government of Colombia, Administrative Department of Public Service, [Law No. 2292](#), March 8, 2023.

<sup>601</sup> In this regard, see: Testimonies of persons deprived of liberty in the Buen Pastor women's prison received by the Commission during its *in loco* visit to Colombia, April 18, 2024; Information shared with the Commission during a meeting with civil society organizations focused on persons deprived of liberty during its *in loco* visit to Colombia, April 15, 2024; Information shared with the Commission during a meeting with civil society organizations before the visit, April 1, 2024. See also: Colombia, [Law No. 2261](#) enacted on July 19, 2022; Mujeres Libres, [Cicatrices del silencio. Informe sobre las vulneraciones de los derechos sexuales y reproductivos de las mujeres, hombres trans y personas no binarias privadas de la libertad en las cárceles de Colombia](#), 2024.

<sup>602</sup> IACHR, Information shared with the Commission during a meeting with civil society organizations before the visit, April 1, 2024.

<sup>603</sup> In this regard, see: Testimonies of persons deprived of liberty in the Riohacha, Buen Pastor and La Modelo prisons received by the Commission during its *in loco* visit to Colombia, April 17-18, 2024.

<sup>604</sup> IACHR [CIDH], (April 5, 2024), #Colombia: #CIDH saluda la aprobación por el @SenadoGovCo del proyecto de ley de protección integral a la labor y los derechos de las mujeres y personas buscadoras de víctimas de desaparición forzada, y destaca la iniciativa como una buena práctica de relevancia para la región. #DerechosHumanos [X post], X, <https://x.com/CIDH/status/1776245031659012279>; Congress of the Republic of Colombia, Law No. 2364, on the recognition and comprehensive protection of the work and rights of women who search for victims of enforced disappearance, June 18, 2024.

<sup>605</sup> Republic of Colombia, Additional information to the *in loco* visit of the Inter-American Commission on Human Rights, October 18, 2024, pp. 337-338; *Ámbito Jurídico*, "[Esta es la amplia reforma a la Ley de Víctimas](#)," September 4, 2024; Congress of the Republic of Colombia, Law No. 2421 of 2024, on amendments to Law No. 1448 of 2011 and other provisions on reparations for victims of the internal armed conflict, August 22, 2024.



298. With regard to justice, the JEP advanced in the processing of Macro-case 07, resulting in an indictment against six former commanders of the extinct FARC- EP for crimes against humanity and war crimes consisting of the forced recruitment of at least 18,677 children and adolescents between 1971 and 2016.<sup>606</sup>

299. Regarding the rights of **older persons**, the State approved a pension system reform that redirected state subsidies previously concentrated on higher-income households and established a solidarity pillar for persons over 65, providing them with a monthly payment of 223,800 Colombian pesos (equivalent to 52 US dollars).<sup>607</sup> Therefore, social security coverage is expected to expand from 24 percent to 54 percent of the population of older persons in the country and to increase progressively until reaching 87 percent by 2025.<sup>608</sup>

## XI. COSTA RICA

### • General considerations

300. With regard to **progress**, the Commission notes the information on measures adopted to promote gender equality and women's political rights, the publication of the 2024-2034 Comprehensive Migration Policy and reforms to the asylum system. It also highlights the Age-Friendly Cities and Communities initiative and other projects aimed at improving the quality of life of older persons. The Commission recognizes Costa Rica's openness to international dialogue and human rights scrutiny, as well as its regional leadership in this area.

301. In terms of **challenges**, the Commission expresses its concern over citizen security and questions regarding the state's response, as well as complaints of violations of judicial independence. The Commission is also concerned about complaints of violations of the rights of indigenous peoples, particularly regarding prior consultation and land demarcation; as well as significant gaps in the guarantee of economic, social and cultural rights for groups facing risks, such as persons in human mobility, women and the older persons.

302. On December 9, 2024, the State submitted its response to the Commission's request for information to prepare this chapter.<sup>609</sup> Additionally, the Commission received information from the Office of the Ombudsperson of the Republic on November 15, 2024.<sup>610</sup>

### • Specific issues

303. With regard to **democratic institutional**ity, the State reported that municipal elections had been held on February 4, 2024, resulting in the election of 6,212 local authorities across 84 municipalities and 492 districts. The State informed that this electoral process was among the most complex in history due to the high number of participating political parties, the large number of representative positions contested and the

<sup>606</sup> JEP, Press Release No. 165, "[La JEP imputa a seis exintegrantes del Secretariado de las Farc-EP por crímenes de guerra de reclutamiento y utilización de niñas y niños y otros crímenes asociados](#)," November 13, 2024.

<sup>607</sup> Congress of the Republic of Colombia, [Law No. 2381 of 2024, on the creation of the Comprehensive Social Protection System for Older Persons, Persons with Disabilities and Persons Deceased from Common Causes, and other provisions](#), July 16, 2024; Ministry of Labor, "[10 ventajas de la reforma pensional](#)," April 19, 2024.

<sup>608</sup> Office of the President of Colombia, "[ABC de la Ley de Reforma Pensional que el presidente Gustavo Petro sanciona este martes en la Plaza de Bolívar](#)," July 16, 2024.

<sup>609</sup> Permanent Mission of Costa Rica to the Organization of American States, Note No. CROEA-1790-2024, *Report of the Ministry of Foreign Affairs and Worship*, DGPE-1329-2024, December 9, 2024.

<sup>610</sup> See: Office of the Ombudsperson of the Republic (DHR), *Report of the National Human Rights Institution of Costa Rica, Universal Periodic Review (UPR), Fourth Cycle (2022-2027)*, presented in the 47<sup>th</sup> session of the Human Rights Council. In IACHR files.



implementation of the principle of horizontal parity for the first time. In total, 39,734 candidates were registered, compared to 33,873 candidates submitted in 2020.<sup>611</sup>

304. During the electoral process, the Electoral Observation Mission of the Organization of American States (EOM/OAS) and the Commission received reports questioning gender parity rules and allegations of restrictions on the political rights of certain candidates.<sup>612</sup> On February 6, 2024, the EOM/OAS congratulated the State for holding a successful election day and recognized the efforts of Costa Rican institutions, such as the Supreme Electoral Tribunal, to “foster greater openness and reinforce the political participation of citizens under equitable conditions, in addition to ensuring the alternation of power, which is a fundamental pillar of a democratic system.”<sup>613</sup> Moreover, the EOM/OAS acknowledged the application of gender parity and the prohibition of immediate and indefinite reelection of municipal authorities as progress in compliance with previous recommendations of the Organization of American States (OAS).<sup>614</sup>

305. With regard to **human rights institutions**, the State reported that the Office of the Ombudsperson had renewed its class A accreditation, the highest distinction, following an evaluation by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI)<sup>615</sup>. The State emphasized that the Office of the Ombudsperson has direct and independent access to United Nations and inter-American bodies monitoring compliance with the human rights obligations of Costa Rica, enabling it to provide any information it deems relevant in the independent exercise of its mandate.<sup>616</sup> Finally, the State reported that the National Police Academy requires all police forces to complete a course on human rights and gender equality as a prerequisite for graduation.<sup>617</sup>

306. The Commission commends the renewal of the Office of the Ombudsperson's accreditation, its efforts to promote and protect human rights in Costa Rica and its cooperation with international and regional human rights mechanisms, as noted by the GANHRI Sub-Committee on Accreditation.<sup>618</sup> It also underscores the importance of further strengthening this institution by ensuring adequate human and financial resources.<sup>619</sup>

307. With regard to the cross-cutting issue of **citizen security**, Costa Rica is facing significant challenges. In 2023, the country recorded 907 intentional murders for the first time in its history, while 2024 is projected to be the second most violent year. As of December 1, 2024, the Criminal Investigation Service (OIJ) had documented 807 homicides nationwide.<sup>620</sup> Moreover, in 2024, the Commission became aware of concerns raised by the Office of the Ombudsperson regarding the security policy implemented by the executive branch, specifically, allegations that the government had not been transparent in its design and implementation, did not develop mechanisms to guarantee citizen participation or a concrete medium- and long-term action plan

<sup>611</sup> Permanent Mission of Costa Rica to the Organization of American States, Note No. CROEA-1790-2024, *Report of the Ministry of Foreign Affairs and Worship*, DGPE-1329-2024, December 9, 2024, p. 1.

<sup>612</sup> OAS, [OAS Electoral Observation Mission Congratulates Costa Rica on a Democratic and Peaceful Election Day](#), San José, Costa Rica, February 6, 2024, p. 16. The Commission also requested information from the State of Costa Rica pursuant to Article 41 of the American Convention on Human Rights (ACHR), which was submitted by the State on January 23, 2024. Ministry of Foreign Affairs and Worship of Costa Rica, Official Letter No. DJO-041-24 in response to a request for information submitted under Article 41 ACHR, “Refusal to accept candidacies of the Aquí Costa Rica Manda political party,” CIDH/SE/Art-41/01-2024/410. In IACHR files.

<sup>613</sup> OAS, [OAS Electoral Observation Mission Congratulates Costa Rica on a Democratic and Peaceful Election Day](#), San José, Costa Rica, February 6, 2024, p. 1.

<sup>614</sup> OAS, [OAS Electoral Observation Mission Congratulates Costa Rica on a Democratic and Peaceful Election Day](#), San José, Costa Rica, February 6, 2024, p. 1.

<sup>615</sup> Permanent Mission of Costa Rica to the Organization of American States, Note No. CROEA-1790-2024, *Report of the Ministry of Foreign Affairs and Worship*, DGPE-1329-2024, December 9, 2024, p. 2.

<sup>616</sup> Permanent Mission of Costa Rica to the Organization of American States, Note No. CROEA-1790-2024, *Report of the Ministry of Foreign Affairs and Worship*, DGPE-1329-2024, December 9, 2024, p. 2.

<sup>617</sup> Permanent Mission of Costa Rica to the Organization of American States, Note No. CROEA-1790-2024, *Report of the Ministry of Foreign Affairs and Worship*, DGPE-1329-2024, December 9, 2024, p. 2.

<sup>618</sup> Global Alliance of National Human Rights Institutions (GANHRI), [Report and Recommendations of the Session of the Sub-Committee on Accreditation \(SCA\)](#), online, March 26-28, 2024 and Geneva, April 29-May 3, 2024, p. 24.

<sup>619</sup> See: DHR, *Report of the National Human Rights Institution of Costa Rica, UPR, Fourth Cycle (2022-2027)*, presented in the 47<sup>th</sup> session of the Human Rights Council, p. 33.

<sup>620</sup> Judiciary of Costa Rica, [Statistics of the Criminal Investigation Service](#), reviewed on December 2, 2024.



and failed to comply with requirements for security policies established by the Office of the Comptroller General of the Republic.<sup>621</sup>

308. With regard to **access to justice and judicial independence**, at the regional hearing on the “Current status of judicial independence in the Americas,” the Commission received information about the gradual weakening of the Costa Rican justice administration system in recent years and its impact on human rights resulting from a series of legislative measures and judicial governance policies.<sup>622</sup> These include setbacks in the retirement and pension systems, severe budgetary restrictions on the judiciary, over 1,000 resignations recorded in the judiciary in the past three years due to inadequate conditions and the inability to replace these positions.<sup>623</sup> In 2024, the Commission was also informed about the alleged harassment by the executive branch against justice operators who made judgments affecting its government plan or with regard to the Attorney General’s Office’s investigations into corruption cases.<sup>624</sup> Furthermore, on July 1, 2024, the *en banc* Court declared that applicants for judicial positions should accept discretionary transfers and changes in schedules or working hours under the “employer’s management powers,” thereby weakening guarantees of stability in the judiciary.<sup>625</sup>

309. With regard to the rights of **indigenous peoples**, the Office of the Ombudsperson reported that government programs lack a cross-cutting approach with a perspective on the rights of indigenous peoples. Additionally, it documented complaints regarding the absence of measures for the demarcation and rectification of territories, as well as the failure to conduct free, prior and informed consultation processes.<sup>626</sup> Furthermore, the United Nations Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health expressed concern over the challenges faced by indigenous communities in accessing healthcare services which are located far from the communities and lack intercultural adaptation. Furthermore, the Special Rapporteur also noted the rise in depression and anxiety among young indigenous persons studying outside their communities, as well as an increase in attempted suicides and deaths by suicide in Talamanca.<sup>627</sup>

310. With regard to the rights of **women**, the Costa Rican State highlighted progress in improving women’s representation in local governments, particularly an increase from 7 to 22 women mayors after the February 2024 elections.<sup>628</sup> The Commission also takes note of measures reported by Costa Rica to promote gender equality, including the approval of a technical sheet for analyzing legislative projects with a gender

<sup>621</sup> In 2024, the Office of the Ombudsperson reported various actions to assess the implementation and outcomes of the 2023-2030 National Public Security Policy Costa Rica-Segura Plus (Safe-Costa Rica Plus), issued by the executive branch in November 2023, as well as compliance with the requirements set forth by the Office of the Comptroller General of the Republic in an audit report published on December 20, 2022, for the development of a national security policy. DHR, “Defensoría revisará resultados de la Política Nacional de Seguridad,” April 22, 2024; *Semanario Universidad*, “Defensoría alertó vacíos en elaboración de Política de Seguridad,” July 15, 2024. See also: DHR, *Report of the National Human Rights Institution of Costa Rica, UPR, Fourth Cycle (2022-2027)*, presented in the 47<sup>th</sup> session of the Human Rights Council, p. 33.

<sup>622</sup> IACHR, public hearing “Regional: Current status of judicial independence in the Americas,” 191<sup>st</sup> regular period of sessions, November 13, 2024.

<sup>623</sup> IACHR, public hearing “Regional: Current status of judicial independence in the Americas,” 191<sup>st</sup> regular period of sessions, November 13, 2024.

<sup>624</sup> Central American Federation of Judges for Democracy (FECAJUD) and Cyrus R. Vance Center for International Justice, *Judicial resilience: Judicial Independence Assessment in Central America Assessment*, p. 15; IACHR, public hearing, “Regional: Current status of judicial independence in the Americas,” 191<sup>st</sup> regular period of sessions, November 13, 2024.

<sup>625</sup> Central American Federation of Judges for Democracy (FECAJUD) and Cyrus R. Vance Center for International Justice, *Judicial resilience: Judicial Independence Assessment in Central America Assessment*, p. 15; IACHR, public hearing, “Regional: Current status of judicial independence in the Americas,” 191<sup>st</sup> regular period of sessions, November 13, 2024.

<sup>626</sup> DHR, *Report of the National Human Rights Institution of Costa Rica, UPR, Fourth Cycle (2022-2027)*, presented in the 47<sup>th</sup> session of the Human Rights Council, pp. 23-24. In IACHR files.

<sup>627</sup> United Nations, Human Rights Council, *Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Tlaleng Mofokeng*, A/HRC/56/52/Add.2, April 29, 2024, pp. 16-18.

<sup>628</sup> Government of the Republic of Costa Rica, Universal Periodic Review, *IV Informe nacional presentado en virtud de las resoluciones 5/1 y 16/21 del Consejo de Derechos Humanos*, August 2024, para. 81.



perspective<sup>629</sup> and the introduction of a bill to incorporate gender equality and equity education at all levels.<sup>630</sup> With regard to measures focused on gender-based violence, the Commission highlights the reestablishment of the 1125 hotline, which provides free legal, psychological and social assistance to women<sup>631</sup> and the proposal to legally institutionalize the 72-hour Protocol, and the Rapid Response Comprehensive Care Teams for Victims of Sexual Crimes (ERRVV).<sup>632</sup>

311. However, the Commission is concerned about the persistence of sexual violence against women in human mobility<sup>633</sup> and gender-based violence in general. According to official data, 70 violent deaths of women had been recorded as of November 13, 2024, with 21 cases classified as femicides and 41 pending classification.<sup>634</sup> Civil society organizations reported barriers in health services to access contraceptive methods, including emergency contraception, such as the denial of the product or service, mistreatment, unattainable requirements, and lack of information.<sup>635</sup>

312. With regard to the rights of **children and adolescents**, the Commission welcomes the enactment of the Law on the Prevention, Early Detection and Response to Violence Against Children and Adolescents in June 2024. This law seeks to establish measures for the prevention and early detection of all forms of violence against children and adolescents by raising awareness, coordinating actions among State institutions and promoting their rights.<sup>636</sup> The Commission also takes note of the presentation of the 2024-2036 National Policy for Children and Adolescents, developed with the participation of 2,000 children and adolescents. This policy aims to enhance institutional coordination through seven strategic areas focused on strengthening the protection, promotion, guarantee and defense of the rights of children and adolescents.<sup>637</sup> Nevertheless, the Office of the Ombudsperson warned that the policy would exclude indigenous children and adolescents and therefore filed a writ of *amparo* before the Constitutional Court, which is currently pending.<sup>638</sup>

313. In addition, the Commission notes the challenges identified by the Office of the Ombudsperson regarding access to education for children and adolescents. These include: i) failure to comply with salary obligations to teachers;<sup>639</sup> ii) budget cuts to the Avancemos (Let's Move Forward) scholarship program, which would affect at least 15,000 children and adolescents,<sup>640</sup> and iii) a possible reduction in the budget<sup>641</sup> for education policies in 2025.<sup>642</sup>

314. Finally, the Commission notes with concern the allegations of improper conduct in the system of alternative care for children and adolescents removed from family care, in particular, the

<sup>629</sup> Government of the Republic of Costa Rica, Universal Periodic Review, *IV Informe nacional presentado en virtud de las resoluciones 5/1 y 16/21 del Consejo de Derechos Humanos*, August 2024, para. 44.

<sup>630</sup> *El Observador*, "[Proyecto busca obligatoriedad en educación contra la violencia de género en escuelas y colegios](#)," May 10, 2024.

<sup>631</sup> National Institute for Women, "[INAMU pone a disposición línea 1125 para orientación sobre derechos de las mujeres](#)," April 12, 2024.

<sup>632</sup> *Semanario Universidad*, "[Corte Plena clama por plazas para implementar protocolo de 72 horas para atender a víctimas de violación](#)," November 18, 2024.

<sup>633</sup> IACHR, 2023 Annual Report, Chapter IV.A, December 31, 2023, para. 304; Doctors Without Borders, "[Violencia sexual en El Darién: 'Intentaron violarme, me manosearon y me dejaron varios morados'](#)," June 18, 2024.

<sup>634</sup> Judiciary of Costa Rica, [Observatorio de violencia de género contra las mujeres y acceso a la justicia](#), November 2024, pp. 10, 20.

<sup>635</sup> *Optio et al.*, Inputs for the 2024 Annual Report of the Inter-American Commission on Human Rights on the situation of the sexual and reproductive rights of women and girls in Central America and the Dominican Republic, November 25, 2024, p. 7. In IACHR files.

<sup>636</sup> *Official Gazette*, [Law No. 10.476](#), on the Prevention, Early Detection and Response to Violence Against Children and Adolescents; June 11, 2024.

<sup>637</sup> National Children Welfare Agency of Costa Rica, "[Presentan Política Nacional de la Niñez y la Adolescencia 2024-2036](#)," April 23, 2024.

<sup>638</sup> DHR, "[Costa Rica excluyó a niñez indígena de Política Nacional](#)," July 18, 2024.

<sup>639</sup> DHR, "[Estudiantes deben estar en las aulas y Gobierno pagar al personal educativo compromisos salariales](#)," April 3, 2024; DHR, "[Defensoría acelera intervención por reclamos contra el MEP](#)," June 17, 2024.

<sup>640</sup> DHR, "[Recortes presupuestarios en sector social afectan a la niñez](#)," February 19, 2024.

<sup>641</sup> *CR Hoy*, "[Sindicatos denuncian recorte de más de €11 mil millones para infraestructura educativa en 2025](#)," September 14, 2024.

<sup>642</sup> DHR, "[Recortes profundizaría crisis en la educación](#)," September 5, 2024.



involvement of personnel from the National Children Welfare Agency in an irregular adoption scheme.<sup>643</sup> Likewise, a raid was reported on a non-governmental organization that provided care to 70 children and adolescents following a complaint of illegal operations and alleged violations of rights.<sup>644</sup>

315. With regard to the rights of **LGBTI persons**, the Constitutional Chamber of the Supreme Court of Costa Rica ruled in February that denying maternity leave to a woman in a same-sex relationship because she was not the pregnant mother constituted an act of discrimination and ordered the recognition of her rights.<sup>645</sup> Similarly, the Constitutional Chamber rejected a constitutional remedy filed against the decree that implemented the Government Policy to Eradicate Discrimination Against LGBTI Persons from its Institutions.<sup>646</sup> In this judgment, the Constitutional Chamber allowed public officials to refuse training on LGBTI issues if they considered that these contravened their ethical, moral or religious beliefs, invoking the concept of conscientious objection.<sup>647</sup>

316. With respect to **persons in the context of human mobility**, the Commission takes note of the publication of Decree No. 44385-MGP which formalizes the 2024-2034 Comprehensive Migration Policy. According to official information, this policy establishes migration objectives and actions for the development of medium- and long-term strategic programs and projects.<sup>648</sup> Like other Central American countries, Costa Rica has been a migration corridor for persons in mobility, mostly those who cross the border between Colombia and Panama through the Darién gap with the intention of reaching the countries in North America.<sup>649</sup> The transit of 251,912 migrants was recorded during 2024, a 24 percent decrease compared to the same period in 2023, when 333,422 persons entered the country.<sup>650</sup>

317. Furthermore, the Commission welcomed the issuance of Executive Decree No. 44,501, which introduced reforms to the asylum system.<sup>651</sup> In particular, the Commission commends: i) the protection against refoulement for asylum seekers, ii) the provision of a provisional document certifying temporary regular migration status and allowing the applicant to engage in self-employed or dependent work, and iii) the availability of motions to vacate and appeals against decisions declaring an asylum application groundless.<sup>652</sup> Between January and August 2024, Costa Rica received 16,063 asylum petitions. Most of the asylum seekers in Costa Rica are nationals from Nicaragua (12,636 applications), Cuba (1,125 applications), Venezuela (1,046 applications), Colombia (796 applications) and China (156 applications).<sup>653</sup>

<sup>643</sup> *La República*, “[5 trabajadores del PANI son detenidos por tramitar posibles adopciones irregulares](#),” August 13, 2024; Amelia Rueda, “[Detienen a cinco funcionarios del PANI investigados por “adopciones irregulares” de menores de edad](#),” August 13, 2024; *Monumental*, “[Funcionarios del PANI detenidos por supuestas irregularidades quedaron en libertad sin medidas cautelares](#),” August 15, 2024; *Delfino*, “[Detienen a cinco funcionarios del PANI por sospechas de trata de personas con fines de adopción irregular](#),” August 13, 2024.

<sup>644</sup> National Children Welfare Agency of Costa Rica, “[PANI, fiscalías y OIJ intervienen y allanan ONG que atiende 70 niños, niñas y adolescentes en Alajuela](#),” March 5, 2024.

<sup>645</sup> *Infobae*, “[Sala Constitucional concede licencia de maternidad a pareja de mujeres en Costa Rica](#),” February 13, 2024.

<sup>646</sup> Ministry of Public Education of Costa Rica, [Decree No. 38,999: Government policy to eradicate discrimination against LGBTI persons from its institutions](#), November 9, 2018.

<sup>647</sup> Constitutional Chamber of the Supreme Court, Judiciary of the Republic of Costa Rica, [Judgment No. 23246-2024](#), August 14, 2024; *El Observador*, “[Sala IV autoriza a empleados públicos a rechazar capacitaciones en temas LGBT](#),” August 29, 2024.

<sup>648</sup> Office of the President of the Republic and Ministry of Government and Police of Costa Rica, [Decree No. 44.385-MGP, Adoption of the 2024-2034 Comprehensive Migration Policy](#), Article 2, March 12, 2024; General Directorate of Migration and Immigration of Costa Rica, [2024-2034 Comprehensive Migration Policy](#), undated.

<sup>649</sup> IOM, [Monitoreo Nacional del flujo de personas en movilidad por las Américas en sitios de alto tránsito y concentración de personas migrantes en Costa Rica - agosto 2024](#), September 20, 2024, p. 2.

<sup>650</sup> IOM, [Monitoreo Nacional del flujo de personas en movilidad por las Américas en sitios de alto tránsito y concentración de personas migrantes en Costa Rica - agosto 2024](#), September 20, 2024, p. 2.

<sup>651</sup> IACHR [CIDH], (June 21, 2024), #CostaRica: #CIDH saluda las reformas al reglamento de #PersonasRefugiadas, publicadas el #14jun, que restauró derechos a solicitantes de refugio, como la expedición de permisos laborales, derogando cambios restrictivos implementados en 2022 [X post], X, <https://x.com/CIDH/status/1804233145685786670>.

<sup>652</sup> Office of the President of the Republic and Ministry of Government and Police of Costa Rica, [Executive Decree No. 44502-MGP](#), May 28, 2024.

<sup>653</sup> General Directorate of Migration and Immigration of Costa Rica, [Annual Statistical Reports](#), Asylum, 2024, accessed on October 4, 2024.



318. During the public hearing titled “Costa Rica: Situation of Nicaraguan asylum seekers and refugees,” the organizations that requested the hearing presented the challenges faced by Nicaraguans in accessing rights and protection in Costa Rica. They also noted the absence of inclusive policies for indigenous persons and expressed concern about the cases of persons who were returned to Nicaragua. For its part, the State highlighted the legal and administrative measures implemented to address the migration of Nicaraguan persons, guarantee their access to rights and improve migration procedures. At the hearing, the Commission recognized Costa Rica's open borders policy and noted the persistent barriers that Nicaraguans face in accessing rights, with an emphasis on the additional challenges experienced by indigenous persons.<sup>654</sup>

319. Moreover, the Commission acknowledges the operational audit conducted by the Office of the Comptroller General of the Republic to “evaluate the effectiveness of the General Directorate of Migration and Immigration (DGME) in refugee status determination proceedings,”<sup>655</sup> which concluded that current procedures were not effective. As a result, the Office of the Comptroller General made eight recommendations to strengthen these procedures and set deadlines for the DGME to report on progress in their application, ensuring proper implementation and follow-up.<sup>656</sup>

320. Regarding the situation of **Afro-descendants and the fight against racial discrimination**, according to public information, the State promoted initiatives to enhance access to justice and combat growing discrimination on social media. These measures included agreements signed by the Public Defender's Office and the development of the Government Strategy against Hate Speech and Discrimination with a focus on cultural, ethnic-racial and gender diversity.<sup>657</sup>

321. For their part, civil society organizations stated that the Coastal Regulatory Plan, which includes land use planning policies for economic, social and environmental development in the land-maritime zone, might impact the territorial rights of Afro-descendant communities in the Caribbean region. The Cahuita Afro-Costa Rican tribal community, located in the province of Limón, voiced its opposition to this plan and urged the State to guarantee their right to prior, adequate and informed consultation.<sup>658</sup>

322. With respect to **persons deprived of liberty**, the Commission welcomes the participation of the National Mechanism for the Prevention of Torture of Costa Rica, along with the mechanisms of five other States in the region,<sup>659</sup> in the declaration entitled “Global Action for the Rights of Persons with Disabilities Deprived of Liberty,” which was issued on May 3, 2024. This document advocates for enhancing the protection of the rights of persons with disabilities in contexts of confinement and for exchanging best practices, knowledge, experiences and challenges.<sup>660</sup> The Commission also commends the work of this mechanism, along

<sup>654</sup> IACHR, thematic hearing “[Costa Rica: Situation of Nicaraguan asylum seekers and refugees](#),” 190<sup>th</sup> regular period of sessions, July 8, 2024.

<sup>655</sup> See also: Office of the Comptroller General of the Republic of Costa Rica, [Informe de auditoría sobre la eficacia de la Dirección General de Migración y Extranjería en la gestión del otorgamiento de la condición de refugio. Informe N° DFOE-GOB-IAD-00003-2024](#), May 10, 2024.

<sup>656</sup> See: Office of the Comptroller General of the Republic of Costa Rica, [Informe de auditoría sobre la eficacia de la Dirección General de Migración y Extranjería en la gestión del otorgamiento de la condición de refugio. Informe N° DFOE-GOB-IAD-00003-2024](#), May 10, 2024.

<sup>657</sup> *El Mundo*, “[Firma de Convenio para el Proyecto AFROJUSTICIA: Defensa Pública Fortalecerá Acceso a la Justicia para Afrodescendientes](#),” October 18, 2024; United Nations in Costa Rica, “[Discursos de odio y discriminación crecen en Costa Rica pero a menor ritmo que en años anteriores](#),” July 29, 2024.

<sup>658</sup> *Diario digital Nuestro País*, “[Asociación de Desarrollo y Movimiento comunitario de Cahuita rechaza audiencia y Plan Regulador de Talamanca](#),” March 8, 2024; *DHR*, “[Defensoría emite alerta sobre Plan Regulador Costero Caribe Sur](#),” October 10, 2024.

<sup>659</sup> The mechanisms of Chile, Ecuador, Guatemala, Paraguay and Uruguay.

<sup>660</sup> CPT of Chile, [Declaración conjunta de los MNP. Acción global por los derechos de las personas con discapacidad en privación de libertad](#), May 2024; National Human Rights Institute and Office of the Ombudsperson (INDDHH) of Uruguay, “[Presentación declaración conjunta de los MNP regionales](#),” May 2024.



with nine other national mechanisms<sup>661</sup> for the adoption on May 10, 2024, of the Declaration of San José aimed at institutional strengthening and networking.<sup>662</sup>

323. Notwithstanding this progress, the Commission expresses its concern over information provided by the Ministry of Justice and Peace to the Office of the Ombudsperson of Costa Rica regarding a project to build tents to be used as detention centers. The Office of the Ombudsperson initiated an *ex officio* intervention in response to this situation.<sup>663</sup> Additionally, in 2024, the Commission followed up on complaints concerning the lack of drinking water due to damaged pipes in the Terrazas, Jorge Arturo Montero, Adulto Mayor, Ofelia Vicenci and Carlos Luis Fallas Comprehensive Care Centers, as well as in the Reynaldo Villalobos and 20 de Diciembre Comprehensive Care Units.<sup>664</sup> According to information provided by a relative of a detainee, the water supplied in July was transported in garbage containers, which reportedly impacted the health and hygiene of persons in custody.<sup>665</sup>

324. With regard to the rights of **older persons**, the Commission welcomes the State's commitment to the Age-Friendly Cities and Communities global initiative. Currently, 30 cities in Costa Rica have adapted to accommodate the needs of older persons, implementing groundbreaking projects such as a therapeutic garden and a pedestrian circuit.<sup>666</sup>

325. With regard to social security, the Commission takes note of data published by the National Statistics and Census Institute (INEC) showing that 60.6 percent of older persons have informal jobs with no access to social benefits. As a result, poverty rates are higher among this group compared to other sectors of the population. According to a report by the Chair of Aging and Society of the School of Medicine and the Development Observatory Research Center (CIOdD), more than 215,000 older persons do not receive any type of pension and live in economic uncertainty in Costa Rica.<sup>667</sup>

326. Finally, the Commission learned of a report prepared by the Chair of Aging and Society of the School of Medicine and the University of Costa Rica's (UCR) CIOdD expressing concern over an accelerated aging process affecting Costa Rica's population, with significant implications for the health system and the quality of services. It also highlights the challenges faced by older persons, including chronic diseases, malnutrition, discrimination, social exclusion, abandonment and increased dependency, among others.<sup>668</sup>

327. Regarding the rights of **persons with disabilities**, the Commission notes progress with the publication of the results of the National Disability Survey, which included disaggregated data and the analysis of multiple variables, as well as the creation of an updated registry on the situation of persons with disabilities, which would facilitate the development of policies and laws.<sup>669</sup> The National Council for Persons with Disabilities (CONAPDIS) eliminated the requirement of medical examinations to obtain the disability

<sup>661</sup> Specifically, the mechanisms to prevent torture of Argentina, Brazil, Bolivia, Chile, Ecuador, Honduras, Paraguay, Peru and Uruguay.

<sup>662</sup> IACHR, Press Release No. 148/24, [IACHR Calls on States to Promote the Creation and Functioning of National Anti-Torture Mechanisms](#), June 26, 2024; CPT of Chile, [Declaración de San José, adoptada por los Mecanismos Nacionales y Locales de Prevención de la Tortura \(MNP y MLP\) de América Latina para el fortalecimiento institucional y el trabajo en red](#), May 10, 2024.

<sup>663</sup> The report does not define the term *ex officio* intervention. See: DHR, ["Defensoría interviene de oficio ante proyecto de carpas en centros penales,"](#) July 31, 2024.

<sup>664</sup> *La Nación*, ["Siete cárceles pasaron apuros por falta de agua,"](#) July 19, 2024; *Teletica*, ["Durante tres días no nos bañamos' dice privado de libertad en La Reforma,"](#) July 19, 2024; *Diario Extra*, ["Cárceles suman 48 horas sin agua potable,"](#) July 18, 2024.

<sup>665</sup> Information provided to the Commission by a relative of a detainee via email, July 14, 2024. In IACHR files.

<sup>666</sup> PAHO, ["Costa Rica cuenta con 30 ciudades y comunidades amigables con las personas mayores,"](#) March 4, 2024.

<sup>667</sup> *Diario digital Nuestro País*, ["Costa Rica: Limitaciones de pensión y seguros para adultos mayores,"](#) June 17, 2024; *Diario digital Nuestro País*, ["Unos 215 mil adultos mayores viven sin pensión en Costa Rica,"](#) September 10, 2024.

<sup>668</sup> Amelia Rueda, ["Un 'considerable grupo' de adultos mayores viven enfermos, excluidos, discriminados y abandonados, alerta informe de la UCR,"](#) February 14, 2024.

<sup>669</sup> National Institute of Statistics and Census (INEC), [National Survey on Disability 2023](#), December 11, 2024.



certification<sup>670</sup> and, in cooperation with the IOM, developed initiatives to protect persons with disabilities who are victims of human trafficking, while incorporating a differentiated approach.<sup>671</sup>

328. However, in terms of challenges, the repeal of Article 5 and other key aspects of Law No. 9379/16 in 2024 reinstated legal types such as interdiction and conservatorship, which undermined the right of persons with disabilities to exercise their legal capacity on an equal footing and removed the possibility of using freely chosen supports for decision making.<sup>672</sup>

329. With respect to **human trafficking**, the Commission takes note of a workshop held in May 2024 within the framework of the Capacity Building Program for Law Enforcement and Criminal Justice Agencies to promote the incorporation of a gender and human rights approach in data and statistics on human trafficking.<sup>673</sup>

## XII. DOMINICA

### • General considerations

330. As it relates to **progress**, the Commission welcomes the decision of the Dominican High Court regarding the rights of LGBTI persons and the efforts by the State to develop a National Domestic Violence Action Plan.

331. As it relates to **challenges**, the IACHR notes with concern high levels of pre-trial detention.

332. The State did not respond to the request for information to prepare this chapter.

### • Specific issues

333. Regarding **democratic institutional**ity, the Commission takes note of the publication in May of the Draft Electoral Commission Act, 2024 which makes provision for the operation of the Electoral Commission; the Draft House of Assembly (Elections) Act and Regulations 2024 which provide for the election of Members to the House of Assembly; and the Draft Registration of Electors Act and Regulations 2024 which provide for the registration of electors.<sup>674</sup> In this context, pursuant to Article 41 of the American Convention, the IACHR requested information from the State regarding its proposed electoral reform process.<sup>675</sup>

334. On the other hand, the IACHR was informed of public concerns regarding the electoral reform process, including the removal of provisions from the draft amendments to the electoral legislation pertaining to campaign financing, overseas voting and the transportation of voters to the country by political parties, and the selection, nomination and appointment of the members of the Electoral Commission.<sup>676</sup> The next election is constitutionally due in 2027.<sup>677</sup>

335. With respect to **citizen security**, the IACHR notes that according to public information, as of December 19 the State recorded 10 homicides, compared to 18 homicides in total in 2023, which represents

<sup>670</sup> CRHoy.com, "[Así es el nuevo proceso para solicitar el certificado de discapacidad](#)," March 6, 2024.

<sup>671</sup> IOM Costa Rica, "[CONAPDIS y OIM unen fuerzas para proteger a las personas con discapacidad de la trata](#)," November 1, 2024.

<sup>672</sup> Legislative Assembly of the Republic of Costa Rica, [Bill No. 24,115, on the repeal of paragraph E\) of Law No. 9747, the Code of Family Procedure](#), January 24, 2024.

<sup>673</sup> United Nations Office on Drugs and Crime (UNODC), "[UN Agencies in Costa Rica and CONATT Conduct Workshop to Strengthen Data Management on Human Trafficking and Migrant Smuggling from a Gender Perspective](#)," May 21, 2024.

<sup>674</sup> Government of the Commonwealth of Dominica, [Draft Electoral Reform Legislation](#), May 30, 2024.

<sup>675</sup> IACHR, Dominica – Electoral Reform, Article 41 IACHR Statute, December 19, 2024, IACHR Archive.

<sup>676</sup> Dominica News Online, [Electoral Reform Coalition to increase public mobilization as it presses government to amend draft electoral legislation](#), August 19, 2024.

<sup>677</sup> [Constitution of the Commonwealth of Dominica](#), section 54.



an approximate 44% decrease.<sup>678</sup> This indicates that the State's homicide rate was approximately 13.6 per 100,000 inhabitants as of December.<sup>679</sup>

336. In relation to **access to justice**, the Commission notes the appointment in September of additional judges dealing with civil matters in the High Court. The complement of judges has been increased to three and a new High Court Judge has been assigned to the State under the Eastern Caribbean Supreme Court.<sup>680</sup>

337. With regard to the rights of **women**, the State implemented efforts to develop a National Domestic Violence Action Plan to ensure that frontline service providers and key stakeholders, including the police, the judiciary and civil society, are fully aware of the provisions of the updated Domestic Violence Act.<sup>681</sup> Moreover, the Commission also notes the filing of a constitutional challenge in April against colonial era laws that criminalize abortion and disproportionately affect women, girls, and adolescents in poverty.<sup>682</sup>

338. With respect to the rights of **persons in the context of human mobility**, training programs were held in May and September as part of the Training-of-Trainers initiative of the International Organization for Migration (IOM), and targeted law enforcement and immigration officers. The training curriculum covered various topics in immigration and border governance, including the management of identity and travel documents, regulatory frameworks for migration and methods of human trafficking and smuggling, investigation techniques, and intra-agency cooperation strategies, among others.<sup>683</sup>

339. In relation to the rights of **LGBTI persons**, the Commission welcomed the ruling issued by the Dominica High Court in April, which declared unconstitutional, null and void section 14 of the Sexual Offences Act prohibiting 'gross indecency' and section 16 prohibiting 'buggery'. The Commission called on States of the region that still maintain these forms of criminalization to repeal these laws which allow the persecution of LGBTI persons and encourage acts of violence due to prejudice and discrimination.<sup>684</sup>

340. As for **persons deprived of liberty**, the Commission values the implementation in February of a prison farm program with the aim of achieving food self-sufficiency within the Dominica State Prison.<sup>685</sup> In March and April, the State conducted reintegration training which allowed inmates to expand their skills in building trade modules and trowel texture painting.<sup>686</sup> On the other hand, the IACHR reiterates its concern over the use of pre-trial detention<sup>687</sup>. According to public information, as of March, Dominica had a prison population of 260 inmates, of which 125 were awaiting trial<sup>688</sup>. This means that the rate of pre-trial detention was 48%.

<sup>678</sup> Dominica News Online, [Murder rate declined, drug-related crime increased in 2024, say police officials](#), December 19, 2024; Dominica News Online, [Calibishie man charged and denied bail for murder](#), January 2, 2024.

<sup>679</sup> The IACHR calculated the homicide rate based on the State's population of 73,040 according to data from The World Bank, [Population total – Dominica, 2023](#).

<sup>680</sup> Dominica News Online, [Dominica now has a third judge](#), September 23, 2024; Carib Daily News, [Dominica's New High Court Judge: Justice Zainab Alami Appointed](#), September 19, 2024.

<sup>681</sup> Commonwealth of Dominica, Universal Periodic Review, [National Report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21](#), August 19, 2024, para. 101.

<sup>682</sup> International Campaign for women's right to safe abortion, [DOMINICA and ANTIGUA & BARBUDA – Historic constitutional challenge to colonial-era abortion laws in the Caribbean](#), May 10, 2024.

<sup>683</sup> Dominica News Online, [Dominica law enforcement personnel undergo IOM ToT on border management](#), May 21, 2024; EMOnews, [IOM concludes Two-Day Training on Human Trafficking for Immigration and Law Enforcement Officers in Dominica, Bolstering Border Security](#), September 20, 2024.

<sup>684</sup> IACHR, [Press Release No. 091/24](#), "IACHR welcomes the decision issued by the Dominica High Court in favor of equality", May 6, 2024; The Eastern Caribbean Supreme Court in the High Court of Justice, Claim [No. DOMHCY2019/0149](#), April 22, 2024; UNAIDS, [UNAIDS welcomes Court's ruling to protect the rights of LGBTQ people in Dominica](#), April 22, 2024.

<sup>685</sup> Dominica News Online, [Blackmoore: meetings held with authorities concerning issues at state prison](#), February 1, 2024.

<sup>686</sup> Dominica News Online, [Prison superintendent outlines rehabilitative activities at facility](#), April 25, 2024.

<sup>687</sup> IACHR, [Annual Report, Chapter IV.A "Dominica", 2023](#), para. 327.

<sup>688</sup> The Sun, [Long Road to Justice](#), April 3, 2024.



341. Concerning the **death penalty**, the IACHR notes that Dominica continues to retain the death penalty even though no execution has been carried out since 1986. In addition, as of May 2023, no one was under the sentence of death<sup>689</sup>.

### XIII. DOMINICAN REPUBLIC

- **General considerations**

342. As it relates to **progress**, the Commission welcomes the constitutional reform and the increased participation of women in public office. It also notes the ongoing actions taken to reduce procedural delays, the implementation of a police reform and the decrease in homicide rates. Moreover, it highlights the amendment of the Law on Smuggling of Migrants and Human Trafficking and the implementation of measures to improve care for victims of gender-based violence, promote gender equality and ensure immediate birth registration.

343. Among the **challenges** faced by the State, the Commission notes limitations in the exercise of the right to nationality of Haitian nationals and Dominicans of Haitian descent, and the persistence of structural discrimination. It also expresses its concern over the decision to expel migrants with an irregular migration status and the complaints of human rights violations during deportations. Moreover, the Commission is alarmed at the prevalence of pregnancy among girls and adolescents, the continued ban on abortion on all grounds, the reported acts of violence against human rights defenders, the overcrowding faced by persons deprived of liberty and the overuse of pretrial detention.

344. On November 5, 2024, the State submitted its response to the Commission's request for information to prepare this chapter.<sup>690</sup>

- **Specific issues**

345. With regard to **democratic institutional**ity, in May, the State held general elections to vote for president, vice president, 32 senators, 195 deputies of the Congress of the Republic and 20 deputies for the Central American Parliament (PARLACEN). By resolution 41-2024 of May 24, 2024, the Central Electoral Board (JCE) declared President-elect, by absolute majority, Luis Rodolfo Abinader Corona<sup>691</sup> who, according to JCE figures, obtained 57.44% of the total valid votes.<sup>692</sup>

346. The Commission takes note of the report of the Electoral Observation Mission (EOM) of the Organization of American States (OAS), which highlighted that the campaign "took place in an atmosphere of respect and that the media provided broad coverage of the candidates, giving the different political options the opportunity to present their proposals."<sup>693</sup> However, it notes with concern that the report in question noted that, of the 35 complaints received, seven were for vote buying, a practice that was also directly observed by members of the Mission. In addition, it recorded an unnecessary use of assisted voting in some precincts, including cases in which the same person accompanied different voters. For this reason, it insisted on the urgent need to eradicate the purchase of votes and ballots and reiterates that their elimination is a shared

<sup>689</sup> IACHR, [Annual Report, Chapter IV.A "Dominica", 2023](#), para. 328; World Coalition Against the Death Penalty, [Dominica](#), May 23, 2023. Last visited: October 2024.

<sup>690</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024.

<sup>691</sup> Central Electoral Board (JCE), Dominican Republic, [Resolución 41-2024 que declara los ganadores del nivel presidencial y vicepresidencial, correspondiente a las elecciones ordinarias generales del 19 de mayo de 2024](#), May 24, 2024.

<sup>692</sup> JCE of the Dominican Republic, [Final Presidential and Congressional Elections Results](#), undated.

<sup>693</sup> Misión de Observación Electoral (MOE) de la Organización de los Estados Americanos (OEA), [Informe Preliminar Elecciones Presidenciales, Senatoriales y de Deputaciones 2024](#), 21 de mayo de 2024, pág. 4.



responsibility of the administrative, electoral, police and judicial authorities, as well as of the political parties themselves and of the public.<sup>694</sup>

347. The State reported that, in October, a new Constitution<sup>695</sup> was enacted with a view to strengthening democracy.<sup>696</sup> In particular, it emphasized that the new Constitution incorporates the following: i) presidential elections as an inalienable right, ensuring alternation in power; ii) the limitation of presidential reelection; iii) the consolidation of the independence of the Public Prosecutor's Office; iv) the appointment of the Attorney General of the Republic as a joint decision with the National Judicial Council. An irrevocable clause to prevent a future constitutional reform from allowing perpetuation in power was also added to the new Constitution. According to the information received, the new Constitution also categorically sets forth that the country's form of government shall always be civilian, republican, democratic and representative, and that this provision shall be placed on the same hierarchical level as the other uncompromising principles.<sup>697</sup>

348. In terms of **human rights institutions**, the State reported on the extension of the 2018–2022 National Human Rights Plan until 2024, due to the interruptions caused by the Covid-19 pandemic and the need to ensure greater cohesion in public policies and government strategic planning.<sup>698</sup> According to official information, such extension will contribute to the observance of human rights and will serve as a tool to foster good governance, as it will strengthen state management capacities for the promotion, protection and enjoyment of human rights.<sup>699</sup> The State did not indicate whether there are any initiatives to devise a new national plan in 2025.

349. As for **citizen security**, the State reported that the Joint Task Force achieved a 1.7 percent reduction in the homicide rate compared to previous years and that, as of October 14, 2024, the cumulative annual rate was 9.65 per 100,000 inhabitants. This constitutes a step forward, considering that the rate recorded in 2023 was 11.5, while it had reached 13.2 in 2022. In the State's opinion, this is proof of the effectiveness of the actions taken in this area. Additionally, the State reiterated that it has been working on a police reform, highlighting it had provided training in human rights and citizen coexistence to 3,000 active police officers across the country.<sup>700</sup>

350. Regarding **access to justice**, the State provided details on the steps taken to improve the efficiency and accessibility of the justice system.<sup>701</sup> Among these steps are the rulings issued on all the cases filed before the different chambers of the Supreme Court of Justice that were pending hearings and judgments prior to 2022. According to the information received, there are still 12 files pending, which were submitted between 2023 and January 2024. The State also reported that 35 percent of the court chambers nationwide are completely caught up on backlog. It also highlighted the approval of the new judicial ranking, a tool that allows judges to further their careers within the judiciary.<sup>702</sup>

351. With respect to the rights of **persons in the context of human mobility**, the State reported that "the current crisis in Haiti has led to an unprecedented increase in migration to the Dominican Republic and created a risk of penetration of Haitian organized crime into the country." It added that this situation has forced the government to adopt new measures to mitigate this risk,<sup>703</sup> although it did not offer any details on said measures. In 2024, the Commission expressed its concern over the announcement made by the National Security and Defense Council concerning the deportation of up to 10,000 people with irregular migratory status

<sup>694</sup> MOE/OEA, *op. cit.*, pp. 6 y 7.

<sup>695</sup> *Judicial Gazette of the Dominican Republic*, "[Reforma Constitucional. Promulgada y publicada la Constitución del 2024](#)," December 2, 2024.

<sup>696</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, p. 2.

<sup>697</sup> Government of the Dominican Republic, *op. cit.*, p. 2.

<sup>698</sup> Government of the Dominican Republic, *op. cit.*, p. 5.

<sup>699</sup> Ministry of Foreign Affairs, [National Human Rights Plan](#), undated.

<sup>700</sup> Government of the Dominican Republic, *op. cit.*, p. 36.

<sup>701</sup> Government of the Dominican Republic, *op. cit.*, pp. 30–31.

<sup>702</sup> Government of the Dominican Republic, *op. cit.*, p. 31.

<sup>703</sup> Government of the Dominican Republic, *op. cit.*, p. 27.



per week,<sup>704</sup> without considering possible international protection needs.<sup>705</sup> Official information indicates that, between January and June 2024, the State expelled 67,844 people, out of which 66,227 were Haitians.<sup>706</sup> The Commission notes that deportations have escalated since the implementation of the Security Council's decision, inasmuch as 15,500 cases were recorded during the first 15 days of November.<sup>707</sup>

352. The State indicated that potential deportations are assessed on a case-by-case basis prior to their execution, and that a record is kept of each person held in detention facilities. It also pointed out that, as part of its commitment to continuing to strengthen human rights, it is working on a Protocol on Interdiction and Deportation Operations based on the 1999 bilateral agreement with Haiti. The purpose of this protocol is to standardize the processes related to foreigners who have violated immigration regulations or are in the country irregularly.<sup>708</sup> Notwithstanding the foregoing, the Commission expresses its concern over the complaints received regarding the use of practices such as racial profiling and the alleged implementation of discriminatory migration protocols that mainly affect Haitians, Dominicans of Haitian descent and Afro-descendants.<sup>709</sup>

353. In this regard, civil society organizations have publicly denounced that large groups of people have been deported together from the Dominican Republic following migration proceedings that involved racial profiling practices and discrimination. In this outlook, they made an urgent call for institutions to eradicate racial profiling, structural racism and racial discrimination, and to guarantee respect for the human dignity and physical integrity of migrants from Haiti or of Haitian descent.<sup>710</sup>

354. Regarding children and adolescents in contexts of human mobility, the State reported that, between 2021 and the first half of 2024, the National Council for Children and Adolescents (CONANI) assisted 7,554 unaccompanied minors. Out of that total, 2,761 were reunited with their families in the Dominican Republic and 4,323 were assisted in their return to Haiti by means of the bilateral mechanism CONANI-Institut du Bien-Être Social et de Recherches (IBESR).<sup>711</sup> However, information provided by the civil society indicates that, in some cases, the CONANI has allegedly handed over children and adolescents to Haitian authorities without following adequate protocol, while failing to guarantee their rights and safety or to have their best interest in mind. Furthermore, according to the civil society, children and adolescents were on occasion deported to areas where no adequate authorities or organizations are present, such as Malpasse, a town that is reportedly under the control of criminal gangs.<sup>712</sup> In addition, organizations stated that the refusal to provide

<sup>704</sup> Presidency of the Dominican Republic, "[National Security and Defense Council agrees on operation to repatriate up to 10,000 migrants per week](#)," October 2, 2024; General Directorate of Migration (DGM), "[Arranca operativo de Migración para cumplir con la meta de deportar 10 mil extranjeros irregulares por semana](#)," October 7, 2024.

<sup>705</sup> IACHR [@CIDH], (October 4, 2024), [#RepúblicaDominicana: #CIDH expresa preocupación por el anuncio del Gobierno de ejecutar de manera inmediata procedimientos de expulsión de hasta 10.000 personas en #movilidadhumana por semana, sin considerar previamente las posibles necesidades de protección internacional que requieran \[X post\], X, https://x.com/CIDH/status/1842247661652525322](#).

<sup>706</sup> DGM, "[En 6 meses más 67 mil extranjeros de diferentes nacionalidades han sido deportados a sus países de origen](#)," July 5, 2024.

<sup>707</sup> DGM, "[Migración informa en los primeros 15 días de noviembre deportó 15.500 extranjeros](#)," November 19, 2024.

<sup>708</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, p. 27.

<sup>709</sup> Amnesty International, "[República Dominicana: Autoridades deben frenar políticas migratorias de facto racistas](#)," April 2, 2024; France 24, "[¿Por qué con nosotros son así?: el racismo contra los haitianos en República Dominicana](#)," May 18, 2024; Robert F. Kennedy Human Rights, "[Apátridas y Vulnerables: La crisis actual de los descendientes de haitianos en la República Dominicana](#)," September 20, 2024; BBC News, "['Se lo llevarán como a un animal': la deportación 'a gran escala' de haitianos en República Dominicana y las críticas que despierta](#)," October 9, 2024.

<sup>710</sup> Amnesty International, "[Segundo mandato del presidente Luis Abinader debe priorizar el respeto a los derechos humanos y poner fin a políticas migratorias racistas](#)," August 28, 2024.

<sup>711</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, p. 28.

<sup>712</sup> Amnesty International, "[Segundo mandato del presidente Luis Abinader debe priorizar el respeto a los derechos humanos y poner fin a políticas migratorias racistas](#)," August 28, 2024.



identity documents to Dominican children and adolescents of Haitian descent prevents them from enrolling in schools and universities<sup>713</sup>.

355. As for statelessness, the State reported that, following the enforcement of Law No. 169-14: i) authorization was granted for the registration of 24,806 children born to foreign parents with a regular migratory status who were holders of identity cards at the time of registration; and ii) 28,014 records of children born to foreign parents with an irregular migratory status—who retained their Dominican nationality—were transcribed.<sup>714</sup> The Commission acknowledged the steps taken by the State to restore the nationality of at least 26,000 persons and to grant citizenship to 799 individuals affected by the Constitutional Court's Ruling TC/0168/13, under which a considerable number of persons were arbitrarily deprived of Dominican nationality, thus rendering those who were not considered nationals of any other country stateless.<sup>715</sup> However, 10 years after the enactment of Law No. 169-14, challenges to its effective implementation persist, since persons identified by the State as beneficiaries are still awaiting the resolution of their cases<sup>716</sup>.

356. In addition, the Commission was informed of the adoption of Resolution 13-24 of the JCE, which establishes the “procedure for the submission, processing and transcription of birth records of the children of foreign parents born in the Dominican Republic, who were regularized and naturalized in accordance with the provisions of the National Plan for the Regularization of Foreigners with an Irregular Migratory Status.”<sup>717</sup> According to civil society organizations, this resolution provides for an additional procedure that must be followed after being granted citizenship and will only benefit the 799 persons who have been naturalized<sup>718</sup> out of the total who make up the group B, as described in Law No. 169-14.<sup>719</sup> Civil society organizations also expressed their concern about the overall situation, since requirements include the submission of a naturalization certificate—which is in possession of the State, inasmuch as the government is responsible for granting them—as well as an identity card that, based on the information provided, has not yet been delivered by the Dominican authorities<sup>720</sup>.

357. Moreover, the State reported that the JCE has promoted the creation of Civil Registry offices in health centers to record births immediately. In spite of this, in the case of foreign mothers, a proof of birth is given so that the JCE may register newborns in a book for foreigners, which does not imply that those registered therein will acquire the Dominican nationality<sup>721</sup> and could lead to a risk of statelessness<sup>722</sup>.

358. In the area of **human trafficking**, the Commission takes note of the following: i) the training provided in April to labor inspectors on how to identify, monitor and improve their response to human trafficking, with an emphasis on migrant and “vulnerable” populations;<sup>723</sup> and ii) the signing, in February, of the Framework Cooperation Agreement between the Ministry of Foreign Affairs and the Supérate (Excel

<sup>713</sup> Acento, “[Muertos civiles: la realidad de los dominicanos de ascendencia haitiana, impedidos de estudiar por falta de documentos](#),” March 20, 2024.

<sup>714</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, p. 25.

<sup>715</sup> UNHCR, [Brazil Plan of Action. Final Implementation Report 2014–2024](#), p. 116.

<sup>716</sup> IACHR, Press Release No. 230/24, [IACHR calls on States to continue adopting measures to prevent and eradicate statelessness in the region](#), September 27, 2024.

<sup>717</sup> JCE of the Dominican Republic, [Resolution No. 13-2024 establishing the procedure for the submission, processing and transcription of birth records of the children of foreign parents born in the Dominican Republic, who were regularized and naturalized in accordance with the provisions of the national plan for the regularization of foreigners with an irregular migratory status](#), February 20, 2024.

<sup>718</sup> IACHR, [2023 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), December 31, 2023, para. 709.

<sup>719</sup> IACHR, [Situation of Human Rights in the Dominican Republic](#), OEA/Ser.L/V/II. Doc. 45/15, December 31, 2015, paras. 12–16.

<sup>720</sup> Analysis of Resolution 13-2024 of the JCE of the Dominican Republic, undated. In IACHR files.

<sup>721</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, p. 24 and 26.

<sup>722</sup> IACHR, [Resolution No. 2/2023](#), Resolution on the right to nationality, prohibition of arbitrary deprivation of nationality and statelessness, December 4, 2023.

<sup>723</sup> UN, “[Dominican Republic joins efforts to combat human trafficking for forced labor, with the support of UNODC](#),” April 22, 2024.



yourself) program —a social protection measure to eradicate poverty—<sup>724</sup> to strengthen assistance to Dominicans identified as victims of human trafficking abroad, upon their return to the country.<sup>725</sup> Additionally, the State informed that, in October, the Senate passed amendments to the Law on Smuggling of Migrants and Human Trafficking. Under these amendments, victims' consent to any form of exploitation will not constitute grounds for exoneration from the criminal offense. Moreover, when human trafficking involves children, persons with disabilities or "vulnerable" persons, it shall be considered a crime even when there is no proof of deception, abduction, use of force, duress, coercion or threat, among others.<sup>726</sup> The State also highlighted actions to prosecute the crime of human trafficking, such as Operation Catleya, during which over 80 victims were rescued<sup>727</sup>.

359. In relation to the rights of **children**, the Commission welcomes the creation of a committee to evaluate the operation of the Special Protection System for Children and Adolescents in March, thus prioritizing the care of this population in foster homes managed by the CONANI.<sup>728</sup> The Commission also highlights the cooperation agreement signed between the National Institute of Comprehensive Care for Early Childhood and UNICEF, aimed at strengthening the model of comprehensive care for children aged 0–5 years old.<sup>729</sup> Additionally, the Commission appreciates the agreement signed in April by the Association of Hotels and Tourism and UNICEF, which seeks to promote the rights of children in tourist areas of the country, implement family-friendly policies for the benefit of employees in the tourism sector and prevent the sexual exploitation of children and adolescents in vacation areas<sup>730</sup>.

360. Regarding the rights of **women**, the Commission takes note of the following: i) the creation of 14 Comprehensive Care Units for Victims of Intrafamily Violence and Sex Crimes (UVGs) and the adaptation of 19 existing units;<sup>731</sup> ii) the inauguration of two Comprehensive Development Centers for Women (CEDI-MUJER) in Santiago and Santo Domingo del Norte;<sup>732</sup> iii) the establishment of the Municipal Office for Women Affairs in Boca Chica to facilitate the coordination of programs that promote the rights of women in the territory;<sup>733</sup> and iv) the implementation of the National School for Equality for the mainstreaming of the gender perspective into the public, private and community sectors.<sup>734</sup> The Commission also welcomes the increase in the representation of women in public office. In the 2024 elections, the number of women elected to *regidurías* (local councils) rose from 352 to 484, and the number of women appointed to the National Congress went up from 52 to 74, compared to the 2020 elections. However, in mayors' offices, positions held by women dropped from 19 to 16.<sup>735</sup> Finally, the Commission highlights the preparation of the Participatory Gender Diagnosis to promote the participation of women in the Ministry of Foreign Affairs<sup>736</sup>.

361. Notwithstanding the foregoing, the Commission is concerned over the high rates of violence against women. Between January and August, 13,667 cases of gender-based violence, 26,866 cases of

<sup>724</sup> Presidency of the Dominican Republic, *Supérate*, undated.

<sup>725</sup> Ministry of Foreign Affairs of the Dominican Republic, "[MIREX and Supérate sign agreement to strengthen assistance to Dominicans victims of human trafficking abroad](#)," February 20, 2024.

<sup>726</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, p. 15.

<sup>727</sup> Government of the Dominican Republic, *op. cit.*, p. 15.

<sup>728</sup> Presidency of the Dominican Republic, [Decree No. 173-24](#), March 26, 2024.

<sup>729</sup> UNICEF, "[INAIFI y UNICEF acuerdan fortalecer el modelo de atención integral a la primera infancia](#)," February 8, 2024.

<sup>730</sup> UNICEF, "[UNICEF RD y ASONAHORES firman convenio para la promoción de los derechos de la niñez en zonas turísticas](#)," April 26, 2024.

<sup>731</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, p. 42.

<sup>732</sup> Presidency of the Dominican Republic, "[Presidente Luis Abinader inaugura el primer Centro de Desarrollo Integral para la Mujer del país](#)," August 10, 2024; Presidency of the Dominican Republic, "[Presidente Abinader Inaugura en Santo Domingo Norte el segundo Centro de Desarrollo Integral para la Mujer](#)," November 13, 2024.

<sup>733</sup> Presidency of the Dominican Republic, "[Ministerio de la Mujer inaugura Oficina Municipal en Boca Chica para fortalecer los servicios que ofrece a nivel territorial](#)," March 20, 2024.

<sup>734</sup> *El Caribe*, "[RD abrirá Escuela de Igualdad para combatir violencia género](#)," February 29, 2024.

<sup>735</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, pp. 39–40.

<sup>736</sup> Government of the Dominican Republic, *op. cit.*, p. 40; Inter-American Commission of Women, "[The Dominican Republic and the Inter-American Commission of Women agreed to implement a Participatory Gender Diagnosis](#)," March 13, 2024.



intrafamily violence and 5,003 cases of sexual violence were reported. Furthermore, 25,052 protection orders were issued over the same period of time.<sup>737</sup> As of November 2024, 47 femicides had been recorded.<sup>738</sup> In addition, as of September, 37 victims of human trafficking had been assisted, most of whom were victims of sexual exploitation<sup>739</sup>.

362. For its part, the State reported a decrease in teenage pregnancy: between January and March, 1,623 cases were recorded, which represents a 26.58 percent reduction compared to the same period in 2023.<sup>740</sup> However, figures from the National Statistics Office show that, as of June, 8,365 teenagers and 647 girls under 15 years of age had given birth in 2024.<sup>741</sup> Finally, the Commission regrets that abortion continues to be banned on all grounds and notes that efforts to decriminalize abortion failed to obtain the necessary votes during the process of approval of the new Criminal Code<sup>742</sup>.

363. Regarding the rights of **LGBTI persons**, the Commission takes note of the bill that seeks to criminalize various forms of violence against women, including violence based on their sexual orientation, gender identity or gender expression.<sup>743</sup> Nevertheless, it notes with concern the exclusion of discrimination based on sexual orientation and gender identity from the draft reform of the Criminal Code.<sup>744</sup>

364. With respect to **Afro-descendants and the fight against racial discrimination**, the State trained security forces so that their operations would comply with international human rights standards. This training initiative included the Human Rights and Progressive Use of Force program for military personnel deployed in border areas.<sup>745</sup> In addition, the National Health Service (SNS) provided training in Haitian Creole to its personnel to improve communication and informed consent between doctors and patients.<sup>746</sup>

365. However, the Commission notes that challenges persist in relation to the link between racial discrimination and lethal violence by law enforcement authorities, which has resulted in 78 deaths, mostly of young Afro-descendants in situations of economic vulnerability. According to information provided by the civil society, this reportedly took place in the absence of an independent institutional mechanism to monitor law enforcement authorities.<sup>747</sup> In the case of Afro-descendants living in rural communities known as *bateyes*, in addition to violence, they face poverty and a restricted access to healthcare, education, electricity and drinking water.<sup>748</sup>

366. As for the situation of **human rights defenders**, civil society organizations have warned that they are increasingly becoming victims of threats, acts of intimidation, hate speech, stigmatization,

<sup>737</sup> Office of the Attorney General of the Republic, [Preliminary tables/charts on gender-based and family violence, sex crimes and protection orders in the Dominican Republic, January–August 2024](#), p. 2.

<sup>738</sup> National Police of the Dominican Republic, “[Minister of the Interior regrets the persistence of femicides](#),” November 26, 2024.

<sup>739</sup> Office of the Attorney General of the Republic, “[Ministerio Público ha rescatado decenas de mujeres víctimas de explotación sexual](#),” September 22, 2024.

<sup>740</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR’s 2024 Annual Report, November 5, 2024, p. 11.

<sup>741</sup> National Statistics Office of the Dominican Republic, [Teenage pregnancy in the Dominican Republic](#), September 26, 2024.

<sup>742</sup> IACHR, [2023 Annual Report, Chapter IV.A, Development of Human Rights in the Region](#), December 31, 2023, para. 706; Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR’s 2024 Annual Report, November 5, 2024, p. 11.

<sup>743</sup> *Diario Libre*, “[Castigarían con dos años de cárcel a quienes ‘repriman’ a mujeres por su orientación sexual](#),” January 6, 2024.

<sup>744</sup> *Diario Libre*, “[Activistas LGBT preocupados por aprobación del Código Penal](#),” July 15, 2024.

<sup>745</sup> IACHR, thematic hearing “[Dominican Republic: Reports of violations of the right to life during police operations](#),” 191<sup>th</sup> regular period of sessions, Washington, D.C., United States, November 14, 2024, Information provided by the State; Ministry of Defense of the Dominican Republic, “[FFAA, imparten capacitación en derechos humanos y uso progresivo de la fuerza en Brigadas del ERD que operan en la frontera](#),” May 31, 2024.

<sup>746</sup> Ministry of Foreign Affairs of the Dominican Republic, [Dominican stance on essential issues regarding the country’s relations with Haiti, including migration](#), October 13, 2024, p. 3. In IACHR files.

<sup>747</sup> IACHR, thematic hearing “[Dominican Republic: Reports of violations of the right to life during police operations](#),” 191<sup>th</sup> regular period of sessions, Washington, D.C., United States, November 14, 2024. Information provided by the civil society.

<sup>748</sup> *Acento*, “[Muertos civiles: la realidad de los dominicanos de ascendencia haitiana, impedidos de estudiar por falta de documentos](#),” March 20, 2024.



cyberbullying and verbal and physical assault because of their work.<sup>749</sup> This situation was also reiterated during a public hearing held by the Commission in November, where reports indicated that defenders are frequently singled out as “possible agents who promote migration,” even “irregular” migration, and who, in many cases, are linked to criminal networks.<sup>750</sup> In this regard, in October, the Commission condemned the attack on the offices of Movimiento Socio-Cultural de Trabajo Humanitario y Ambiental (MOSCTHA), an organization that promotes the defense of the rights of migrants. According to reports submitted to the Commission, representatives of groups that support the new deportation policy promoted by the executive branch surrounded the offices, violently demanding that the staff receive them while shouting stigmatizing slogans against Haitians.<sup>751</sup>

367. As regards **persons deprived of liberty**, the Inter-American Commission on Human Rights appreciates the creation, by means of Decree No. 186-24 issued in April, of a commission charged with monitoring the Prison Reform Plan. Among other tasks, said commission will cooperate with the authorities and monitor the operations of Las Parras Penitentiary, as well as the infrastructure improvement works at La Victoria National Penitentiary.<sup>752</sup> In terms of health, the Commission applauds the opening, in May, of a mental health pavilion for individuals detained in the Najayo Correction and Rehabilitation Center for Men, which will provide care to 40 people.<sup>753</sup> The Commission also welcomes the incorporation of 28 professionals in “in critical areas” as part of the agreements entered into with the National Health Service and the Ministry of Public Health.<sup>754</sup> As for social reinsertion, the Commission takes note of the signing, in August, of an agreement between the National Institute of Technical and Professional Education and the Regional Prison Academy to develop tools that encourage persons deprived of liberty to learn a trade and enter the labor market.<sup>755</sup> The Commission also highlights the inauguration of an industrial kitchen at the Najayo 17 center, in San Cristóbal, to provide cooking training to detainees.<sup>756</sup>

368. Notwithstanding this progress, the Commission expresses its concern over detention conditions at penitentiary units, which have reportedly led to the death of 13 people at La Victoria National Penitentiary on March 18 during a fire caused by an electrical failure.<sup>757</sup> Even though overcrowding decreased from 90.46 percent in 2020 to 58.17 percent in 2024, it remains a matter of concern. Faced with this situation, the State reported that it will create 10,650 vacancies at some penitentiaries to alleviate the current deficit of 9,891 vacancies and produce a surplus of 1,859 spots.<sup>758</sup> The information furnished by the State indicates that 62 percent of the persons deprived of liberty are under pretrial detention, which constitutes an overcrowding factor.<sup>759</sup>

<sup>749</sup> UN, Human Rights Council, *Summary of stakeholders' submissions on the Dominican Republic\**, A/HRC/WG.6/46/DOM/3, February 23, 2024, para. 12; Amnesty International, “[Organizaciones de sociedad civil expresamos preocupación por el agravamiento de la situación de personas defensoras de derechos humanos en República Dominicana](#),” November 7, 2024.

<sup>750</sup> IACHR, public hearing “[Regional: Defenders of people in movement](#),” 191<sup>st</sup> regular period of sessions, November 11, 2024.

<sup>751</sup> IACHR, Press Release No. 248/24, *IACHR condemns attacks on rights defenders in the Dominican Republic*, October 16, 2024.

<sup>752</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA 0450-2024, May 28, 2024. See also: Government of the Dominican Republic, [Decree No. 186-24](#), April 5, 2024, Article 1; Presidency of the Dominican Republic, “[President Abinader forms a commission for collaboration and support to authorities in the Penitentiary Reform](#),” April 5, 2024.

<sup>753</sup> Office of the Attorney General of the Republic, “[DGSPC inaugura pabellón de Salud Mental para privados de libertad del CCR-17 Najayo Hombres](#),” May 3, 2024.

<sup>754</sup> The data provided failed to include the date of said hiring. Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, p. 21.

<sup>755</sup> Presidency of the Dominican Republic, “[Infotep and the Regional Penitentiary Academy will work to facilitate the reintegration of prisoners](#),” August 12, 2024.

<sup>756</sup> The data provided fail to include the date of said opening. Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, p. 21.

<sup>757</sup> CNN, “[Al menos 13 muertos deja incendio en cárcel de República Dominicana: la cifra podría aumentar](#),” March 20, 2024; *Diario Libre*, “[Hallan otro cadáver entre escombros en La Victoria](#),” March 20, 2024; *Hoy*, “[Sube a 13 número de muertos por incendio en cárcel La Victoria: PGR crea gabinete](#),” March 20, 2024.

<sup>758</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, p. 18.

<sup>759</sup> Government of the Dominican Republic, *op. cit.*, p. 20.



369. Furthermore, at a public hearing held in February 2024, the Commission was informed that, in addition to overcrowding, detainees have no access to health and education services and face ill-treatment and torture. The Commission also learned that the prison system transformation process initiated by means of Law No. 113-21, which implemented a “single model,” has not seen any progress. This resulted in the coexistence of two management models, with over half of the detainees still under the traditional model. For its part, the State acknowledged current challenges, highlighted the measures taken to improve the situation of persons deprived of liberty and referred to joint coordination efforts with the judiciary<sup>760</sup>.

#### XIV. ECUADOR

- **General considerations**

370. In 2024, Ecuador made **progress** on an early warning protocol for indigenous peoples living in isolation, on various instruments to protect women against violence and on the rights of LGBTI persons, particularly on the prohibition of treatments aimed at modifying a person's gender identity.

371. In turn, various **challenges** to citizen security persisted due to its increasing militarization through repeated states of exception, which affected multiple human rights, including economic, social and cultural rights.

372. On October 17, 2024, the State submitted its response to the Commission's request for information to prepare this chapter<sup>761</sup>.

- **Specific issues**

373. With regard to **democratic institutional**ity, the National Electoral Council scheduled general elections for 2025<sup>762</sup> and conducted activities to strengthen the electoral process, including workshops against misinformation and the establishment of an electoral security roundtable<sup>763</sup>.

374. Meanwhile, the Ministry of Labor imposed a 150-day suspension against Vice President Verónica Abad due to an alleged dereliction of duty without cause. Abad condemned the suspension as an attack against the Rule of Law, arguing that the Constitution prohibits administration measures against the Vice President. She also accused the executive of attempting to prevent her from assuming the role of acting president and denounced these actions as gender-based political violence<sup>764</sup>.

<sup>760</sup> IACHR, public hearing “[Dominican Republic: Human Rights of Persons Deprived of Liberty](#),” 189<sup>th</sup> regular period of sessions, February 28, 2024.

<sup>761</sup> Republic of Ecuador, Note Verbale 4-2-207/2024 in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, sent on October 17, 2024.

<sup>762</sup> National Electoral Council, “[CNE aprobó convocatoria para las Elecciones Generales 2025](#),” September 11, 2024.

<sup>763</sup> National Electoral Council, “[CNE activa Mesa Nacional de Seguridad para las Elecciones 2025](#),” December 4, 2024; “[Ecuador con apoyo de la OEA fortalece las capacidades de funcionarios electorales para combatir a la desinformación](#),” August 13, 2024; “[CNE capacita a Juntas Provinciales y del Exterior para las Elecciones Generales 2025](#),” August 26, 2024.

<sup>764</sup> Verónica Abad [@veronicaabad], (November 10, 2024), IMPORTANTE. Mi rechazo frente a la improcedente, clara, e innegable violación a los principios de legalidad y justicia, con la “suspensión” en mi contra por el Ministerio de Trabajo. Defenderé con firmeza los derechos, libertad y democracia de nuestra República [X post], X, [https://x.com/veronicaabad/status/1855785638282375312?ref\\_src=twsrc%5Etfw](https://x.com/veronicaabad/status/1855785638282375312?ref_src=twsrc%5Etfw). See also: *El Mercurio*, “[Suspensión Verónica Abad es inconstitucional según especialistas](#),” November 12, 2024.



375. With respect to **citizen security**, the State reported that the National Police had implemented measures to increase the effectiveness of its actions against crime, and that it had also conducted workshops on violence against women, children and adolescents<sup>765</sup>.

376. However, organized crime remained a threat to both citizen security and democracy in Ecuador. The Commission issued a press release reporting a new wave of terrorist violence which began inside prisons between January 8 and 9. Riots broke out in at least six prisons, with at least 139 state agents taken hostage. Acts of violence and explosions were also reported outside prison facilities, including incidents near the residence of the President of the National Court of Justice. The Commission noted that the city of Guayaquil was particularly impacted, with at least eight persons killed and multiple others injured in violent acts. In addition, an armed group broke into the facilities of TC Televisión, a television station, during a live broadcast and threatened to kill its workers. The National Police swiftly intervened to safeguard the life and physical integrity of those under threat and captured those responsible<sup>766</sup>.

377. In response, the State declared at least 10 new states of emergency, continuing a practice it has adopted in recent years to address security issues<sup>767</sup>. For the first time, the suspension of guarantees was based on an alleged non-international armed conflict which, according to the executive branch, would trigger the application of international humanitarian law (IHL), among other considerations listed by the State in the information submitted for the preparation of this chapter<sup>768</sup>. In this regard, the Constitutional Court recalled that the existence of an armed conflict and the subsequent application of IHL could not be established by means of a government declaration<sup>769</sup>.

378. Regarding **access to justice and judicial independence**, the Public Prosecutor's Office revealed investigations concerning the infiltration of organized crime in the judiciary in Ecuador. Criminal structures have allegedly bribed judicial officers to obtain favorable decisions, illegitimate changes in court make-up, unjustified procedural delays and penitentiary benefits in favor of members of organized crime gangs.<sup>770</sup>

---

<sup>765</sup> Republic of Ecuador, Note Verbale 4-2-207/2024 in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, sent on October 17, 2024.

<sup>766</sup> CNN, [Men wearing hoods take over TC Televisión facilities in Ecuador](#), January 9, 2024.

<sup>767</sup> i) On January 9, 2024, the General Secretariat received a note verbale from the Permanent Mission of Ecuador to the OAS notifying the suspension of guarantees, Note Verbale No. 4-2-004/2024 with its annex, pursuant to Article 27, section 3 of the American Convention on Human Rights; ii) on January 9, 2024, the General Secretariat received a note verbale from the Permanent Mission of Ecuador to the OAS notifying the suspension of guarantees, Note Verbale No. 4-2-007/2024 with its annex, pursuant to Article 27, section 3, of the American Convention on Human Rights; iii) on March 8, 2024, the General Secretariat received a note verbale from the Permanent Mission of Ecuador to the OAS notifying the suspension of guarantees, Note Verbale No. 4-2-051/2024 with its annex, pursuant to Article 27, section 3, of the American Convention on Human Rights; iv) on April 22, 2024, the General Secretariat received a note verbale from the Permanent Mission of Ecuador to the OAS notifying the suspension of guarantees, Note Verbale No. 4-2-090/2024 with its annexes, pursuant to Article 27, section 3, of the American Convention on Human Rights; v) on May 2, 2024, the General Secretariat received a note verbale from the Permanent Mission of Ecuador to the OAS notifying the suspension of guarantees, Note Verbale No. 4-2-098/2024 with its annex, pursuant to Article 27, section 3, of the American Convention on Human Rights; vi) on May 23, 2024, the General Secretariat received a note verbale from the Permanent Mission of Ecuador to the OAS notifying the suspension of guarantees, Note Verbale No. 4-2-104/2024 with its annex, pursuant to Article 27, section 3, of the American Convention on Human Rights; vii) on July 3, 2024, the General Secretariat received a note verbale from the Permanent Mission of Ecuador to the OAS notifying the suspension of guarantees, Note Verbale No. 4-2-130/2024 with its annex, pursuant to Article 27, section 3, of the American Convention on Human Rights; viii) on August 12, 2024, the General Secretariat received a note verbale from the Permanent Mission of Ecuador to the OAS notifying the suspension of guarantees, Note Verbale No. 4-2-160/2024 with its annex, pursuant to Article 27, section 3, of the American Convention on Human Rights; ix) on September 3, 2024, the General Secretariat received a note verbale from the Permanent Mission of Ecuador to the OAS notifying the suspension of guarantees, Note Verbale No. 4-2-172/2024 with its annex, pursuant to Article 27, section 3, of the American Convention on Human Rights and x) on October 3, 2024, the General Secretariat received a note verbale from the Permanent Mission of Ecuador to the OAS notifying the suspension of guarantees, Note Verbale No. 4-2-194/2024 with its annex, pursuant to Article 27, section 3, of the American Convention on Human Rights.

<sup>768</sup> Republic of Ecuador, Note Verbale 4-2-207/2024 in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, sent on October 17, 2024.

<sup>769</sup> Constitutional Court of Ecuador, [Judgment No. 2-24-EE](#), March 21, 2024.

<sup>770</sup> IACHR, Press release No. 100/24, [IACHR Asks Ecuador to Ensure Judicial Independence in the Face of Organized Crime Interference](#), May 14, 2024.



379. Furthermore, criminal organizations threatened judicial independence by resorting to violent acts against prosecutors, particularly those investigating corruption cases.<sup>771</sup> According to organizations, at least six judicial officers were murdered, five suffered assassination attempts and five judicial buildings were attacked.<sup>772</sup> These incidents included the murder of Prosecutor César Suárez from the National Specialized Unit for Investigation against Transnational Organized Crime, who was leading inquiries on the surge of violence in January 2024<sup>773</sup>.

380. In this context, **human rights defenders** reported challenges in conducting their work due to threats from organized crime and the recurrent states of exception. They raised concerns about the stigmatization of their activities; criminalization; legal proceedings aimed at curbing public participation, particularly through claims for moral damages; the lack of investigations into violent incidents and the absence of a specialized protection mechanism. Environmental defenders in the context of extractive activities in the territories of indigenous, peasant, Montubio and Afro-descendant communities faced heightened risks<sup>774</sup>.

381. With regard to the rights of **indigenous peoples**, the State adopted an early warning protocol for situations involving risks to the rights of indigenous peoples living in voluntary isolation.<sup>775</sup>

382. Cross-border indigenous peoples in Peru, Colombia and Ecuador warned that illegal activities, the presence of armed groups and the expansion of extractive industries threatened their survival.<sup>776</sup> This situation, combined with the persistent absence of free, prior and informed consultation processes on extractive projects in indigenous territories, sparked protests led by indigenous communities which, in turn, resulted in the arbitrary arrests and the criminalization of their leaders.<sup>777</sup>

383. With regard to the situation of **Afro-descendant persons and policies against racial discrimination**, social organizations reported recurrent cases of racial profiling and police violence, primarily affecting young Afro-descendants between the ages of 15 and 30. According to reports, the State's growing militarization has led to human rights violations and an increase in hate speech against Afro-descendants.<sup>778</sup> On December 8, the disappearance and subsequent murder of a child and three adolescents, all of whom were Afro-descendants, was reported following their detention during a military operation in Guayaquil. The Public Prosecutor's Office opened an investigation into their enforced disappearance.<sup>779</sup>

<sup>771</sup> IACHR, Press release No. 100/24, [IACHR Asks Ecuador to Ensure Judicial Independence in the Face of Organized Crime Interference](#), May 14, 2024.

<sup>772</sup> IACHR, public hearing "[Regional: Current status of judicial independence in the Americas](#)," 191<sup>st</sup> regular period of sessions, November 13, 2024.

<sup>773</sup> IACHR [@CIDH], (January 18, 2024), #Ecuador: #CIDH condena el asesinato del Fiscal César Suárez, de la Unidad Nacional Especializada de Investigación contra la Delincuencia Organizada Transnacional, quien estaba a cargo, entre otros casos, de las investigaciones referidas a la irrupción de un grupo armado en el canal @tctelevisión. El Estado debe investigar los hechos con la debida diligencia y sancionar a los responsables materiales e intelectuales. Así como fortalecer con recursos, seguridad y formación suficiente las instituciones encargadas de investigar los hechos de criminalidad organizada. #DerechosHumanos [X post], X, <https://x.com/CIDH/status/1748072972114338051>.

<sup>774</sup> IACHR, public hearing, "[Ecuador: Human rights of defenders in the context of the state of emergency](#)," 189<sup>th</sup> regular period of sessions, July 12, 2024.

<sup>775</sup> Ministry of Women and Human Rights of Ecuador, [Protocol for encounters with indigenous peoples living in voluntary isolation in the Tagaeri-Taromenane intangible area and its area of influence](#), July 23, 2024.

<sup>776</sup> IACHR, thematic hearing, "[Regional: Situation of the A'i Cofán, Andwas, Shuar, Siekopai, Siona, and Wampis Indigenous peoples](#)," 191<sup>st</sup> regular period of sessions, Washington D.C., United States of America, November 15, 2024.

<sup>777</sup> Meeting with civil society organizations, February 28, 2024. In IACHR files.

<sup>778</sup> Afro-Ecuadorian Social Development Foundation (Fundación Azúcar), [Presentación por escrito - Basta Perfilamiento Racial en Ecuador A la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos \(ACNUDH\)](#), April 16, 2024, p. 3; Office of the Ombudsperson, [Informe Alternativo para el Comité para la Eliminación de la Discriminación Racial \(CERD\) en su 114° sesión](#), October 2024, para. 10; *Primicias*, "[Un agente de control destituido y otro multado por golpear a joven afroecuatoriano en Quito](#)," November 11, 2024.

<sup>779</sup> Public Prosecutor's Office of Ecuador [@FiscaliaEcuador], (December 21, 2024), #ATENCIÓN | Respecto al presunto secuestro de 4 personas menores de edad -en el que estaría involucrado personal militar- #FiscalíaEc informa que el caso ha sido trasladado a #Quito y estará a cargo de la Unidad Especializada en la Investigación del Uso Ilegítimo de la Fuerza [X post], X, <https://x.com/FiscaliaEcuador/status/1870557557170811327>. See also: National Assembly of the Republic of Ecuador, "[Asamblea Nacional exige respuestas en el caso de los 4 niños desaparecidos en Guayaquil](#)," December 22, 2024.



384. Furthermore, the communities that may be impacted by mining projects in the Las Pampas and Palo Quemado parishes, as well as in Las Naves canton, were excluded from the environmental consultation process. This includes mining projects such as La Plata S.A. in Cotopaxi and Curipamba-El Domo in Bolívar.<sup>780</sup> In this context, human rights defenders from these communities reported that they had been criminally prosecuted for opposing these projects and demanding prior consultations.<sup>781</sup>

385. With regard to the rights of **women**, the State established specialized courts for processing cases involving violence against women<sup>782</sup> and enacted the Law for Support, Assistance and Comprehensive and Transformative Reparations for Daughters, Sons, Mothers, Fathers and other Relatives of Victims of Femicide and other Deaths Caused by Gender-Based Violence.<sup>783</sup> In addition, the State informed that the executive branch had inaugurated four violet centers.<sup>784</sup> Moreover, Ecuador enacted the Organic Law on Wage Parity Between Women and Men and prepared a draft of its implementing regulations.<sup>785</sup>

386. However, the death of 453 women was recorded between January and November 2024, including 72 cases classified as femicides, most of which were committed by partners or former partners of women in the early hours of the morning.<sup>786</sup> Additionally, the civil society had documented 96 femicides as of September 2024. Twenty-three of these victims had previously reported being victims of violence.<sup>787</sup>

387. Moreover, the Commission notes the status of the investigation in the case of María Belén Bernal Otavalo, which is currently at the appeals stage according to information provided by the State in response to a request sent by the Commission regarding this case. The Commission also expresses its concern over a new incident of violence against women linked to state institutions. In this context, the femicide of deputy lieutenant Aidita Pamela Ati at the armed forces facilities in Orellana was reported. This new incident of violence related to state institutions has prompted an investigation against army officers, underscoring the urgent need to address gender-based violence within the armed forces and to strengthen prevention and accountability measures in these institutions.<sup>788</sup>

388. With regard to sexual and reproductive rights, the executive branch made progress in drafting the regulations of the organic law governing the voluntary termination of pregnancy for girls, adolescents and women in cases of rape. The Commission also notes the 2024 Clinical Practice Guide for Therapeutic Abortion Care and a proposal to expand the network of health facilities providing these services.<sup>789</sup> The civil society filed constitutional remedies against the criminalization of abortion<sup>790</sup> and denounced the

<sup>780</sup> OHCHR, "[Expertas y expertos de la ONU llaman a consultas sustantivas para proyectos mineros en Ecuador](#)," May 13, 2024.

<sup>781</sup> OHCHR, "[Expertas y expertos de la ONU llaman a consultas sustantivas para proyectos mineros en Ecuador](#)," May 13, 2024.

<sup>782</sup> National Assembly of the Republic of Ecuador, "[Asamblea aprobó la reforma al Código de la Función Judicial](#)," May 21, 2024.

<sup>783</sup> National Assembly of the Republic of Ecuador, "[Ley que obliga la reparación integral a víctimas y familiares de femicidios está en plena vigencia](#)," June 27, 2024.

<sup>784</sup> Government of the Republic of Ecuador, Report submitted by the Republic of Ecuador in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 4-2-207/2024, October 17, 2024, p. 56. In IACHR files; Government of Ecuador, "[El gobierno nacional brindará atención a las mujeres víctimas de violencia con la implementación de seis centros violetas más a escala nacional](#)," November 25, 2024; Government of Ecuador, "[Ecuador inauguró su séptimo centro violeta, esta vez en la ciudad de Portoviejo](#)," October 19, 2024; Government of Ecuador, "[Centro violeta se inaugura en la ciudad de Quito](#)," October 24, 2024.

<sup>785</sup> Government of the Republic of Ecuador, Report submitted by the Republic of Ecuador in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 4-2-207/2024, October 17, 2024, p. 7. In IACHR files.

<sup>786</sup> Attorney General's Office of Ecuador, "[Análisis de las muertes de mujeres en contexto delictivo](#)," November 30, 2024.

<sup>787</sup> Fundación Aldea, "[Feminicidios 2024: 180 mujeres y niñas víctimas de la violencia machista](#)," October 15, 2024.

<sup>788</sup> Office of the Ombudsperson, "[La Defensoría del Pueblo de Ecuador en el caso de la Sgte. Aidita Pamela Ati Gavilanes](#)," September 20, 2024; *El Comercio*, "[Caso Pamela Ati suma seis procesados en la investigación por femicidio](#)," July 31, 2024.

<sup>789</sup> Government of the Republic of Ecuador, Report submitted by the Republic of Ecuador in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 4-2-207/2024, October 17, 2024, p. 41. In IACHR files.

<sup>790</sup> HRW, "[Justa Libertad: A Movement to Decriminalize Abortion in Ecuador](#)," April 15, 2024; *Efeminista*, "[Nueva demanda ante la Corte Constitucional de Ecuador para despenalizar el aborto](#)," July 10, 2024.



persistent stigmatization and barriers to access this procedure resulting from personal objections from healthcare providers.<sup>791</sup>

389. Regarding the rights of **LGBTI persons**, the Administrative Registry of Sex/Gender Variables was established with the aim of producing data and designing inclusive policies.<sup>792</sup> Additionally, the State set up the Interinstitutional Committee of the Diversity Action Plan.<sup>793</sup> The State added that awareness-raising workshops were held for public officials<sup>794</sup> and that it developed an interinstitutional manual on the care of persons deprived of liberty with a focus on sexual and gender diversity.<sup>795</sup> The Ministry of Health also updated its manual on assistance to sex- and gender-diverse persons.<sup>796</sup>

390. Furthermore, data from the 2024 census unveiled that 270,970 persons—that is, 2.43 percent of the population—identify as LGBTI. In this context, the reforms introduced to the Organic Law on Identity and Civil Data Management allowed persons over 18 years old to rectify their gender information in official documents.<sup>797</sup> In addition, the Organic Law on Mental Health prohibited treatments aimed at modifying gender identity.<sup>798</sup>

391. However, in the context of the security crisis, LGBTI activists reported that persons who display non-normative gender expressions are considered “suspicious” and exposed to arbitrary military controls.<sup>799</sup> It was further reported that LGBTI persons deprived of liberty suffer discrimination and violence.<sup>800</sup> According to the civil society, there is not much social support for laws that prevent discrimination against LGBTI persons and that allow this population to freely express their identity or show affection in public.<sup>801</sup>

392. With respect to the situation of **persons in the context of human mobility**, Decree No. 370 was approved, which grants amnesty to immigrants and provides for an extraordinary regularization process for Venezuelan nationals and their next of kin.<sup>802</sup> The process is available to those who have an expired migrant residence certificate and have not obtained a visa in previous regularization processes for temporary exceptional resident visas, and establishes special regulations for Venezuelan children and adolescents who have migrated on their own or are separated from their families. In addition, based on this decree, identity or travel documents that expired or were extended up to five years ago are considered valid for regularization purposes.<sup>803</sup>

<sup>791</sup> Observatorio de Derechos y Justicia, [Informe sobre la situación de la interrupción voluntaria del embarazo a partir de la sentencia 34-19-IN/21](#), May 29, 2024, p. 4.

<sup>792</sup> Ministry of Women and Human Rights of Ecuador, [Agreement No. MMDH-MMDH-2024-0001-A](#), Administrative Registry of Sex/Gender Variables for Government Institutions, March 26, 2024.

<sup>793</sup> Ministry of Women and Human Rights, Ecuador, [“42% de implementación del Plan de Acción de Diversidades 2022-2025”](#), April 8, 2024; Permanent Mission of Ecuador to the OAS, Note No. 4-2-207/2024, October 17, 2024. In IACHR files.

<sup>794</sup> A total of 2,625 public officials were trained in 14 provinces. Permanent Mission of Ecuador to the OAS, Note No. 4-2-207/2024, October 17, 2024. In IACHR files.

<sup>795</sup> Drafted by the National Councils on Equality, together with the Ministry of Women and Human Rights and the Office of the Ombudsperson. Permanent Mission of Ecuador to the OAS, Note No. 4-2-207/2024, October 17, 2024. In IACHR files.

<sup>796</sup> Permanent Mission of Ecuador to the OAS, Note No. 4-2-207/2024, October 17, 2024. In IACHR files.

<sup>797</sup> Edición 111, [“Entran en vigencia las reformas a la Ley de Gestión de Identidad: Personas trans podrán cambiar sexo o género en su cédula”](#), March 14, 2024; Primicias, [“Presidente Noboa emite reglamento para ley que viabiliza cambio de sexo o género en cédula de identidad”](#), June 12, 2024.

<sup>798</sup> Permanent Mission of Ecuador to the OAS, Note No. 4-2-207/2024, October 17, 2024. In IACHR files.

<sup>799</sup> Agencia Presentes, [“Militarización en Ecuador: «Las personas LGBTI somos consideradas sospechosas»”](#), January 14, 2024.

<sup>800</sup> In particular, they reported being subjected to harassment and cruel treatment based on prejudice against their sexual orientation and/or gender identity. This includes trans women being held in facilities with men without considering their gender identity or situation of vulnerability. Agencia Presentes, [“Militarización en Ecuador: «Las personas LGBTI somos consideradas sospechosas»”](#), January 14, 2024.

<sup>801</sup> Ipsos, [Percepción de los ecuatorianos acerca de la comunidad LGBTI](#), June 28, 2024.

<sup>802</sup> As of the end of April 2024, Ecuador had sheltered 578,169 people who had been forcefully displaced, out of which 444,778 were refugees and migrants from Venezuela. UNHCR, [Tendencias nacionales. El desplazamiento forzado en Ecuador, 2024](#), July 1, 2024.

<sup>803</sup> Constitutional President of the Republic of Ecuador, [Decree No. 370](#), August 23, 2024.



393. On April 5, the National Police of Ecuador broke into the Embassy of Mexico, in the city of Quito, to arrest former Vice President of Ecuador Jorge Glas, who had been sheltered therein since December 2023. Hours before the raid, the State of Mexico had granted him diplomatic political asylum. In response, the IACHR called on the State to uphold its international obligations regarding asylum and diplomatic immunity<sup>804</sup>. It also continued monitoring the precautionary measure granted in favor of Jorge Glas, in effect since December 2019, including an observation visit in October 2024 to assess his detention conditions.

394. As regards the rights of **children and adolescents**, the State adopted the Policy for the Eradication of Sexual Violence in Educational Environments.<sup>805</sup> According to data submitted by the civil society, between January 2020 and June 2024, 2,827 cases of sexual violence were recorded within the educational system.<sup>806</sup> Moreover, the Creciendo con Nuestros Hijos (Growing Up with Our Children) program expanded its coverage from 21.8 percent to 27.6 percent of its target population. This program is aimed at children aged 0 to 36 months old and pregnant women living in poverty, extreme poverty and situations of vulnerability.

395. One of the challenges faced by the country is that, according to data from the National Institute of Statistics and Census, 19.3 percent of children under two years of age are chronically malnourished.<sup>807</sup> In addition, the context of violence in the country led to the temporary suspension of in-person schooling until March of 2024, which affected millions of students.<sup>808</sup> Moreover, the Office of the Ombudsperson recorded a high number of disappearances of children and adolescents, which amounted to 574 cases as of June 2024.<sup>809</sup>

396. Furthermore, members of the Assembly proposed lowering the age of criminal liability, thus enabling adolescents between the ages of 14 and 17 to be prosecuted and tried as adults in cases of felonies such as murder, kidnapping, extortion and drug trafficking. Under this reform, once adolescents have reached the age of majority, they will have to serve their sentences in adult detention centers.<sup>810</sup>

397. In relation to the rights of **older persons**, the State reported on campaigns aimed at ensuring compliance with the law and the protection of their human rights, with a focus on the exemption from property tax payments.<sup>811</sup> Additionally, the city of Quito joined the Global Network of Age-Friendly Cities and Communities.<sup>812</sup> According to the National Survey on Employment, Unemployment and Underemployment (Enemdu), approximately 8.7 percent of the total population over 65 years of age has been forced to continue working due to lack of access to social security. The International Labor Organization expressed its concern over the high percentage of older persons in Ecuador who live in a situation of economic insecurity, in addition to the fact that 82 percent of people between 65 and 75 years of age are employed in the informal sector.<sup>813</sup>

<sup>804</sup> IACHR, Press Release No. 74/24, [IACHR Asks Ecuador to Fulfil Its International Obligations](#), April 15, 2024.

<sup>805</sup> This policy seeks to strengthen and organize activities with the support of the different government institutions that tackle sexual violence in school environments. Ministry of Women and Human Rights, [“El Nuevo Ecuador refuerza la Lucha Contra la Violencia Sexual en las Aulas,”](#) August 21, 2024.

<sup>806</sup> Human Rights Watch, [“Like Patchwork,”](#) July 24, 2024.

<sup>807</sup> National Institute of Statistics and Census, [“Desnutrición crónica infantil se ubica en el 19.3 para menores de 2 años,”](#) September 12, 2024.

<sup>808</sup> Human Rights Watch, [“Ecuador's Uptick in Violence Heightens Risks for Schoolchildren,”](#) March 12, 2024. See also: UNICEF, [“Ecuador: Homicide rate among children and adolescents soars 640 per cent in four years,”](#) January 16, 2024.

<sup>809</sup> Office of the Ombudsperson, [“La Defensoría del Pueblo hace un llamado al Estado a impulsar acciones urgentes ante el aumento de desapariciones de niños, niñas y adolescentes en el Ecuador,”](#) June 1, 2024.

<sup>810</sup> *El Mercurio*, [“Proponen sancionar a adolescentes como adultos,”](#) November 5, 2024; *La Hora*, [“Asamblea: juzgar como adultos a menores de edad que asesinen, entra a segundo debate,”](#) November 25, 2024; *KCH*, [“Asamblea Nacional discute si los adolescentes infractores deben ser juzgados como adultos o se aplica una justicia ‘restaurativa’,”](#) November 25, 2024.

<sup>811</sup> Permanent Mission of Ecuador to the OAS, Note 4-2-207/2024, October 17, 2024. On file with the IACHR.

<sup>812</sup> This took place during the I International Seminar “Best Practices and Innovation in Care Services and Participation of Older Persons in Local Governments;” *Infobae*, [“Quito, primera urbe de Ecuador en adherirse a red ciudades amigables con adultos mayores,”](#) November 22, 2024.

<sup>813</sup> *Primicias*, [“El 81% de los adultos mayores que trabaja en Ecuador está en la informalidad,”](#) September 2, 2024 (accessed on November 21, 2024); *Primicias*, [“44% de adultos mayores en Ecuador no recibe ingresos laborales ni pensión,”](#) September 30, 2024 (accessed on November 21, 2024).



398. Regarding the situation of **persons deprived of liberty**, the Ecuadorian Mechanism to Combat Torture, together with others in the region, adopted the Declaration of San José aimed at institutional strengthening and networking, and the Global Action for the Rights of Persons with Disabilities Deprived of Liberty<sup>814</sup>. Moreover, the State emphasized that issues related to persons deprived of liberty are addressed as a priority and highlighted the creation of working groups and the delivery of continuous training to security forces<sup>815</sup>. Additionally, it reported on the upcoming building of two new maximum security detention centers<sup>816</sup>.

399. In 2024, prison violence intensified after the escape of Adolfo Macías Villamar, which resulted in riots in at least six prisons.<sup>817</sup> As of March 7, 21 incarcerated individuals had died due to prison violence, and 111 inmates had escaped, of whom 35 were recaptured. Additionally, 211 state agents were taken hostage, all of whom were released shortly after<sup>818</sup>. In addition to these deaths, at least 15 persons died at the Litoral Penitentiary on November 12, 2024<sup>819</sup>.

400. To curb the crisis, under the states of emergency declared by the executive branch, the Armed Forces were authorized to support the Police in all centers of deprivation of liberty.<sup>820</sup> According to the State, once the prison emergency is over, penitentiaries will remain under the control of the Armed Forces, inasmuch as prisons have been declared “security areas.”<sup>821</sup> While these measures have allegedly led to a reduction in the number of deaths resulting from prison violence,<sup>822</sup> the Committee against Torture highlighted the lack of a comprehensive plan to address the systemic causes of the prison crisis and underscored the continued adoption of military measures, as well as various problems related to ill-treatment and possible acts of torture<sup>823</sup>.

401. With regard to food, during the first months of the state of emergency in prisons, the civil society documented cases in which food was denied or provided in poor condition, among other issues<sup>824</sup>. Also, in 2024, the provision of food was suspended for weeks due to the lack of payment to a former prison food supplier<sup>825</sup>. Although a new company was hired, problems in the coordination of food distribution have

<sup>814</sup> CPT of Chile, *Declaración de San José, adoptada por los Mecanismos Nacionales y Locales de Prevención de la Tortura (MNPs y MLPs) de América Latina para el fortalecimiento institucional y el trabajo en red and Acción global por los derechos de las personas con discapacidad en privación de libertad*, May 10, 2024.

<sup>815</sup> IACHR, public hearing “*Ecuador: Human rights of individuals who are deprived of liberty in the context of the prison crisis*,” 190<sup>th</sup> regular period of sessions, July 12, 2024.

<sup>816</sup> National Service for Comprehensive Care for Adults Deprived of Liberty and Adolescent Offenders [@SNAL\_Ec], (January 11, 2024), El Plan Fénix sigue en ejecución, y con la construcción de los nuevos Centros de Privación de la Libertad en Pastaza y Santa Elena, es un paso más para controlar al terrorismo y al crimen organizado [X post], X, [https://x.com/SNAL\\_Ec/status/1745577406927159654](https://x.com/SNAL_Ec/status/1745577406927159654).

<sup>817</sup> In response, the Commission requested information from the State on the situation in detention centers in light of the current citizen security and penitentiary crisis. IACHR, Letter to request information in light of Article 41 of the ACHR No. 229-24/IACHR/SE/MCP-Art.41, March 1, 2024. In IACHR files; IACHR, Press Release No. 17/24, *Ecuador: IACHR and RFOE Condemn Serious Acts of Violence Committed by Organized Criminal Groups*, January 17, 2024.

<sup>818</sup> State of Ecuador, Note No. 6,026 in response to the letter to request information in light of Article 41 of the ACHR No. 229-24/CIDH/SE/MPCT-Art.41, March 15, 2024, pp. 9–12. In IACHR files.

<sup>819</sup> IACHR [@CIDH], (November 18, 2024), CIDH condena la violencia en la Penitenciaría del Litoral el #12NOV que resultó en al menos 15 #PersonasPrivadasDeLibertad fallecidas [X post], X, <https://x.com/cidh/status/1858520421848777079?s=48&t=uf3HRk57pcbUZ8Q3BWn5zg>.

<sup>820</sup> Secretariat of Communication of the Presidency of Ecuador, Bulletin No. 44, “*Incidentes en los centros de privación de libertad son la respuesta del crimen organizado ante acciones del gobierno para enfrentarlo*,” January 8, 2024.

<sup>821</sup> IACHR, public hearing “*Ecuador: Human rights of individuals who are deprived of liberty in the context of the prison crisis*,” 190<sup>th</sup> regular period of sessions, July 12, 2024.

<sup>822</sup> Information provided to the IACHR by civil society organizations during a meeting, September 10, 2024.

<sup>823</sup> United Nations Committee Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, *Observaciones finales sobre el octavo informe periódico del Ecuador*, July 22, 2024, para. 15.

<sup>824</sup> Information provided to the IACHR by civil society organization Comité Permanente por la Defensa de los Derechos Humanos via email, August 21, 2024. In IACHR files.

<sup>825</sup> Comité Permanente por la Defensa de los Derechos Humanos, “*Personas en prisión sin acceso a alimentos*,” May 21, 2024; Information provided to the IACHR by a family member of a detainee via email, May 17, 2024. In IACHR files; Infobae, “*Cinco cárceles de Ecuador con 12.600 presos, sin proveedor de comida desde el 1 de junio*,” June 3, 2024.



reportedly resulted in some detainees not receiving their food. In terms of health, due to difficulties in medical care, the number of people with tuberculosis skyrocketed in 2024, especially in the Guayas Prison No. 1.<sup>826</sup>

402. Moreover, Ecuador recorded various acts of violence against officials of the National Service for Comprehensive Care for Adults Deprived of Liberty and Adolescent Offenders (SNAI). Namely, the director of the Guayas Prison No. 1, María Daniela Icaza Resabala, was murdered on September 12, 2024.<sup>827</sup> The directors of El Rodeo and Lago Agrio prisons, Damian Parrales and Alex Guervara, were also murdered on April 21 and September 3, 2024, respectively.<sup>828</sup>

403. Finally, as to **human trafficking**, the State created the Mechanism for the Detection and Referral of Cases of Human Trafficking for Labor Exploitation. The purpose of the mechanism is for labor inspectors and public officials to act in a comprehensive and coordinated manner when faced with potential cases of human trafficking for labor exploitation.<sup>829</sup> In addition to the above, the State reported that the Comprehensive Protection Service held workshops on the prevention and investigation of human trafficking<sup>830</sup>.

## XV. EL SALVADOR

- **General considerations**

404. As it relates to the **progress** achieved, the Commission notes there has been a significant reduction in the homicide rate in the country. It also appreciates the adoption of various measures to strengthen the institutions that protect and guarantee the rights of women, including the creation of the Interinstitutional Care Commission and the amendment of the Law on the Creation of the Solidarity Fund for Microentrepreneur Families, aimed at promoting the economic independence of women. The Commission also welcomes the measures undertaken by the State to incorporate into its 2024 census an indicator for respondents to identify themselves as Afro-descendants.

405. As it relates to **challenges**, the Commission reiterates its concern over the 33 successive extensions of the state of emergency, which have kept constitutional rights and guarantees suspended since March 2022. In this context, concerns persist regarding allegations of mass, arbitrary and illegal detentions, as well as the conditions of detention experienced by persons deprived of liberty, especially in relation to complaints of torture, ill-treatment and deaths in custody, together with obstacles to access effective legal remedies. Moreover, questions were raised regarding the selection process of Supreme Court justices. The Commission also expresses alarm at child and adolescent pregnancy rates, the restrictions on access to comprehensive sexual education and the persistence of the criminalization of abortion on all grounds. Furthermore, the Commission underscores that serious human rights violations committed during the armed conflict are still unpunished and notes a lack of legislation on transitional justice.

<sup>826</sup> Information provided to the IACHR by civil society organizations during a meeting, September 10, 2024. See also: Information provided to the IACHR by the civil society via email, July 12, 2024. In IACHR files; *Ecuavisa*, “[Más de 600 reclusos en las cárceles ecuatorianas padecen de tuberculosis](#),” August 1, 2024; *Expreso*, “[Casos de tuberculosis en reos alerta al entorno de la Penitenciaría del Litoral](#),” September 4, 2024.

<sup>827</sup> IACHR [@CIDH], (September 13, 2024), La CIDH condena el asesinato de la directora del Centro de Privación de Libertad Guayas No. 1, María Daniela Icaza Resabala, el #12SEP [X post], X, <https://twitter.com/CIDH/status/1834674998298169563>.

<sup>828</sup> *Canal 26*, “[Ecuador sangriento: asesinaron a 2 directores de cárceles en menos de 10 días](#),” September 13, 2024; *Ecuavisa*, “[El director de la cárcel de Sucumbíos fue asesinado en Lago Agrio](#),” September 3, 2024; *Primicias*, “[Ataque a director de la cárcel de Sucumbíos apunta a Los Choneros](#),” September 3, 2024; *DW*, “[Ecuador: matan a director de cárcel en medio de referendo](#),” April 21, 2024; *El universo*, “[Asesinan a Damián Parrales, director de la cárcel El Rodeo de Manabí](#),” April 21, 2024; *Primicias*, “[Asesinan a Damián Parrales, director de la cárcel El Rodeo en una cevichería de Ipijiapa](#),” April 21, 2024.

<sup>829</sup> United Nations Office on Drugs and Crime, “[Ecuador dice NO a la trata de personas con fines de explotación laboral](#),” February 21, 2024.

<sup>830</sup> Government of the Republic of Ecuador, 2024 Annual Report of the IACHR, Note No. 4-2-207/2024, October 17, 2024, p. 56.



406. On October 18, 2024, El Salvador submitted its response to the Commission's request for information to prepare this chapter<sup>831</sup>.

- **Specific issues**

407. In terms of **democratic institutional**ity, the Commission notes that, in February and March 2024, elections were held in El Salvador to vote for the new president and vice president, as well as for members of the Legislative Assembly, mayors, municipal councils and representatives of the Central American Parliament.<sup>832</sup> The electoral process was completed with no incidents. The OAS Electoral Observation Mission pointed out that these elections were held under unprecedented conditions, since they took place under a state of emergency and, for the first time since the 1983 Constitution has been in force, an incumbent President ran for the presidency for a second consecutive term.<sup>833</sup> It was also highlighted that the electoral reforms of 2023, which cut down on the number of legislative seats and changed the way in which those seats were allocated, resulted in a dramatic decrease in political pluralism in the Legislative Assembly.<sup>834</sup>

408. At a public hearing before the Commission, civil society organizations voiced their concern over the reelection of the president for a consecutive term because it contravenes an express prohibition set forth in the Constitution and pointed out that said reelection was possible thanks to a ruling issued after the dismissal and replacement of the judges of the Constitutional Chamber in 2021.<sup>835</sup> Moreover, civil society organizations reported a lack of institutional checks and balances, as well as a concentration of power in the hands of the executive branch. They further indicated that the Legislative Assembly is making an excessive use of the "waiver of procedure" to pass constitutional and legal reforms submitted by the executive branch, without prior discussion or broad citizen participation.<sup>836</sup> Civil society organizations were particularly concerned over the amendment of Article 248 of the Constitution,<sup>837</sup> which seeks to simplify the constitutional reform process. With this amendment, reforms would require the approval and ratification of a three-fourths majority of just one legislative chamber, in a context in which the ruling party is in control of the Legislative Assembly.<sup>838</sup> The Commission notes that this reform was approved in April 2024 and remains pending ratification by a second legislative chamber before it enters into force.<sup>839</sup>

409. Furthermore, in September 2024, the Legislative Assembly appointed seven people to positions in the Supreme Court of Justice of El Salvador, including the presidency of the Constitutional Chamber.<sup>840</sup> The Commission notes that the selection process was questioned by civil society organizations due to the lack of transparency in the submission of candidate profiles, the absence of clear criteria of eligibility

<sup>831</sup> Republic of El Salvador, Note No. MPOEA-OEA-162/2024, Annex, October 18, 2024. Report submitted by the State of El Salvador to the IACHR following the request for information to prepare Chapter IV of the 2024 Annual Report.

<sup>832</sup> Republic of El Salvador, Note No. MPOEA-OEA-162/2024, Annex, October 18, 2024. Report submitted by the State of El Salvador to the IACHR following the request for information to prepare Chapter IV of the 2024 Annual Report, p. 1.

<sup>833</sup> OAS, Electoral Observation Mission of the OAS in El Salvador, [Preliminary Report of the OAS Electoral Observation Mission in El Salvador](#), February 6, 2024 p. 1.

<sup>834</sup> OAS, Electoral Observation Mission of the OAS in El Salvador, [Third Preliminary Report of the OAS Electoral Observation Mission in El Salvador](#), March 5, 2024 pp. 1–2.

<sup>835</sup> IACHR, thematic hearing "[El Salvador: Democratic institutional](#)ity," 191<sup>st</sup> regular period of sessions, Washington, D.C., United States, November 12, 2024; IACHR, thematic hearing "[El Salvador: General situation of human rights](#)," 190<sup>th</sup> regular period of sessions, July 12, 2024.

<sup>836</sup> IACHR, thematic hearing "[El Salvador: Democratic institutional](#)ity," 191<sup>st</sup> regular period of sessions, Washington, D.C., United States, November 12, 2024.

<sup>837</sup> The IACHR notes that, at present, Article 248 of the Constitution of El Salvador establishes that the constitutional reform process must involve the two legislative chambers. Approval by a simple majority in one chamber is required, followed by the ratification by two-thirds of the second chamber. See: Legislative Assembly, Constitution of the Republic of El Salvador, Article 248, December 15, 1983.

<sup>838</sup> IACHR, thematic hearing "[El Salvador: Democratic institutional](#)ity," 191<sup>st</sup> regular period of sessions, Washington, D.C., United States, November 12, 2024.

<sup>839</sup> *Prensa Latina*, "[Avizoran reforma constitucional en El Salvador](#)," November 6, 2024.

<sup>840</sup> Supreme Court of Justice of El Salvador, "[Presidente y magistrados de la Corte Suprema de Justicia son elegidos en la Asamblea Legislativa](#)," September 23, 2024; *elsalvador.com*, "[Asamblea Legislativa elige a nuevos magistrados de la Corte Suprema de Justicia](#)," September 23, 2024; *La Prensa Gráfica*, "[Asamblea Legislativa elige a nuevos magistrados de la Corte Suprema de Justicia](#)," September 26, 2024.



and professional merit for their evaluation, the reduction of spaces for citizen participation and the lack of gender parity among the appointees.<sup>841</sup> The Commission is also closely monitoring the selection process of the Attorney General of the Republic, which began in October 2024 and was scheduled to conclude before January 5, 2025.<sup>842</sup> According to information provided by the press, the Legislative Assembly received only two nominations for said position.<sup>843</sup>

410. With regard to **human rights institutions**, the State reported on various measures undertaken in relation to child protection, care, food security and health policies, as well as on the follow-up of compliance with international obligations stemming from several United Nations treaty bodies and special procedures.<sup>844</sup> The Commission notes that, according to the draft budget for 2025, the Office of the Prosecutor for the Defense of Human Rights of El Salvador will have its funds cut by just over 2 million dollars compared to its budget in 2024. This will therefore be the lowest budget allocated to this institution since 2020 and will entail a downsizing of 56 staff members.<sup>845</sup>

411. In relation to **citizen security and access to justice**, the Commission has closely followed up on the security measures implemented by El Salvador in the context of the state of emergency in force. The State reported that, since the declaration of the state of emergency up to September 2024, 700 days had elapsed without any homicides being committed.<sup>846</sup> It also highlighted the creation of Urban Centers for Wellbeing and Opportunities (CUBOs) to train and educate young people in areas previously controlled by gangs, as well as the implementation of the Territorial Activation program, under which it provides access to the services of 15 state institutions to communities affected by gang violence.<sup>847</sup> By the end of 2024, El Salvador had extended the state of emergency 33 consecutive times,<sup>848</sup> despite repeated calls by the Commission to put an end to this regime.<sup>849</sup> In this regard, in its report *State of Emergency and Human Rights in El Salvador*, released in 2024, the Commission held that, according to the information provided by the State on the improvement in crime rates, there was no emergency situation that justified the continuation of the suspension of rights and guarantees.

412. In 2024, the Commission continued to receive information about human rights violations related to citizen security operations against people allegedly linked to gangs in the context of the state of emergency. From the beginning of the state of emergency through June 2024, civil society organizations documented a total of 6,426 complaints of human rights violations, out of which 245 were recorded in the first

<sup>841</sup> Observa El Salvador, "[Comunicado de prensa ante elección de magistrados y magistradas de la Corte Suprema de Justicia](#)," September 26, 2024; *La Prensa Gráfica*, "[Cuestionan independencia de nuevos magistrados de la Corte Suprema de Justicia de El Salvador](#)," September 24, 2024; DPLF, "[Renovación de la Corte Suprema en el Salvador: una Corte a la medida del Ejecutivo](#)," September 11, 2024; IACHR, thematic hearing "[El Salvador: General situation of human rights](#)," 190<sup>th</sup> regular period of sessions, July 12, 2024.

<sup>842</sup> *La Prensa Gráfica*, "[Asamblea inicia proceso para elegir fiscal general](#)," October 9, 2024; *El Mundo*, "[Se acerca elección de fiscal general: AC sugiere estas preguntas para los candidatos](#)," September 23, 2024.

<sup>843</sup> *elsalvador.com*, "[Expertos tienen poca credibilidad en proceso de elección de fiscal](#)," December 4, 2024; *La Prensa Gráfica*, "[Poca participación en elección de fiscal general evidencia 'desconfianza' en proceso, aseguran expertos](#)," December 3, 2024; *El Mundo*, "[Solo dos inscritos en elección de fiscal general: Rodolfo Delgado busca reelección](#)," November 5, 2024.

<sup>844</sup> Republic of El Salvador, Note No. MPOEA-OEA-162/2024, Annex, October 18, 2024. Report submitted by the State of El Salvador to the IACHR following the request for information to prepare Chapter IV of the 2024 Annual Report, pp. 2–5.

<sup>845</sup> *La Prensa Gráfica*, "[PDDH tendrá recorte de \\$2 millones en presupuesto de 2025](#)," November 17, 2024.

<sup>846</sup> Republic of El Salvador, Note No. MPOEA-OEA-162/2024, Annex, October 18, 2024. Report submitted by the State of El Salvador to the IACHR following the request for information to prepare Chapter IV of the 2024 Annual Report, p. 12.

<sup>847</sup> Republic of El Salvador, Note No. MPOEA-OEA-162/2024, Annex, October 18, 2024. Report submitted by the State of El Salvador to the IACHR following the request for information to prepare Chapter IV of the 2024 Annual Report, pp. 10–11.

<sup>848</sup> Legislative Assembly, "[El Salvador continuará siendo el país más seguro de Latinoamérica al mantener régimen de excepción](#)," December 5, 2024; *La Prensa Gráfica*, "[Aprueban prórroga 33 del régimen de excepción](#)," December 5, 2024.

<sup>849</sup> IACHR, *State of Emergency and Human Rights in El Salvador*, OEA/Ser.L/V/II Doc. 97/24, June 28, 2024, para. 403, Recommendation No. 1; IACHR, Press Release No. 58/23, *IACHR Calls on El Salvador to Reestablish Rights and Guarantees Suspended a Year Ago Under the State of Emergency*, Washington, D.C., United States, April 6, 2023; IACHR, Press Release No. 254/22, *Seven Months into the Exceptional Framework, the IACHR Reminds El Salvador That It Must Comply with its Obligations Concerning Human Rights*, Washington, D.C., United States, November 11, 2022; IACHR, Press Release No. 126/22, *IACHR Urges El Salvador to Comply with Its International Obligations and Ensure Prisons and Law Enforcement Policies That Respect Human Rights*, Washington, D.C., United States, June 3, 2022.



half of 2024.<sup>850</sup> Among the main violations reported, there are allegations of arbitrary detentions, violations of due process of law, house raids, cruel or inhumane treatment, threats, forced disappearances and harassment. In addition, civil society organizations documented complaints of sexual harassment, sexual abuse, rape and discrimination based on the sexual orientation and identity of the victims. As for the perpetrators of these acts, civil society organizations noted that at least 75 percent of cases had been committed by agents of the National Civil Police.<sup>851</sup>

413. In addition to the foregoing, the Commission received information regarding obstacles to access effective legal remedies for human rights violations in the context of the state of emergency. At a public hearing before the Commission, civil society organizations reported that the Constitutional Chamber of the Supreme Court of Justice was massively and systematically rejecting *habeas corpus* by requiring excessive formalities and going against its own case law without due motivation for a change of criteria.<sup>852</sup> They further pointed out that, in cases of extreme gravity, such as possible forced disappearances or situations involving a risk to life and integrity, instead of offering immediate protection, the Constitutional Chamber often requests detailed information and sets overly short deadlines for submission thereof.<sup>853</sup> In relation to the above, the Commission notes that, according to information in the public domain, the Institute of Forensic Medicine has been repeatedly denied access to prisons to conduct medical inspections, despite existing court orders to that effect.<sup>854</sup>

414. With respect to **persons deprived of liberty**, the Commission continued to closely monitor the situation of this population in the context of the state of emergency. According to official information, as of October 18, 2024, 82,963 detentions had been recorded under the state of emergency.<sup>855</sup> This means that, over the first ten months of 2024, approximately 7,800 arrests were made, given that the number of detentions documented by the end of 2023 was 75,163.<sup>856</sup> At a public hearing before the Commission, civil society organizations expressed their concern over the absence of a policy to reinsert persons deprived of liberty into society under the state of emergency and reported cuts in resources for reparation policies for victims of violence and crime.<sup>857</sup>

415. The Commission warns that the deplorable conditions of detention in Salvadoran prisons have worsened, which has created serious risks to the lives and integrity of those imprisoned. According to civil society organizations, these conditions have caused the death of at least 349 persons up to the first half of December 2024;<sup>858</sup> out of these people, 136 died while under state custody during 2024, since deaths recorded in December 2023 amounted to 213.<sup>859</sup> Available information indicates that detention conditions are mostly marked by overcrowding; lack of access to essential services; unsanitary conditions; negligent medical care;

<sup>850</sup> Instituto de Derechos Humanos de la UCA, Red Salvadoreña de Defensoras de Derechos Humanos, Servicio Social Pasionista, Azul Originario Asociación, Cristosal, AMATE, Fundación de Estudios para la Aplicación del Derecho, "[Organizaciones reportan más de 6,400 víctimas en 27 meses de suspensión de derechos fundamentales](#)," July 25, 2024.

<sup>851</sup> Instituto de Derechos Humanos de la UCA, Red Salvadoreña de Defensoras de Derechos Humanos, Servicio Social Pasionista, Azul Originario Asociación, Cristosal, AMATE, Fundación de Estudios para la Aplicación del Derecho, "[Organizaciones reportan más de 6,400 víctimas en 27 meses de suspensión de derechos fundamentales](#)," July 25, 2024; *Voz de América*, "[Varias ONG reportan 6,426 violaciones a DDHH durante régimen de excepción en El Salvador](#)," July 25, 2024; DW, "[ONG: suben víctimas del régimen de excepción en El Salvador](#)," July 26, 2024; *La Prensa Gráfica* [@prensagrafica], (July 25, 2024), Organizaciones civiles salvadoreñas han documentado 265 muertes y 6,426 casos de violaciones de derechos humanos, durante 27 meses de régimen de excepción El 75% de los abusos son atribuibles a la PNC, de acuerdo con un reporte [X post], X, <https://x.com/prensagrafica/status/1816531433592435023>.

<sup>852</sup> IACHR, thematic hearing "[El Salvador: Democratic institutionalidad](#)," 191<sup>st</sup> regular period of sessions, Washington, D.C., United States, November 12, 2024.

<sup>853</sup> IACHR, thematic hearing "[El Salvador: Democratic institutionalidad](#)," 191<sup>st</sup> regular period of sessions, Washington, D.C., United States, November 12, 2024.

<sup>854</sup> *La Prensa Gráfica*, "[Tribunales salvadoreños advierten que Centros Penales no permite el ingreso de Medicina Legal a cárceles](#)," November 27, 2024.

<sup>855</sup> *Prensa Latina*, "[Cerca de 83 mil detenidos en El Salvador](#)," October 19, 2024.

<sup>856</sup> *ContraPunto*, "[Régimen de Excepción: Más de 75 mil detenidos desde 2022](#)," January 3, 2024.

<sup>857</sup> IACHR, thematic hearing "[El Salvador: General situation of human rights](#)," 190<sup>th</sup> regular period of sessions, July 12, 2024.

<sup>858</sup> *SWI swissinfo.ch*, "[La cifra de fallecidos en cárceles de El Salvador aumenta a 349 según la organización SIH](#)," December 16, 2024; *El Foco*, "[Aumenta cifra de muertes en cárceles de El Salvador](#)," December 17, 2024; *YSUCA*, "[Piden investigar a directores y custodios de Izalco por muertes bajo el régimen de excepción](#)," December 19, 2024.

<sup>859</sup> *Agencia EFE*, "[Más de 200 muertes en las cárceles de El Salvador desde el inicio del régimen de excepción](#)," December 12, 2023.



insufficient access to water, food and medicine; and ill-treatment.<sup>860</sup> Regarding ill-treatment, information points to a systematic use of torture and other types of ill-treatment against persons deprived of liberty in prisons in El Salvador, including physical and verbal abuse, overuse of pepper spray and restricted access to food, water and toilets, among others.<sup>861</sup> In addition, various forms of sexual violence against women detainees were documented, perpetrated both by guards and other persons deprived of liberty.<sup>862</sup>

416. Furthermore, there were cases in which the State reportedly did not provide information to the families about the situation of their detained relatives. According to communications received by the Commission, the families only learned of the deprivation of liberty of their next of kin and not necessarily by means of a notification from the State. In some cases, after learning about the detention, families allegedly lost contact with their relatives and are still unaware of their current situation.<sup>863</sup> In this scenario, according to testimonies received by the Commission, family members have been forced to travel to different penitentiaries to find out the whereabouts of their detained relatives.<sup>864</sup>

417. With regard to **human rights defenders**, the Commission received information about the case of Rosa Elvira Flores Martínez, a human rights defender and the leader of the Salvadoran Women's Movement (MSM), who disappeared on March 19 and was later found dead with signs of violence in Cantón Los Lagartos, municipality of San Julián, department of Sonsonate.<sup>865</sup> In addition, Verónica Delgado, mother of a disappeared person and member of the Disappeared Persons Search Group, was arrested on March 11 on charges of conspiracy. She was detained under the state of emergency in force in El Salvador.<sup>866</sup> The Commission later learned of her release after having been detained for 24 days.<sup>867</sup>

418. With respect to the rights of **children and adolescents**, the Commission notes with concern that, between March 2022 and December 2023, over 3,000 children and adolescents were reportedly detained under the state of emergency, out of whom 841 remained in detention as of January 2024.<sup>868</sup> According to a civil society report, a significant number of these children and adolescents had no links to gang activities. The children and adolescents in detention were allegedly victims of torture and/or other forms of ill-treatment and were subjected to inhumane and unsanitary conditions. They also suffered lack of food and health care and lost contact with their families.<sup>869</sup> Moreover, the Commission learned of a request made by civil society organizations to investigate the National Council for Early Childhood, Children and Adolescent (CONAPINA) for their alleged failure to respond to the deaths of children and adolescents in prisons.<sup>870</sup>

<sup>860</sup> See: Cristosal, *El silencio no es opción: Investigación sobre las prácticas de tortura, muerte y justicia fallida en el régimen de excepción*, July 2024, pp. 23 and 34; Amnesty International, *Behind the Veil of Popularity: Repression and Regression of Human Rights in El Salvador*, December 4, 2023, pp. 30–33.

<sup>861</sup> Amnesty International, *Behind the Veil of Popularity: Repression and Regression of Human Rights in El Salvador*, December 4, 2023, pp. 30–33.

<sup>862</sup> Cristosal, *El silencio no es opción: Investigación sobre las prácticas de tortura, muerte y justicia fallida en el régimen de excepción*, July 2024, p. 97.

<sup>863</sup> Information provided to the IACHR by relatives of detained persons via email, July 14 and August 4, 2024. In IACHR files.

<sup>864</sup> IACHR, *State of Emergency and Human Rights in El Salvador*, *op. cit.*, para. 310.

<sup>865</sup> IM-Defensoras, “*EL SALVADOR / A ocho días de haber sido desaparecida, encuentran asesinada a la defensora Rosa Elvira Flores Martínez, lideresa del Movimiento Salvadoreño de Mujeres*,” March 29, 2024; *elsalvador.com*, “*Familiares confirman hallazgo de cadáver de lideresa reportada como desaparecida*,” March 27, 2024; *La Prensa Gráfica*, “*Autoridad ordenó enterrar a Rosa Elvira de forma inmediata*,” April 5, 2024.

<sup>866</sup> IM-Defensoras, “*EL SALVADOR / Criminalizan y privan de libertad a la defensora buscadora Verónica Delgado en el marco del régimen de excepción*,” March 25, 2024.

<sup>867</sup> *La Prensa Gráfica*, “*Liberan a Verónica Delgado, madre buscadora que había sido capturada en régimen de excepción*,” April 3, 2024; *elsalvador.com*, “*Liberan a Verónica Delgado, madre buscadora que estuvo presa 24 días bajo el régimen*,” April 3, 2024.

<sup>868</sup> Human Rights Watch, “*‘Your Child Does Not Exist Here’*,” July 16, 2024.

<sup>869</sup> Human Rights Watch, “*‘Your Child Does Not Exist Here’*,” July 16, 2024; Human Rights Watch, “*Torturas a menores detenidos en El Salvador*,” August 14, 2024.

<sup>870</sup> UNIDEHC El Salvador [@Unidehc], (August 8, 2024), [...] caso en contra del @CONAPINA\_sv y su Directora Ejecutiva @lindaamaya9 por los delitos de Actos Arbitrarios e Incumplimiento de deberes [X post], X, <https://x.com/Unidehc/status/1821602596915966368>. See also: *SWI swissinfo.ch*, “*Piden que se investigue a ente de niñez por muertes de menores en cárceles de El Salvador*,” August 9, 2024; *DW*, “*Señalan al CONAPINA tras muertes en cárceles de El Salvador*,” August 9, 2024.



419. In relation to the rights of **women**, the Commission acknowledges the sustained efforts of the Salvadoran Women's Development Institute (ISDEMU) to mainstream a perspective of equality, nondiscrimination and a life free of violence for women into public institutions by means of training, awareness-raising and specialized counseling.<sup>871</sup> However, the Commission notes with concern the reform of the ISDEMU Law, which brought down from two to one the number of seats for civil society representatives in the Board of Directors,<sup>872</sup> as well as the elimination of the Women's Parliamentary Group<sup>873</sup> and the Women and Gender Equality Commission in the Legislative Assembly —now reshaped into the Children and Social Integration Commission—, which was exclusively dedicated to the study of legislative initiatives related to the rights of women.<sup>874</sup>

420. Moreover, the Commission appreciates the measures adopted to promote gender equality in the economic sphere, such as the amendment to the Law on the Creation of the Solidarity Fund for Microentrepreneur Families, which seeks to promote women's economic independence and bridge the gender digital divide,<sup>875</sup> and the creation of the Interinstitutional Care Commission, aimed at implementing the National Policy on Shared Responsibility over Caregiving.<sup>876</sup> However, the Commission also warns that women continue to suffer economic and social hardships in the context of the state of emergency, both due to arrests<sup>877</sup> and to the eviction of street vendors from public spaces, which has a differentiated impact on women whose livelihoods depend on such work.<sup>878</sup>

421. As regards gender-based violence against women, the Commission reiterates its concern over the confidentiality of statistics related to femicides, disappeared persons and shelters.<sup>879</sup> According to available official information, there has been a 15 percent increase in the number of complaints of gender-based violence between June 2023 and May 2024 compared to the previous year.<sup>880</sup> Thus, for the most recent period available, data shows there were 130 femicides, 8,984 cases of sexual violence —out of which 3,018 were rapes—, 2,664 cases of physical violence, 7,909 cases of psychological violence and 1,263 cases of financial violence.<sup>881</sup> Moreover, based on data from the civil society for the January–November 2024 period, 36 femicides were recorded, 17 of which were committed by partners or former partners of the victims.<sup>882</sup> The Commission is also alarmed at the widespread accusations of harassment and sexual violence against women,

<sup>871</sup> IACHR, [2023 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), December 31, 2023, para. 572; Republic of El Salvador, Report submitted in response to the request for information of the IACHR, in light of Article 41, on the situation of human rights in El Salvador during 2024, Note No. MPEOA-OEA-162/2024, October 18, 2024, p. 6. In IACHR files.

<sup>872</sup> Legislative Assembly of El Salvador, [Decree No. 34](#), June 26, 2024; *El Mundo*, "[¿Cuáles serán los cambios en la directiva del Isdemu y en sus atribuciones?](#)," July 1, 2024.

<sup>873</sup> *La Prensa Gráfica*, "[Nuevas Ideas justifica la desaparición del grupo parlamentario de mujeres](#)," January 12, 2024.

<sup>874</sup> Legislative Assembly of El Salvador, [Comisión: La Mujer y la Igualdad de Género](#), accessed on November 22, 2024.

<sup>875</sup> Republic of El Salvador, [Informe exhaustivo nacional Beijing +30](#), July 2024, p. 13.

<sup>876</sup> Ministry of Culture of El Salvador, "[Interinstitutional Care Commission installed](#)," April 30, 2024.

<sup>877</sup> IACHR, [2023 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), December 31, 2023, para. 371; IACHR, [2022 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), April 1, 2023, para. 382.

<sup>878</sup> *Revista La Brújula*, "[Vendedoras: El Régimen de Excepción como aderezo a los desalojos – Tercer entrega](#)," August 16, 2024; *El Faro*, "[Viene el CAM!: huir para vender en el Centro](#)," May 27, 2024.

<sup>879</sup> IACHR, [2022 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), April 1, 2023, para. 380; Transparency Portal of the Attorney General's Office, [Índice de información reservada](#), June 24, 2024, p. 24; REDFEM, Response to the questionnaire for follow-up of the recommendations issued in the 2021 report *Situation of human rights in El Salvador*, October 4, 2024 p. 5. In IACHR files.

<sup>880</sup> See: Attorney General's Office, [Informe de labores 2023–2024](#), July 31, 2024, p. 151, and [Informe de labores 2022–2023](#), July 26, 2023, p. 169.

<sup>881</sup> Attorney General's Office, [Informe de labores 2023–2024](#), July 31, 2024, p. 151

<sup>882</sup> ORMUSA, [Feminicidios Enero – Noviembre 2024](#), November 22, 2024.



girls and adolescents involving security forces in the framework of the state of emergency,<sup>883</sup> as well as at the attacks and threats against human rights defenders and journalists in both physical and digital spaces.<sup>884</sup>

422. Moreover, the Commission notes that during the first half of the year, 4,024 girls and adolescents between the ages of 10 and 19 were pregnant.<sup>885</sup> Therefore, it is of concern that the Ministry of Education ordered to ban the so-called gender ideology<sup>886</sup> in educational institutions without explaining its scope of application, thus restricting access to comprehensive sexual education<sup>887</sup> and, in turn, hindering the implementation of the National Intersectoral Strategy for the Prevention of Pregnancy in Girls and Adolescents (ENIPENA).<sup>888</sup> Furthermore, although the Commission welcomes the release of a woman who suffered an abortion as a result of an obstetric emergency,<sup>889</sup> it regrets that another young woman under similar circumstances was criminally prosecuted and that the State continues to criminalize abortion on all grounds.<sup>890</sup> It also takes note of a report concerning the detention of a human rights defender with a high-risk pregnancy who was allegedly denied prenatal care and whose daughter died while her mother was under custody.<sup>891</sup>

423. In relation to the rights of **LGBTI persons**, different challenges have been reported. As of July 30, 2024, at least 137 LGBTI persons had been victims of human rights violations during the state of emergency, according to information from various civil society organizations.<sup>892</sup> Press reports also indicate that, in penitentiaries, the LGBTI population faces ill-treatment, punishments aimed at “correcting” their sexual orientation and gender identity, and various forms of torture.<sup>893</sup> Trans women have been forced to modify their female gender expression, including by having their hair cut and by providing them with male clothing. In

<sup>883</sup> IACHR, [2023 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), December 31, 2023, para. 371; Cristosal, [El silencio no es opción: Investigación sobre las prácticas de tortura, muerte y justicia fallida en el régimen de excepción](#), July 2024, p. 97; *La Prensa Gráfica*, “[Denuncian más casos de extorsión sexual por agentes de seguridad durante régimen de excepción](#),” September 27, 2024; *elsalvador.com*, “[Cuatro vendedoras presas por no aceptar invitación de policía](#),” November 3, 2024.

<sup>884</sup> REDFEM, Response to the questionnaire for follow-up of the recommendations issued in the 2021 report *Situation of human rights in El Salvador*, October 4, 2024, p. 43; *Revista La Brújula*, “[«El Salvador no es un país seguro para ejercer el Derecho a Defender Derechos», afirman organizaciones](#),” May 31, 2024.

<sup>885</sup> *Diario El Salvador*, “[Los embarazos en adolescentes han disminuido un 9.5 % en los últimos seis años](#),” August 19, 2024.

<sup>886</sup> The IACHR finds it troubling that the gender perspective is pejoratively referred to as “gender ideology.” In this regard, it has clarified that the gender perspective is not a “theory,” let alone an “ideology,” but rather a method of analysis of reality that sheds light on how differently people are socially valued based on the gender assigned to or assumed by them; it evidences the unequal power relations stemming from these differences. Therefore, it constitutes a key tool for combating discrimination and violence against women and against persons with diverse sexual orientations and gender identities. IACHR, [Advances and Challenges towards the Recognition of the Rights of LGBTI Persons in the Americas](#), December 7, 2018, para. 63; IACHR, [Northern Central America. Impact of Organized Crime on Women and Girls](#), February 17, 2023, para. 178.

<sup>887</sup> *La Prensa Gráfica*, “[Ministerio de Educación amenaza con despidos si se difunde ‘ideología de género’ en escuelas públicas de El Salvador](#),” February 29, 2024; CLADEM, Inputs submitted to the Committee on the Elimination of All Forms of Discrimination Against Women, Pre-sessional working group for the adoption of the list of issues, May 20, 2024, p. 6; José Mauricio Pineda [@JMauricioPineda], (February 27, 2024), CONFIRMADO: todo uso o todo rastro de la ideología de género lo hemos sacado de las escuelas públicas [X post], X, <https://x.com/JMauricioPineda/status/1762545694190023000>.

<sup>888</sup> REDFEM, Response to the questionnaire for follow-up of the recommendations issued in the 2021 report *Situation of human rights in El Salvador*, October 4, 2024, p. 44.

<sup>889</sup> *Gato Encerrado*, “[‘Las 17 y más’ recuperan su libertad tras enfrentar condenas injustas por emergencias obstétricas](#),” January 18, 2024.

<sup>890</sup> Agrupación Ciudadana por la Despenalización del Aborto, “[Organizaciones alertan por un nuevo caso de mujer encarcelada por una emergencia obstétrica en El Salvador](#),” October 2, 2024; IACHR, [2023 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), December 31, 2023, para. 372.

<sup>891</sup> REDFEM, Response to the questionnaire for follow-up of the recommendations issued in the 2021 report *Situation of human rights in El Salvador*, October 4, 2024, p. 44; *elsalvador.com*, “[Organizaciones denuncian que se le negó el control prenatal a madre de bebé que murió en prisión](#),” April 9, 2024.

<sup>892</sup> Instituto de Derechos Humanos de la UCA, Red Salvadoreña de Defensoras de Derechos Humanos, Servicio Social Pasionista, Azul Originario Asociación, Cristosal, AMATE, Fundación de Estudios para la Aplicación del Derecho, “[Organizaciones reportan más de 6,400 víctimas en 27 meses de suspensión de derechos fundamentales](#),” July 25, 2024.

<sup>893</sup> *La Prensa Gráfica*, “[El régimen de excepción también impacta a la comunidad LGBTI a dos años de su implementación](#),” March 26, 2024; *La Prensa Gráfica*, “[Oenegés denuncian que personas LGBTIQ+ capturadas por el régimen de excepción reciben ‘castigos correctivos’](#),” May 17, 2024.



addition, they are placed in cells with men, which exposes them to sexual and physical violence by other persons deprived of liberty.<sup>894</sup>

424. These challenges are part of a series of institutional setbacks in relation to the rights of the LGBTI population. The Commission notes that the executive branch has expressed its intention to ban the teaching of “gender ideology” in educational institutions<sup>895</sup>. The IACHR has observed that, in the region, these types of measures that derogatorily qualify the gender perspective as an ideology are used to justify limitations to the rights of women and LGBTI persons.<sup>896</sup> In line with this, in February 2024, the Ministry of Health eliminated a protocol against discrimination towards persons with HIV, along with educational materials targeted at the LGBTI population.<sup>897</sup> Subsequently, in June, the Ministry of Culture dismissed 300 workers following the staging of a play featuring drag queens, on the grounds that it was incompatible with government policies.<sup>898</sup>

425. On the situation of **Afro-descendants and the fight against racial discrimination**, the Commission notes that, for the 2024 census, a section was included in the census questionnaire for persons to identify themselves as Afro-descendants.<sup>899</sup> This is a step forward and has resulted in an increase in the number of persons who identify themselves as Afro-descendants in the country, compared to the data from the 2007 census.<sup>900</sup>

426. As to the rights of **indigenous peoples**, the State reported on the celebration of anniversaries and other cultural initiatives in favor of indigenous peoples. The Commission notes that, thanks to a civil society initiative, the Observatory of Violence against Indigenous Women was created, which is run by indigenous women leaders to make cases of violence more visible and evident. According to a survey carried out by the observatory, 47 percent of the indigenous women surveyed had become pregnant for the first time before the age of 18.<sup>901</sup>

427. On the rights of **persons in the context of human mobility**, the Commission notes the launch of the scheme of prevention of irregular migration within the framework of the Coordination Mechanism on Human Mobility. This is aimed at coordinating efforts to strengthen programs that promote access to job opportunities, entrepreneurship and academic and skill development projects to help persons who might otherwise migrate to other countries.<sup>902</sup>

428. However, the *Segundo informe diagnóstico sobre características y causas de la migración salvadoreña* (second diagnostic report on the characteristics and causes of Salvadoran migration) of the

<sup>894</sup> La Prensa Gráfica, “[El régimen de excepción también impacta a la comunidad LGBTI, a dos años de su implementación](#),” March 26, 2024; La Prensa Gráfica, “[Oenegés denuncian que personas LGBTIQ+ capturadas por el régimen de excepción reciben ‘castigos correctivos’](#),” May 17, 2024.

<sup>895</sup> Caribe Afirmativo, “[Nayib Bukele manifestó su convicción de impedir la ‘ideología de género’ en el sistema educativo de su país](#),” February 27, 2024; Washington Blade, “[El gobierno salvadoreño intensifica su lucha contra la ‘ideología de género’](#),” March 19, 2024; Agencia Presentes, “[El Salvador: Bukele intensifica sus políticas contra la ‘ideología de género’](#),” February 29, 2024.

<sup>896</sup> IACHR, [Press Release 198/2021](#), The IACHR calls on the States of the Region to apply the gender approach as a tool to combat structural discrimination against women and LGBTI persons, July 29, 2021.

<sup>897</sup> La Prensa Gráfica, “[Organizaciones LGBTIQ+ piden al MINSAL que retome el protocolo de atención especializada](#),” June 25, 2024.

<sup>898</sup> Nayib Bukele [@nayibbukele], (June 27, 2024), En estos momentos, el nuevo Ministro de Cultura @raulncastillo procederá a la destitución de más de 300 empleados del Ministerio [X post], X, <https://x.com/nayibbukele/status/1806419161389694981>; Ministerio de Cultura [@culturasv], (June 17, 2024), El Ministerio de Cultura informa a la población salvadoreña [X post], X, <https://x.com/culturasv/status/1802550161391940056>.

<sup>899</sup> Afrodescendientes Organizados Salvadoreños [@fundacionafroos], (May 1, 2024), ¿Sabías que por primera vez en El Salvador el Censo 2024 en el apartado Etnia de la boleta Censal da espacio para autoreconocernos como Afrodescendientes? [X post], X, <https://x.com/fundacionafroos/status/1785506530491605232>.

<sup>900</sup> Infodemia, “[Crece el número de salvadoreños que se reconocen indígenas y afrodescendientes: Censo 2024](#),” October 29, 2024.

<sup>901</sup> UN Women, “[Lideresas indígenas en El Salvador desarrollan Observatorio de Violencia pionero en la región](#),” September 5, 2024.

<sup>902</sup> Ministry of Foreign Affairs of El Salvador, “[Cancillería lanza eje de prevención de la migración irregular del Mecanismo de Coordinación sobre Movilidad Humana](#),” April 30, 2024.



Committee of Relatives of Deceased and Disappeared Migrants of El Salvador (COFAMIDE) unveils that, although several sources agree that economic needs are the main reason why Salvadorans emigrate, different types of violence also contribute greatly to human mobility, which includes, for example, forced internal displacement.<sup>903</sup> The report further points out that Salvadoran nationals face difficulties in accessing updated and verifiable data on human mobility from the State. This restricts the possible drafting and implementation of an adequate public policy in this area,<sup>904</sup> and makes it difficult to assess the phenomenon based on information from official sources and conduct an analysis of its multiple causes and intersectional implications.<sup>905</sup>

429. Regarding returnees, according to IOM figures, between January and August 2024, a total of 10,326 people were returned to the country. Out of these, 70.7 percent are men and 29.3 percent are women.<sup>906</sup> Although civil society organizations observe a decrease in the number of returnees to El Salvador when comparing return records to detention records, since mid-2021, the records of the General Directorate on Migration and Immigration (DGME) on returned migrants cannot be accessed, nor can the statistics on the responses to the forms that returnees must fill when they return to El Salvador.<sup>907</sup>

430. In terms of **internal displacement**, human rights organizations indicate that, from the beginning of the state of emergency until March 15, 2024, 669 displaced persons were recorded, that is, an average of 28 victims per month. They highlight that this trend would have continued in 2024. Moreover, they voice their concern over the attention given by the State to this phenomenon, inasmuch as the Attorney General's Office has only reported 35 victims.<sup>908</sup>

431. The Internal Displacement Monitoring Center (IDMC) notes that obtaining data for countries affected by criminal and other forms of violence in Central America continues to be a challenge. The only country where survey data shows an annual picture of internal displacement is El Salvador, where around 66,000 movements were reported this year, the lowest figure since 2014 when data first became available. Survey data also pointed to the fact that around 49,000 people were living in displacement as a result of conflict and violence at the end of 2023. In addition, 5,300 disaster-related displacements were reported in that same year.<sup>909</sup>

432. With respect to **older persons**, the Commission has assessed information in the public domain and thus observed concerning situations related to the right to community participation, social security and nondiscrimination. The Commission welcomes the implementation of the *Activando Abuelos* (Activating grandparents) program, led by the National Directorate of Integration, under which paid internships are offered to people over 60 years of age to promote the directorate's projects.<sup>910</sup> In relation to the right to social security, the Commission has accessed information from the Central Reserve Bank (BCR) that warns of an increase in state debt owed to private pension funds, which amounts to over 737 million US dollars, according to the Social Security Institute of El Salvador (ISP). Moreover, news outlets indicate that 80 percent of older persons cannot afford to retire.<sup>911</sup>

<sup>903</sup> Tutela Legal "María Julia Hernández" and Committee of Relatives of Deceased and Disappeared Migrants of El Salvador (COFAMIDE), [Segundo informe diagnóstico sobre características y causas de la migración salvadoreña](#), April 4, 2024, p. 21.

<sup>904</sup> Tutela Legal "María Julia Hernández" and COFAMIDE, [Segundo informe diagnóstico sobre características y causas de la migración salvadoreña](#), April 4, 2024, p. 30.

<sup>905</sup> Tutela Legal "María Julia Hernández" and COFAMIDE, [Segundo informe diagnóstico sobre características y causas de la migración salvadoreña](#), April 4, 2024, p. 9.

<sup>906</sup> IOM, [Returns to El Salvador](#), undated.

<sup>907</sup> Tutela Legal "María Julia Hernández" and COFAMIDE, [Segundo informe diagnóstico sobre características y causas de la migración salvadoreña](#), April 4, 2024, pp. 9 and 31.

<sup>908</sup> Human Rights Observatory of the Central American University José Simeón Cañas, [Boletín trimestral. Enero-marzo 2024](#), p. 19.

<sup>909</sup> Internal Displacement Monitoring Center (IDMC), [2024 Global Report on Internal Displacement](#), May 14, 2024, pp. 90 and 121.

<sup>910</sup> *La Prensa Gráfica*, "Lanzan programa de pasantías remuneradas para mayores de 60 años," October 10, 2024.

<sup>911</sup> *Infobae*, "El Salvador eleva en más de 737 millones de dólares la deuda de pensiones en 2024," October 1, 2024; *La Prensa Gráfica*, "El Salvador tiene 'una crisis de cuidados': 40 % de la niñez vive abandonada y 80 % de los adultos mayores no puede pensionarse," April 10, 2024.



433. As to the processes of **memory, truth, and justice**, the State reported that it has strengthened the Unit for the Investigation of Crimes Committed During the Armed Conflict, under the Attorney General's Office, which has led to the arrest of senior military commanders in cases such as the El Calabozo Massacre, the Dutch Journalists and the Massacre at the Central American University José Simeón Cañas.<sup>912</sup> In this regard, the Commission notes that, in August 2024, a Salvadoran court ordered the initiation of a trial against five members of the armed forces for the murders of four Dutch journalists during the armed conflict in the country.<sup>913</sup> However, civil society organizations recalled that no person has ever been tried or punished for the serious human rights violations and international crimes committed during the armed conflict in El Salvador, which means that these acts remain in total impunity.<sup>914</sup>

434. Furthermore, civil society organizations reiterated that the Legislative Assembly continues to fail to comply with the 2016 Supreme Court ruling that ordered it to pass legislation on transitional justice.<sup>915</sup> The Commission notes that the Bill on Transitional Justice submitted with the input of civil society organizations was shelved by the Legislative Assembly in May 2024.<sup>916</sup> It also notes that the civil society submitted a draft bill for the third time, which is still pending discussion.<sup>917</sup>

435. Regarding the search for disappeared persons, the State reported that the Search Commissions have achieved 53 reunions, performed 27 exhumations, retrieved 43 skeletal remains and taken 450 biological samples. In addition, it pointed out that progress is being made in the creation of a registry of disappeared persons.<sup>918</sup> Nevertheless, civil society organizations claimed that between 6,000 and 8,000 adults and nearly 2,000 children and adolescents are still disappeared as a result of the armed conflict. These organizations indicated that the fact that the two specialized search institutions depend on the executive branch restricts their work, insomuch as it limits their financial autonomy and technical independence.<sup>919</sup>

## XVI. GRENADA

### • General considerations

436. As it relates to **progress**, the IACHR welcomes the ruling of the Supreme Court of Grenada which declared the sentence of corporal punishment by flogging or whipping as unconstitutional. Further, the Commission takes note of the reduction in the backlog of criminal cases in the court system.

437. With respect to **challenges**, the Commission notes with concern the State's lack of progress in establishing a national human rights institution for the promotion and protection of human rights, the high prison occupancy rates and the retention of laws which criminalize same-sex relationships between consenting adults.

438. The State did not respond to the request for information to prepare this chapter.

<sup>912</sup> Republic of El Salvador, Note No. MPOEA-OEA-162/2024, Annex, October 18, 2024. Report submitted by the State of El Salvador to the IACHR following the request for information to prepare Chapter IV of the 2024 Annual Report, p. 12.

<sup>913</sup> International Federation of Journalists, "[El Salvador: Justice a step closer for the four Dutch journalists murdered in 1982](#)," August 28, 2024.

<sup>914</sup> IACHR, thematic hearing "[El Salvador: General situation of human rights](#)," 190<sup>th</sup> regular period of sessions, July 12, 2024.

<sup>915</sup> IACHR, thematic hearing "[El Salvador: General situation of human rights](#)," 190<sup>th</sup> regular period of sessions, July 12, 2024.

<sup>916</sup> *Revista La Brújula*, "[Archivan propuesta de Ley de Justicia Transicional por 'no estar acorde a las exigencias'](#)," May 16, 2024.

<sup>917</sup> *elsalvador.com*, "[Nueva propuesta de ley de justicia transicional sin apoyo para estudiarse](#)," November 5, 2024.

<sup>918</sup> IACHR, thematic hearing "[El Salvador: General situation of human rights](#)," 190<sup>th</sup> regular period of sessions, July 12, 2024.

<sup>919</sup> IACHR, thematic hearing "[El Salvador: General situation of human rights](#)," 190<sup>th</sup> regular period of sessions, July 12, 2024.



- **Specific issues**

439. In relation to **democratic institutional**ity, according to official information, the Parliamentary Elections Office, which manages the voter registration and election process in the State, is procuring a new voter registration system and planned to inform the public about the proposed upgrades through a series of consultations held from May to June.<sup>920</sup> However, the IACHR notes that the public consultations were suspended in June without explanation by the Parliamentary Elections Office.<sup>921</sup>

440. With respect to **human rights institutional**ity, the IACHR again notes the absence of a centralized national human rights institution and reiterates the importance of establishing such at the national level for the promotion and protection of human rights in line with the Paris Principles.<sup>922</sup>

441. Regarding **citizen security**, the State amended the Firearm Act to increase the penalties for firearm-related offences, such as longer custodial sentences and higher fines, and provided for a gun amnesty from May 1 to July 30.<sup>923</sup> According to public information, six firearms and 339 rounds of ammunition were recovered during that 90-day amnesty.<sup>924</sup>

442. With respect to **access to justice**, according to public information, the backlog in the number of criminal cases in the High Court was reduced from 179 cases in April 2020 to 79 cases in April 2024, due to streamlining of court proceedings and addressing of pending cases in the justice system.<sup>925</sup> This represents an approximately 56% decreased in the backlog of cases from 2020 to 2024.<sup>926</sup>

443. In terms of the rights of **LGBTI persons**, the Commission highlights the persistence of laws which criminalize same-sex relationships between consenting adults. In this context, the Commission reiterates its call for the repeal of laws directed at criminalizing same-sex sexual relationships between consenting adults and to adopt an anti-discrimination legal framework which prohibits discrimination on the basis of sexual orientation, gender identity or expression – real or perceived – and body diversity.

444. As for **persons deprived of liberty**, in December, the Commission welcomed the ruling issued by the Supreme Court of Grenada, which declared the sentence of corporal punishment by flogging or whipping as unconstitutional. The IACHR noted that the Supreme Court recognized the right of all persons to receive humane treatment with unrestricted respect for their inherent dignity and fundamental rights, specifically their right to life and personal integrity.<sup>927</sup> On the other hand, the Commission observes with concern that, as of September, the State had a prison occupancy rate of 194.4%.<sup>928</sup>

445. In relation to the **death penalty**, the IACHR observes that Grenada maintains a *de facto* moratorium since the last execution that was carried out in 1978.<sup>929</sup> The Commission reiterates its concern about the sole prisoner under the sentence of death and urges the State to abolish the death penalty as a punishment.<sup>930</sup>

<sup>920</sup> Grenada Government Information System, [Consultation on the Voter Registration Process](#), May 15, 2024.

<sup>921</sup> Caribbean Times, [GRENADA-POE suspends “until further notice” public consultations on new registration system](#), June 5, 2024.

<sup>922</sup> IACHR, [Annual Report, Chapter IV.A “Grenada”](#), 2022, para 442; IACHR, [Annual Report, Chapter IV.A “Grenada”](#), 2023, para 462.

<sup>923</sup> Now Grenada, [90-day firearms amnesty to begin 1 May 2024](#), April 30, 2024.

<sup>924</sup> Now Grenada, [Six illegal firearms handed over to Police during gun amnesty](#), August 1, 2024.

<sup>925</sup> The New Today, [High Court backlog sees remarkable decline](#), April 13, 2024.

<sup>926</sup> The New Today, [High Court backlog sees remarkable decline](#), April 13, 2024.

<sup>927</sup> Supreme Court of Grenada, [Joseph & Ferguson v. The Attorney General, Claim No. GDAHCV2021/0386](#), October 16, 2024. See also: IACHR, Press Release No. 309/24 - [IACHR welcomes the decision issued by Grenada’s Supreme Court against corporal punishment by flogging](#), December 6, 2024.

<sup>928</sup> Statista, [Prison occupancy rates in the Caribbean as of 2024, by country](#), September 2024.

<sup>929</sup> World Coalition Against the Death Penalty, [Grenada](#), May 23, 2023. Last visited: October 2024.

<sup>930</sup> IACHR, [The Death Penalty in the Inter-American Human Rights System: From Restrictions to Abolition, aimed at ending this form of punishment](#), OEA/Ser.L/V/II. Doc.68, December 31, 2011, para. 143.



## XVII. GUATEMALA

- **General considerations**

446. Concerning the **progress** made, the Commission understands the inauguration of the authorities elected as president and vice president of the Republic as a triumph for democracy, as it respects the will of the Guatemalan people freely expressed in the polls. The Commission also underscores the new administration's acceptance of international monitoring, the invitation made to the Commission to conduct an *in loco* visit in July and the commitment undertaken by senior officials to guarantee the human rights of the population, apply public policies in this regard and follow up on the recommendations made by the Commission and other international mechanisms for the protection of human rights. The Commission welcomes the strengthening of the role of the National Coordinator for the Prevention of Domestic Violence and Violence against Women (CONAPREVI) and the measures taken to improve the response, investigation and prosecution of acts of violence against women, including the creation of a social protection model for women who are victims of violence.

447. As for the **challenges** ahead, the Commission notes the persistent use of the judicial system to criminalize human rights defenders, reporters, justice operators, the President of the Republic and, in general, anyone who is involved in the fight against impunity and corruption. The reported meddling in the selection process of the members of the Supreme Court of Justice, courts of appeals and other courts of the same hierarchy, as well as alleged violations of international human rights standards, are also areas of special concern.

448. The State of Guatemala submitted its response to the Commission's request for information to prepare this chapter on October 22, 2024.<sup>931</sup> On December 19, 2024, the Guatemalan Prosecutor for Human Rights (PDH) submitted information for the preparation of this chapter<sup>932</sup>.

- **Specific issues**

449. In terms of **democratic institutional**ity, the State of Guatemala reported on "attempts by antidemocratic players<sup>933</sup>" to obstruct the 2023 election process through lawfare practices. The State explained that, after a period of political tension that put democratic institutional

450. The current Government of Guatemala also expressed its commitment to reaffirming democracy through the consolidation of an independent judicial system and the effective protection of human

---

<sup>931</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024.

<sup>932</sup> PDH, Guatemala, Information sent by the Prosecutor for Human Rights of Guatemala for the preparation of the 2024 Annual Report of the Inter-American Commission on Human Rights to be presented to the General Assembly of the Organization of American States (OAS), December 2024. In IACHR files.

<sup>933</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 10.

<sup>934</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 10.

<sup>935</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, pp. 8, 67, 139 and 140.



rights “to overcome the current crises.”<sup>936</sup> In this regard, it resumed relations with international human rights agencies and promoted visits by the Inter-American Commission on Human Rights and the OHCHR, which took place in 2024.<sup>937</sup> In this context, the PDH informed the Commission about the challenges faced in the implementation of the 2024-2028 General Government Policy (PGG) by the executive branch, such as corruption and institutional weakness, limited capacities of local governments and social inequalities.<sup>938</sup>

451. On January 15, 2024, the Commission recognized Bernardo Arévalo as President of the Republic for the 2024-2028 period as a victory for democracy and proof of the resilience of the Guatemalan people in their fight for the upholding of the Rule of Law. The Commission also expressed its willingness to provide the technical cooperation required to support and overcome the serious violations of human rights observed in the country, in particular those related to the decline in democratic institutionalality and judicial independence, and the rise of impunity. These issues resulted in the inclusion of Guatemala in Chapter IV.B of the annual reports prepared by the Commission between 2021 and 2023.<sup>939</sup> Finally, at the invitation of the State of Guatemala, between July 22 and 26, 2024, the Commission made an *in loco* visit to observe the impact caused by the decline in democratic institutionalality and judicial independence since the last visit conducted in 2017.<sup>940</sup>

452. As for **human rights institutions**, the State of Guatemala explained that it is facing historic challenges due to deeply rooted social inequalities, structural violence and historic discrimination against some groups of the population.<sup>941</sup> The State highlighted that the new administration undertook a commitment to respecting and guaranteeing human rights. Therefore, it will prioritize the application of public policies that not only ensure access to rights such as health, education and security, but that also promote inclusion and engagement by women, indigenous communities, young people and persons with disabilities.<sup>942</sup> As part of such commitment, the State underscored the reinforcement of the PDH and the Presidential Commission for Peace and Human Rights (COPADEH) and its willingness to collaborate with international human rights protection mechanisms. With regard to the work performed by COPADEH, the State shared abundant information on the measures taken to follow up on judgments issued by the Inter-American Court of Human Rights and the recommendations made by the Inter-American Commission on Human Rights through its different mechanisms.<sup>943</sup>

453. Concerning **citizen security**, the State reported on the work carried out by the Ministry of the Interior (MIGOB) and the National Civil Police (PNC) to reduce crime rates and restore citizens’ trust in security institutions.<sup>944</sup> In particular, as part of its 2024-2032 Institutional Strategic Plan, the MIGOB will be in charge of implementing the following public policies: Prison Reform, Open Data, Prevention and Fight against Customs Fraud and Smuggling, Prevention of Violence and Crime, Citizen Security and Peaceful Coexistence,

<sup>936</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 21.

<sup>937</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 21.

<sup>938</sup> PDH, Guatemala, Information sent by the Prosecutor for Human Rights of Guatemala for the preparation of the 2024 Annual Report of the IACHR to be presented to the General Assembly of the OAS, December 2024. In IACHR files.

<sup>939</sup> IACHR, Press Release No. 14/24, [Guatemala: IACHR Applauds the Inauguration of President Arévalo in Guatemala as a Triumph of Democracy and the Will of the People](#), Washington, D.C., January 15, 2024.

<sup>940</sup> In addition, the purpose of the visit by the IACHR was to monitor the situation of human rights concerning groups in special conditions of vulnerability based on ethnic, racial and gender-based approaches; freedom of expression; citizen security; the rights to memory, truth and justice; as well as economic, social and cultural rights. IACHR, Press Release No. 199/24, [IACHR Presents Preliminary Observations of the On-site Visit to Guatemala](#), Washington, D.C., August 30, 2024.

<sup>941</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 52.

<sup>942</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 52.

<sup>943</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, pp. 53 *et seq.*

<sup>944</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, pp. 94 and 95.



and Fight against Sexual Violence in Guatemala (2019-2029).<sup>945</sup> Moreover, the 2021-2028 Institutional Strategic Plan guides the actions of the PNC.<sup>946</sup> Finally, the State explained that it had implemented more rigorous control mechanisms in border areas to fight organized crime and protect its sovereignty. In this regard, the State provided information on the results of the work performed by the Tax Administration Superintendency (SAT) in partnership with the PNC and the Guatemalan army, such as seizures and raids.<sup>947</sup>

454. According to public information furnished by the PDH, in 2024, there was a slight decrease in the rate of homicides compared to that of 2023, going from 24.8 to 24.0 homicides every 100,000 people. However, there has been an increase in other crimes, such as extortion, with a 44.6-percent increase in complaints received by the Public Prosecutor's Office (from 13,468 cases in 2020 to 19,469 cases in 2024). Data from the PNC, however, shows that this increase was even higher, reaching 76.8 percent (from 13,031 cases in 2020 to 23,042 in 2024).<sup>948</sup>

455. Concerning the **judicial independence and justice operators**, the State pointed out that the co-optation of the judicial system in Guatemala remains a critical challenge.<sup>949</sup> In particular, the State explained that "the influence of power groups on institutions, such as the Public Prosecutor's Office and courts of justice, as well as attacks against independent justice operators, have undermined trust in the judicial system."<sup>950</sup> The State added that, despite the efforts made by the executive branch to promote a policy of respect towards human rights, this co-optation has weakened the capacity of the justice system to administer impartial justice, which seriously affects institutionality and democracy.<sup>951</sup> As explained to the Commission, an important group of justice operators, human rights defenders, reporters and persons who collaborate in the fight against corruption and who are still criminalized, remain in exile.<sup>952</sup> In this regard, the State pointed to the "need to assess the possibility of establishing a case review mechanism and a process to remove cases from the judicial process in circumstances of clear criminalization and use of criminal prosecution as a tool for political persecution."<sup>953</sup> Finally, according to the State, the recent selection process of high court members clearly showed the need to move forward with reforms that ensure a judicial system that is free from external influence and that allows justice operators to act impartially and pursuant to the principles of justice and equity.<sup>954</sup>

456. The Commission followed up on the selection process of justices for the Supreme Court of Justice and judges sitting at courts of appeals for the 2024-2029 tenure. Said process concluded in October 2024.<sup>955</sup> The Commission learned about the number of challenges involved, including the application of deficient evaluation mechanisms and the absence of an ethical evaluation of candidates by the nominating commissions, the National Congress' lack of publicity and transparency in showcasing candidates and the

<sup>945</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, pp. 95 and 96.

<sup>946</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, pp. 101 and 102.

<sup>947</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, pp. 108–115.

<sup>948</sup> PDH, Guatemala, Information sent by the Prosecutor for Human Rights of Guatemala for the preparation of the 2024 Annual Report of the IACHR to be presented to the General Assembly of the OAS, December 2024. In IACHR files, p. 22.

<sup>949</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 140.

<sup>950</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 140.

<sup>951</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 140.

<sup>952</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 140.

<sup>953</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 140.

<sup>954</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 135.

<sup>955</sup> See: [Preliminary Report of the OAS Electoral Observation Mission for the Selection of Judges in Guatemala](#), September 18, 2024, and reports from the [Panel of Independent Experts to observe the election of High Courts in Guatemala](#).



alleged influence exerted by the Public Prosecutor's Office in such process through the use of the criminal law system.<sup>956</sup>

457. As for **human rights defenders**, the State informed that it resumed the design of a public protection policy for human rights defenders, with the technical support of the OHCHR in Guatemala. The State reported that it held working sessions with victims' representatives to update such policy and that it has held meetings with several state institutions and civil society organizations.<sup>957</sup>

458. Moreover, the PDH underscored the resumption of activities by the Unit for the Analysis of Attacks against the Right of Persons, Organizations, Communities and Authorities of Native Peoples to Defend Human Rights, by means of a Ministerial Agreement dated August 29, 2024, in compliance with the recommendations made by such entity to the MIGOB.<sup>958</sup> The PDH added that in 2024, it followed up on the implementation of the public protection policy for human rights defenders.<sup>959</sup>

459. Concerning criminal prosecution against defenders, the State informed that, by means of General Order No. 08-2022, the General Director of the Civil Police set out the structure and duties of two departments within the Criminal Investigation Special Unit (DECI), whose purpose is to conduct criminal investigations, as well as document, advise and inform on criminal acts against the life and integrity of defenders.<sup>960</sup> Moreover, the Public Prosecutor's Office reported that between January and August 2024, it received a total of 75 complaints on crimes committed against human rights defenders.<sup>961</sup>

460. In addition, the Commission learned about the assassination of Felipe Xo Quib, a fisherman and community leader who founded the Union of Artisanal Fishermen of El Estor, Izabal.<sup>962</sup> The Commission also condemned the murder of human rights defender José Alberto Domingo Montejo, committed on June 5 in the department of Escuintla, after an attack in which members of the Peasant Union Committee (CUC) Marcelo Yaxón Pablo and Gustavo Yaxón were also injured.<sup>963</sup> The Commission later granted precautionary measures in favor of Marcelo and Gustavo Yaxón as it considered they were facing serious risk and needed urgent protection.<sup>964</sup>

461. With respect to the criminalization of defenders, in the context of the public hearing "Guatemala: Forced Internal Displacements of Indigenous and Peasant Communities" held during the 190<sup>th</sup> period of sessions of the Commission, civil society organizations informed the Commission about the existence of a substantial number of arrest warrants issued against several indigenous persons and peasants. According to the information received, at least 115 arrest warrants have been issued against several Guatemalan communities, mostly located in the departments of Alta Verapaz, Baja Verapaz, Izabal and Suchitepéquez. Furthermore, in 2023, the Peasant Committee of the Altiplano (CCDA), in the district of Alta Verapaz, reported that there were 1,080 judicial accusations primarily based on usurpation claims, as well as pending warrants

<sup>956</sup> See Impunity Watch, [Lessons Learned from the Election of the Courts](#), November 4, 2024; Panel of Independent Experts to Observe the Election of High Courts in Guatemala, [Obstáculos y desafíos para la independencia judicial en Guatemala](#), November 2024.

<sup>957</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 70.

<sup>958</sup> PDH, Guatemala, Information sent by the Prosecutor for Human Rights of Guatemala for the preparation of the 2024 Annual Report of the IACHR to be presented to the General Assembly of the OAS, December 2024, p. 13. In IACHR files.

<sup>959</sup> PDH, Guatemala, Information sent by the Prosecutor for Human Rights of Guatemala for the preparation of the 2024 Annual Report of the IACHR to be presented to the General Assembly of the OAS, December 2024, p. 14. In IACHR files.

<sup>960</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 71.

<sup>961</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, Annex 1.

<sup>962</sup> *Resumen Latinoamericano*, Guatemala, "[Asesinan a pescador Felipe Xo Quib, integrante de la Gremial de Pescadores de El Estor](#)," October 29, 2024; Business and Human Rights Resource Centre, "[Guatemala: Felipe Xo Quib, líder pescador parte de la resistencia contra la Compañía Guatemalteca de Níquel, es asesinado](#)," November 11, 2024.

<sup>963</sup> IACHR [@CIDH], (June 11, 2024), CIDH condena el asesinato del defensor de #DerechosHumanos José Alberto Domingo Montejo, el 5 de junio en el departamento de Escuintla, tras un ataque, en el que también resultaron heridos los integrantes del Comité de Unidad Campesina (CUC) Marcelo Yaxón Pablo y Gustavo Yaxón, [X post], X, <https://x.com/CIDH/status/1800545057730072974>.

<sup>964</sup> IACHR, [Resolution No. 44/2024](#), Precautionary Measure No. 638-24, Gustavo Yaxón Meletz and his family regarding Guatemala, August 2, 2024.



against community members and defenders as a result of their advocacy for land rights. Out of the total number of persons accused, 342 are reportedly women.<sup>965</sup>

462. In connection with **memory, truth and justice**, the State of Guatemala pointed to the proposal for a National Plan for Dignification and Reparations, whose purpose is to acknowledge and redress victims of the armed conflict (1960-1996), as well as a Policy for Democratic Memory, intended to preserve historical truth.<sup>966</sup> The State added that the Presidential Commission for Peace and Human Rights has engaged in dialogue to address the situation of disappeared persons, including the preparation of a national search plan and the creation of a National Register of Disappeared Persons.<sup>967</sup>

463. As for the challenges ahead, the Commission has received complaints against the abuse of legal remedies to hinder the investigation of human rights violations and international crimes committed during the armed conflict.<sup>968</sup> In November, the Commission expressed its concern about the decision adopted by the Second Chamber of High Risk Appeals whereby it declared that the High Risk Court did not have jurisdiction over the Creompaz case, released defendants and annulled all procedural acts in the case, which was related to the forced disappearance of 558 people, after an appeal filed by a military involved in the case.<sup>969</sup> The Commission also learned about the suspension of the final trial stage of the Genocidio Ixil case based on a request for disqualification filed by the former chief of staff of the army, who was prosecuted for genocide and forced disappearance.<sup>970</sup> Claims that the Human Rights Prosecutor's Office is being dismantled are also an area of concern, after the dismissal of prosecutor Erick de León, who was in charge of the Genocidio Ixil case investigation,<sup>971</sup> as well as claims that prosecutor assistants from the Unit Investigating Internal Armed Conflict Cases are being transferred.<sup>972</sup>

464. Concerning the human rights of **women**, the Commission welcomes the public apologies made by the State to the families of Claudina Isabel Velásquez Paiz and María Isabel Véliz Franco for the human rights violations committed against them through acts of gender-based violence, which resulted in a judgment by the Inter-American Court of Human Rights.<sup>973</sup> In this context, the Commission appreciates the efforts made by the State to prevent and combat gender-based violence and to improve judicial response in these cases.

465. In particular, the Commission applauds the resumption of activities by CONAPREVI, by means of Government Agreement No. 257-2023, which required relevant entities to earmark budget resources for the deployment of the 2020-2029 National Plan to Eradicate Violence against Women (Planovi 2020-2029).<sup>974</sup> In this regard, as part of the measures taken to improve the response to, investigation and

<sup>965</sup> IACHR, public hearing "[Guatemala: Forced Internal Displacements of Indigenous and Peasant Communities](#)," 190<sup>th</sup> period of sessions, July 12, 2024. See also IACHR, [Preliminary Observations of the On-Site Visit to Guatemala](#), OEA/Ser.L/V/II.doc.124/24, approved on August 15, para. 27.

<sup>966</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 9.

<sup>967</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, pp. 63–66.

<sup>968</sup> Meeting with civil society organizations concerning memory, truth and justice processes in Guatemala, held on November 26, 2024. In IACHR files.

<sup>969</sup> IACHR [@CIDH], (March 27, 2024), #Guatemala: La #CIDH expresa su preocupación por la decisión de la Sala Segunda de Apelaciones de Mayor Riesgo de declarar incompetente al Juzgado de Mayor Riesgo 'A', liberar a los militares presuntamente responsables y anular todos los actos procesales realizados en el caso #Creompaz, relacionado con la desaparición forzada de 558 personas durante el conflicto armado. La decisión se toma tras un amparo presentado por uno de los militares investigados, [X post], X, <https://x.com/CIDH/status/1854944179501097394>; see also No Ficción, "[Cierran el caso CREOMPAZ ¿Quiénes son los militares liberados?](#)," November 6, 2024; *Kilómetro 169 Prensa Comunitaria*, "[Sala anula caso Creompaz y ordena libertad de militares acusados de desaparición forzada](#)," November 5, 2024.

<sup>970</sup> *Ocote*, "En riesgo juicio por Genocidio Ixil previo a la sentencia," November 25, 2024.

<sup>971</sup> *Kilómetro 169 Prensa Comunitaria*, "[Porras destituye a fiscal que investigó casos de violaciones a los derechos humanos](#)," November 4, 2024.

<sup>972</sup> *Ocote*, "En riesgo juicio por Genocidio Ixil previo a la sentencia," November 25, 2024; Meeting with civil society organizations concerning memory, truth and justice processes in Guatemala, held on November 26, 2024. In IACHR files.

<sup>973</sup> Government of the Republic of Guatemala, National report for the World Conference on Women and the approval of the Beijing Declaration and Platform for Action, June 2024, pp. 54 and 55.

<sup>974</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, pp. 70–71. In IACHR files.



punishment of violence, the Commission highlights the creation of a social protection model for women who are victims of violence;<sup>975</sup> the establishment of an Interinstitutional Commission against Sexual Violence (CIVS), which will make decisions to foster prevention, comprehensive support, justice and reparation for victims;<sup>976</sup> and the reforms of the Alba-Keneth Alert System Law and the Law for the Immediate Search of Disappeared Women intended to promote coordinated efforts to disseminate information through mobile telephone operators.<sup>977</sup> The Commission also appreciates the creation and reinforcement of Gender Units in the public administration.<sup>978</sup>

466. Conversely, the figures on violence against women in 2024 are alarming. According to official records, between January and August 2024, 34,121 complaints were filed for acts of violence against women, 157 femicide complaints and 56 complaints against gender-based crimes committed by the PCN.<sup>979</sup> Furthermore, the National Institute of Forensic Sciences recorded 6,184 forensic examinations for sexual violence from January to November 2024.<sup>980</sup> In terms of access to justice, official records show that between January and August 2024, 3,549 persons were convicted for acts of violence against women while 55 were convicted for femicide.<sup>981</sup>

467. The Commission notes with concern the high number of pregnancies among girls and adolescents. According to data from the Observatory on Reproductive Health, between January and October 2024, 46,557 pregnancies were recorded in adolescents from 15 to 19 years old and 1,650 in girls between 10 and 14 years old.<sup>982</sup> In addition, the Commission warns against the disproportionate impact of abortion criminalization, such as exposure to criminal prosecution and forced pregnancies,<sup>983</sup> obstacles in the access to therapeutic abortion—the only type of abortion authorized under the current legal framework<sup>984</sup>—even in pregnancies of girls under 14 years of age, which are considered of high risk given their nature<sup>985</sup> and the public scorn to which women detained and accused of having had an abortion are subjected.<sup>986</sup>

468. Concerning the rights of **LGBTI persons**, the Public Criminal Defense Institute of Guatemala informed that it has an area specialized in providing assistance to LGBTI persons, which is made up of personnel with expertise in the defense of crime victims. In addition, the Institute's roadmap focuses on removing stereotypes, ensuring dignified treatment and respecting gender identity and the pronouns of those it supports. It has also moved forward with the implementation of a protocol to support the LGBTI community, created in 2020, which provides guidelines for public defenders to provide a dignified service, free from discrimination.<sup>987</sup>

<sup>975</sup> Presidential Secretariat on Women, *Sistema de Protección Social para mujeres víctimas y sobrevivientes de violencia*, pp. 4 and 5.

<sup>976</sup> Government of the Republic of Guatemala, "*Vicepresidencia y SVET realizan lanzamiento de la Comisión Interinstitucional contra la Violencia Sexual (CIVS)*," April 29, 2024.

<sup>977</sup> Congress of the Republic, "*Normativa fortalece búsqueda de menores y mujeres desaparecidas*," February 27, 2024.

<sup>978</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, p. 71. In IACHR files.

<sup>979</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, Article 41, Annex of the Public Prosecutor's Office, October 18, 2024, pp. 3 and 9. In IACHR files.

<sup>980</sup> National Institute of Forensic Sciences, *Evaluaciones Médico Legales*, accessed on November 25, 2024.

<sup>981</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, Article 41, Annex of the Public Prosecutor's Office, October 18, 2024, pp. 3 and 9. In IACHR files.

<sup>982</sup> Reproductive Health Observatory, *Registros de nacimiento y embarazos en madres adolescentes – Año 2024*, October 15, 2024.

<sup>983</sup> IACHR, *Preliminary Observations of the On-Site Visit to Guatemala*, July 22–26, 2024, para. 68.

<sup>984</sup> IACHR, 2021 Annual Report, Chapter IVb, December 31, 2023, para. 223.

<sup>985</sup> Center for Reproductive Rights, *et. al.*, Report submitted in the context of the IACHR *in loco* visit to Guatemala, July 2024, p. 3. In IACHR files.

<sup>986</sup> Center for Reproductive Rights, *et. al.*, Report submitted in the context of the IACHR *in loco* visit to Guatemala, July 2024, p. 3. In IACHR files.

<sup>987</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, pp. 122 *et seq.* In IACHR files.



469. Despite these efforts, the State faces challenges in terms of violence. Until mid-2024, at least 19 LGBTI persons were victims of acts of violence, with high levels of cruelty, mainly against gay men, bisexual persons and trans women.<sup>988</sup> This couples with the resolution issued by the Constitutional Court, dated June 28, 2024, which ordered the observance of “good customs” in the 2024 LGBTI Pride parade after a petition had been filed in an attempt to prevent the parade from taking place in public spaces in the city of Guatemala, which could restrict the rights to freedom of expression and peaceful assembly of the LGBTI community.<sup>989</sup> Additionally, in September 2024, a group of deputies proposed to remove references to gender identity and sexual orientation from school books to purportedly defend traditional values.<sup>990</sup> While the Ministry of Education denied the existence of such content in schools, these initiatives might limit the right of students to an integral education that respects diversity.<sup>991</sup>

470. With regard to the situation of the **Afro-descendants and indigenous peoples**, the State referred to the efforts made to protect and promote the social and economic rights of Afro-descendant and Garífuna communities<sup>992</sup> through the work of the Indigenous Development Fund of Guatemala (FODIGUA) and projects focused on intercultural education, sustainable agriculture and access to drinking water and health services for these communities.<sup>993</sup>

471. The Commission takes note of the actions promoting access to water, housing and education carried out by the FODIGUA, which helped around 10,000 people from 11 linguistic communities. It also welcomes the bill submitted by the Ministry of the Environment and Natural Resources to create a category for Collective, Indigenous or Community Management Areas. In addition, the Commission underscores the design of the curricula for an Initial Training Program for Trial Court Candidates, which prioritizes training in the human rights of indigenous peoples.<sup>994</sup>

472. Conversely, the Commission notes with concern the complaints made by organizations and communities on frequent power outages during 2024, which affected access to their fundamental rights, such as health and water, and resulted in economic losses for their business activities.<sup>995</sup> Likewise, indigenous, peasant and Garífuna communities reported forced evictions related to mining and palm plantations, as well as the persecution of human rights defenders in their territories.<sup>996</sup> These evictions are carried out without notice nor effective judicial action, which derives in the forced displacement of indigenous communities.<sup>997</sup>

473. According to the information furnished by the PDH, this uncoordinated work by institutions advocating for peace has increased conflict over land. In 2024, despite the president’s announcement of an

<sup>988</sup> IACHR, [Preliminary Observations of the On-Site Visit to Guatemala](#), OEA/Ser.L/V/II.doc.124/24, August 15, 2024.

<sup>989</sup> Constitutional Court of Guatemala [@CC\_Guatemala], (June 28, 2024), La Corte de Constitucionalidad a la opinión pública hace saber, [X post], X, [https://x.com/CC\\_Guatemala/status/1806749169375228360](https://x.com/CC_Guatemala/status/1806749169375228360).

<sup>990</sup> Congress of the Republic [@CongresoGuate], (September 18, 2024), El diputado Rodrigo Pellecer @rapellecer junto a legisladores de diferentes bloques legislativos presentaron a Dirección Legislativa una iniciativa de ley que propone retirar de los libros de texto educativos, contenido sobre la ideología de género [X post], X, <https://x.com/CongresoGuate/status/1836234783564698068>.

<sup>991</sup> *Emisoras Unidas*, “[Proponen eliminar el contenido sobre ideología de género en libros de texto](#),” September 19, 2024.

<sup>992</sup> Information received during the meeting between the IACHR and local authorities from Puerto Barrios held on July 24, 2024, in the context of the *in loco* visit to Guatemala. Meeting minutes in IACHR files.

<sup>993</sup> Government of the Republic of Guatemala, Presidential Commission for Peace and Human Rights, Report on State actions to uphold human rights in Guatemala in 2024, October 18, 2024, pp. 76–77. In IACHR files.

<sup>994</sup> Government of the Republic of Guatemala, Presidential Commission for Peace and Human Rights, Report on State actions to uphold human rights in Guatemala in 2024, October 18, 2024. In IACHR files.

<sup>995</sup> Information received during the IACHR meeting with Garífuna organizations and members of the Livingston civil society, held on July 23, 2024, in the context of the *in loco* visit to Guatemala. Meeting minutes in IACHR files; *Federación Guatemalteca de Escuelas Radiofónicas*, “[Habitantes de Livingston rechazan Eneguarte](#),” September 3, 2024; *Prensa Comunitaria*, “[Retos para el gobierno de Arévalo frente al extractivismo en Guatemala](#),” January 29, 2024.

<sup>996</sup> Information received during the IACHR meeting with Garífuna organizations and members of the civil society of Puerto Barrios and El Store, held on July 24, 2024, in the context of the *in loco* visit to Guatemala. Meeting minutes in IACHR files; International Land Coalition, “[We demand protection and an end to harassment and violence against land defenders in Guatemala](#),” September 11, 2024; Business and Human Rights, “[Guatemala: Exigen parar desalojos a comunidades maya q’eqchi’ a favor de intereses mineros y de cultivo de palma africana y banano](#),” October 29, 2024.

<sup>997</sup> IACHR, thematic hearing “[Guatemala: Forced Internal Displacements of Indigenous and Peasant Communities](#),” 190<sup>th</sup> period of sessions, online, Washington D.C., United States, July 12, 2024.



“Agrarian Political Agreement,” there were currently no clear procedures or rules governing land access and tenure, which would primarily impact the rights of indigenous communities.<sup>998</sup>

474. Moreover, the OHCHR stated that racial discrimination and systemic racism continue to negatively affect the enjoyment of human rights by indigenous, Garífuna and Afro-descendant communities. The OHCHR found that multidimensional deprivation affects 86.1 percent of households in the Xinka people, 82.3 percent of households in the Maya communities and 63.2 percent of households across the country.<sup>999</sup>

475. As for **persons in the context of human mobility**, Guatemala has traditionally been a country of origin, transit and return of persons in human mobility and, to a lesser extent, a destination for some people who require international protection. According to a joint report prepared by the Secretariat of Planning and Programming of the Office of the President (SEGEPLAN) and the United Nations Population Fund (UNFPA), there is a constant, ever-growing migration flow of Guatemalan people to foreign countries. Most displacements are irregular, which makes it an invisible flow from an institutional standpoint and, therefore, difficult to measure.<sup>1000</sup>

476. As for the transit of persons across the country, the PDH reported to the Commission that, during 2024, there was an increase in the number of people in transit, with a daily average of 2,300 people<sup>1001</sup> compared to the 2023 daily average of 2,213 persons.<sup>1002</sup> In this context, the Commission notes with concern the risks faced along the migration route. People in human mobility are victims of theft, extortion and kidnapping, threats, physical and psychological violence, while women, girls and LGBTI persons experienced sexual violence too, mainly by PNC agents. In 2024, the Commission received information about serious cases of sexual rape against migrant women and girls committed by groups of people, including police agents. Furthermore, civil society organizations have expressed their concern about the disappearance of Guatemalan migrants and the lack of response by the State in their search and ultimate repatriation of their bodies.<sup>1003</sup> The PDH highlighted that the complexity of migration flows, fueled by economic, social and political factors, calls for comprehensive, coordinated responses to ensure the respect and protection of the human rights of people in mobility situations.<sup>1004</sup>

477. As for the insertion and adaptation of returnees, as of September 30, 2024, the Guatemalan Migration Institute (IGM) identified 61,892 returnees, of which 10.47 percent were children and adolescents.<sup>1005</sup> This represents an increase against the same period of 2023, with 57,384 returnees.<sup>1006</sup> More often than not, these people return in adverse economic conditions, without clear employment perspectives, worn-out social support networks and the need for psychosocial care.<sup>1007</sup> According to the PDH, this rise mirrors variations in the migration policies of the destination countries and regional migration dynamics.<sup>1008</sup>

478. In terms of internal displacement in Guatemala, the IDMC report, published in 2024, states that, by late 2023, only 580 displacements had been identified as related to conflicts and violence, while 48,000 of displacements were related to disasters. The report also explains that knowing the scale, scope and

<sup>998</sup> PDH, Guatemala, Information sent by the Prosecutor for Human Rights of Guatemala for the preparation of the 2024 Annual Report of the IACHR to be presented to the General Assembly of the OAS, December 2024, p. 18.

<sup>999</sup> OHCHR, *Situation of Human Rights in Guatemala*, A/HRC/55/21, February 6, 2024, pp. 17–28.

<sup>1000</sup> SEGEPLAN and UNFPA, *Análisis de Situación de Población 2024*, p. 32.

<sup>1001</sup> PDH, Guatemala, Information sent by the Prosecutor for Human Rights of Guatemala for the preparation of the 2024 Annual Report of the IACHR to be presented to the General Assembly of the OAS, December 2024, p. 6.

<sup>1002</sup> PDH, Guatemala, Information sent by the Prosecutor for Human Rights of Guatemala for the preparation of the 2024 Annual Report of the IACHR to be presented to the General Assembly of the OAS, December 2024, p. 6.

<sup>1003</sup> IACHR, Press Release No. 199/24, *IACHR Presents Preliminary Observations of the On-Site Visit to Guatemala*, August 30, 2024.

<sup>1004</sup> PDH, Guatemala, Information sent by the Prosecutor for Human Rights of Guatemala for the preparation of the 2024 Annual Report of the IACHR to be presented to the General Assembly of the OAS, December 2024, p. 6.

<sup>1005</sup> IGM, *Consolidado de guatemaltecos retornados vía aérea y terrestre*, undated, accessed on October 2, 2024.

<sup>1006</sup> IGM, *Informe de labores*, 2023, pp. 1, 2 and 3.

<sup>1007</sup> SEGEPLAN and UNFPA, *Análisis de Situación de Población 2024*, p. 57.

<sup>1008</sup> PDH, Guatemala, Information sent by the Prosecutor for Human Rights of Guatemala for the preparation of the 2024 Annual Report of the IACHR to be presented to the General Assembly of the OAS, December 2024, p. 7.



complexity of internal displacement in countries such as Guatemala is key to inform policies and operational responses.<sup>1009</sup>

479. Concerning **persons deprived of liberty**, there is still cause for concern in terms of prison conditions and the excessive use of pretrial detention. In particular, the situation of detainees in Guatemala is marked by overcrowding, with prison occupation exceeding 200 percent of prison capacity.<sup>1010</sup> This stems from a crime policy that prioritizes imprisonment by means of an excessive use of pretrial detention—with a 47-percent rate—<sup>1011</sup> as well as the absence of alternative measures to punish certain crimes, including those related to organized crime, especially to extortion and to the Law against Drug Trafficking.<sup>1012</sup> In this regard, said crime policy hinders the access to benefits, such as the commutation of sentences caused by an insufficient number of programs or by administrative hurdles and the continued imprisonment of persons with a served sentence due to the lack of resources to pay the fines imposed.<sup>1013</sup>

480. In connection with the rights of **children and adolescents**, the Commission takes note of the launch of crime prevention programs to reduce crimes and ensure citizen security targeted at protecting Guatemalan children and adolescents.<sup>1014</sup> Furthermore, the Commission underscores the implementation, since May, of the Plan to Prevent and Respond to Violence Against Children, developed in partnership with the Government of Sweden and UNICEF.<sup>1015</sup>

481. In addition, the Commission acknowledges the efforts made by the Attorney General's Office (PGN) to protect the rights of children and adolescents in Guatemala. During the first quarter of 2024, the PGN provided support to 588 children and adolescents whose rights to protection against ill-treatment, integrity, family, health, education and protection against sexual exploitation had been violated.<sup>1016</sup> Furthermore, between January and September 2024, the PGN provided assistance in 104 cases of children affected by malnutrition—93 of them involved children under 5 years of age.<sup>1017</sup>

482. Moreover, based on data from the Public Prosecutor's Office, as of August 31, 2024, 9,496 complaints on crimes against children and adolescents were received, of which 59 percent involved ill-treatment, 28 percent were related to violence and 11 percent concerned sexual assault.<sup>1018</sup> As for children and adolescents in situations of human mobility, from January to September 28, 2024, a total of 6,484 children and adolescents returned to Guatemala, out of which 2,027 were unaccompanied.<sup>1019</sup>

<sup>1009</sup> IDMC, [Global Report on Internal Displacement 2024](#), May 14, 2024, pp. 90 and 122.

<sup>1010</sup> Information provided to the IACHR at the meeting held with personnel from the General Directorate of the Penitentiary Service during the *in loco* visit to Guatemala, July 23, 2024.

<sup>1011</sup> Information provided to the IACHR at the meeting held with personnel from the General Directorate of the Penitentiary Service during the *in loco* visit to Guatemala, July 23, 2024.

<sup>1012</sup> In particular, these crimes are: international transit, sowing and cultivation, manufacture or processing, illicit marketing, trafficking and storage, possession for the purpose of use, aiding or abetting and incitement, furnishing of means, alteration, illicit retailing, prescription or supply, illicit investments or transactions, criminal associations, assisting the avoidance of punishment or escape, aiding and abetting or encouragement of drug addiction, receiving stolen property or assets, shielding of criminals. In this regard, see Government of Guatemala, Report No. DAJCC-Seprem 003-2021, April 14, 2021, p. 6. Information provided in the context of the preparation of the report titled *Women Deprived of Liberty*. See also: IACHR, Report on the Situation of Human Rights in Guatemala, para. 400.

<sup>1013</sup> See Information provided to the IACHR at the meeting held with personnel from the General Directorate of the Penitentiary Service during the *in loco* visit to Guatemala, July 23, 2024, and information provided to the IACHR at a meeting with civil society organizations about persons deprived of liberty held during the *in loco* visit to Guatemala, July 23, 2024.

<sup>1014</sup> MIGOB, "[Se fortalecen Programas de Prevención del Delito para proteger a la niñez y adolescencia](#)," May 8, 2024; *Agencia Guatemala de Noticias*, "[Programas de prevención de delitos llegan a la niñez y adolescencia del país](#)," May 9, 2024.

<sup>1015</sup> *Agencia Guatemala de Noticias*, "[Presentan plan para la prevención y respuesta a la violencia contra la niñez](#)," May 30, 2024.

<sup>1016</sup> Attorney General's Office of Guatemala, "[¿Cuáles son los derechos más vulnerados de la niñez y adolescencia?](#)," April 10, 2024.

<sup>1017</sup> *Agencia Guatemala de Noticias*, "[PGN rescata por desnutrición a más de 100 niños menores de 5 años](#)," October 26, 2024.

<sup>1018</sup> *Prensa Libre*, "[Día del Niño: El 27% de los guatemaltecos tienen menos de 12 años y tienen limitadas oportunidades](#)," October 1, 2024.

<sup>1019</sup> *Agencia Guatemala de Noticias*, "[72 migrantes fueron atendidos durante el fin de semana en su paso por Guatemala](#)," October 14, 2024.



483. Furthermore, the Commission takes note that in January 2024, almost seven years after the facts of the Hogar Seguro Virgen de Asunción case took place, in which 41 girls and adolescents died in a fire,<sup>1020</sup> the trial against eight former public officials was initiated; these former public officials were accused of abuse of authority, breach of duty, manslaughter, negligent injury and ill-treatment against minors.<sup>1021</sup>

484. With regard to **human trafficking**, the Commission welcomes the letter of commitment signed in March by the IGM and the Secretariat against Sexual Violence, Exploitation and Human Trafficking (SVET) to join efforts and ensure that complaints are heard and human trafficking victims are supported at border crossings.<sup>1022</sup> Moreover, the PDH stated that human trafficking would continue to show alarming figures, affecting mainly children, even in their early childhood.<sup>1023</sup>

## XVIII. GUYANA

### • General considerations

485. As it relates to **progress**, the Commission highlights the State's continued progress towards constitutional reform including the establishment of the Constitutional Reform Commission, its legislative efforts to transform its judicial system and address gender-based violence. In addition, the IACHR highlights the State's proposal to provide specialized training to migrants and the provision of language learning sessions for migrant children. Furthermore, the Commission values the State's continuing commitment to facilitate social reintegration and improve the conditions of detention of persons deprived of their liberty.

486. As it relates to **challenges**, the IACHR notes the continued delay in the establishment of a Human Rights Commission. In addition, the Commission takes note of high levels of sexual violence and femicide against women. Moreover, the IACHR notes with concern violence against members of the LGBTI community in the State and the need for legal reforms to safeguard this vulnerable group.

487. On October 3, 2024, the State submitted its response to the request for information sent for the preparation of this chapter.<sup>1024</sup>

### • Specific issues

488. With regards to **democratic institutional**ity, in April the State established its Constitutional Reform Commission (CRC). According to official information, the Commission will review the Constitution to address the rights, duties, and obligations of the people of Guyana, as well as implement reforms related to elections and to the Guyana Elections Commission (GECOM). The CRC will evaluate submissions for constitutional changes and forward recommendations to the National Assembly. This will be the third constitutional reform process in Guyana.<sup>1025</sup>

489. Moreover, in July judicial proceedings began into allegations of fraud concerning the 2020 general and regional elections. In March 2020, the State held elections which resulted in a political impasse that

<sup>1020</sup> IACHR, Press Release No. 31/17, [IACHR Issues Precautionary Measures to Guatemala and Laments Deaths in Fire at Children's Residential Institution](#), Washington D.C., March 13, 2017; Disability Rights International, [Still at risk: Death and Disappearance of Survivors of the Fire at Hogar Seguro Virgen de la Asunción](#), October 13, 2021, p. 7.

<sup>1021</sup> Plaza Pública, ["Fuego en la punta de la lengua: los primeros días del juicio por el incendio en el Hogar Seguro"](#), February 22, 2024; La Lupa, ["Caso Hogar Seguro: Seis años de impunidad, corrupción y violencia"](#), February 20, 2023; Prensa Libre, ["Caso Hogar Seguro: a 7 años de la tragedia empieza juicio contra 8 personas por la muerte de 41 niñas"](#), January 10, 2024.

<sup>1022</sup> Government of Guatemala, ["Firman Carta de compromiso contra la violencia sexual, explotación y trata de personas"](#), March 4, 2024.

<sup>1023</sup> PDH, [Situación de la Trata de Personas en Guatemala: Una década bajo la lupa de los Derechos Humanos de las víctimas](#), Guatemala, September 2024.

<sup>1024</sup> The Co-operative Republic of Guyana, Inputs for the 2024 Annual Report of the IACHR, October 3, 2024. On file at the IACHR.

<sup>1025</sup> Department of Public Information, [Constitutional Reform Commission sworn-in](#), April 3, 2024.



sparked civil unrest.<sup>1026</sup> In April 2023, the State completed its inquiry and published a report on the circumstances of these elections.<sup>1027</sup> In these judicial proceedings, nine defendants are facing 19 conspiracy charges which allege that they attempted to defraud the electors of Guyana by manipulating the votes cast during the March 2020 general and regional elections.<sup>1028</sup>

490. In addition, within the context of the review of Guyana's third periodic report the UNHRC welcomed the efforts by the State in combatting corruption, including the creation of the Special Organized Crime Unit of the Guyana Police Force. However, the Committee expressed concern that the institutional framework to combat corruption was not sufficiently effective in practice to adequately prevent and prosecute corruption, particularly involving police officers and high-level public officials. In this regard, the Committee recommended the adoption of concrete measures to address the root causes of corruption, including those necessary to ensure the independence and effectiveness of all anti-corruption bodies.<sup>1029</sup>

491. In relation to **human rights institutions**, although the Constitution of Guyana provides for the establishment of a Human Rights Commission to promote the respect for and investigation of violations of fundamental rights, the State has yet to establish this Commission.<sup>1030</sup> The UNHRC recommended that the State should take the measures necessary to operationalize the Human Rights Commission as an independent national human rights institution in accordance with the Paris Principles. The UNHRC also emphasized that the State must ensure the Human Rights Commission, once established, is equipped with adequate human and financial resources to effectively fulfill its mandate.<sup>1031</sup>

492. Regarding **citizen security**, according to public information, there were 35 homicides reported from January to April 15, 2024, as compared to 28 homicides for the same period in 2023, which represented an approximately 25% increase.<sup>1032</sup> This is higher than the 21.4% increase in homicides recorded in 2023.<sup>1033</sup> The State's homicide rate now stands at 4 per 100,000 inhabitants as of April 2024.<sup>1034</sup>

493. In May, the UNHRC expressed concerns regarding the alleged extrajudicial killings that occurred between 2002 and 2006, called on the State to ensure that all allegations are promptly and thoroughly investigated, and recommended the establishment of a presidential commission of inquiry.<sup>1035</sup> Consequently, in September, the State announced that a commission of inquiry will soon be established to investigate extrajudicial killings for the period.<sup>1036</sup> At the time of the writing of this report, the commission of inquiry had not yet been established.

494. In terms of **access to justice**, the Commission takes note of the passage of the Criminal Law Procedure (Paper Committal) and the Criminal Procedure (Plea Discussion and Plea Agreement and Assistance Agreement) acts. The first act abolishes preliminary inquiries and provides for the implementation of paper committals. The paper committal process, which involves reviewing the evidence and arguments in written form rather than conducting an in-person hearing, aims to save time and resources during the preliminary inquiry stage. According to information provided by the State, this will save judicial time, reduce the backlog of

<sup>1026</sup> IACHR, [Annual Report, Chapter IV.A "Guyana"](#), 2020, para. 414.

<sup>1027</sup> IACHR, [Annual Report, Chapter IV.A "Guyana"](#), 2023, para. 436.

<sup>1028</sup> Department of Public Information, [Continuous delay of elections fraud trial does not align with principles of justice – AG Nandlall](#), September 18, 2024.

<sup>1029</sup> UN Human Rights Committee, [Concluding observations on the third periodic report of Guyana\\*](#), CCPR/C/GUY/CO/3, May 3, 2024 paras. 10-13.

<sup>1030</sup> IACHR, [Annual Report, Chapter IV.A "Guyana"](#), 2023, para. 437.

<sup>1031</sup> UN Human Rights Committee, [Concluding observations on the third periodic report of Guyana\\*](#), CCPR/C/GUY/CO/3, May 3, 2024 para. 9.

<sup>1032</sup> News Room, [Fewer serious crimes being reported- Police](#), May 3, 2024.

<sup>1033</sup> Kaiteur News, [Murders increased by 21.4% in 2023](#), January 22, 2024.

<sup>1034</sup> The IACHR calculated the homicide rate based on the State's population of 813,834 according to data from The World Bank, [Population, total – Guyana](#), 2023.

<sup>1035</sup> UN Human Rights Committee, [Concluding observations on the third periodic report of Guyana\\*](#), CCPR/C/GUY/CO/3, May 3, 2024 paras. 24-25.

<sup>1036</sup> Department of Public Information, [GS Jagdeo confirms crime wave Col to be announced soon](#), September 19, 2024.



criminal cases and reduce the prison population held on remand.<sup>1037</sup> In addition, the State passed the Criminal Procedure (Plea Discussion and Plea Agreement and Assistance Agreement) Act which establishes a system of plea discussion and plea agreements between defendant and State prosecutors in criminal proceedings. The Act aims to expedite criminal proceedings while ensuring proper sentencing for offenders, with the goal of reducing the court backlog and number of persons held on remand.<sup>1038</sup>

495. Concerning the rights of **children**, the Commission welcomes the introduction of the “International Measures for the Protection of Children (Hague Convention) Bill 2024”, which aims to strengthen child safety measures in the country by aligning Guyana’s legislation with the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.<sup>1039</sup> The Commission also highlights the campaign led by the government of Guyana, through the Ministry of Human Services and Social Security, which awarded a grant of \$50,000 Guyanese dollars to 200 children to cover three months of childcare services, thereby supporting working parents and ensuring a safe and quality environment for children.<sup>1040</sup>

496. With respect to the rights of **women**, the IACHR highlights the increase in women’s representation in the judiciary. According to information provided by the State, in June, 8 new women puisne judges were appointed bringing the total representation of women judges within the judiciary to 70%.<sup>1041</sup> In addition, the Commission welcomed the enactment of the Family Violence Act that strengthens the protection of victims of violence in intimate partner or family contexts.<sup>1042</sup> According to official information, there has been a 33% reduction in homicides caused by domestic violence for the year 2024.<sup>1043</sup> Moreover, the Commission notes that the State has informed that the draft law on Sexual Harassment<sup>1044</sup> and the proposed amendments to the Sexual Offences Act<sup>1045</sup>, are both in the process of being approved. On the other hand, the State is yet to include the crime of femicide in its legislation.<sup>1046</sup>

497. Furthermore, the IACHR notes with concern the situation of sexual violence and femicide against women, especially against indigenous and migrant women.<sup>1047</sup> The Demerara Assizes Court registered 114 people accused of rape in January; 94 in April; and 98 in June.<sup>1048</sup> According to information from civil society, between 2020 and 2024, 275 cases of violence against migrant women were registered.<sup>1049</sup> In addition,

<sup>1037</sup> The Co-operative Republic of Guyana, Inputs for the 2024 Annual Report of the IACHR, October 3, 2024. On file at the IACHR; Department of Public Information, [National Assembly passes bill to abolish preliminary inquiries](#), July 8, 2024; Parliament of the Co-operative Republic of Guyana, [Criminal Law Procedure \(Paper Committals\) Act 11 of 2024](#), July 15, 2024.

<sup>1038</sup> The Co-operative Republic of Guyana, Inputs for the 2024 Annual Report of the IACHR, October 3, 2024. On file at the IACHR; Parliament of the Co-operative Republic of Guyana, , May 24, 2024. [Criminal Procedure \(Plea Discussion, Plea Agreement and Assistance Agreement\) Act 7 of 2024](#), May 24, 2024.

<sup>1039</sup> Parliament of the Co-operative Republic of Guyana, [International Measures For The Protection of Children \( Hague Convention\) Bill 2024](#), November 25, 2024; Kaiteur News, [New bill to add another layer of protection to child safety measures in Guyana](#), December 3, 2024.

<sup>1040</sup> Department of Public Information, Press Release, [“200 children receive \\$50,000 under Childcare Subsidy initiative”](#), September 9, 2024.

<sup>1041</sup> The Co-operative Republic of Guyana, Inputs for the 2024 Annual Report of the IACHR, October 3, 2024. On file at the IACHR, p.8. “Puisne” is the formal title given to a judge of a superior court inferior in rank to the chief justice.

<sup>1042</sup> CIDH - IACHR [@CIDH]. (August 7, 2024). [#Guyana: The #IACHR commends the recent passage of the Family Violence Bill 2024, which replaces the Domestic Violence Act and increases protection against family violence. \[Tweet\]. Twitter. https://x.com/CIDH/status/1821178310644154648](#); The Co-operative Republic of Guyana, Inputs for the 2024 Annual Report of the IACHR, October 3, 2024. On file at the IACHR, p. 3; Guyana Chronicle, [Landmark Family Violence Bill enacted](#), August 3, 2024; Department of Public Information, [Guyana has comprehensive, holistic model to address Gender-Based Violence](#), September 22, 2024.

<sup>1043</sup> Department of Public Information, [Murders caused by domestic violence reduced to 33 per cent – Min Persaud](#), December 9, 2024.

<sup>1044</sup> Department of Public Information, [Public consultation underway for new harassment bill](#), October 27, 2024; IACHR, Annual Report 2023, Chapter IVa, December 31, 2023, para. 443.

<sup>1045</sup> The Co-operative Republic of Guyana, Inputs for the 2024 Annual Report of the IACHR, October 3, 2024. On file at the IACHR, p. 5.

<sup>1046</sup> Human Rights Committee, [Concluding observations on Guyana’s third periodic report](#), May 3, 2024, para. 18.

<sup>1047</sup> Human Rights Committee, [Concluding observations on Guyana’s third periodic report](#), May 3, 2024, para. 18.

<sup>1048</sup> CIJN, In This South American Nation, Rapes of Women, Young Girls, and Migrants are Rampant, October 3, 2024.

<sup>1049</sup> IACHR, Thematic Hearing [“Impacts of Gender-Based Violence on Migrant Women, Sex Workers, and Transgender Women.”](#) 191st Regular Session, November 15, 2024.



according to indigenous leaders, cases of sexual violence against indigenous women, girls and adolescents go unnoticed by the authorities due to alleged political influence.<sup>1050</sup>

498. In relation to the rights of **persons in the context of human mobility**, according to public information, the State will undertake a survey of the existing Venezuelan migrants within its borders to assist with providing training and certification for their inclusion into the labor force.<sup>1051</sup> Further, English as a Second Language classes were offered during the school vacation period for an extended two-week period, with the primary goal of removing language barriers for migrant children in schools.<sup>1052</sup> Moreover, the Commission notes the recommendation of the United Nations Human Rights Committee that the State adopt national legislation to protect the rights of refugees and asylum-seekers, in accordance with international norms and standards.<sup>1053</sup>

499. Regarding **human trafficking**, the State informed that the new Combatting of Trafficking in Persons Act of 2023, which seeks to provide comprehensive measures to address trafficking in persons, came into effect in May.<sup>1054</sup> Likewise, the Commission welcomes the capacity-building training for frontline officials on the new Act launched on July 3, 2024, which will target 150 personnel by the end of 2024. In this context, the State also reported that during the first quarter of 2024, the Guyana Police Force- Trafficking in Persons Unit received and investigated seven cases of which 159 alleged victims were screened and interviewed, and one person was charged and placed before the court for the offence of trafficking in persons.<sup>1055</sup>

500. In relation to the rights of **indigenous peoples**, in June the State launched the Gender-Based Violence (GBV) Mobile Remote Unit as part of a strategy to provide essential services to remote Indigenous communities in the town of Mabaruma. According to official information, this Unit aims to provide accessible and immediate support to survivors of gender-based violence in Mabaruma and surrounding areas.<sup>1056</sup>

501. The Commission welcomes the holding, in July, of the Annual National Toshias Conference that brought together Indigenous leaders from over 200 communities across the country and focused on improving access to government services.<sup>1057</sup> In addition, in August the State granted land titles to seven indigenous communities: absolute grant titles to Hotoquai, Hobodai, and Red Hill in Region One, Akiwini in Region Two and Moco Moco in Region Nine, and certificate of title to Arrau Village in Region Seven and Karasabai, also in Region Nine.<sup>1058</sup>

502. Regarding the rights of **people of African descent and against racial discrimination**, in April, before a United Nations forum, the State reaffirmed its commitment to combating racial discrimination, ensuring that it will investigate all credible claims related to this issue. Senior public officials emphasized that discriminatory practices will not be tolerated, and that racial equality will be prioritized as a fundamental pillar to promote social cohesion in a country characterized by its cultural and ethnic diversity.<sup>1059</sup>

503. On the other hand, a report by the United Nations Human Rights Committee highlighted that the State continues to face challenges, such as reports of ethnic tensions, hate speech, and incitement to racial

<sup>1050</sup> Kaieteur News, [Investigate growing cases of sexual abuse in Indigenous communities](#), April 28, 2024; CNN, [Guyanese political power broker accused of sexual assault by another woman](#), May 10, 2024.

<sup>1051</sup> Guyana Times, [Venezuelan migrants in Guyana to be trained, certified to join workforce – Min Hamilton](#), May 10, 2024.

<sup>1052</sup> Guyana Times, [Education Ministry extends ESL after-school classes for migrant learners](#), July 15, 2024.

<sup>1053</sup> Human Rights Committee, [Concluding observations on the third periodic report of Guyana](#), May 3, 2024, paras 38-39.

<sup>1054</sup> The Co-operative Republic of Guyana, Inputs for the 2024 Annual Report of the IACHR, October 3, 2024. On file at the IACHR, p. 10; Parliament of Guyana, [The Combatting of Trafficking in Persons Bill, 2023](#).

<sup>1055</sup> The Co-operative Republic of Guyana, Inputs for the 2024 Annual Report of the IACHR, October 3, 2024, p. 10 and 11. On file at the IACHR.

<sup>1056</sup> Guyana Government, [Official Opening of the Gender-Based Violence Mobile Remote Unit in Region One, Mabaruma, Guyana](#), June 24, 2024.

<sup>1057</sup> The Co-operative Republic of Guyana, [Minister, PS joins opening ceremony of the National Toshao's Council Conference](#), August 2024; [National Toshao's Council – Notice to the Public – National Toshao's Council Conference](#), July 12, 2024.

<sup>1058</sup> The Co-operative Republic of Guyana, [Seven villages receive certificate of title, absolute grants at NTC](#), August 19, 2024.

<sup>1059</sup> News Source Guyana, [Tourism Minister assures UN forum that Government will investigate “credible” claims of Racial Discrimination](#), April 16, 2024.



hostility by individuals in political leadership roles and public office, as well as racial profiling practices carried out by law enforcement agents.<sup>1060</sup>

504. Regarding the rights of **LGBTI persons**, in November, during a public hearing in the context of the 191<sup>st</sup> Period of Sessions, the IACHR was made aware of high levels of sexual and gender-based violence in Guyana, in particular against migrant women, trans women and sex workers. The requesting organizations stressed the need for legal reforms to safeguard these vulnerable groups. In response, the State highlighted its progress in protecting women and improving access to justice, citing legislative measures including the Family Violence Act, specialized support programs for Venezuelan migrants and special gender-based violence police units.<sup>1061</sup> In this context, the Commission notes the homicide of a trans woman sex worker was reported and two people were formally charged in connection with this case.<sup>1062</sup>

505. On the matter of **persons deprived of liberty**, the Commission values the State's continuing commitment to facilitate social reintegration and improve the conditions of detention.<sup>1063</sup> According to data provided by the State, in July the Guyana Prison Service and the Central Housing and Planning Authority (CH&PA) signed an agreement for the production of 500,000 concrete blocks by inmates, under CH&PA's Community-based Employment Stimulation Project aimed at providing inmates employment opportunities, skills training, and income to support their families while in prison. Also, the State informed that during the first half of 2024, a total of 354 inmates completed training in several technical and vocational skills, and 271 prison staff completed approximately 50 courses related to prison management, human rights and supervisory management. In addition, according to information provided by the State, 13 ex-prisoners participated in the "Fresh Start" Programme aimed at equipping them with skills and resources for their reintegration into society and the workforce.<sup>1064</sup>

506. According to public information, in April the Guyana Prison Service established partnerships with different organizations with the aim of implementing programmes to promote female entrepreneurship and facilitate their reintegration into society.<sup>1065</sup> Public data indicate that inmates in the same facility received training in auto mechanics, joinery, masonry tailoring, welding, and carpentry.<sup>1066</sup> The Commission also highlights the State's efforts in expanding the availability of healthcare to all inmates and staff since January 2024,<sup>1067</sup> including with the opening, in February, of a new pharmacy at the Lusignan Prison envisioned to function on a 24-hour basis.<sup>1068</sup> The Commission takes note of the efforts to improve infrastructure of the New Amsterdam, Lusignan, and Mazaruni prisons<sup>1069</sup> aimed at providing better spaces for inmate rehabilitation and security.<sup>1070</sup>

<sup>1060</sup> UN, Human Rights Committee, [Concluding observations on the third periodic report of Guyana](#), CCPR/C/GUY/CO/3, May 3, 2024, para. 14.

<sup>1061</sup> IACHR, 191 Period of Sessions, [Guyana: Impacts of gender violence on migrant, sex workers and transgender women](#), November 15, 2024.

<sup>1062</sup> Stabroek News, [Second man remanded over transgender woman's murder](#), July 23, 2024; News Room, [Man, 31, remanded for murder of sex worker](#), July 19, 2024; Stabroek News, [Two charged with murder of transgender woman](#), July 20, 2024.

<sup>1063</sup> Also, see: IACHR, [Annual Report, Chapter IV.A "Guyana"](#), 2023, paras. 448-449. See also IACHR, [IACHR Annual Report, Chapter IV.A "Guyana"](#), 2022, para. 468.

<sup>1064</sup> The Co-operative Republic of Guyana, Inputs for the 2024 Annual Report of the IACHR, October 3, 2024. On file at the IACHR.

<sup>1065</sup> NCN Guyana, [Guyana Prison Service Partners with Organizations to Empower Female Inmates](#), April 16, 2024.

<sup>1066</sup> Guyana Chronicle, [Lusignan Prison inmates gain new skills through trade shops](#), June 12, 2024.

<sup>1067</sup> Stabroek News, [Prison Service gets new Medex](#), January 31, 2024; and Guyana Times, [Equal healthcare for prisoners a State responsibility – Prison Director](#), January 8, 2024.

<sup>1068</sup> Stabroek News, [Lusignan Prison opens new pharmacy](#), February 24, 2024; and Newsroom Guyana, [Lusignan Prison gets new pharmacy](#), February 23, 2024.

<sup>1069</sup> Stabroek News, [Impressive strides' being made on \\$1.7b NA prison complex – ministry](#), April 14, 2024; Kaieteur News, [\\$166M more to complete female prison at Lusignan](#), January 5, 2024; Guyana Chronicle, [Major construction works at Mazaruni, Lusignan prisons progressing well](#), April 8, 2024; Guyana Chronicle, [New Amsterdam Prison undergoing \\$1.7B upgrade](#), April 10, 2024; Guyana Times, [Lusignan Prison upgrades: New block for high-profile inmates to tackle violence, gang formation – OIC](#), August 12, 2024; and NCN Guyana, [Mazaruni Prison Overcrowding Resolved with \\$700 Million Expansion](#), September 2, 2024.

<sup>1070</sup> Stabroek News, [Impressive strides' being made on \\$1.7b NA prison complex – ministry](#), April 14, 2024; and NCN Guyana, [Mazaruni Prison Overcrowding Resolved with \\$700 Million Expansion](#), September 2, 2024.



507. Despite the above, according to the United Nations, the conditions of incarcerated people are characterized by overcrowding (exacerbated by the overuse of pretrial detention and the absence of application of alternative measures), physical abuse, and a lack of access to sanitation, water, health care and sunlight. In addition, pretrial detention is purported to be used for periods far exceeding maximum applicable prison sentences. In addition, there are allegations of the lack of independence and transparency of Prison Visiting Committees.<sup>1071</sup>

508. In relation to the **death penalty**, the IACHR observes that Guyana is the only country in South America that retains the death penalty as a punishment, with the last known execution carried out in 1997.<sup>1072</sup>

## XIX. HAITI

### • General considerations

509. As it relates to **progress**, the Commission takes note of the reappointment of the Prime Minister and President of the High Transitional Council (CPT) and the constitution and appointment of the members of the Provisional Electoral Council (CEP) both necessary to hold elections. In addition, the Multinational Security Support Mission (MMAS) was deployed in the country since June to restore security conditions.

510. As it relates to **challenges**, the IACHR notes with concern the upsurge in violent attacks, including massacres, and the heightened risk of gender-based violence. Additionally, the Commission is particularly alarmed by the increase in the number of displaced persons given the continued deterioration of the humanitarian and security situation in the country.

511. The State did not respond to the request for information to prepare this chapter.

### • Specific issues

512. In terms of **democratic institutional**ity, the IACHR takes note of the installation of the Presidential Transitional Council (CPT), after the resignation of the former Prime Minister, Ariel Henry, in April. The creation of the CPT was supported by the international community during a high-level meeting that took place in March.<sup>1073</sup> This new institution aims to promote dialogue and organize transparent general elections by February 2026.<sup>1074</sup> Initially, Edgar Leblanc-Fils was appointed as President of the CPT and Garry Conille was appointed Prime Minister. However, continued political instability is evident as both officers were replaced in their functions by Leslie Voltaire, in October, and by Alix Didier Fils-Aimé, in November, respectively.<sup>1075</sup>

513. In addition, the State constituted the “Provisional Electoral Council”<sup>1076</sup> (CEP) and appointed its members,<sup>1077</sup> despite the initial disagreements existing in the different sectors represented in the CEP, which prevented their appointment within the term agreed upon by Decree.<sup>1078</sup> In addition, civil society

<sup>1071</sup> United Nations, United Nations Human Rights Office of the High Commissioner, [In Dialogue with Guyana, Experts of the Human Rights Committee Commend Measures Promoting Gender Equity. Ask About the Territorial Dispute with Venezuela and Alleged Corruption Regarding Oil Exploitation Permits](#), March 20, 2024.

<sup>1072</sup> World Coalition Against the Death Penalty, [Guyana](#), May 23, 2023. Last visited: October 2024.

<sup>1073</sup> CARICOM, [Agreements on transitional governance in place following talks on Haiti in Jamaica](#), March 15, 2024.

<sup>1074</sup> IACHR, Press Release No. 55/24 - [IACHR welcomes the international community's support and calls on Haiti to ensure a peaceful transition](#), March 21, 2024.

<sup>1075</sup> Journal Officiel de la République “Le Moniteur”, Arrêté du 11 novembre 2024, Spécial No. 57, November 8, 2024.

<sup>1076</sup> Journal Officiel de la République “Le Moniteur”, Arrêté du 19 septembre 2024, Spécial No. 48, September 22, 2024.

<sup>1077</sup> Juno, [Le Conseil Électoral Provisoire désormais au complet avec l'installation de deux nouveaux membres](#), December 13, 2024.

<sup>1078</sup> Haitian Times, [Haiti's Provisional Electoral Council finally complete after contentious process](#), December 14, 2024.



organizations have denounced their lack of meaningful participation and consultation in the appointment process and contested some of the designations.<sup>1079</sup>

514. The Commission notes that the instability of the political transition process is being undermined by armed gang violence, which prevents the re-establishment of authority and control by the State. The existence of endemic impunity for human rights violations and abuses<sup>1080</sup> and the high levels of corruption also contribute to instability.<sup>1081</sup> In this regard, according to civil society organizations, there is permissiveness and widespread corruption at all levels of government that undermines the role of the State and institutional trust.<sup>1082</sup>

515. The IACHR also highlights the work carried out by the Venice Commission, following a request by OAS Secretary General, Luis Almagro. The final opinion adopted by the Venice Commission understands as an incontestable priority of the government of Haiti to held elections and to restore of an appropriate level of security. In terms of constitutional and electoral rules amendments, the Venice Commission highlighted the need to amend the current constitution to eliminate all elements of instability which have led to the collapse of the state institutions as well as to enshrine in the future constitution the main features of the electoral system and of the electoral administration to ensure the stability of electoral law and of the electoral institutions. Finally, the opinion remarks support of the international community as essential.<sup>1083</sup>

516. Regarding **citizen security**, as it has been expressed throughout the year in the various press releases published<sup>1084</sup>, the Commission once again reiterates its concern about the context of insecurity and generalized violence that has worsened and deteriorated throughout this year, because of continuous attacks by armed gangs all over the country. According to United Nations data, the number of people killed in Haiti this year is estimated to have reached 5,000 people.<sup>1085</sup>

517. Between January and April 2024, the activation of an alliance and the launching of coordinated attacks against critical infrastructure between the G-9 and G-Pèp gangs –two opposing coalitions– in the Port-au-Prince metropolitan area reportedly contributed to an unprecedented increase in violence.<sup>1086</sup> This situation overwhelmed the capacities of the national security forces, which, in addition, were particularly affected by the lack of protection for agents, resignations from the police service and the loss of police facilities due to attacks perpetrated against them by armed gangs.<sup>1087</sup> All this led to the dismissal of the director of the Haitian National Police in June.<sup>1088</sup>

518. Subsequently, during the second semester of 2024, the Commission observed a spread of armed gang violence from the capital to different departments of the country, with repeated attacks by armed

<sup>1079</sup> RLN News Haiti, [Nomination à la DGI et au CEP : tensions autour des décisions du Conseil des ministres](#), December 5, 2024.

<sup>1080</sup> Bureau Intégré des Nations Unies en Haïti (BINUH), [Haïti: UN Human Rights expert William O'neill concludes official visit. Laments bleak situation](#), September 20, 2024.

<sup>1081</sup> United Nations (UN), Press Release 9757th Meeting, "[Rising Displacement, Criminal Gangs and Corruption Continue to Plague Haitian Life, Slowing Democratic Reform, Speakers Tell Security Council](#)", October 22, 2024.

<sup>1082</sup> Institute for Justice & Democracy in Haiti, [Human Rights and the Rule of Law in Haiti: Jey recent Developments](#), December 2024, p. 5.

<sup>1083</sup> European Commission for Democracy Through Law (Venice Commission), [Haiti Final Opinion on possible constitutional and legislative solutions to conduct future electoral processes](#), December 11, 2024.

<sup>1084</sup> IACHR, Press Release No. 39/24 - [CIDH expresa preocupación por el significativo recrudecimiento de la violencia en Haití](#), February 21, 2024. IACHR, Press Release No. 048/24 - [CIDH condena escalada de violencia y ataques de grupos armados en Haití](#), March 7, 2024. IACHR, Press Release No. 55/24 - [CIDH saluda el apoyo de la comunidad internacional y llama a Haití a garantizar una transición pacífica](#), March 21, 2024. IACHR, Press Release No. 146/24 - [Haiti: IACHR Calls to Guarantee Transition Process with the Support of the International Community](#), June 24, 2024. IACHR, Press Release No. 316/24 - [CIDH reitera su preocupación ante el continuo deterioro de la seguridad en Haití](#), December 12, 2024.

<sup>1085</sup> UN News, [Le chef de l'ONU condamne le massacre de 184 personnes par un gang en Haïti](#), December 9, 2024.

<sup>1086</sup> UN, [Interim report of the Panel of Experts on Haiti submitted pursuant to Resolution 2700 \(2023\)](#), S/2024/253, March 29, 2024.

<sup>1087</sup> IACHR, Press Release No. 39/24 - [CIDH expresa preocupación por el significativo recrudecimiento de la violencia en Haití](#), February 21, 2024.

<sup>1088</sup> Milton Today, [Haitian leaders oust police chief and appoint a new one as gang violence claims officers' lives](#), June 15, 2024.



gangs in municipalities such as Ganthier, Cabaret and Arcahaie, Carrefour, Gressier, Petit-Goâve and Léogâne, among others.<sup>1089</sup> The last quarter of 2024, particularly from November, saw an upsurge in violence in the various neighborhoods of the capital, with armed gangs controlling more than 80% of the Port-au-Prince metropolitan area.<sup>1090</sup>

519. The Multinational Security Support Mission in Haiti (MMAS) created the UN Security Council was deployed in June and its mandate has been extended until October 2, 2025.<sup>1091</sup> The Mission is estimated to have more than 400 members, mostly from Kenya but also from Jamaica and Belize.<sup>1092</sup> Although the more effective and coordinated response to violence, according to information from civil society organizations, the deployment of the MMAS has not prevented armed gangs from expanding their territorial control into areas previously unaffected by gang violence.<sup>1093</sup> As a result of the continuing security challenges, in October, the President of the Presidential Transitional Council requested the United Nations to transform the MMAS into a UN peacekeeping mission,<sup>1094</sup> but the request was denied.<sup>1095</sup>

520. **Access to justice** is in a near total paralysis situation in the greater Port-au-Prince region due to the multiple violent attacks perpetrated by armed gangs against the main judicial institutions. The Commission observed an aggravated paralysis of the courts of first instance by the persistence of strikes by magistrates and judicial staff to demand labor rights.<sup>1096</sup> According to Bureau Intégré des Nations Unies en Haïti (BINUH), since the start of the judicial year in October 2023 and until June 2024, courts have been operational for only ten days.<sup>1097</sup>

521. Regarding the **rights of children**, the Commission expresses its concern about the impact that the context of generalized violence in the country has had on this population. According to the United Nations Integrated Office in Haiti, children continue to be killed and injured in gang attacks and during police operations. Some children have been targeted due to their alleged support for rival gangs or the police, while others, suspected of committing minor offenses, have been lynched and killed by local community members.<sup>1098</sup> Data from civil society indicates that, as of August 2024, at least 131 children, including infants, had been killed or injured due to violent attacks on their neighborhoods or confrontations between armed groups and the police.<sup>1099</sup>

522. The IACHR is also concerned about the rising number of children and adolescents being recruited by gangs in Haiti, largely driven by a lack of socio-economic opportunities.<sup>1100</sup> According to UNICEF, the number of children recruited by armed groups in Haiti increased by 70% in 2024.<sup>1101</sup> In addition to committing minor offenses, some of these children have also been involved in violent acts, including murders, kidnappings, attacks, and looting of public institutions.<sup>1102</sup>

<sup>1089</sup> Office of the United Nations High Commissioner for Human Rights (OACNUDH), Press Release, [Haïti : le Haut-Commissaire des Nations Unies aux droits de l'homme appelle à la fin de la violence qui s'intensifie à Port-au-Prince](#), November 20, 2024.

<sup>1090</sup> IACHR, Press Release Release No. 316/24 - [CIDH reitera su preocupación ante el continuo deterioro de la seguridad en Haïti](#), December 12, 2024.

<sup>1091</sup> UN, [Resolution 2751 \(2024\) adopted by the Security Council at its 9735th meeting](#), September 30, 2024.

<sup>1092</sup> United Nations Integrated Office in Haiti (BINUH), [Rapport du Secrétaire Général sur la situation en Haïti](#), October 15, 2024.

<sup>1093</sup> Institute for Justice & Democracy in Haiti, [Human Rights and the Rule of Law in Haiti: Key recent Developments](#), December 2024, p. 2.

<sup>1094</sup> UN, [Letter dated 22 October 2024 from the Permanent Representative of Haiti to the United Nations addressed to the President of the Security Council](#), October 25, 2024.

<sup>1095</sup> The Haitian Times, [Russia, China block UN mission for Haiti amid rising gang violence](#), November 21, 2024.

<sup>1096</sup> OACNUDH, [Interim report on the situation of human rights in Haïti](#), September 26, 2024, p. 32.

<sup>1097</sup> BINUH, [Quarterly report on the human rights situation in Haïti April - June 2024](#), June 2024, p. 9.

<sup>1098</sup> BINUH, [Quarterly report on the human rights situation in Haïti April - June 2024](#), June 2024, p. 1 and 8.

<sup>1099</sup> Save the Children, Press Release, ["Una media semanal de cinco niños y niñas mueren o son heridos por la violencia armada en Haïti"](#), August 13, 2024.

<sup>1100</sup> BINUH, [Quarterly report on the human rights situation in Haïti April - June 2024](#), June 2024, p. 8.

<sup>1101</sup> UNICEF, Press Release, ["Number of children in Haiti recruited by armed groups soars by 70 per cent in one year - UNICEF"](#), November 24, 2024.

<sup>1102</sup> BINUH, [Quarterly report on the human rights situation in Haïti April - June 2024](#), June 2024, p. 8.



523. In relation to the right to education, UNICEF reported that, as of October 2024, the Ministry of Education in Haiti had confirmed the closure of 919 schools across the country, representing an increase of more than 20% compared to 2023. This situation has disrupted school attendance, affecting more than 300,000 children.<sup>1103</sup> Additionally, nearly 2 million children—almost half of the country's youth—are enduring crisis levels of hunger. Among them, over 760,000 are experiencing emergency-level food insecurity, characterized by acute malnutrition and an elevated risk of death from starvation.<sup>1104</sup>

524. Moreover, the violent context has led to significant internal displacement among children and adolescents. By July 2024, the number of internally displaced children in Haiti had risen by approximately 60% since March due to the violence inflicted by armed groups.<sup>1105</sup>

525. Regarding the **rights of women**, the IACHR reiterates its concern about the national emergency of sexual violence against women, girls, and adolescents in the country, perpetrated by armed groups and gangs.<sup>1106</sup> These groups are reportedly using sexual violence as a weapon of extortion<sup>1107</sup> and amplifying sexual violence against victims who have been displaced and seek refuge as a result of gang clashes.<sup>1108</sup> According to civil society data, between January and October 2024, 5,400 acts of gender-based violence were registered, of which 72% were sexual violence.<sup>1109</sup> Along these lines, there is a 1,000% increase in cases of sexual violence against girls compared to last year.<sup>1110</sup>

526. In this context, the IACHR was informed of the serious situation of generalized impunity in cases of sexual violence. According to civil society data, of 1,375 complaints of sexual violence, 353 were followed up and only 31 cases were tried.<sup>1111</sup> In addition, obstacles to survivors accessing health care services, including maternal health, persist, such as lack of infrastructure, closures of health centers, staffing shortages, and the inability to afford private care.<sup>1112</sup>

527. Regarding the situation of **human mobility**, the Commission notes with concern the persistent increase in the number of internally displaced persons as a result of the context of generalized violence and multidimensional crisis that Haiti is experiencing.<sup>1113</sup> According to the International Organization for Migration (IOM), it is estimated that in 2024 the number of internal displacements will exceed 700,000 people, half of whom are children.<sup>1114</sup> The number of internally displaced people has doubled since December 2023.<sup>1115</sup> According to available information, many of these people find refuge in shelters, which have deficient conditions of access to drinking water, hygiene, sanitation and food.<sup>1116</sup> Also, according to IOM, displaced

<sup>1103</sup> UNICEF, Press Release, "[Haiti: La educación de más de 1 millón de niños, niñas y adolescentes en peligro debido a la violencia armada](#)", October 2, 2024.

<sup>1104</sup> Save the Children, Press Release, "[Uno de cada seis niños, niñas y adolescentes en Haití a un paso del hambre](#)", October 3, 2024.

<sup>1105</sup> UNICEF, Press Release, "[Cada minuto se desplaza un niño en Haití a causa de la violencia armada](#)", July 2, 2024.

<sup>1106</sup> IACHR, Thematic Hearing "[Impunité pour les violences sexuelles contre les femmes et les filles](#)," 189th Regular Period of Sessions, February 29, 2024; Bureau des Avocats Internationaux, et al., Update on Widespread Sexual Violence against Women and Girls in Haiti, on file with the IACHR, February 26, 2024, p. 12. IACHR, Annual Report 2023, Chapter IVa, December 31, 2023, paragraph 468; IACHR, Annual Report 2022, Chapter IV.A Development of Human Rights in the Region, OEA/Ser.L/V/II. Doc. 50 rev. April 1, 2023, para. 488. IACHR, Thematic Hearing "[Sexual Violence against Women and Girls in Haiti](#)," 186th Period of Sessions, Washington, DC, United States, March 15, 2023.

<sup>1107</sup> OACNUDH, [Haiti: Soaring number of displaced desperately need protection and aid priority](#), June 20, 2024.

<sup>1108</sup> Human Rights Watch (HRW), [Haiti: Weak protection capacity in the face of escalating sexual violence](#), November 25, 2024. Gender-Based Violence Subgroup, [Snapshot sur les incidents de violences basees sur le genre \(VBG\)](#), November 6, 2024.

<sup>1109</sup> Gender-Based Violence Subgroup, [Snapshot sur les incidents de violences basees sur le genre \(VBG\)](#), November 6, 2024.

<sup>1110</sup> UN, [Haiti: Persistent, Brutal Crisis Having Devastating Impact on Children](#), November 12, 2024.

<sup>1111</sup> IACHR, solicitud de Audiencia temática "[Impunity for sexual violence against women and girls](#)," 189th Period of Sessions, February 29, 2024.

<sup>1112</sup> United Nations Fund for Population Activities (UNFPA), [Mothers and daughters of Haiti, living in the grip of violence](#), August 6, 2024; HRW, [Haiti: Weak protection capacity in the face of escalating sexual violence](#), November 25, 2024. Gender-Based Violence Subgroup, [Snapshot sur les incidents de violences basees sur le genre \(VBG\)](#), November 6, 2024.

<sup>1113</sup> International Organization for Migration (IOM), [Haiti: More than 60% of forced displacements happened in 2023, a year of growing brutality](#), January 26, 2024.

<sup>1114</sup> UN News, [Haiti: 'Very critical situation on the ground,' warns Humanitarian Coordinator](#), November 20, 2024.

<sup>1115</sup> IOM, [Over 700,000 Displaced in Haiti, Half are Children as Humanitarian Crisis Worsens](#), October 2, 2024.

<sup>1116</sup> Global Protection Cluster, [Protection of Internally Displaced People in Haiti](#), May 31, 2024.



children would not receive education and the violence suffered by internally displaced persons has affected their mental health.<sup>1117</sup> Faced with this scenario, many people have opted to leave the island by sea, a situation that would have an impact on the growing number of interdictions, disappearances or fatalities on the high sea.<sup>1118</sup>

528. Regarding advances on **people of African descent and against racial discrimination**, the state has joined the Caribbean Community (CARICOM) Reparations Commission, which aims to seek reparations for the damages caused by slavery and colonialism in member countries.<sup>1119</sup>

529. With respect to **persons deprived of their liberty**, according to data from BINUH, as of June, with a total of 7,523 persons in detention, the prison occupancy rate was 295%. Of this total, 84% were held in pretrial detention.<sup>1120</sup> This percentage maintains Haiti as the country in the region with the highest percentage of people in pretrial detention.<sup>1121</sup>

530. In addition, the Commission reiterates its concern about the deplorable detention's conditions in Haitian prisons, which are said to have caused the death of incarcerated persons.<sup>1122</sup> In a press release published in June, the IACHR highlighted the deplorable situation of the prisons as being completely overcrowded –with the exception of the National Penitentiary of Port-au-Prince– and lacking sanitary and food services.<sup>1123</sup> Also, according to BINUH data, these spaces are characterized by a shortage of medicines and hygiene products. In this scenario, from January to June 2024, at least 107 people detained in Haitian prisons died, mostly due to lack of care, unsanitary conditions, lack of access to potable water, insufficient food and diseases caused by malnutrition.<sup>1124</sup>

531. The Commission is also concerned about the impact of the crisis of violence that the country is facing on detention centers. In a press release dated issued in March, the IACHR referred to the attacks perpetrated by armed groups on police stations and at the National Penitentiary in Port-au-Prince and a civilian prison in Croix-des-Bouquets, which resulted in the murder of at least 12 people, the wounding of multiple police officers, and the mass escape of thousands of detainees.<sup>1125</sup> According to UN estimations, a total of 4,299 people escaped from the National Penitentiary in Croix-des-Bouquets in Port-au-Prince during these events.<sup>1126</sup> In addition, according to public information, in August, an attack and prison break took place in the city of San Marcos, north of Port-au-Prince, resulting in the death of 12 prisoners during an exchange of fire with security forces.<sup>1127</sup>

## XX. HONDURAS

### • General considerations

532. As for the **progress** observed during 2024, the Commission welcomes the ratification of the Inter-American Convention to Prevent and Punish Torture. It also positively notes the measures taken in terms

<sup>1117</sup> IOM, [Protection et assistance aux populations affectées par la violence des gangs en Haïti](#), March 2024.

<sup>1118</sup> IOM, [Tragic Boat Fire Claims 40 Migrant Lives Off Haiti's Coast](#), July 19, 2024.

<sup>1119</sup> Dominican Today, [Haiti joins CARICOM Reparations Commission](#), August 12, 2024.

<sup>1120</sup> BINUH, [Quarterly Report on the Human Rights Situation in Haiti](#), August 3, 2024.

<sup>1121</sup> See World Prison Brief, [Highest to Lowest - Pre-trial detainees / remand prisoners](#), 2024.

<sup>1122</sup> IACHR, [Informe Anual. Capítulo IV.A. "Desarrollo de los derechos humanos en la región"](#), 2023, párr. 475.

<sup>1123</sup> IACHR, Press Release No. 146/24 - [Haiti: IACHR Calls to Guarantee Transition Process with the Support of the International Community](#), June 24, 2024.

<sup>1124</sup> BINUH, [Quarterly Report on the Human Rights Situation in Haiti](#), August 3, 2024.

<sup>1125</sup> IACHR, Press Release No. 048/24 - [CIDH condena escalada de violencia y ataques de grupos armados en Haití](#), March 7, 2024. IACHR, Press Release No. 055/24 - [CIDH saluda el apoyo de la comunidad internacional y llama a Haití a garantizar una transición pacífica](#), March 21, 2024.

<sup>1126</sup> The calculation was made by the IACHR based on BINUH data indicating that, as of June 30, 2024, there were 7,523 persons detained in Haitian prisons; and that, as of March 2024, before the escape, there were 11,822. In this sense, see BINUH, [Quarterly Report on the Human Rights Situation in Haiti](#), August 3, 2024.

<sup>1127</sup> La Jornada, [Fuga de presos en cárcel de Haití causa 12 muertos](#), August 16, 2024; Voz de América, [Una fuga en cárcel de Haití causa 12 muertos](#), August 17, 2024; Diario libre, [Once muertos en fuga carcelaria en Haití: la tercera en cinco meses](#), August 17, 2024.



of gender perspective, such as the approval of the Law on Safe Houses for women surviving violence, the resumption of activities by the technical investigation committee of the Inter-Agency Commission for Monitoring the Investigation of Violent Deaths of Women and Femicides, and the progress made in the inclusion of trans persons in the national identification system through processes that enable rectification of official IDs in the National Registry of Persons (RNP). The Commission also notes the creation of the National Institute of Historical Memory.

533. With regard to the **challenges** ahead, in 2024, the Commission observed that the State kept extending the state of emergency as part of its citizen security policy, as well as the continued presence of the Military Police for Public Order (PMOP) in the direction and control of penitentiaries. The Commission also learned about the high levels of violence against defenders, women and LGBTI persons.

534. The State submitted its response to the Commission's request for information to prepare this chapter on October 21, 2024.<sup>1128</sup>

- **Specific issues**

535. With regard to **democratic institutional**ity, the State reported the measures being adopted by the National Election Council (CNE) for the forthcoming primary election to be held in 2025, including the official call for the 2025 primaries, the approval of a special budget, the rules on election monitoring and the taking of oath by the new members of the CNE plenary.<sup>1129</sup>

536. As for the fight against corruption, the Commission continued monitoring the potential creation of an International Commission against Corruption and Impunity in Honduras (CICIH), under the auspices of the United Nations. In this regard, the Commission learned about the submission to the United Nations of a second draft of the CICIH convention under negotiation.<sup>1130</sup>

537. Furthermore, the State explained that on September 20, 2024, the Supreme Court of Justice declared that the Employment and Economic Development Zones (ZEDE) were unconstitutional.<sup>1131</sup> The Commission has followed up on the implementation of the ZEDEs in Honduras<sup>1132</sup> and has emphasized the importance of ratifying the repeal of the ZEDE Law issued by the National Congress in 2022.<sup>1133</sup>

538. Concerning **human rights institutions**, the State referred to the National Human Rights Commissioner (CONADEH), the Secretariat of Human Rights (SEDH), the Special Human Rights Prosecutor's Office, the Special Prosecutor's Office for the Protection of Human Rights Defenders and the National Mechanism to Prevent Torture and Other Cruel, Inhuman or Degrading Treatment (MNP-CONAPREV). The State added that it provided training in a number of human rights topics to 7,159 persons, out of which 1,098 were public officials, 4,908 were law enforcement officials and 1,153 were part of the general public.<sup>1134</sup>

<sup>1128</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024.

<sup>1129</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, p. 4.

<sup>1130</sup> *Contra Corriente*, "[Honduras entregó a la ONU el segundo borrador del convenio de la Cicih que aún está en proceso de negociación](#)," September 27, 2024; *Prensa Latina*, "[Honduras entregó a ONU borrador sobre comisión anticorrupción](#)," September 24, 2024.

<sup>1131</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, para. 4.a.

<sup>1132</sup> IACHR, *Situación de derechos humanos en Honduras*, OEA/Ser.L/V/II Doc.9/24, March 24, 2024, para. 142.

<sup>1133</sup> *Contracorriente*, "[Mientras Gobierno celebra anulación constitucional de las ZEDE, inversionistas califican al Estado hondureño de 'mentiroso' y 'abusivo'](#)," September 28, 2024.

<sup>1134</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, pp. 4 and 5.



539. In terms of **citizen security**, the downward trend in homicides continues. According to preliminary figures from the Secretariat of Security, as of December 1, 2024, the partial rate of homicides was 23.42 every 100,000 people.<sup>1135</sup> Despite this drop, there is a general perception that crime rates have increased because crimes are not prosecuted.<sup>1136</sup> In this regard, Honduras continues to be considered as the most violent country in Central America, as it ranks first in murder rates.<sup>1137</sup> In addition, according to public information, between January and July, at least 200 persons disappeared, especially in cases of collective disappearance of young people.<sup>1138</sup> The CONADEH registered that in the last 18 months, at least 76 people disappeared in 13 departments across the country.<sup>1139</sup>

540. Honduras is still under the state of emergency ordered in December 2022. Since then, the State has extended this measure, effective in 158 municipalities across Honduras.<sup>1140</sup> Its last extension was ordered by means of Executive Decree No. PCM 18-2024, which extends it until December 31, 2024. In this regard, the United Nations Committee against Torture expressed its concern over the extension of the state of emergency, under which over 25,896 detentions and more than 17,062 raids without a warrant have taken place by virtue of the powers granted to the National Police and the PMOP of the armed forces.<sup>1141</sup> The Commission reminds the State that the suspension of guarantees is not a means within a security policy to address ordinary crimes. The Commission also highlights the need to adopt a comprehensive security policy based on a human rights approach that simultaneously takes specific actions and strategic plans from different operational, regulatory and prevention perspectives.<sup>1142</sup>

541. In terms of **access to justice and judicial independence**, the State informed that in February 2024, the National Congress appointed Johel Zelaya Álvarez as Attorney General of the Republic and Marcio Cabañas Cadillo as Deputy Attorney General.<sup>1143</sup> The State added that the judiciary is preparing a new bill to replace the current Judicial Service Law and taking specific measures to ensure the independence and integrity of its officials.<sup>1144</sup> Moreover, civil society organizations informed the Commission about allegedly ungrounded transfers and disqualifications of 17 judges and magistrates.<sup>1145</sup>

542. In connection with **memory, truth and justice** processes, the State of Honduras referred to the creation of the National Institute of Historical Memory, whose purpose is to investigate and disseminate information about human rights violations and interruptions of the democratic order in the country.<sup>1146</sup> Furthermore, the Commission is aware of a bill on a Law on Victims of Serious Human Rights Violations in Honduras as a Result of the National Security Doctrine, prepared in collaboration with human rights

<sup>1135</sup> State Secretariat's Security Office, *Histórico de tasa anual de homicidios por cada 100,000 habitantes (dato parcial a la fecha año 2024)*, accessed on November 4, 2024.

<sup>1136</sup> *Criterio Honduras*, "Homicidios descienden en 2024, pero la percepción de inseguridad crece," June 4, 2024; *El Periódico*, "La Criminalidad en Honduras: Realidad y Percepción Pública," July 29, 2024;

<sup>1137</sup> *El Heraldó Honduras*, "Honduras es el país más violento de Centroamérica," September 28, 2024; *Hondudiario*, "Honduras es el país más violento de Centroamérica con percepción de inseguridad alta," June 3, 2024; *Swiss Info*, "Honduras, segundo país más violento de Latinoamérica, con 11.294 muertes entre 2023 y 2024," September 10, 2024.

<sup>1138</sup> *Radio Progreso*, "Una ola trágica de desapariciones," July 2, 2024; National Autonomous University of Honduras (UNAH), "Desapariciones en Honduras, un análisis de la coordinadora del ONV-UNAH," July 5, 2024; *Expediente Público*, "Alarma por desapariciones en Honduras pese a Estado de Excepción," July 10, 2024.

<sup>1139</sup> *Proceso Digital*, "Sin tregua femicidios, masacres y desapariciones forzadas," July 1, 2024.

<sup>1140</sup> *La Gaceta*, Official Gazette of the Republic of Honduras, *Executive Decree No. PCM 18-2024*, June 21, 2024.

<sup>1141</sup> United Nations, Committee against Torture, *Concluding Observations on the Third Periodic Report of Honduras*, CAT/C/HND/CO/3\*, May 27, 2024, paras. 10.b and 14.

<sup>1142</sup> IACHR, *Situación de derechos humanos en Honduras*, OEA/Ser.L/V/II Doc.9/24, March 24, 2024, para. 185.

<sup>1143</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, p. 20.

<sup>1144</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, p. 20.

<sup>1145</sup> IACHR, public hearing "*Current Status of Judicial Independence in the Americas*," 191<sup>st</sup> period of sessions, November 13, 2024.

<sup>1146</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, p. 2.



organizations and submitted in April to the plenary of the National Congress. Among the most important aspects of the law are a public policy on memory, a genetic profile bank, special investigation units, a National Directorate of Reparations charged with reparation management and a Unified Registry of Victims.<sup>1147</sup>

543. As for **human rights defenders**, the Commission learned of at least five murders of defenders in 2024. In particular, it notes that agricultural conflicts remain one of the primary factors of violence against defenders, especially in Bajo Aguán, department of Tocoa.<sup>1148</sup> In this regard, the Commission heard about the murders of Selvin Noé García Pérez, an active member of the Brisas del Aguán cooperative, who was murdered on October 17;<sup>1149</sup> Juan López, an environmental activist and a beneficiary of precautionary measures granted by the Commission, murdered on September 14 in the department of Tocoa;<sup>1150</sup> and Marvin Dubón, a member of the Farming Cooperative of Peasants Tranvio, murdered on March 17 in Bajo Aguán, Tocoa.<sup>1151</sup> In addition, the Commission learned of the assassination of land defender and peasant leader Olman García on August 4 in the department of Atlántida<sup>1152</sup> and of environmental defender and LGBTI activist Erlin Blandín Álvarez on July 14 in the department of Olancho.<sup>1153</sup> Based on estimations by CONADEH, from 2022 to 2024, at least 30 defenders of indigenous people, land, territory and the environment were killed.<sup>1154</sup> The Commission has been informed of the impunity in most of these cases, especially regarding the masterminds.

544. Concerning other acts of violence, the Commission granted precautionary measures in favor of Rodsman Saadik Molina Ortez, president of the Union of Workers of the Honduran Civil Aeronautics Agency after having learned of the multiple threats he suffered, including the interception of his vehicle by armed persons when he was on his way to work, threats, injuries, robbery, and an assault committed by individuals wearing police uniforms; he was also stalked and pictures of him were taken from unidentified vehicles.<sup>1155</sup>

545. Moreover, the Commission continued receiving information about the criminalization of defenders. In this context, it learnt of the case of Nolvía Obando, leader of women peasant movement Las Galileas, who is standing trial for land usurpation. Currently, the proceedings against her were suspended after the filing of an *amparo* writ that is still pending.<sup>1156</sup> In addition, on September 19, 2024, the Second Court of Appeals of La Ceiba ordered to reopen the criminal case against five water defenders from the Guapinol community and members of the Municipal Committee for the Defense of Community and Public Property

<sup>1147</sup> Radio América Honduras, "[Presentan en el CN propuesta de Ley de Víctimas de Graves Violaciones de Derechos Humanos en Honduras](#)," April 2, 2024.

<sup>1148</sup> IACHR, Situación de Derechos Humanos en Honduras, OEA/Ser.L/V/II Doc.9/24, March 24, 2024, para. 132; In October 2024, in response to the high levels of violence recorded in the Department of Colón, merchants, ranchers, farmers, and community organizations held demonstrations demanding the repeal of Decree 119-2012, which prohibits the possession, carrying, and trade of firearms and ammunition. In response, the Ministry of Security expressed its willingness to promote a reform of this Decree. *El Mundo*, [Ministry of Security and Business Sector Promote Reform of the Disarmament Law in Colón](#), October 14, 2024; *La Tribuna*, [Security Ministry Commits to Chamber of Commerce and Industry of Tocoa \(CCIT\) to Promote Reform of Disarmament Law](#), October 12, 2024; *Hondudiario*, [Disarmament in Colón Is "Unconstitutional," Say Aguán Farmers](#), October 8, 2024."

<sup>1149</sup> *Criterio Hn*, "[Asesinato de Selvin Noé García Pérez: un nuevo golpe a la lucha campesina en Honduras](#)," October 18, 2024; *Más Noticias Televisión*, "[Matan a socio de cooperativa de campesinos](#)," October 17, 2024.

<sup>1150</sup> IACHR, Press Release No. 219/24, [Honduras: IACHR Condemns Assassination of Environmental Defender Juan López in Honduras](#), September 18, 2024.

<sup>1151</sup> CIVICUS, "[Se intensifican los ataques contra la prensa, represión de manifestantes en Choluteca y asesinato de otro líder comunitario en el Bajo Aguán](#)," May 17, 2024.

<sup>1152</sup> Peace Brigades International (PBI), "[Honduras Sends Condolences on the Murder of CNTC Campesino Leader and Land Defender Olman García](#)," August 13, 2024; InterReligious Task Force on Central America (IRFT), [Communication to the National Human Rights Commissioner of Honduras](#), September 22, 2024; CIVICUS, "[Killing of Environmental Defender Highlights Ongoing Violence against HRD](#)," October 20, 2024.

<sup>1153</sup> *C-Libre*, "[Acallan la voz de un defensor de derechos humanos en Juticalpa Olancho](#)," July 15, 2024; IRFT, [Communication to the National Human Rights Commissioner of Honduras](#), August 6, 2024.

<sup>1154</sup> CONADEH, "[Más de 30 defensores del ambiente, la tierra y de pueblos originarios murieron violentamente](#)," October 9, 2024.

<sup>1155</sup> IACHR, [Resolution No. 56/2024](#), Precautionary Measure No. 511-24, Rodsman Saadik Molina Ortez regarding Honduras, August 26, 2024 para. 27.

<sup>1156</sup> *Criterio Hn*, "[Juicio contra Nolvía Obando se suspende indefinidamente por falta de resolución en recurso de amparo](#)," September 3, 2024; IM Defensoras, "[HONDURAS / Juicio oral y público contra Nolvía Obando: Ministerio Público juzga a campesina y defensora del derecho a la tierra y alimentación](#)," August 26, 2024; IM Defensoras, *Actualización del caso sobre Nolvía Obando*, received on September 9, 2024. In IACHR files.



(CMDBCP), who had been accused of arson and unfair deprivation of liberty due their work to protect the Guapinol river against the environmental damage caused by mining and extractive activities in the area.<sup>1157</sup>

546. In connection with the criminal proceedings filed against those responsible for the murder of indigenous defender Berta Cáceres, the Commission was informed of delays in the resolution of the cassation remedies filed by the eight defendants in the case in 2018 and 2022.<sup>1158</sup> On November 25, 2024, the Criminal Chamber of the Supreme Court of Justice (CSJ) ratified the convictions of seven out of the eight defendants as material perpetrators and co-perpetrators of the Berta Cáceres' assassination. Said ruling reduced the sentences of three of them and forwarded to the plenary of the CSJ the debate on whether or not to ratify the sentence of the remaining defendant, a decision that is still pending.<sup>1159</sup>

547. As to the rights of **indigenous and Afro-Honduran persons**, the State reported on the creation of the First National Plan to Safeguard the Languages of Indigenous and Afro-Honduran Persons, aimed at strengthening and preserving their linguistic heritage by means of collaborative efforts with these communities. Honduras also implemented the Project for Safeguarding the Intangible Afro-descendant Cultural Heritage, which focuses on protecting the cultural heritage of this population and adopting measures to combat racism and racial discrimination.<sup>1160</sup>

548. The State also achieved progress in the restitution of land to the Garifuna Community of Punta Piedra, in accordance with the judgment issued by the Inter-American Court in 2015, by convening the High-Level Intersectoral Commission for Compliance with International Judgments in April and starting the process to rehabilitate their lands in October 2024.<sup>1161</sup> The United Nations Committee on Economic, Social and Cultural Rights expressed its concern over the complex and slow process of registering and demarcating the lands of indigenous and Afro-Honduran peoples and over cases of eviction, dispossession and displacement of these peoples due to land disputes and the impact of extractive projects carried out in their customary territories without consultation or free, prior and informed consent.<sup>1162</sup> Civil society organizations reported that the State had conducted large-scale, violent evictions of black, indigenous and peasant communities without prior notice and in cases where judgments had not become final. They also denounced the forced displacement of communities from their ancestral territories due to extractive industry activities, which were generally supported by the State, and referred to the systematic criminalization and violence against community leaders.<sup>1163</sup> Moreover, the Commission learned of the construction of a prison in La Mosquitia, in the ancestral territories of the Miskito people, without their consultation or prior consent.<sup>1164</sup>

549. Additionally, according to public reports, the leaders of 50 Garifuna communities denounced social exclusion, institutional racism and marginalization and called for affirmative government measures to

<sup>1157</sup> *Front Line Defenders*, "[Legal Proceedings Reopened Against Five Environmental Defenders from Guapinol, Including Late Juan López](#)," September 25, 2024; OHCHR, "[OACNUDH expresa preocupación por la resolución que revoca el sobreseimiento para los defensores de Guapinol](#)," September 19, 2024.

<sup>1158</sup> Washington Office on Latin America (WOLA), "[Call on Honduran Authorities to Bring Justice for Berta](#)," June 24, 2024; CEJIL, "[Continúan sin confirmarse las sentencias contra los responsables del asesinato de Berta Cáceres](#)," May 8, 2024; World Organization Against Torture (OMCT), "[Honduras: Eight Years After the Assassination of Berta Cáceres, We Demand Justice](#)," March 1, 2024.

<sup>1159</sup> Civic Council of Popular and Indigenous Organizations of Honduras (COPINH), "[Comunicado N°12 2024: La Corte Suprema de Justicia de Honduras confirma sentencias de asesinos de Berta Cáceres, pero modifica agravantes en la condena de David Castillo y envía el caso de Sergio Rodríguez al pleno de la Corte Suprema de Justicia](#)," November 25, 2024; *Criterio Hn*, "[Ratifican condenas en el caso Berta Cáceres: persiste la impunidad para autores intelectuales](#)," November 25, 2024.

<sup>1160</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, p. 19.

<sup>1161</sup> *Criterio Hn*, "[Tras tenso inicio, Garífunas y gobierno instalan Comisión para cumplir fallos de Corte IDH](#)," April 12, 2024; *SWI swissinfo.ch*, "[Honduras inicia la restitución de tierras a la comunidad garífuna tras fallo de Corte IDH](#)," October 15, 2024; *ANSA Latina*, "[Gobierno restituye tierras a comunidad garífuna Tras fallo de Corte IDH](#)," October 15, 2024.

<sup>1162</sup> United Nations, Committee on Economic, Social and Cultural Rights, [Concluding Observations on the Third Periodic Report of Honduras](#), E/C.12/HND/CO/3, October 22, 2024, para. 54.

<sup>1163</sup> IACHR, thematic hearing "[Honduras: Forced evictions of indigenous, black and peasant communities](#)," 189<sup>th</sup> period of sessions, February 28, 2024.

<sup>1164</sup> *El Mundo*, "[Ministro de Seguridad defiende construcción de cárcel en La Mosquitia pese a controversia indígena](#)," December 4, 2024. In IACHR files.



guarantee basic, territorial and environmental rights.<sup>1165</sup> Moreover, in October, acts of violence against members of the Garífuna community of Nueva Armenia, Atlántida, were reported, who were allegedly intimidated, threatened and shot at by the Honduran National Police during a peaceful demonstration to reclaim an area within their ancestral territory, which was usurped by the Palmas de Atlántida company.<sup>1166</sup> The OHCHR Office in Honduras expressed its concern over these incidents.<sup>1167</sup>

550. With regard to the rights of **women**, the Commission highlights the passage of the Law on Safe Houses for women surviving violence.<sup>1168</sup> The Commission also welcomes various measures aimed at improving judicial responses and access to justice in cases of gender-based violence, such as the resumption of activities by the technical investigation committee of the Inter-Agency Commission for Monitoring the Investigation of Violent Deaths of Women and Femicides,<sup>1169</sup> the implementation of a model of open and accessible judicial offices and courts in the Specialized Court against Domestic Violence and the Sentencing Court of Francisco Morazán,<sup>1170</sup> and the steps taken towards establishing the Justice and Gender Observatory of the judiciary.<sup>1171</sup>

551. However, the Commission notes that limited progress was achieved in drafting the Comprehensive Law on Violence against Women, the Purple Alert Law for the search of disappeared women<sup>1172</sup> and the Law Against Political Violence Towards Women.<sup>1173</sup> The Commission also observes that the CONADEH received 1,566 complaints from women during the first half of the year, most of which involved human rights violations in relation to due process of law and access to justice.<sup>1174</sup> Furthermore, the Commission is alarmed at reports of media violence against women and adolescents arrested for alleged abortion who have been exposed by the authorities in both traditional and social media.<sup>1175</sup>

552. Moreover, the Commission notes that high rates of femicide, sexual and domestic violence against women, girls and adolescents persist in Honduras.<sup>1176</sup> According to official records, 177 violent deaths of women were recorded between January and October 2024,<sup>1177</sup> while the civil society reported 203 femicides during the same period, most of which were committed in public spaces.<sup>1178</sup> The Public Prosecutor's Office recorded 766 complaints of sexual violence against women and girls in the first quarter alone.<sup>1179</sup> Additionally,

<sup>1165</sup> *La Prensa*, "[Racismo, exclusión y discriminación: las realidades que persiguen a garífunas de Honduras](#)," September 12, 2024.

<sup>1166</sup> Solidarity Collective, "[Pronunciamiento Público: Organizaciones Condenan Violencia en Contra de Comunidades Garífunas en Honduras](#)," October 17, 2024; *Expediente Público*, "[Brutalidad policial contra garífunas en Honduras](#)," October 11, 2024.

<sup>1167</sup> OHCHR, "[OACNUDH expresa preocupación por los actos de violencia cometidos contra miembros de la comunidad garífuna de Nueva Armenia, Atlántida, que resultaron en dos personas heridas por arma de fuego](#)," October 8, 2024.

<sup>1168</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, p. 3.

<sup>1169</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, p. 14.

<sup>1170</sup> *Canal 8*, "[Lanzan el Modelo de Despachos Judiciales Abiertos en Honduras](#)," November 19, 2024.

<sup>1171</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, p. 10.

<sup>1172</sup> IACHR, [2023 Annual Report, Chapter IV.A](#), December 31, 2023, para. 494; IACHR, [2022 Annual Report, Chapter IV.A](#), April 1, 2023, para. 529; *Criterio*, "[Honduras: urge aprobación de la Ley Integral Contra la Violencia hacia las Mujeres](#)," September 13, 2024.

<sup>1173</sup> *Criterio*, "[Ley Contra la Violencia Política hacia las mujeres sigue estancada en el Congreso Nacional](#)," November 19, 2024.

<sup>1174</sup> *La Tribuna*, "[Mujeres son principales víctimas de violaciones a DD. HH. en Honduras](#)," September 4, 2024.

<sup>1175</sup> OPTIO, *et al.*, Inputs for the 2024 Annual Report of the Inter-American Commission on Human Rights on the situation of the sexual and reproductive rights of women and girls in Central America and the Dominican Republic, November 25, 2024, p. 9. In IACHR files; Police Investigation Directorate [@dpi\_honduras], (July 21, 2024), Policía Nacional arresta mujer por la comisión del supuesto delito de aborto en Catacamas, Olancho [X post], X, [https://x.com/dpi\\_honduras/status/1815064572698427731](https://x.com/dpi_honduras/status/1815064572698427731).

<sup>1176</sup> IACHR, [Situation of Human Rights in Honduras](#), March 24, 2024, paras. 129, 350; IACHR, [2021 Annual Report, Chapter IV.A](#), May 26, 2022, para. 689; IACHR, [2022 Annual Report, Chapter IV.A](#), April 1, 2023, para. 530; IACHR, [2023 Annual Report, Chapter IV.A](#), December 31, 2023, para. 493.

<sup>1177</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, p. 15.

<sup>1178</sup> Centro de Derechos de Mujeres, [Violence against women in Honduras-2024](#), October 31, 2024.

<sup>1179</sup> *Expediente Público*, "[En Honduras hay una denuncia por abuso sexual cada tres horas](#)," May 22, 2024.



27,809 domestic violence and 39,550 domestic abuse complaints were recorded between January and September 2024.<sup>1180</sup> In the same period, 3,799 victims of human trafficking received assistance, including 45 people rescued in 2024, including 33 children and eight women.<sup>1181</sup>

553. In terms of sexual and reproductive rights, the Commission notes the persistently high pregnancy rates among girls and adolescents aged 10 to 19,<sup>1182</sup> with 6,914 births reported over the first seven months of 2024.<sup>1183</sup> In this context, the Commission voices its concern over the fact that the Law on Comprehensive Education and Teenage Pregnancy Prevention, vetoed in 2022,<sup>1184</sup> was excluded from the legislative agenda, and, in turn, a bill that could hinder its enactment was introduced.<sup>1185</sup> Furthermore, the Commission observes barriers to accessing reproductive healthcare, particularly for victims of sexual violence who become pregnant.<sup>1186</sup> Some of these barriers include the limited distribution of the emergency contraceptive pill<sup>1187</sup> and deficiencies in the effective implementation of the Assistance Protocol for Victims and Survivors of Sexual Violence.<sup>1188</sup>

554. As to **persons in the context of human mobility**, the National Institute of Migration of Honduras reported that 290,902 persons entered the country irregularly between January 1 and August 31, 2024. Most of them were nationals from Venezuela (140,400), Cuba (47,247), Haiti (16,726), Ecuador (16,372) and Colombia (14,037).<sup>1189</sup> These figures account for a 16.3 percent increase compared to the same period in 2023, when the irregular entry of 249,972 migrants was recorded.<sup>1190</sup> The International Committee of the Red Cross (ICRC) noted that the rising number of persons in mobility aggravates the need for assistance and protection.<sup>1191</sup> In this context, the Commission notes that the validity of the measure suspending administrative penalties for entering the country through unauthorized border points,<sup>1192</sup> which was initially adopted under Legislative Decree No. 42-2022, was extended.<sup>1193</sup>

555. Moreover, the Commission continues to monitor the return of Hondurans. As of August 31, 2024, the National Institute of Migration had received 24,392 returnees, primarily from Mexico and the United States. This marks a decrease compared to the same period in 2023, when 40,895 people returned.<sup>1194</sup> In this regard, the Commission takes note of the presentation of the 2024–2025 National Reintegration Plan.<sup>1195</sup> According to public information, this plan introduces a series of concrete measures to help returnees rebuild their economic, social and psychosocial ties, ensuring their well-being and livelihoods, while contributing to the sustainable development of their communities. The plan is part of a broader strategy to promote a dignified

<sup>1180</sup> Centro de Derechos de Mujeres, [Violence against women in Honduras–2024](#), October 31, 2024.

<sup>1181</sup> Interinstitutional Commission Against Commercial Sexual Exploitation and Human Trafficking in Honduras (CICESCT HN), [[@cicesct](#)], (November 20, 2024), La CICESCT te informa que en el año 2024 se han atendido 3,799 víctimas directas e indirectas del delito de Trata de Personas a nivel nacional, ofreciéndole atención legal, médica, psicológica y social [X post], X, <https://x.com/cicesct/status/1859226576551878975>.

<sup>1182</sup> IACHR, [Situation of Human Rights in Honduras](#), March 24, 2024, para. 376.

<sup>1183</sup> *Criterio*, “[Honduras registra casi siete mil partos en adolescentes en 2024](#),” July 23, 2024.

<sup>1184</sup> IACHR, [2023 Annual Report, Chapter IV.A](#), December 31, 2023, para. 496; IACHR [[@CIDH](#)], (November 21, 2024), Estándares interamericanos sobre derechos sexuales y reproductivos [X post], X, <https://x.com/CIDH/status/1859681323381817527>.

<sup>1185</sup> *Contracorriente*, “[Grupos conservadores promueven ley de derechos parentales que limita la educación sexual y estigmatiza a organizaciones de mujeres](#),” October 23, 2024.

<sup>1186</sup> Center for Reproductive Rights, “[Honduras fue denunciado ante el Comité de Derechos Humanos de la ONU por la prohibición absoluta del aborto vigente en el país](#),” April 10, 2024; IACHR [[@CIDH](#)], (November 21, 2024), Estándares interamericanos sobre derechos sexuales y reproductivos [X post], X, <https://x.com/CIDH/status/1859681323381817527>.

<sup>1187</sup> *Criterio*, “[Acceso libre y gratuito de la PAE sigue sin cumplirse en Honduras](#),” June 25, 2024.

<sup>1188</sup> *Criterio*, “[Protocolo de atención a víctimas de violencia sexual sigue sin materializarse en el sistema de salud pública](#),” December 11, 2023.

<sup>1189</sup> National Institute of Migration of Honduras, [Irregular Migration Flows](#), undated, accessed on October 1, 2024.

<sup>1190</sup> National Institute of Migration, Op. cit.

<sup>1191</sup> International Committee of the Red Cross (ICRC), “[Honduras: Humanitarian Report 2024](#),” April 5, 2024, pp. 8-9.

<sup>1192</sup> National Institute of Migration [[@MigracionHND](#)], (January 31, 2024), El Congreso Nacional aprobó la ampliación de la amnistía migratoria [X post], X, <https://x.com/MigracionHND/status/1752722943254102030>.

<sup>1193</sup> IACHR, [2022 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), April 1, 2023, para. 518.

<sup>1194</sup> National Institute of Migration of Honduras, [Honduran Returnees](#), undated, accessed on October 1, 2024.

<sup>1195</sup> Secretariat of Foreign Affairs and International Cooperation (SRECI) of Honduras, [Plan Nacional de Reintegración. Resumen Ejecutivo](#), July 2024.



return and sustainable reintegration, in line with Objective 21 of the *Global Compact for Safe, Orderly and Regular Migration*.<sup>1196</sup>

556. With regard to **internal displacement**, the IDMC reported that Honduras had recorded 5,100 internal displacements associated with conflict—a conservative estimate as it only includes beneficiaries of humanitarian support in some parts of the country—as well as 5,800 internal displacements caused by disasters.<sup>1197</sup> More than one year after the enactment of Law for the Prevention, Assistance and Protection of Internally Displaced Persons, the regulations outlining the guidelines and procedures for its implementation have yet to be issued.<sup>1198</sup>

557. With respect to **human trafficking**, the Commission welcomes the steps taken by the State, including the progress achieved in amending the Criminal Code to incorporate precise terminology related to the crime of trafficking.<sup>1199</sup> The Commission also commends the State for delivering training sessions on sexual cybercrimes and human trafficking in La Ceiba.<sup>1200</sup>

558. Regarding the rights of **children and adolescents**, the Commission welcomes the enactment of the law creating the National Children's Congress in April 2024.<sup>1201</sup> Composed of 128 children, this congress is authorized to convene, engage in discussions and propose bills on issues affecting children and the general population; however, the law does not define its specific mandate or the actual impact of its deliberations.<sup>1202</sup>

559. Moreover, the Commission notes concerns raised by the CONADEH and UNICEF over the closure of several facilities of the Secretariat for Children, Adolescents and the Family following staff protests in April. These demonstrations were prompted by overdue payments, alleged unjustified dismissals and claims of workplace harassment. The interruption of services reportedly had a negative impact on the protection of the rights of children and adolescents under state guardianship, inasmuch as assistance to this population was temporarily suspended.<sup>1203</sup>

560. The Commission also notes the high number of children impacted by violence. The CONADEH recorded the violent deaths of approximately 950 children between 2020 and April 2024. Until May 2024, the CONADEH had received 93 complaints related to violations of children's rights, including at least 22 cases of abuse, four cases of school dropout and four cases of injuries, among others.<sup>1204</sup> In addition, the CONADEH reported that more than 20 children and adolescents had disappeared between January and July.<sup>1205</sup>

561. With regard to the rights of **persons deprived of liberty**, the Commission welcomed the ratification of the Inter-American Convention to Prevent and Punish Torture by Honduras and the deposit of its ratification instrument on July 23.<sup>1206</sup> The Commission also notes that the Honduran Mechanism against

<sup>1196</sup> SRECI of Honduras, "[Honduras lanza el Plan Nacional de Reintegración para asistir a quienes retornan al país](#)," undated, IOM, "[Honduras lanza el Plan Nacional de Reintegración para asistir a quienes retornan al país](#)," June 20, 2024.

<sup>1197</sup> IDMC, *Global Report on Internal Displacement 2024*, May 14, 2024, pp. 90, 122.

<sup>1198</sup> Secretariat of Human Rights of Honduras, "[SEDH participa en la quinta sesión ordinaria del 2024 de la Comisión para la Protección de Personas Desplazadas Forzadamente \(CIPPDEF\)](#)," May 28, 2024.

<sup>1199</sup> Government of Honduras, "[La CICESCT junto al MP socializan reformas al código penal sobre delitos de trata de personas](#)," January 30, 2024.

<sup>1200</sup> Government of Honduras, "[La CICESCT, presente en inauguración de la campaña 'Tu Seguridad en Cada Paso'](#)," April 15, 2024.

<sup>1201</sup> *La Gaceta*, Official Gazette of the Republic of Honduras, [Decree No. 16-2024, Law on the National Children's Congress](#), April 16, 2024.

<sup>1202</sup> SRECI, "[Presidenta Castro recibe a los 128 niños diputados del Congreso Infantil](#)," 2024.

<sup>1203</sup> CONADEH-The Office of the Ombudsperson [@CONADEH], (March 15, 2024), El #CONADEH exhorta a la SENAF a solucionar y superar los desafíos internos para garantizar efectivamente los derechos de las niñas [X post], X, <https://x.com/CONADEH/status/1768671621043167324>; UNICEF, "[Ante los acontecimientos ocurridos en la Secretaría de Niñez, Adolescencia y Familia, UNICEF manifiesta su preocupación por su impacto en la garantía y protección de los derechos de la niñez, especialmente la más vulnerable](#)," March 7, 2024.

<sup>1204</sup> CONADEH, "[Alrededor de 950 niños y niñas murieron violentamente en los últimos 52 meses](#)," May 9, 2024.

<sup>1205</sup> CONADEH, "[Más de una veintena de niños y adolescentes reportados como desaparecidos en el 2024](#)," July 24, 2024.

<sup>1206</sup> IACHR [@CIDH], (July 23, 2024), #Honduras: #CIDH celebra la ratificación de la Convención Interamericana para Prevenir y Sancionar la Tortura [X post], X, <https://twitter.com/CIDH/status/1815876473598734588>.



Torture, along with others in the region, adopted the Declaration of San José aimed at institutional strengthening and networking and the Global Action for the Rights of Persons with Disabilities Deprived of Liberty.<sup>1207</sup> Moreover, the Commission welcomes the issuance of Decree No. 40-2024, which, *inter alia*, establishes the Interinstitutional Committee for the Follow-up of Commitments and Recommendations on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and provides for the registration of detainees, the training of security agents and the medical examination of detainees upon entry to detention centers.<sup>1208</sup> Similarly, the Commission appreciates the refurbishment of the National Women's Penitentiary for Social Adaptation (PNFAS) to improve detention conditions for women and their children.<sup>1209</sup>

562. Notwithstanding the foregoing, the CONADEH documented the deaths of 30 people in custody across various detention centers between June 23, 2023, and June 14, 2024.<sup>1210</sup> In addition, the armed forces reportedly remain involved in penitentiary operations, as the state of emergency concerning the national penitentiary system was extended and the decree appointing the Military Police for Public Order (PMOP) as the Intervening Commission of the National Penitentiary System in charge of managing detention centers remains in force.<sup>1211</sup>

563. In this regard, during the public hearing titled "Honduras: Human rights of individuals who are deprived of liberty in the context of the prison crisis," the Commission learned that the militarization of prisons had exacerbated the violations of the rights of detainees. The civil society highlighted deaths in custody, overcrowding, torture practices and risks faced by incarcerated women and their children among the main violations. The organizations also expressed their concern over the construction of a "mega prison" in an unpopulated area and a new prison in the Swan Islands. The State acknowledged the fact that it is facing a prison crisis, and it committed to building a system focused on the protection of human rights. Honduras also reported that 16 members of the 18<sup>th</sup> Street Gang had been charged for the deaths of 46 women who were detained in the PNFAS in June 2023 and that investigations to identify the state officials involved remained ongoing.<sup>1212</sup>

564. Additionally, the State informed the Commission of the measures taken to ensure dignified living conditions for the prison population. In this regard, Honduras described the phases of intervention and control, stabilization, governance, development of rehabilitation programs and expansion and/or update of the legal and regulatory framework and provided data on the institutional modernization and strengthening of the National Penitentiary Academy. Among the reported achievements, the Commission highlights a prison census that covered 95 percent of the prison population as of July 2024 and the reduction of violence as a relevant indicator.<sup>1213</sup>

565. As for the **fight against torture**, the Commission learned of the creation of the National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment (MNP-CONPAREV). The State reported that a new executive branch representative was sworn into the mechanism on August 20, 2024.<sup>1214</sup> Nevertheless, the Commission notes that the civil society representative has yet to be appointed, although she was elected on July 25, 2023.<sup>1215</sup>

<sup>1207</sup> CPT, Chile, [Declaración de San José para el fortalecimiento institucional y el trabajo en red and Acción global por los derechos de las personas con discapacidad en privación de libertad](#), May 10, 2024.

<sup>1208</sup> *La Gaceta*, Official Gazette of the Republic of Honduras, Decree No. 40-2024, published on June 6, 2024. In IACHR files.

<sup>1209</sup> National Institute for Prisons of Honduras, "[Renovación y Esperanza: Inauguración de Módulo en la PNFAS](#)," August 2, 2024.

<sup>1210</sup> Office of the Ombudsperson for Persons Deprived of Liberty-CONADEH, [Memorandum No. DPPL-10/2024](#), June 14, 2024.

<sup>1211</sup> *La Gaceta*, Official Gazette of the Republic of Honduras, [Executive Decree No. PCM 18-2024](#), published on June 21, 2024. See also: IACHR, Press Release No. 139/23, [IACHR Condemns Deaths of At Least 46 Women in Honduran Prison](#), June 28, 2023.

<sup>1212</sup> IACHR, Public hearing "[Honduras: Human rights of individuals who are deprived of liberty in the context of the prison crisis](#)," 190<sup>th</sup> regular period of sessions, July 10, 2024.

<sup>1213</sup> Government of Honduras, Diplomatic Note No. DNDDHH-LAI-1137-2024, September 13, 2024, pp. 7-22.

<sup>1214</sup> Government of Honduras, Diplomatic Note No. DNDDHH-LAI-1137-2024, September 13, 2024, p. 6.

<sup>1215</sup> IACHR, Press Release No. 148/24, [IACHR Calls on States to Promote the Creation and Functioning of National Anti-Torture Mechanisms](#), June 26, 2024. See also: IACHR, [2023 Annual Report, Chapter IV.A, Development of Human Rights in the Region](#), December 31, 2023, para. 511.



566. Regarding the rights of **LGBTI persons**, Honduras has achieved progress in the inclusion of trans persons in the national identification system. The National Registry of Persons (RNP) announced plans to implement processes for people to rectify their official documents, in compliance with the judgment issued by the Inter-American Court in *Vicky Hernández et al. v. Honduras*.<sup>1216</sup> Additionally, the Secretariat for Social Development (SEDESOL) ran a diploma course on equity and human rights for people living with HIV and the LGBTI population, and developed a guide to educate and raise awareness on the rights of LGBTI persons.<sup>1217</sup>

567. However, in terms of challenges, the civil society had recorded at least 17 murders of LGBTI persons until August. The civil society has also identified high levels of violence, exclusion and social rejection in the workplace, educational institutions and family settings, which are rooted in prejudice against diverse sexual orientations or gender identities.<sup>1218</sup>

568. With respect to the rights of **older persons**, based on public information, the Commission has identified issues concerning the rights to community participation, social security, housing, food and nondiscrimination. The Commission welcomes the entry into force of Decree No. 34-2024, which exempts older persons from fees associated with bank services, such as the issuance of credit cards and bankbooks.<sup>1219</sup> The Commission also acknowledges the creation of the diploma course titled “Development of Capabilities to Provide Healthcare to Older Persons,” designed for public officials and offered by the Secretariat for Social Development.<sup>1220</sup>

569. As to the right to work and nondiscrimination, the Commission welcomes a law passed by the National Congress of Honduras aimed at preventing age discrimination against people over 35 of age in recruitment, selection and hiring processes, as well as in their terms of employment.<sup>1221</sup>

570. Finally, the Commission takes note of a study conducted by the Food and Nutritional Security Observatory of the National Autonomous University of Honduras (OBSAN-UNAH), which found that 44.33 percent of persons over 60 years of age in at least 15 departments of the country face a risk of malnutrition, while 7.91 percent suffer from severe malnutrition.<sup>1222</sup> The Commission also welcomes the discounts mandated by the General Directorate for Consumer Protection, which benefit older persons with 30 to 40 percent reductions on transportation tickets, restaurant meals, healthcare services, pharmacies and drugstores, general and specialized medical care, as well as on the purchase of frames and lenses for eyeglasses.<sup>1223</sup>

## XXI. JAMAICA

### • General considerations

571. As it relates to **progress**, the IACHR notes a decrease in homicides recorded in the State. Moreover, the Commission notes the efforts to increase access to justice for vulnerable groups, to address

<sup>1216</sup> *La Prensa*, “[Honduras avanza para identificar personas trans en el RNP](#),” August 20, 2024; *El Heraldo*, “[Aprobarán protocolo para que la comunidad LGTBI+ cambie su nombre, confirma RNP](#),” August 5, 2024.

<sup>1217</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat’s Human Rights Office, October 21, 2024, p. 6 *et seq.*

<sup>1218</sup> *Infobae*, “[La discriminación y el estigma contra personas LGTBI no cede en Honduras, dice un estudio](#),” August 15, 2024.

<sup>1219</sup> *El Heraldo*, “[Nuevos beneficios para personas de la tercera edad en el sistema bancario](#),” October 21, 2024.

<sup>1220</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat’s Human Rights Office, October 21, 2024.

<sup>1221</sup> *Diario El País Honduras*, “[CN aprueba reforma de ley para evitar discriminación laboral en personas mayores de 35 años](#),” August 1, 2024.

<sup>1222</sup> *El Heraldo*, “[El 8% de los hondureños mayores de 60 años sufren malnutrición severa](#),” October 21, 2024.

<sup>1223</sup> *Proceso Digital*, “[En vigencia nuevos descuentos para personas de la tercera edad en Honduras](#),” February 19, 2024.



gender-based violence, including amendments to its Domestic Violence Act, and to increase protection of children.

572. As it relates to **challenges**, the IACHR notes with concern the continued use of States of Emergency and Zones of Special Operations as crime suppression measures. In addition, the Commission took note of reports of human rights abuses against Haitian citizens in human mobility in Jamaica and the persistence of regulatory frameworks that criminalize consensual sexual activity between adults of the same sex.

573. The State did not respond to the request for information to prepare this chapter.

- **Specific issues**

574. With regards to **democratic institutional**ity, the IACHR notes that, in February, the State held local government elections for 228 Electoral Divisions. Via these elections, citizens elected councilors and mayors to develop and manage infrastructure and public facilities within the divisions.<sup>1224</sup> According to the Electoral Office of Jamaica, the results indicate that the ruling Jamaica Labour Party won the majority of the seats in seven parishes, while the People's National Party won five.<sup>1225</sup> Further, the IACHR notes that in December, the government introduced in the House of Representatives the Bill to abolish the Constitutional Monarchy and transition Jamaica to a Republic. According to official information, the Bill will also clarify provisions regarding Jamaican citizenship and provide provisions for the Office of the President of Jamaica as a Republic, including qualifications to hold the office and procedure for appointment.<sup>1226</sup>

575. As it relates to **human rights institutions**, in its 2023 Annual Report, the Commission noted that the State was in the process of transferring the functions of the Office of the Political Ombudsman to the Electoral Commission.<sup>1227</sup> This transition was finalized through the amendment of the Political Ombudsman Act. According to official information, it is anticipated that this transfer will lead to more effective recommendations to political parties and their representatives, enhancing oversight of the political process and conduct.<sup>1228</sup> In addition, the Commission notes the renewed call by civil society for the establishment of a National Human Rights Institution to investigate claims of human rights abuses and monitor human rights violations in the State.<sup>1229</sup>

576. With respect to **citizen security**, according to the figures presented by the Jamaica Constabulary Force, there was a total of 842 homicides reported from January 1 to September 21, 2024, compared to 1,013 homicides reported in the same period in 2023, which represented an approximately 17% decrease.<sup>1230</sup> This represents a homicide rate of rate of 29 per 100,000 inhabitants as of September, 2024.<sup>1231</sup>

577. Additionally, the Commission notes the State's continued use of States of Emergency (SOEs) as a crime suppression strategy. In August, the State declared a SOE for the parish of Clarendon after a shooting incident in which eight persons were killed and nine injured.<sup>1232</sup> In a press release, the Commission expressed concern over Jamaica's reliance on SOEs and underscored that such measures should be exceptional and limited in scope and duration. The IACHR called on the State to address the causes and consequences of crime from a comprehensive and intersectoral perspective and to adopt prevention and response measures that

<sup>1224</sup> Jamaica Information Service, [Local Government Elections in Jamaica](#), January 30, 2024.

<sup>1225</sup> Electoral Office of Jamaica, [Final Count Complete for ALL Electoral Divisions](#), February 29, 2024.

<sup>1226</sup> Minister of Legal and Constitutional Affairs, [Constitution \(Amendment\) \(Republic\) Act](#), 2024; Jamaica Information Service, [Legislation Facilitating Jamaica's Transition To A Republic Tabled In The Lower House](#), December 11, 2024.

<sup>1227</sup> IACHR, [Annual Report Chap IV.A "Jamaica"](#), 2023, para. 519.

<sup>1228</sup> Jamaica Information Service, [Bill Passed to Integrate Political Ombudsman into ECJ](#), February 7, 2024.

<sup>1229</sup> Jamaicans for Justice, [Press Release](#), December 10, 2024.

<sup>1230</sup> Jamaica Constabulary Force, [Crime Statistics: January 1-September 21, 2024](#), October 2024.

<sup>1231</sup> The IACHR calculated the homicide rate based on the State's population of 2,825,544 according to data from The World Bank. The World Bank, [Population, total - Jamaica](#), 2023.

<sup>1232</sup> Jamaica Information Service, [Reward for Information Leading to Arrest and Charge of Persons Involved in Cherry Tree Lane Gun Attack](#), August 14, 2024.



guarantee respect for human rights, including gender and intersectional approaches.<sup>1233</sup> In response, the State reiterated its commitment to protect, uphold and respect the human rights of all persons in Jamaica, in accordance with its Charter of Fundamental Rights and Freedoms.<sup>1234</sup> In December, according to public information, the State declared an SOE across the St Andrew South police division and sections of St Andrew Central due to an increase in criminal activities.<sup>1235</sup>

578. Moreover, the IACHR also takes note of the continued use of Zones of Special Operations (ZOSOs) across Jamaica. These ZOSOs have been used by the State in addition to SOEs. In December, the ZOSOs in seven communities were further extended for an additional 180 days.<sup>1236</sup> According to the State, the ZOSOs that have been extended are all in the 'community development' phase which entails the establishment of a Social Intervention Committee. This Committee is responsible for assessing and developing sustainable development plans for the community, including addressing issues relating to health, the environment, education and economic development. Additionally, the Committee recommends social interventions which may include compulsory school attendance and urban renewal initiatives.<sup>1237</sup>

579. In relation to **access to justice**, the Commission notes the efforts by the State to increase access to justice for persons with disabilities and children in contact and conflict with the law by partnering with civil society. According to official information, the 'Social Justice' project seeks to enshrine equity, access, participation and rights as the cornerstone of a modernized judicial system and make judicial services easier for every citizen to understand and use.<sup>1238</sup> Via this program, 56 attorneys-at-law, legal aid and justice service providers from the Ministry of Justice have completed training in Jamaican Sign Language and Deaf Culture in order to be able to better communicate and connect with members of the deaf community.<sup>1239</sup>

580. In addition, the IACHR takes note of the intention of the State to develop a legal information portal to improve public access to Jamaica's laws, educate the public about all aspects of legal information and provide a facility for the persons to express views on and query the status of any law. The portal is expected to be operational by February 2025.<sup>1240</sup>

581. Concerning the rights of **children**, the Commission notes that the Child Protection and Family Services Agency (CPFSA) endeavored to improve the quality of services it provides to children at risk by strengthening its workforce and working with the Ministry of Education and Youth (MOEY) to fill a number of vacant positions.<sup>1241</sup> In addition, the IACHR commends the State on receiving certification from the World Health Organization for eliminating the mother-to-child transmission of HIV and syphilis (EMTCT).<sup>1242</sup>

582. The Commission also commends the initiatives led by the MOEY to increase public awareness of children's rights, empower children with knowledge of their rights and responsibilities, and promote positive engagement and affirmation. These initiatives include the National Child Online Protection Forum on the importance of safeguarding children in digital spaces, the "Child Conversation" series with an edition for

<sup>1233</sup> IACHR, [Press Release No. 208/24](#), "IACHR expresses concern over Jamaica's continued use of states of emergency", September 5, 2024.

<sup>1234</sup> Government of Jamaica, "Comments by the Government of Jamaica iro proposed release titled "IACHR Expresses Concern Over Jamaica's Continued Use of States of Emergency and Zones of Special Operations", August 30, 2024, IACHR Archive.

<sup>1235</sup> Jamaica Observer, [SOE declared in St Andrew South: sections of St Andrew Central police divisions](#), December 5, 2024.

<sup>1236</sup> Jamaica Information Service, [ZOSOs Extended in Seven Communities](#), December 4, 2024.

<sup>1237</sup> Government of Jamaica, "Comments by the Government of Jamaica iro proposed release titled "IACHR Expresses Concern Over Jamaica's Continued Use of States of Emergency and Zones of Special Operations", August 30, 2024, IACHR Archive.

<sup>1238</sup> Jamaica Information Service, [Vulnerable Groups' Access to Justice Services Being Increased](#), February 21, 2024.

<sup>1239</sup> Jamaica Information Service, [56 Justice Ministry Service Providers Graduate from Six-Week Sign Language Training Course](#), September 13, 2024.

<sup>1240</sup> Jamaica Information Service, [Jamaica Legal Information Portal to Be Developed](#), March 6, 2024.

<sup>1241</sup> Jamaica Information Service, [CPFSA on Drive to Improve Services to Children at Risk](#), March 13, 2024.

<sup>1242</sup> UNICEF, Press Release, ["Belize, Jamaica and St. Vincent and the Grenadines eliminate mother-to-child transmission of HIV and syphilis"](#), May 7, 2024.



children with special needs, and the "Wellness Bench Lyne – Child Conversation" in collaboration with the Ministry of Health and Wellness.<sup>1243</sup>

583. On the other hand, civil society organizations reported that children are often moved within the childcare system in Jamaica, allegedly without proper assessments or follow-ups, and that aftercare support and placement procedures remain insufficient<sup>1244</sup>. In April, in a letter sent to the State under art. 41 of the American Convention, the Commission requested information on the delicensing of the Sunbeam Boys Home in January 2024 by the Child Protection and Family Services Agency (CPFSA) following allegations of child abuse at the facility. According to publicly available information, children from the home had to be relocated to other residential childcare units, placed in foster care, or, in some cases, returned to their families<sup>1245</sup>. In this context, the IACHR requested details on the measures taken to support the affected children and the criteria guiding decisions on their placement within the residential care system. However, the Commission did not receive a response from the State.

584. The Commission also takes note of UNICEF's call to update the National Plan of Action for an Integrated Response to Children and Violence and to allocate the necessary funding with the aim of reinforcing coordination mechanisms and strengthening programs and services designed to protect children from violence.<sup>1246</sup>

585. Regarding the rights of **women**, the Commission notes that the amendments to the Domestic Violence Act came into force in January 2024, thereby expanding the categories of persons who can apply for a protection order and establishing the possibility of non-compliance with a fine of up to 1 million Jamaican dollars and imprisonment for up to one year.<sup>1247</sup> However, the IACHR notes that civil society organizations have highlighted the limited scope of the reforms, as they focus on physical violence and disregard other forms of violence.<sup>1248</sup>

586. Moreover, the Commission highlights the workshop given to first responders to address gender-based violence in emergency situations,<sup>1249</sup> and the ongoing review and update of the National Policy for Gender Equality of 2011.<sup>1250</sup> Finally, the Commission reiterates its concern over the persistence of the criminalization of abortion in all cases with penalties that include life imprisonment.<sup>1251</sup>

587. With respect to the rights of **persons in the context of human mobility**, according to official information, the State facilitated the move of approximately 50 Haitian children, including children with disabilities, from an orphanage in Haiti under siege from organized criminal groups, to a private orphanage in Jamaica for their care and welfare.<sup>1252</sup> However, the State continued to deport Haitian migrants allegedly

<sup>1243</sup> Jamaica Information Service, [Education Minister Gives Firm Commitment to the Care and Protection of Children](#), 2024.

<sup>1244</sup> Information provided to the IACHR by civil society virtual meeting, February 2, 2024.

<sup>1245</sup> Jamaica Star, [Sunbeam Children's Home to be delicensed over claims of child abuse](#), January 16, 2024; Caribbean Times, [Children's home to be delicensed following report of child abuse](#), January 19, 2024; National Wide Radio, [Sunbeam Children's Home Losing License Due to Child Abuse](#), January 16, 2024.

<sup>1246</sup> UNICEF, Press Release, ["UNICEF Calls for Action to Keep Promise to Children"](#), August 10, 2024.

<sup>1247</sup> Jamaica Information Service, [Amended Domestic Violence Act Takes Effect January 22](#), January 17, 2024.

<sup>1248</sup> Jamaica Observer, [A promise is a comfort to a fool: JASL bemoans gaps in law](#), December 2, 2024.

<sup>1249</sup> Jamaica Information Service, [BGA Hosts Gender-Based Violence in Emergencies Workshop](#), September 16, 2024.

<sup>1250</sup> Government of Jamaica, [National Review Report on the Beijing Declaration and Platform for Action 2019-2024](#), September 25, 2024, p. 33.

<sup>1251</sup> Committee on the Elimination of Discrimination Against Women (CEDAW), [Concluding observations on the eighth periodic report of Jamaica](#), November 15, 2023, para. 32; IACHR, [Annual Report Chap IV.A "Jamaica"](#), 2023, para. 525; IACHR, [Annual Report, Chapter IV.A "Jamaica"](#), 2022, para. 546.

<sup>1252</sup> Jamaica Information Service, [Gov't Working Out Arrangements to Legally Receive Just under 50 Displaced Haitian Orphans](#), March 14, 2024.



without proper assessment of international protection needs. According to public information, in October 17 Haitian nationals were deported.<sup>1253</sup>

588. Moreover, via a public hearing held during its 191<sup>st</sup> Period of Sessions, the IACHR received information from civil society organizations on the human rights abuses to which Haitians in human mobility in Jamaica were allegedly subjected, including instances of alleged torture, arbitrary detention, separation of families, detention of children and collective expulsions.<sup>1254</sup> During the hearing, the State highlighted the operational and logistical challenges it faced as a result of the irregular movement of Haitians to Jamaica. In this context, the IACHR called for the establishment of a regulatory framework to protect and regularize the status of Haitians in Jamaica and the region.<sup>1255</sup>

589. Regarding **human trafficking**, the Commission takes note of the commitment expressed by the State regarding the Los Angeles Declaration on Migration and Protection to reduce the incidence of irregular migration and combat human trafficking. Likewise, the Commission welcomes actions led by the Ministry of National Security to protect children from child trafficking, including: i) the creation of friendly spaces to assist child victims of trafficking; ii) the institutionalization of 24-hour hotlines; iii) the establishment of child protection agencies with family services; and iv) the establishment of a national referral mechanism to interview child victims and witnesses with a friendly approach to avoid the revictimization of child victims.<sup>1256</sup> The Commission also notes the ongoing implementation of the National Referral Mechanism Framework for interviewing child human trafficking victims and witnesses, which would provide a child-friendly approach to interviewing child victims and witnesses of human trafficking to avoid retraumatizing such individuals.<sup>1257</sup>

590. Regarding the rights of **people of African descent and against racial discrimination**, the Commission notes that the Court of Appeal of Jamaica ruled that a school's policy on the wearing of dreadlock hairstyles violated a female child's constitutional rights when she was denied access to the school after her family refused to trim her dreadlocked hair. The Court ruled that the policy violated her constitutional rights to freedom of expression and to equitable treatment by a public authority. In relation to the general protection of children's rights, the Court of Appeal held that the formalization of rules and exemptions should lie with the executive and would not be given in the judgment.<sup>1258</sup>

591. In relation to the rights of **LGBTI persons**, the Jamaican Ministry of Health has reportedly suspended the chat and artificial intelligence service "Yute Chatz." This program was intended to provide information to people over 13 years of age on health issues, including sexual and reproductive health. The suspension occurred following allegations that the program promoted values considered contrary to Jamaican "morality," by stating that gender is a personal choice and not a biological reality, and by directing users to LGBTI organizations as a source of information.<sup>1259</sup> This context reflects the persistence of regulatory frameworks that criminalize consensual sexual activity between adults of the same sex.

592. On the matter of **persons deprived of liberty**, the Commission values the opening, in September, of an infant nursery for incarcerated pregnant mothers at the South Camp Adult Correctional Centre in Kingston. According to official information, the nursery has three rooms and is equipped with cribs,

<sup>1253</sup> Jamaica Observer, [35 fleeing Haitians returned home via JDF coast guard](#), July 29, 2024; Jamaica Observer, [Human rights group wants Haitians to be assessed for asylum or refugee status](#), October 6, 2024; Jamaica Observer, [17 Haitians reportedly in Jamaica for a year returned home](#), October 23, 2024.

<sup>1254</sup> IACHR, 191<sup>st</sup> Period of Sessions, [Public Hearing – Jamaica: Situation of Haitians in human mobility](#), November 14, 2024.

<sup>1255</sup> IACHR, 191<sup>st</sup> Period of Sessions, [Public Hearing – Jamaica: Situation of Haitians in human mobility](#), November 14, 2024.

<sup>1256</sup> Government of Jamaica, [Johnson Smith Joins Regional Talks on Migration in LatAm and The Caribbean](#), May 7, 2024.

<sup>1257</sup> Jamaica Information Service, [Gov't Implementing Framework to Protect Child Victims of Human Trafficking](#), July 31, 2024.

<sup>1258</sup> Court of Appeal of Jamaica, [Virgo and Another v Board of Management of Kensington Primary School and Others JMCA Civ 33](#), 2024; The Gleaner, [Celebrate and respect African values](#), July 20, 2024; Jamaica Observer, [Court rules school breached constitutional rights of dreadlocks student. PNP applauds ruling](#), June 16, 2024.

<sup>1259</sup> Jamaica Observer, [Health ministry suspends Yute Chatz chatbot](#), June 24, 2024; Jamaica Observer, [Chatbot suspended. Advocacy groups welcome health ministry's review of controversial platform](#), June 25, 2024; The Gleaner, ["Health ministry suspends Yute Chatz service over concerns it's promoting deviant sexual behaviour to children"](#), June 24, 2024.



feeding chairs, toys, a changing table, and washing areas.<sup>1260</sup> Moreover, the IACHR welcomes the State's efforts in September to repurpose a newly refurbished hostel into a temporary housing facility for individuals who are eligible for parole. Specifically, the facility functions as temporary housing where parolees who do not have accommodation after being released from detention can reside.<sup>1261</sup>

593. The IACHR also values the continued implementation of an educational rehabilitation programme during 2024, which is a result of the partnership established in January 2020 among the State, the University of the Commonwealth Caribbean, and civil society.<sup>1262</sup> With regard to inmates suffering from mental illnesses, according to civil society, the current system does not provide adequate care and protection as a result of the shortage of facilities for long-term treatment and housing.<sup>1263</sup>

594. Regarding the **death penalty**, the IACHR notes that there has been no progress with removing this punishment from the statutory books. On the other hand, no person has been sentenced to death since the last execution in 1988, and as of May 23, 2023, no one is currently on death roll.<sup>1264</sup>

## XXII. MEXICO

- **General considerations**

595. As regards the **advances**, the IACHR welcomed the deep democratic vocation of the Mexican people and celebrated the election of the first woman as President. Including several measures in the Constitution is a positive development; these include measures related to pensions, minimum wage, housing, improved conditions for workers, and differentiated protections for persons with disabilities and older persons, as well as the constitutional reform on equality as between men and women and on indigenous and afrodescendants, and the reduction in the percentage of the population living in multidimensional poverty. Also viewed in a positive light is the registry of persons held in immigration detention, which was ordered by the Supreme Court of Justice. The drop in crime is a gain, as are the actions to strengthen the Mechanism of Protection for Human Rights Defenders and Journalists.

596. As regards the **challenges**, special mention can be made of tensions around the judicial reform, and the concern over guarantees of the independence and suitability of judicial officers. Constitutional reforms for the constitutional militarization of the National Guard and the shutting down of the National Institute on Transparency, Access to Public Information, and Protection of Personal Data impact Mexico's human rights obligations. Violence continues against persons and groups in vulnerable situations, such as women, human rights defenders, journalists, trans women, persons engaged in searching for the disappeared and people in mobility. In addition, there were elevated levels of violence against candidates in the electoral context. The failure to issue visitor cards on humanitarian grounds, which aggravates the risk of violence against migrants, is of concern. Figures from 2024 indicate that there were 120,000 persons disappeared in Mexico, and 72,000 unidentified corpses in the custody of the State.

<sup>1260</sup> Jamaica Information Service, [First Ever Infant Nursery for Incarcerated Expectant Mothers Opened](#), September 25, 2024; Jamaica Informative Service, [South Camp Correctional Nursery](#), September 30, 2024; and Jamaica Observer, [Nursery coming for women who give birth while in custody](#), February 22, 2024.

<sup>1261</sup> Jamaica Information Service, [Hostel Refurbished for Rehabilitated Inmates of Correctional Institutions Eligible for Parole](#), September 29, 2024.

<sup>1262</sup> Jamaica Observer, [More success for prison inmates under educational rehabilitation programme](#), July 31, 2024.

<sup>1263</sup> Jamaicans for Justice and Stand Up For Jamaica, "Urgent Reforms Needed for Mentally Ill in Jamaica's Justice System", June 26, 2024, IACHR Archive; Jamaica Observer, [Mental health services in prison only 50% therapeutic](#) Expert psychiatrist testifies at trial of former JDF officer who killed wife, February 18, 2024. Also, see: Jamaica Observer, [Transfer of mentally ill prisoners from Spanish Town to Tower Street putting pressure on system](#), February 22, 2024.

<sup>1264</sup> World Coalition Against the Death Penalty, [Jamaica](#), May 23, 2023. Last visited: October 2024.



597. The State submitted a response to the request for information sent for the drafting of this chapter on October 1, 2024.<sup>1265</sup>

- **Specific issues**

598. In terms of **the institutional framework for human rights** the State affirmed that it has been working on implementing the 2020-2024 National Human Rights Program (PNDH). It indicated that more than 90% of the 188 specific actions of the PNDH have seen substantive progress and that implementation is monitored through a digital platform.<sup>1266</sup>

599. The IACHR welcomes the reforms that incorporate into the Constitution a non-contributory pension for persons with a permanent disability who are under 65 years of age, the right to rehabilitation and enablement of persons living with a permanent disability (with priority for persons under 18 years of age), and the right to a universal non-contributory pension for all persons 65 and over. In addition, these reforms establish a safe, fair, and permanent workday for peasant farmers, direct economic support and support in the form of free fertilizer for small-scale agricultural producers and fisherpersons, and access to credit or affordable rental housing for workers.<sup>1267</sup>

600. The Commission also took note of the concerns around a possible weakening of the National Commission on Human Rights (CNDH) related to allegations of irregularities in the process whereby the Senate selects its chairperson;<sup>1268</sup> reports that complaints have been dismissed without an adequate investigation, smear campaigns against civil society organizations, journalists, and human rights defenders, as well as the disintegration of its Advisory Council as a means of protesting how the institution is being managed.<sup>1269</sup>

601. Regarding **the democratic institutional framework**, the State explained that it carried out the largest election in history, in which 20,000 public officials were elected at the federal and state levels. Among the elected authorities, the election of Dr. Claudia Sheinbaum, the first woman president of Mexico, stood out.<sup>1270</sup> The IACHR congratulated the Mexican people for its profound democratic vocation and celebrated the election of the first woman president in Mexico's history.<sup>1271</sup>

602. Public information emerged about serious acts of violence against the lives and integrity of candidates and pre-candidates; according to some counts, 37 were killed, of a total of 320 attacks identified.<sup>1272</sup> Pursuant to a request for information as per Article 41 of the American Convention concerning such incidents, the State reported that establishment of the Inter-institutional Roundtable for Security for the 2023-2024

<sup>1265</sup> Mexican State, Informe del Estado mexicano para el Informe Anual 2024 de la CIDH, September 27, 2024, sent with Diplomatic Note OEA3220, 4.0.2.1 of October 1, 2024. [Hereinafter "Report of the Mexican State. Chapter IV.A., September 27, 2024."]

<sup>1266</sup> In addition, in the period covered it noted that the PNDH organized two editions of the course "Legislative practice from a human rights perspective" in 14 state legislatures for 150 officials; convened two sessions of the "National Agenda for Coordination on Human Rights" (February and July); and gave 27 training courses and seven sessions of the course Constitutional Principles to 12,395 public servants from the three levels of government on issues such as the right to protest, the right to freedom of expression, and gender violence. Report of the Mexican State. Chapter IV.A., September 27, 2024, pp. 11-12.

<sup>1267</sup> *Diario Oficial de la Federación*, [Decree reforming and adding Article 4 and 27 of the Mexican Constitution on well-being](#), December 2, 2024; *Diario Oficial de la Federación*, [Decree reforming and addition subsection XII of Section A of Article 123 of the Mexican Constitution](#), on housing for workers, December 2, 2024.

<sup>1268</sup> El País, "Rosario Piedra pasa a la terna para dirigir la CNDH pese a estar entre las candidatas peor evaluadas", November 5, 2024 (December 10, 2024); *Pie de Página*, "Organizaciones de Derechos Humanos piden transparencia en próxima elección en la CNDH", September 18, 2024 (December 10, 2024); El País, "El Senado reelige a Rosario Piedra Ibarra al frente de la CNDH pese a todas las críticas", November 13, 2024 (December 10, 2024); *Animal Político*, "La reelección en la CNDH y el México que viene", November 13, 2024 (December 10, 2024).

<sup>1269</sup> Centro Prodh, ["CNDH. balance de su debilitamiento institucional durante la gestión 2019-2024"](#), pp. 6 ff., pp. 23 ff., and pp. 30 ff.

<sup>1270</sup> Report of the Mexican State. Chapter IV.A., September 27, 2024, p. 6.

<sup>1271</sup> IACHR [@CIDH], (June 3, 2024), #México: #CIDH celebra la elección de la primera mujer presidenta en la vida republicana del país; saluda al pueblo mexicano por su profunda vocación democrática; y felicita a la presidenta electa Claudia Sheinbaum, por su amplio triunfo, resultado de la jornada electoral en la que se registraron 43,623,360 votos. [X post], X, <https://twitter.com/CIDH/status/1797627030831251727>.

<sup>1272</sup> El País, [México sale a las urnas bajo la sombra de la violencia y 37 aspirantes asesinados](#), June 1, 2024.



Federal Elections, and the specific Protocol for addressing requests for security schemes from candidates and political parties, related to the security situation in various states.<sup>1273</sup> The Commission recognized Mexico's efforts to prevent and respond to these acts of violence, regretted the loss of human life in the electoral context, and urged the Mexican authorities to strengthen the measures necessary for ensuring the security of candidates and investigating the incidents, respecting due process guarantees.<sup>1274</sup> According to public information reported in the press, after the election recently-elected authorities were assassinated.<sup>1275</sup>

603. The Commission also followed up on the constitutional reform process in Mexico, which began February 5, 2024 with the forwarding by the Executive branch of a package of 20 constitutional and statutory reforms to Congress for legislative consideration.<sup>1276</sup> In addition, two reforms were introduced and recently approved after the initial package: one insulating constitutional reforms from judicial challenge;<sup>1277</sup> and another on issues related to gender equality.<sup>1278</sup>

604. In light of the profound legal and political impact of the constitutional reforms, they are directly related to the democratic institutional framework of the State. The State indicated that the constitutional reform process in Mexico is structured such that it guarantees the legality and legitimacy of the reforms; and that approval in the Senate requires a supermajority which no political force has acting alone, which would make clear the need to prioritize dialogue in order to actually adopt the reform.<sup>1279</sup> Moreover, the State reported that the constitutional reform process is the result of the free exercise of political participation by the citizens and their approval by means of freely-elected representatives, who constitute supermajorities in both chambers of the Mexican Congress and in most of the legislatures of the states of the federation, which reflects a political consensus on a reform of the Constitution of Mexico. The State also explained that the new constitutional framework is the result of social participation in the exercise of political rights, and, consequently, is compatible with the American Convention on Human Rights (ACHR).<sup>1280</sup> Pursuant to Article 41 of the ACHR, the Commission reiterated to Mexico the importance of the constitutional reform processes being conducted in a manner consistent with the State's human rights obligations.<sup>1281</sup>

605. As regards the constitutional reform on judicial matters, the Commission requested information on the adoption of the reform, based on Article 41 of the ACHR;<sup>1282</sup> issued a press release highlighting the concerns that were expressed by experts, civil society organizations, international human rights bodies, and associations of judicial officers;<sup>1283</sup> and convened a public hearing on the matter.<sup>1284</sup>

606. The Commission values the participation of and information provided by Mexico throughout the year.<sup>1285</sup> The Commission observes that the constitutional reform entails a fundamental transformation of

<sup>1273</sup> Communication from the Mexican State OEAA1245 Exp. 4.2.0.2., request for information pursuant to Article 41 of the [ACHR] on acts of violence in the context of the Mexican electoral process, April 16, 2024.

<sup>1274</sup> IACHR, Press Release No. 114/24, [Mexico: IACHR condemns acts of violence against candidates and calls for strengthening preventive actions to ensure peaceful elections](#), May 24, 2024.

<sup>1275</sup> El Economista, "[Suman tres asesinatos de candidatos electos a puestos públicos en el país](#)", June 27, 2024 (December 10, 2024); Swiss info, "[Asesinan en México a alcalde electo en municipio del estado de Guerrero](#)", June 18, 2024 (December 10, 2024); El País, "[Terror en Chilpancingo: el narco impone su ley tras la decapitación del alcalde](#)", October 7, 2024 (December 10, 2024).

<sup>1276</sup> Andrés Manuel López Obrador, [Iniciativas de reforma a la Constitución, desde Palacio Nacional](#), February 5, 2024.

<sup>1277</sup> Diario Oficial de la Federación, [Decree reforming the first paragraph of subsection II of Article 107, and adding a fifth paragraph to Article 105 of the Mexican Constitution, on insulating additions or reforms to the Constitution from challenges](#), October 31, 2024.

<sup>1278</sup> Diario Oficial de la Federación, [Decree reforming and adding Article 4, 21, 41, 73, 116, 122 and 123 of the Mexican Constitution, on substantive equality, gender perspective, and right of women to a life free from violence](#), November 15, 2024.

<sup>1279</sup> Report of the Mexican State. Chapter IV.A., September 27, 2024, pp. 55-56.

<sup>1280</sup> Communication from the Mexican State, OEA3898 4.5.0.1, Response to the request for information pursuant to Article 41 of the [ACHR] with respect to constitutional reforms in Mexico, November 29, 2024.

<sup>1281</sup> Communication from the IACHR, 1017-24/CIDH/SE/MCPT-Art.41, November 1, 2024.

<sup>1282</sup> Communication from the IACHR, 608-24/CIDH/SE/MPCT-Art.41, August 14, 2024.

<sup>1283</sup> IACHR, [Press Release No. 213/24, IACHR expresses concerns over judiciary reform in Mexico and warns of threats to judicial independence, access to justice, and rule of law](#), September 12, 2024.

<sup>1284</sup> IACHR, 191<sup>st</sup> period of sessions, Public Hearing "[Judicial Reform in Mexico](#)", November 12, 2024.

<sup>1285</sup> Communication from the Mexican State, OEA2799 Exp. 4.2.0.2, Report of the Mexican State, request for information pursuant to Article 41 of the [ACHR] with respect to the proposed reform of the Judicial Branch in Mexico, August 23, 2024.



one of the branches of government. The scope of the judicial reform, as regards the process of designating justices and judges by popular vote; terminating the designations of almost 1,700 judicial officers; establishing the Judicial Disciplinary Tribunal (Tribunal de Disciplina Judicial) and the Organ of the Judicial Administration (Órgano de Administración Judicial); adopting measures to keep confidential the identities of judicial officers; and other procedural changes related to time frames and *amparo* actions are far-reaching. All these measures have been the subject of grave concern by several stakeholders who have called into question, in particular, popular election as a method for selecting suitable and independent judicial authorities; the possible negative impact on the guarantee of tenure; and the labor rights of the outgoing judicial authorities.<sup>1286</sup> Along these lines, the relationship between the possible election of unsuitable judicial authorities and the right of access to justice or the victims of serious human rights violations was also brought to the attention of the Commission. Some of these topics were covered in a public statement by the IACHR.<sup>1287</sup>

607. The State noted that the judicial reform was carried out in keeping with adequate constitutional procedures and in a participatory manner. It also indicated that in its implementation the reform will respect the labor rights of the judicial personnel who have been dismissed and that it will guarantee the election of suitable persons through the selection committees. Regarding the foregoing, in a public hearing convened by the IACHR on the matter the State acknowledged not having an assessment that had determined a model for the reconfiguration of its courts through the popular vote.<sup>1288</sup>

608. The IACHR has learned of the concerns and feelings of uncertainty of judicial personnel with respect to the judicial reform, in particular with respect to the positions that have been terminated. Along these lines, the Commission was also informed that the Office of the Attorney General of the Republic (FGR: Fiscalía General de la República) had initiated investigations of judges who granted *amparo* actions brought against the judicial reform; they were being investigated for the offense of abuse of authority.<sup>1289</sup>

609. Regarding the INAI, the Commission observes that in November 2024 the constitutional reform was adopted that eliminates the textual reference to an autonomous and specialized agency responsible for guaranteeing implementation of the right of access to public information and the protection of personal data.<sup>1290</sup> Accordingly, human rights organizations indicated that this constitutional reform eliminated a fundamental pillar for the transparency of government and that constituted a major setback in transparency and access to information.<sup>1291</sup>

610. As regards **access to justice and judicial independence**, in addition to what was reported, the State identified three technological tools for improving the management and transparency of judicial entities.<sup>1292</sup> The State also communicated advances in consolidating the criminal justice system in the 32 states of the federation, highlighting 16 working groups with judicial and prison authorities from 23 states to improve the system, 11 virtual working groups with judicial officers in five states, and the certification of 382 experts in key functions of the criminal justice process from August 2022 to June 2024.<sup>1293</sup>

611. The IACHR observes that impunity continues to constitute a serious problem in Mexico. México Evalúa reports that in 2023 the impunity rate for crimes was 93.6%; the crimes with the highest

<sup>1286</sup> Communication from Senator Edith Anaya Mota and others, October 29, 2024.

<sup>1287</sup> IACHR, [Press Release No. 213/24, IACHR expresses concerns over judiciary reform in Mexico and warns of threats to judicial independence, access to justice, and rule of law](#), September 12, 2024.

<sup>1288</sup> At that hearing the United Nations Special Rapporteur for Judicial Independence indicated that judicial officers do not have a function of popular representation, but rather of imparting justice. IACHR, 191<sup>st</sup> period of sessions, Public Hearing “[Judicial Reform in Mexico](#)”, November 12, 2024.

<sup>1289</sup> Índice político, [¿Represalia? La FGR Investiga a Jueces por Suspensiones de la Reforma Judicial](#), November 4, 2024 (December 10, 2024).

<sup>1290</sup> Senate of the Republic, [Senate of the Republic approves reform on organic simplification and sends it to state legislatures](#), November 28, 2024 (December 10, 2024).

<sup>1291</sup> Centro Prodh, [Senado aprueba desaparición del INAI](#), November 29, 2024 (December 10, 2024), Fundar, México [dejará de ser un referente en el mundo en materia transparencia para convertirse en uno de opacidad](#), November 26, 2024 (December 10, 2024).

<sup>1292</sup> Report of the Mexican State, Chapter IV.A. September 27, 2024, p. 56.

<sup>1293</sup> Report of the Mexican State, Chapter IV.A. September 27, 2024, p. 57.



impunity were forced disappearance (99.5%), extortion (98.4%), fraud (97.2%), and intentional homicide (96.8%).<sup>1294</sup> According to data from the INEGI from 2024, in 2023 the prosecutors' offices across Mexico opened approximately 2,226,000 investigations, yet in only 9.2% were criminal prosecutions brought; the rest were archived.<sup>1295</sup>

612. In addition, in the framework of the regional public hearing on the situation of judicial independence in the Americas, Mexican organizations reported threats to judicial independence including attacks on judicial officers after issuing judgments unfavorable to certain state policies, among which reference was made to the use of impeachment proceedings (*juicios políticos*).<sup>1296</sup> In response to a request for information the State explained that impeachment proceedings in its domestic legislation apply in cases of human rights violations, attacks on the democratic institutions, and serious breaches of the Constitution and the laws.<sup>1297</sup> For its part, the Fundación para la Justicia y el Estado de Derecho and México Evalúa reported that from January 1, 2023 to October 11, 2024, 449 alleged "attacks" against judicial officers by different authorities from other branches of government.<sup>1298</sup>

613. As regards **citizen security** the State reported that it has a National Strategy for Public Security that is carried out through the Security Cabinet presided over by the principal of the Federal Executive, and which has succeeded in installing 32 State Roundtables and 266 Regional Roundtables for Peace and Security. Mexico indicated that to date, the National Guard has 133,102 members deployed throughout the national territory. According to the information provided, the average daily number of victims of intentional homicide in 2024 fell 18% compared to the average for 2018.<sup>1299</sup> In addition, according to the comparative data provided covering December 2018 and June 2024, kidnapping declined 62.9%, while theft of hydrocarbons declined 94.2%; total robberies declined 34.8%; and robbery of vehicles decreased 50.3%.<sup>1300</sup>

614. A constitutional amendment was adopted establishing that the National Guard is a public, professional, and permanent security force made up of military personnel with police training and that it is under the Ministry of National Defense to carry out the National Public Security Strategy.<sup>1301</sup> The militarization of citizen security has been a historic concern of the inter-American system with respect to Mexico.<sup>1302</sup> Accordingly, this reform may not be consistent with the recommendations and rulings of international human rights bodies on the need to demilitarize citizen security in Mexico.<sup>1303</sup>

<sup>1294</sup> México Evalúa, [México Evalúa presenta Hallazgos 2023: falta de recursos y sobrecarga de trabajo debilitan las instituciones de justicia en México](#), October 31, 2024.

<sup>1295</sup> INEGI, [Censo Nacional de Procuración de Justicia Estatal 2024](#), October 3, 2024; Proceso, [Fiscalías, el hoyo negro de la impunidad en México](#), November 8, 2024 (December 10, 2024).

<sup>1296</sup> IACHR, 189<sup>th</sup> period of sessions, Regional Public Hearing: [Situation of judicial independence](#), February 28, 2024.

<sup>1297</sup> Communication from the Mexican State, OEA1267, Exp. 4.2.0.2, Report of the Mexican State, Request for information pursuant to Article 41 of the [ACHR] on impeachment of judicial officers in Mexico, April 17, 2024.

<sup>1298</sup> Fundación para la Justicia, Information for the Inter-American Commission on Human Rights (IACHR) on occasion of its 2024 Annual Report on the Human Rights Situation in Mexico, October 2024, pp. 5-8.

<sup>1299</sup> Report of the Mexican State, Chapter IV.A. September 27, 2024, p. 41.

<sup>1300</sup> Report of the Mexican State, Chapter IV.A. September 27, 2024, pp. 42-44. In addition, Mexico reported on 29 Peace Fairs in the reporting period, and campaigns for voluntary disarmament that promote the turning in of weapons voluntarily and anonymously for an economic benefit; it also reported a decline in crime.

<sup>1301</sup> *Diario Oficial de la Federación*, [Decree reforming and adding Articles 13, 16, 21, 32, 55, 73, 76, 78, 82, 89, 123 and 129 of the Mexican Constitution, regarding the National Guard](#), September 30, 2024.

<sup>1302</sup> IACHR, Situation of Human Rights in Mexico, OEA/Ser.L/V/II. Doc. 44/15, December 31, 2015, paras. 34 ff.; I/A Court HR. Case of Alvarado Espinoza et al. v. Mexico. Merits, Reparations and Costs. Judgment of November 28, 2018. Series C No. 370, paras. 54 ff.

<sup>1303</sup> UN Human Rights, [ONU Derechos Humanos preocupada porque la Guardia Nacional de México pase a estar bajo control militar](#), September 9, 2024, Press Release No. 201/22, [IACHR Urges Mexico to Adopt a Citizen Security Policy In Line with the Country's International Human Rights Obligations](#), September 9, 2022.



615. The acts of violence in the state of Sinaloa due to confrontations between organized crime organizations are of concern. The media have reported that more than 100 days of continuing violence took the lives of more than 600 persons.<sup>1304</sup>

616. As regards **torture**, Mexico reported that it has been implementing the National Strategy against Torture for preventing torture and assisting torture victims in 18 offices and administrative units of the federal public administration and the 32 states. In addition, it designed and put in place the National Program for Training on Torture 2024-2025 and since June 2024 has been disseminating the National Campaign against Torture.

617. Regarding **disappearances** the State reported that since the implementation of the so-called "National Strategy for the massive search for persons disappeared and not located in Mexico," 20,193 disappeared persons were found: 4,656 were found in house-to-house visits; 4,629 due to reports they had died; 10,717 were reported by the local authorities as already located; and 191 persons who were on record as disappeared were found in prisons. As regards identifying disappeared persons, 317 persons were identified genetically, using data bases of the INE and the Forensic Medical Service (Servicio Médico Forense). In addition, 15 brigades went out to take samples from 3,749 families, resulting in 22 genetic matches, among other findings.<sup>1305</sup>

618. The Commission notes that the organizations Quinto Elemento Lab and A dónde Van Los Desaparecidos indicated that to date there are at least 72,100 unidentified bodies under the State's custody in the country's morgues,<sup>1306</sup> which represents an increase of almost 20,000 corpses with respect to the last report, in 2021, by the Movimiento Por Nuestros Desaparecidos México.<sup>1307</sup>

619. In addition, the IACHR observes that in March 2024 a census was carried out that reduced by nearly 11,000 the number of names in the National Registry of Persons Disappeared and Not Located (RNPDO), as it was understood that they had been located.<sup>1308</sup> In this regard, the Commission takes note of the concerns of civil society organizations regarding the lack of transparency in the census methodology, the absence of the central role of victims' family members in applying the census, and the alleged irregular modification of the records of the RNPDO.<sup>1309</sup> The State has highlighted that the so-called "census" is not "disappearing the disappeared" and that no record is erased.<sup>1310</sup> In addition, information was received on challenges in the forensic identification of disappeared persons. It is noteworthy that the Extraordinary Forensic Identification Mechanism has been shut down,<sup>1311</sup> as is the reduction of expert personnel and the lack of an adequate budget for the operation of the National Center for Human Identification.<sup>1312</sup>

<sup>1304</sup> *Proceso*, [Cien días de violencia en una Sinaloa ocupada por el narco: suman más de 600 asesinatos](#), December 18, 2024 (December 18, 2024); *Diario Cambio 22*, [Guerra Civil en el Cártel de Sinaloa: 100 Días de Violencia entre Los Chapitos y La Mayiza](#), December 18, 2024 (December 18, 2024); *Contramuro*, [Sinaloa cumple más de 100 días de violencia, suma más de 600 asesinatos](#), December 18, 2024; *Nmas*, [Se Cumplen 100 Días de Violencia Continua en Sinaloa](#), December 17, 2024 (December 17, 2024).

<sup>1305</sup> Report of the Mexican State. Chapter IV.A. September 27, 2024, pp. 47-48.

<sup>1306</sup> *Quinto Elemento*, [Cierra sexenio de AMLO con más de 72,100 cuerpos sin identificar](#), September 24, 2024 (December 10, 2024).

<sup>1307</sup> Movimiento por Nuestros Desaparecidos México, [La Crisis Forense](#), August 2021.

<sup>1308</sup> *Animal Político*, [Desaparecer dos veces: estos son 10 mil nombres que el censo borró de lista oficial de desaparecidos](#), March 13, 2024; *Río Doce*, [11 mil nombres borrados entre bases de desaparecidos del gobierno, según Data Cívica](#), March 19, 2024; *El Universal*, ["Borran" 10 mil 953 nombres de registro desaparecidos](#), March 21, 2024.

<sup>1309</sup> *Animal Político*, [Desaparecer dos veces: estos son 10 mil nombres que el censo borró de lista oficial de desaparecidos](#), March 13, 2024; *Río Doce*, [11 mil nombres borrados entre bases de desaparecidos del gobierno, según Data Cívica](#), March 19, 2024; *El Universal*, ["Borran" 10 mil 953 nombres de registro desaparecidos](#), March 21, 2024.

<sup>1310</sup> It also reported that its National Search System (SNB: Sistema Nacional de Búsqueda) met three times in 2024 to discuss work processes, operational guidelines, and strategies for serving victims and family members, as well as the National Program for Training Searchers. Report of the Mexican State. Chapter IV.A. September 27, 2024, p. 46.

<sup>1311</sup> A dónde van los desaparecidos, [Adiós al Mecanismo Extraordinario de Identificación Forense; cierra en marzo](#), February 26, 2024.

<sup>1312</sup> *A dónde van los desaparecidos*, [Regresa CNB tareas de identificación forense a las fiscalías; rompen con ruta creada este sexenio](#), April 18, 2024.



620. In a public hearing the Commission received information from searchers who were calling for better security measures during the search days, their recognition as human rights defenders, and an end to the acts of harassment and attacks directed against them. The Commission values the fact that the State has recognized that searching is a responsibility of the State and a right of the families; and that it will no longer allow the families to search alone. In 2024, the Fundación para la Justicia reported the assassinations of Noé Sandoval (February 13) and Angelita Meraz (February 8), and the disappearance of Lorenza Cano (January 15), all of them persons engaged in searching.<sup>1313</sup>

621. As regards **indigenous peoples and Afro-Mexican communities**, the Commission welcomes the creation of the National Council of Indigenous Peoples as an entity for the participation of these peoples and the Executive branch in the design and implementation of public policies.<sup>1314</sup> It also values the constitutional recognition of indigenous and Afro-Mexican peoples as subjects of public law, with their own juridical personality and property, after the reform of Article 2 of the Constitution.<sup>1315</sup> Nonetheless, the IACHR takes note that the Committee on the Elimination of Racial Discrimination (CERD) of the United Nations expressed its concern that the reform did not adequately reflect the results of the prior consultation, especially in relation to the right of indigenous peoples to self-determination.<sup>1316</sup>

622. As regards the protection of **women's human rights**, the IACHR highlights the creation of the Ministry of Women's Affairs (Secretaría de las Mujeres)<sup>1317</sup> and the constitutional reform on women's substantive equality, gender perspective, and women's right to a life free from violence.<sup>1318</sup> The IACHR also highlights the recognition of responsibility and public apology of the State for the disappearance and femicides of women and girls in Ciudad Juárez from 1995 to 2003.<sup>1319</sup>

623. Similarly, the IACHR values the federal and state measures to prevent and punish violence, as well as to protect victims, such as the opening of new Women's Justice Centers,<sup>1320</sup> support for 75 shelters nationwide,<sup>1321</sup> and Operation Violeta in municipalities that have a Gender Violence Warning.<sup>1322</sup> In addition, it highlights the criminal law reforms to punish aiding and abetting femicide,<sup>1323</sup> withdrawing *patria potestas* from fathers convicted of this crime, and preventing and punishing vicarious violence.<sup>1324</sup>

624. Despite these efforts, the IACHR observes that violence against women continues to be alarming. From January to September 2024 a total of 598 femicides were reported, along with 449 cases of

<sup>1313</sup> Fundación para la Justicia, [Buscadoras asesinadas](#), 2024.

<sup>1314</sup> Government of Mexico, [Law of the National Institute for Indigenous Peoples](#), latest amendment DOF December 29, 2023.

<sup>1315</sup> Chamber of Deputies of the Honorable Congress of the Union, [Mexican Constitution](#), latest amendment December 2, 2024.

<sup>1316</sup> Committee on the Elimination of Racial Discrimination (CERD), [Concluding observations on the combined twenty-second to twenty-fourth periodic reports of Mexico](#), CERD/C/MEX/CO/22-24, p. 4.

<sup>1317</sup> Chamber of Deputies, Gaceta Parlamentaria, [Iniciativa del Ejecutivo federal](#), November 1, 2024.

<sup>1318</sup> Government of Mexico, [Presidenta Claudia Sheinbaum firma decreto que garantiza la igualdad sustantiva de las mujeres en la Constitución](#), November 15, 2024.

<sup>1319</sup> Government of Mexico, [Ofrece Estado mexicano disculpa pública a familiares de niñas y mujeres desaparecidas y víctimas de feminicidio en Ciudad Juárez](#), March 6, 2024.

<sup>1320</sup> Government of the State of Sinaloa, [Rocha inauguró el tercer Centro de Justicia para las Mujeres, cumpliendo así su compromiso](#), February 27, 2024; Government of the State of Querétaro, [gobqro], (July 17, 2024), Con la inauguración del edificio del Sistema Estatal de Atención a Víctimas, damos un gran paso en materia de seguridad y acceso a la justicia, <https://mobile.x.com/gobqro/status/1813658106783818115>; La Jornada Maya, [Inauguran Centro de Justicia para las Mujeres de Tizimín](#), August 19, 2024; Enrique Alfaro, [Inauguración del Centro de Justicia para las Mujeres](#), September 24, 2024; Government of the State of Baja California, [Ofrece CEJUM san quintín servicios integrales para mujeres en situación de violencia](#), October 2024. Government of Mexico, [Inauguración del Centro de Justicia para las Mujeres en Chetumal, Quintana Roo](#), October 18, 2024.

<sup>1321</sup> Centro de Producción CEPROPRIE, [Estrategia Nacional Protección Integral a Mujeres y Niñas que Viven Violencias Basadas en el Género](#), July 27, 2024.

<sup>1322</sup> Government of the State of México, [Edomex], (May 14, 2024), El Operativo Violeta es una estrategia implementada en el Estado de México para salvaguardar la seguridad de las mexiquenses, <https://x.com/Edomex/status/1790472152493236517>.

<sup>1323</sup> This year they were approved in the states of Oaxaca, Mexico City, Milenio, [Aprueban 'Ley Monse' en el estado de Oaxaca: van por feminicidas y cómplices](#), March 14, 2024.

<sup>1324</sup> Congress of Mexico City, [Aprueba comisión reformas en materia de violencia vicaria](#), May 8, 2024; Chamber of Deputies of the Congress of the Union, [Cámara de Diputados fortalece marco normativo para prevenir y sancionar eficazmente la violencia vicaria](#), November 29, 2023; Supreme Court of the Nation, [La corte valida legislación del Estado de San Luis Potosí que prevé la figura de la violencia vicaria](#), February 26, 2024.



human trafficking of women, 16,398 reports of rape, and 214,572 complaints of family violence; and 248,854 emergency calls related to incidents involving violence against women.<sup>1325</sup> In addition, the demand for services at shelters climbed 75.6% from January to July 2024.<sup>1326</sup>

625. In the area of sexual and reproductive rights, abortion was decriminalized in four other states<sup>1327</sup> and judicial decisions were adopted that expand protection for these rights, including access to abortion for women with disabilities, recognizing their right to reproductive autonomy.<sup>1328</sup> In Aguascalientes a reform was adopted that reduced the time limit for abortions from 12 to six weeks.<sup>1329</sup>

626. With respect to the rights of **children and adolescents**, the Guidelines and Actions for Healthy Living were presented, focused on guaranteeing adequate food and nutrition for children and adolescents in schools.<sup>1330</sup> The IACHR also takes note of the 0.3% increase in crimes against this population from January to September 2024, compared to the same period in 2023, especially in corruption of minors, extortion, femicide, homicide, abduction, and trafficking of minors.<sup>1331</sup>

627. As regards **persons deprived of liberty**, the IACHR values state efforts to guarantee the vote for persons held in pretrial detention. In the 2024 general elections, 86% of this group voted in 214 prison establishments nationwide, except in Yucatán.<sup>1332</sup> In addition, though the number of persons subject to pretrial detention has declined, it is worrisome that it continues to be used for more than 35% of all persons facing criminal charges.<sup>1333</sup>

628. The IACHR received information on reports of poor conditions of detention due to the lack of resources, self-government, the lack of medicines, and the poor treatment accorded to the persons detained.<sup>1334</sup> In a public hearing before the IACHR, organizations reported on seven suicide attempts in February 2024, and the occurrence of 13 suicides in the last three years of women deprived of liberty at CEFERESO No. 16, attributable to problems accessing rights, including shortcomings in physical and mental health care. The State regretted the deaths and highlighted the measures adopted to prevent future incidents and investigate the

<sup>1325</sup> Executive Secretariat of the National System of Public Security, [Información sobre violencia contra las mujeres](#), September 30, 2024, pp. 15, 55, 60, 69 and 77.

<sup>1326</sup> Red Nacional de Refugios, "[Voces de Mujeres: Violencias machistas y la Respuesta de los Refugios](#)", August 26, 2024.

<sup>1327</sup> Government of the State of Michoacán, [Se publica en Periódico Oficial decreto que despenaliza el aborto](#), October 11, 2024; Congress of the State of Jalisco, [Avalan modificar el código penal para despenalizar el aborto](#), October 4, 2024; Infobae, [San Luis Potosí aprueba legalización del aborto](#), November 7, 2024; Congress of the State of Puebla, [Aprueba Congreso de Puebla reformas al Código Penal sobre el aborto](#), July 15, 2024; El Universal, [Congreso de Zacatecas aprueba despenalización del aborto: integrantes ProVida bloquean accesos al recinto](#), November 20, 2024; Infobae, [Congreso de Chiapas aprueba reforma para eliminar de la Constitución el artículo que castiga el aborto](#), November 19, 2024; El País, [El derecho al aborto avanza en México: se despenaliza en Chiapas y en el Estado de México](#), November 26, 2024.

<sup>1328</sup> Supreme Court, [La Corte protege el derecho de la mujer y personas gestantes a decidir sobre su vida reproductiva](#), November 7, 2024; Supreme Court, [La interrupción no consentida del embarazo de mujeres y personas con capacidad de gestar, que tienen alguna discapacidad, es inconstitucional: primera sala](#), October 17, 2024; First Collegial Court for Criminal and Administrative Matters of the 17<sup>th</sup> Circuit and Fourth Collegial Circuit Court of the Auxiliary Center of the Fifth Region (Chihuahua), Amparo on review [195/2023](#), [1019/2023](#) y [1036/2023](#), May 2024; Infobae, [Tribunal ordena la despenalización del aborto en Nayarit](#), August 2, 2024.

<sup>1329</sup> Human Rights Watch, [Mexican State Approved Six-Week Abortion Ban](#), August 30, 2024.

<sup>1330</sup> Office of the Deputy Minister for Middle Higher Education, Mexico. "[Presenta SEP nuevos lineamientos y acciones de Vida Saludable en las escuelas](#)", October 21, 2024.

<sup>1331</sup> Government of Mexico. [Datos Abiertos de Incidencia Delictiva](#), October 21, 2024.

<sup>1332</sup> Commission on Human Rights of Mexico City, [El voto de las personas en prisión preventiva permite la vinculación con su comunidad política](#), May 26, 2024. See also: National Electoral Institute, [Voto de las Personas en Prisión Preventiva Proceso Electoral 2024](#), May 14, 2024.

<sup>1333</sup> Ministry of Security and Citizen Protection, Government of Mexico, [Cuaderno mensual de información estadística penitenciaria nacional](#), June 2024, p. 3. See also: Ministry of Security and Citizen Protection, Government of Mexico, [Cuaderno mensual de información estadística penitenciaria nacional](#), July 2023, p. 4.

<sup>1334</sup> Information provided to the IACHR during a meeting with the civil society organization "Red solidaria década contra la impunidad AC," February 27, 2024.



deaths.<sup>1335</sup> In addition, the Commission observes with concern acts of violence in 2024 that resulted in several violations of the rights to life and integrity of both persons detained and prison personnel.<sup>1336</sup>

629. With respect to **LGBTI persons**, in June legislative reforms were adopted to prohibit and punish efforts to modify sexual orientations and non-normative gender identities and expressions.<sup>1337</sup> In addition, Baja California Sur passed the Law on Trans Childhoods (Ley de Infancias Trans), making it possible to recognize gender identity and change one's name,<sup>1338</sup> whereas Yucatán adopted a similar initiative.<sup>1339</sup> In Hidalgo, the State Electoral Institute demanded the inclusion of persons of sexual diversity on lists of candidates for elective office,<sup>1340</sup> and Guanajuato adopted the Law on Sexual and Gender Diversity, which established an Office of Sexual Diversity.<sup>1341</sup> Also, in Nayarit and Mexico City the crime of trans-femicide was codified.<sup>1342</sup> The IACHR highlights the gains in the case-law when it comes to the recognition of trans-femicide by the Supreme Court<sup>1343</sup> and the obligation to legislate recognizing the right to gender identity in Guanajuato.<sup>1344</sup>

630. In the course of the year there were at least 36 assassinations of trans women.<sup>1345</sup> In addition, in the context of the electoral processs three assassinations of LGBTI candidates were reported, in addition to threats and acts of intimidation.<sup>1346</sup> A civil society observatory recorded 35 cases of LGBTI persons disappeared as of December 2024.<sup>1347</sup>

631. As for **older persons** the State reported gains consolidating the National Care System to guarantee accessible and quality services, sufficient in quantity, for older persons through information systems, research, and support for the bill to establish the system. In addition, as reported, the Pension Program for the Well-being of Older Adults delivered economic pensions to 12,343,472 persons, of whom 1,070,549 reside in Indigenous or Afro-Mexican municipalities or localities.<sup>1348</sup>

<sup>1335</sup> IACHR, Thematic hearing "[Mexico: Situation of women deprived of liberty at CEFERESO 16](#)", 191<sup>st</sup> regular period of sessions, Washington, DC, United States, November 12, 2024.

<sup>1336</sup> El País, [Al menos tres muertos y seis heridos graves tras el motín en una cárcel de San Luis Potosí](#), March 14, 2024; La Jornada, [Motín en penal de La Pila de SLP deja tres muertos y seis heridos](#), March 14, 2024; El Diario, [Golpes en el tórax provocaron la muerte a interno del Cereso 3](#), March 25, 2024; El Heraldo de Chihuahua, [Reo del Cereso 3 localizado sin vida presentaba huellas de golpes](#), March 24, 2024; [Riña en Cereso de Juárez](#), August 4, 2024; El Heraldo de Chihuahua, [Riña en el Cereso 3 en Ciudad Juárez deja a seis internos lesionados](#), August 4, 2024; Estamos aquí, [Tras operativo, reos se amotinaron y lesionaron a director de penal de Iguala](#), May 20, 2024; 24 horas, [Se registra intento de motín en penal de Iguala; reportan agresión al director](#), May 20, 2024; Net noticias, [Chihuahua: Identifican a reo que mató a otro en Cereso 1](#), June 24, 2024; El Heraldo de Chihuahua, [Riña que dejó un muerto en el Cereso 1 fue entre La Línea y Mexicles](#), June 25, 2024.

<sup>1337</sup> IACHR, Press Release 135/24, [IACHR Welcomes Mexico's Ban on Practices Aimed At Changing Sexual Orientation and Gender Expressions](#), June 12, 2024.

<sup>1338</sup> Pulso, [Aprobación de la Ley de infancias Trans en Baja California Sur](#), June 27, 2024; Milenio, [Ley en Baja California permite modificación de actas de nacimiento para adolescentes trans](#), June 23, 2024.

<sup>1339</sup> Animal Político, [Yucatán aprueba iniciativa para reconocer la identidad de género; suman 22 estados que lo avalan](#), March 29, 2024.

<sup>1340</sup> AM, [Obligados partidos a incluir candidatos LGTB en Pachuca y La Reforma, acuerda IEE](#), January 19, 2024; Central Hidalgo Irreverente, [Partidos deben postular una fórmula LGBT+ en 12 municipios de Hidalgo](#), January 19, 2024.

<sup>1341</sup> AM, [¡Guanajuato pone el ejemplo! Aprueban Ley de la Diversidad Sexual y de Género, la primera de su tipo en el País](#), February 15, 2024, Congress of the State of Guanajuato, [Laws for Persons of Sexual and Gender Diversity of the State of Guanajuato and its municipalities](#), June 7, 2024.

<sup>1342</sup> El Financiero, [Nayarit tipifica el delito de transfeminicidio; es el primer estado en hacerlo](#), March 1, 2024; Excelsior, [Congreso de la CDMX aprobó tipificar transfeminicidios](#), July 10, 2024; El Universal, [Aprueban en comisiones dictamen para tipificar transfeminicidios en la CDMX](#), July 9, 2024.

<sup>1343</sup> El Imparcial, [SCJN determina que personas transgénero y transexuales son consideradas víctimas de feminicidio](#), March 1, 2024; Supreme Court of Justice of the Nation, [Regular Public Session of the Plenary of the Supreme Court of Justice of the Nation, held Thursday, February 29, 2024](#), March 4, 2024.

<sup>1344</sup> Zona Franca, [Sentencia obliga a Congreso a cambiar procedimiento de actas para personas trans en Guanajuato](#), June 5, 2024.

<sup>1345</sup> El Sol de México, [Aumenta 280% cifra de transfeminicidios](#), June 29, 2024.

<sup>1346</sup> Heraldo de México, [Bárbara Fox, candidata trans en Sinaloa, denuncia amenazas y pide protección](#), March 5, 2024; Agencia Presentes, [Violencia electoral en México: 48 precandidates asesinadas en 2024, 3 de ellas LGBT](#), March 5, 2024.

<sup>1347</sup> Data from the National Observatory of Hate Crimes against LGBTI+ Persons in Mexico, [Registro de casos, desapariciones 2024](#). Last visited December 4, 2024.

<sup>1348</sup> Report of the Mexican State. Chapter IV.A., September 27, 2024.



632. Regarding the rights of **persons in the context of human mobility**, official data show that from January to August 2024, 925,085 foreigners with irregular immigration status were identified and brought before the authorities;<sup>1349</sup> 11.72% were children and adolescents.<sup>1350</sup> That figure represents an increase of 131.85% in relation to the same period in 2023.<sup>1351</sup> The Commission welcomes the decision of the Supreme Court that orders that a public registry be created of migrants in detention.<sup>1352</sup>

633. In the area of asylum and complementary protection, figures from the Mexican Commission for Refugee Aid (COMAR: Comisión Mexicana de Ayuda a Refugiados) indicate that from January to October 2024, a total of 66,179 persons applied for asylum in Mexico, which represents a diminution of 48.21% compared to the same period in 2023, when 127,796 applications were filed.<sup>1353</sup> And on top of that, official data show that by late October 2024, 3,457 visitor cards on humanitarian grounds (Tarjetas de Visitante por Razones Humanitarias, hereinafter TVRHs) had been issued,<sup>1354</sup> a steep decline of 97.32% compared to the same period in 2023, when 129,212 such cards were issued.<sup>1355</sup>

634. In response to reports from civil society that the National Migration Institute (INM: Instituto Nacional de Migración) had suspended the delivery of the TVRHs the IACHR requested information from the State pursuant to Article 41 of the ACHR.<sup>1356</sup> The State explained that the asylum system is saturated by the “inadequate use of the TVRHs,”<sup>1357</sup> and identified a high percentage of requests that were abandoned. The State indicated that the improvement in the procedures has been reflected in the increased rate of recognition. According to the data provided by the State, in 2023 the rate of recognition of refugee status was 69%, and the rate of complementary protection was 5%; whereas as of mid-year 2024 the rate of recognition of requests for asylum rose to 73%, and for complementary protection to 7%.<sup>1358</sup>

635. As regards internal displacement, data from the Internal Displacement Monitoring Centre (IDMC) indicate that Mexico recorded 11,000 displacements associated with conflicts and violence in 2023, 20% more than in 2022. Specifically, the IDMC notes that Chiapas was the state hardest hit by confrontations between the Jalisco Nueva Generación Cartel and the Sinaloa Cartel. In this regard, at its 190<sup>th</sup> period of sessions the Commission held a public hearing on the worsening situation of extreme violence and insecurity in the state of Chiapas.<sup>1359</sup> In addition, it has followed up with a request for information sent to the State.<sup>1360</sup>

636. As regards **human rights defenders**, as of August 2024, the State reported that the Mechanism of Protection for Human Rights Defenders and Journalists was working with 1,994 persons, 1,320 of whom were human rights defenders (724 women and 596 men). In addition, it noted it had tripled the investment in its budget and increased personnel from 42 to 72 staff. It also highlighted its focus on the internal

<sup>1349</sup> Migration Policy Unit, Registry and Identity, Mexico, [2024 Boletín estadístico mensual](#), III Personas en situación migratoria irregular (antes, extranjeros presentados y devueltos), 2024, Table 3.1.

<sup>1350</sup> Migration Policy Unit, Registry and Identity, *id.*, Table 3.1.4.

<sup>1351</sup> Migration Policy Unit, Registry and Identity, Mexico, [2023 Boletín estadístico mensual](#), III Personas en situación migratoria irregular (antes, extranjeros presentados y devueltos), 2023, Table 3.1.

<sup>1352</sup> Clínica Jurídica Alaide Foppa, [CJRALaideFoppa], (2024, November 28), La Clínica Jurídica “Alaide Foppa” de la @IBERO\_mx y el @JRMex ganaron un amparo en la SCJN [Post], X, <https://x.com/CJRALaideFoppa/status/1862271843249373592>, La Jornada, [SCJN ordena al Congreso crear registro de personas migrantes detenidas](#), November 27, 2024. Milenio, [ONU-DH celebra resolución de la Corte que ordena crear registro de migrantes detenidos](#), November 28, 2024.

<sup>1353</sup> COMAR, Mexico, [La COMAR en números. October 2023](#), November 3, 2023.

<sup>1354</sup> Migration Policy Unit, Registry and Identity, Mexico, [2024 Boletín estadístico mensual](#), II Documentación y condición de estancia en México, 2024, Table 2.10.

<sup>1355</sup> Migration Policy Unit, Registry and Identity, Mexico, [2023 Boletín estadístico mensual](#), II Documentación y condición de estancia en México, 2023, Table 2.10.

<sup>1356</sup> IACHR, Article 41 (of the American Convention) letter requesting information, July 22, 2024, archive of the IACHR.

<sup>1357</sup> In its report submitted to the IACHR, the Mexican State did not specify the reasons why it considers that inadequate use has been made of the TVRH. See: State of Mexico, Note Verbale No. OEA2547 Exp. 4.2.0.2, in response to the request for information in light of Article 41 of the ACHR No. 527-24/CIDH/SE/MPCT-Art.41, August 2, 2024, p. 4, archive of the IACHR.

<sup>1358</sup> State of Mexico, *id.*

<sup>1359</sup> IACHR, 190<sup>th</sup> period of sessions, public hearing, [“Mexico: Impact of the situation of violence in Chiapas on human rights”](#), July 11, 2024.

<sup>1360</sup> State of Mexico, Note Verbale No. OEA3344 Exp. 4.2.0.2, in response to the Letter requesting information in light of Article 41 of the ACHR No. 755-24/CIDH/SE/MPCT-Art.41, September 17, 2024, para. 37, archive of the IACHR.



processes, the implementation of methodologies with a gender perspective, and the performance of analyses with a differentiated and integral approach.<sup>1361</sup>

637. Civil society organizations told the Commission that both the budget allocated and the number of staff for the mechanism are still insufficient and unsustainable in relation to the number of beneficiaries, which has also increased.<sup>1362</sup> Reports have also been received about the lack of coordination between the federal government and the state or municipal governments in charge of providing protection to beneficiaries of the mechanism.<sup>1363</sup>

638. Figures from UN Human Rights indicate that at least seven human rights defenders were assassinated from January to October 2024.<sup>1364</sup> In October 2024, the IACHR condemned the murder of priest Marcelo Pérez Pérez, a human rights defender and beneficiary of precautionary measures issued by the IACHR.<sup>1365</sup> In addition, the Commission has learned of the disappearance, in the state of Oaxaca, of human rights defender Sandra Domínguez on October 4, 2024.<sup>1366</sup> In terms of criminalization of their work, the UN Special Rapporteur on the situation of human rights defenders identified at least nine cases of indigenous human rights defenders said to have been convicted in judicial proceedings.<sup>1367</sup>

639. The Commission takes note that in February the State began to implement the national and comprehensive public policy on **human trafficking** with a human rights focus.<sup>1368</sup>

640. As for processes around **memory, truth, and justice**, the IACHR welcomes the reform to include the right to memory in the General Law on Disappearance, as the State reported.<sup>1369</sup> The State also reported on designating as a memory site the basement of the building that served as the headquarters of the now-dismantled Federal Security Directorate (Dirección Federal de Seguridad), where torture and other serious human rights violations were committed from 1960 to 1990.<sup>1370</sup> The Supreme Court determined that applying legal rules on prescription, atypicality, and non-retroactivity to the investigation of crimes against humanity committed during the “dirty war” violates the rights to truth and access to justice.<sup>1371</sup> Finally, civil society organizations delivered the final report of the Mechanism for Historical Clarification of the Commission for Access to the Truth and Promoting Justice for Serious Human Rights Violations (MEHV) in two parts: On June 25, 2024 a collection was presented entitled “*Fue el Estado (1965-1990)*” (“It was the State (1965-1990)”), and on July 11, 2024, the Mechanism distributed the report “*Verdades innegables. Por un México sin impunidad*” (“Undeniable Truths: For a Mexico without Impunity”). These reports document serious human rights violations, the factors that determined the persistence of these practices, and the barriers faced when it comes to accessing information from the Armed Forces and other security agencies. The second part of the report was presented on October 10, 2024, after the conclusion of the mandate of the MEHV. On September 25, 2024, the office of the Deputy Minister for Human Rights of the Ministry of Interior (SEGOB: Secretaría de

<sup>1361</sup> Report of the Mexican State. Chapter IV.A., September 27, 2024, pp. 12 and 13.

<sup>1362</sup> Espacio OSC, Response to questionnaire from the IACHR, received January 17, 2024, in archive of the IACHR.

<sup>1363</sup> IACHR, 189<sup>th</sup> period of sessions, public hearing, [Protecting human rights defenders and journalists](#), February 28, 2024.

<sup>1364</sup> See: UN Human Rights, [La Oficina en México del Alto Comisionado de las Naciones Unidas para los Derechos Humanos \(ONU-DH\) condena el asesinato del sacerdote Marcelo Pérez Pérez, perpetrado esta mañana en San Cristóbal de las Casas, Chiapas, e insta a las autoridades a llevar a cabo una investigación pronta, exhaustiva y eficaz](#), October 20, 2024.

<sup>1365</sup> IACHR, Press Release No. 260/24, [IACHR condemns murder of Father Marcelo Pérez Pérez, beneficiary of precautionary measures in Mexico](#), October 24, 2024.

<sup>1366</sup> X [@ONUDHmexico], [Expresamos nuestra preocupación por la desaparición de la defensora de #DDHH Sandra Estefanía Domínguez Martínez y su esposo, quienes fueron vistos por última vez el viernes 4 de octubre en la comunidad de María Lombardo, San Juan Cotzocón, #Oaxaca](#), October 9, 2024; Amnesty International, Urgent Action, [Defensora de los derechos humanos, desaparecida](#), October 22, 2024.

<sup>1367</sup> UN, Mexico: [Experta de la ONU preocupada por criminalización, detenciones arbitrarias y largas condenas a defensores indígenas](#), November 8, 2024.

<sup>1368</sup> Government of Mexico, 21<sup>st</sup> Regular Session of the Inter-ministerial Commission to Prevent, Punish and Eradicate Crimes of Trafficking of Persons and Assistance for Victims of these Crimes, February 16, 2024.

<sup>1369</sup> Report of the Mexican State. Chapter IV.A., September 27, 2024, p. 49.

<sup>1370</sup> Report of the Mexican State. Chapter IV.A., September 27, 2024, p. 58.

<sup>1371</sup> Supreme Court of Justice of the Nation, Es factible investigar y sancionar los hechos acontecidos durante la llamada guerra sucia como delitos de lesa humanidad: primera sala, Press Release No. 301/2024, September 12, 2024.



Gobernación) presented an Executive Summary of the reports in a closed session, excluding some crucial findings of the MEHV.

641. Finally, Mexico presented abundant information on its policy in respect of economic, social, and cultural rights and different social programs that have diminished unemployment and increased salaries; the increase in the number of persons affiliated with the social security system; the implementation of nutrition plans for children; and the expansion of the offer of housing subsidies, among other policies to provide direct attention in health and education. It emphasized that multidimensional poverty fell from 41.9% to 36.3%; and that unmet needs in the areas of social security, food, and access to income also diminished. Extreme poverty dropped from 18.6% to 13.5%, and poverty fell among older adults, persons with disabilities, and children, and in rural areas.<sup>1372</sup>

### XXIII. PANAMÁ

- **General considerations**

642. In terms of **progress**, the Commission highlights the approval of gender-related measures, such as the adoption of criminal law reforms to punish sexual violence in the digital sphere, the National Plan against Sexual Exploitation and protocols to prevent and address gender-based violence, including political violence and violence against women with disabilities. Also, the Commission underscores the measures undertaken by the State for the care of children, such as the expansion of the capacity of Comprehensive Early Childhood Care Centers and the implementation of a protocol for the identification and care of children and adolescents who are unaccompanied or separated from their families in contexts of human mobility.

643. As it relates to **challenges**, the Commission notes difficulties in the care of persons in the context of human mobility during their transit through the Colombian-Panamanian jungle, underscoring the lack of detailed information on this situation and highlights the need to establish regional care mechanisms. The Commission also identifies challenges related to free, prior and informed consultation processes with indigenous peoples regarding business ventures. In addition, it received reports on attacks against the LGBTI population and on stigmatizing speech targeted at this group during the electoral period.

644. On November 15, 2024, the State of Panama submitted its response to the Commission's request for information to prepare this chapter.<sup>1373</sup>

- **Specific issues**

645. With regard to **democratic institutional**ity, the Commission notes that, on May 5, 2024, general elections were held in Panama to vote for the new president of the Republic, as well as for members of the National Assembly, mayors, *corregimiento* (district) representatives and representatives to the Central American Parliament.<sup>1374</sup> In this regard, Panama reported on various measures implemented to promote dissemination, awareness-raising, transparency, access to information, citizen training, international cooperation and supervision in relation to the electoral process.<sup>1375</sup> The Commission notes that, according to the OAS Electoral Observation Mission, the elections took place without major incidents, with a high turnout that amounted to an average of 78 percent of the voter roll. It also underscores the high levels of women

<sup>1372</sup> Report of the Mexican State, Chapter IV.A., September 27, 2024, pp. 59-98.

<sup>1373</sup> Republic of Panama, Note No. NV-PANA-OEA-2-472, Annex, November 15, 2024. National Report on Human Rights in Panama (January 1, 2024, to August 31, 2024).

<sup>1374</sup> DW, "Abren las urnas en las elecciones generales de Panamá," May 5, 2024.

<sup>1375</sup> Republic of Panama, Note No. NV-PANA-OEA-2-472, Annex, November 15, 2024. National Report on Human Rights in Panama (January 1, 2024, to August 31, 2024), paras. 5-21.



participation, who made up 80 percent of the polling station staff and chaired 64 percent of the stations.<sup>1376</sup> As a result of the elections, José Raúl Mulino was elected president, taking office on July 1, 2024, for a five-year term.<sup>1377</sup>

646. As for **human rights institutions**, the Commission notes that the Office of the Ombudsperson of Panama submitted a bill to the National Assembly to amend Law No. 7 of February 5, 1997, under which the Office of the Ombudsperson was first created. The purpose of the bill is to strengthen its legal framework in line with international human rights standards and the United Nations Paris Principles.<sup>1378</sup> Among the suggested amendments, the bill seeks to promote greater participation of the civil society in the process to select the Ombudsperson, to create a Deputy Office of the Ombudsperson for Children and Adolescents, to establish that the Ombudsperson's career be based on merit and to grant them the power to intervene as *amicus curiae* in human rights proceedings of collective importance.<sup>1379</sup>

647. In terms of **citizen security**, the Commission notes that, according to figures from the Office of the Attorney General of the Republic of Panama, between January 1 and October 31, 2024, 501 homicide victims were preliminarily recorded nationwide, which constitutes an increase by 70 homicides compared to the same period in 2023.<sup>1380</sup> In October 2024, the executive branch announced the implementation of Plan Panama 3.0 with the purpose of combating gangs and organized crime in the country, which provides for the deployment of over 1,000 police agents and the purchase of 100 vehicles and 50 motorcycles for police patrols.<sup>1381</sup> According to information in the public domain, during the first 18 days of implementation of this strategy, a total of 2,907 persons were detained, having been arrested either by court orders, *in flagrante delicto* or over administrative offenses.<sup>1382</sup>

648. Regarding **access to justice and judicial independence**, Panama reported a series of training measures on access to justice for women victims of gender-based violence, with a focus on indigenous women and women in the context of human mobility; on human rights and access to justice for the Afro-descendant population; and on the prevention and prosecution of crimes of corruption.<sup>1383</sup> The State added that it is currently implementing the Certificate Program for Prosecutors and Ombudspersons to hone their technical, ethical and professional skills.<sup>1384</sup> Moreover, it indicated that the subregional agencies of the Office of the Attorney General of the Republic in Canaán, Membrillo and Bajo Chiquito, in the province of Darién, are open 24 hours a day, 7 days a week, to assist people in the context of human mobility.<sup>1385</sup>

649. With respect to **persons deprived of liberty**, the Commission takes note of the building of a new women's detention center in Las Garzas, which will have a capacity for 498 women inmates. According to official information, it will comply with international standards and will guarantee better detention conditions. The Ministry of the Interior reported that the new center will comprise several spaces, including the following: homes; a classification sector; an administrative area; sectors for general, family and intimate visits; a clinic; an auditorium; workshop areas; a roofed court; a school; guard dormitories; a kitchen; a kiosk; and a laundry.<sup>1386</sup>

<sup>1376</sup> OAS, Electoral Observation Mission of the OAS in Panama, [Preliminary Report of the OAS Electoral Observation Mission in Panama](#), May 7, 2024, p. 6.

<sup>1377</sup> *The Associated Press*, "[José Raúl Mulino asume como presidente y anuncia que Panamá 'no será más un país de tránsito ilegal'](#)," July 1, 2024.

<sup>1378</sup> Office of the Ombudsperson of Panama, "[Proponen modificar Ley que crea la Defensoría del Pueblo](#)," October 23, 2024.

<sup>1379</sup> Office of the Ombudsperson of Panama, "[Proponen modificar Ley que crea la Defensoría del Pueblo](#)," October 23, 2024.

<sup>1380</sup> *La Prensa*, "[Homicidios en aumento: la conexión entre pandillas y drogas](#)," December 8, 2024.

<sup>1381</sup> Government of Panama, "[Presidente Mulino pone en marcha plan para combatir a las pandillas](#)," October 10, 2024.

<sup>1382</sup> *La Prensa*, "[Resultados de la Operación Panamá 3.0: más de 2.900 aprehensiones](#)," October 28, 2024.

<sup>1383</sup> Republic of Panama, Note No. NV-PANA-OEA-2-472, Annex, November 15, 2024. National Report on Human Rights in Panama (January 1, 2024, to August 31, 2024), paras. 71–72 and 86–90.

<sup>1384</sup> Republic of Panama, Note No. NV-PANA-OEA-2-472, Annex, November 15, 2024. National Report on Human Rights in Panama (January 1, 2024, to August 31, 2024), paras. 80–82.

<sup>1385</sup> Republic of Panama, Note No. NV-PANA-OEA-2-472, Annex, November 15, 2024. National Report on Human Rights in Panama (January 1, 2024, to August 31, 2024), para. 76.

<sup>1386</sup> Ministry of the Interior of Panamá, "[Inicia construcción de moderno centro de rehabilitación femenino La Perla](#)," January 19, 2024.



650. In relation to the rights of **women**, the Commission welcomes the measures undertaken to improve the way in which the State prevents, addresses and punishes sexual violence. In terms of legislation, it highlights the passage of criminal law reforms to punish sexual violence in the digital sphere, including practices such as sexual extortion and grooming,<sup>1387</sup> and the draft criminal law amendments to allow early depositions through the submission of evidence of sex crimes in advance.<sup>1388</sup> At the institutional level, the Commission welcomes the inauguration of a Gesell chamber at the Protection and Care Unit for Victims and Witnesses (UPAVIT) in the province of Darién<sup>1389</sup> and the approval of the 2024–2028 National Plan against Sexual Exploitation.<sup>1390</sup> In addition, note was taken of the adoption of various protocols to prevent and address gender-based violence,<sup>1391</sup> including political violence, and to provide adequate care for women with disabilities who are survivors of violence.<sup>1392</sup>

651. Similarly, the efforts of the State of Panama to promote gender equality in different areas are also appreciated. Among these, the Commission highlights the passage of the law that institutionalizes the National Care System, thus establishing the right to receive and provide care under equal conditions;<sup>1393</sup> the updating of the 2024–2034 Public Policy on Equal Opportunities for Women;<sup>1394</sup> and the actions to promote women's political participation through campaigns,<sup>1395</sup> bulletins and training courses on women's political rights.<sup>1396</sup>

652. In the area of sexual and reproductive rights, the Commission highlights the creation of the Casa Materna (Home for mothers) in Metetí-Darién, which seeks to contribute to safe childbirth and to reduce maternal and infant mortality.<sup>1397</sup> However, the Commission also takes note of the civil society's request that free menstrual products be available in public institutions and comprehensive menstrual education be incorporated into the curricula.<sup>1398</sup> In addition, the rates of violence against women reported by the Public Prosecutor's Office are of concern to the Commission. Between January and October 2024, a total of 17 femicides, two attempted femicides, 23 violent deaths of women, 13,225 complaints of family or intimate partner violence and 5,185 cases of sexual violence were recorded.<sup>1399</sup> Also, women, girls and adolescents in a situation of human mobility are still at a high risk of suffering violence and sexual exploitation.<sup>1400</sup>

<sup>1387</sup> National Assembly of Panama, "[La nueva Asamblea se alinea en la lucha contra el mal uso de la tecnología y la violencia sexual digital](#)," October 9, 2024.

<sup>1388</sup> Government of the Republic of Panama, Report in response to the request for information of the IACHR, in light of Article 41, on the situation of human rights in Panama during 2024, Note No. NV-PANA-OEA-2-472, November 15, 2024, para. 61. In IACHR files.

<sup>1389</sup> Government of the Republic of Panama, Report in response to the request for information of the IACHR, in light of Article 41, on the situation of human rights in Panama during 2024, Note No. NV-PANA-OEA-2-472, November 15, 2024, para. 77. In IACHR files; Public Prosecutor's Office, "[Procurador Caraballo inaugura Cámara Gesell en la UPAVIT de la provincia de Darién](#)," June 5, 2024.

<sup>1390</sup> Government of the Republic of Panama, Report in response to the request for information of the IACHR, in light of Article 41, on the situation of human rights in Panama during 2024, Note No. NV-PANA-OEA-2-472, November 15, 2024, para. 62. In IACHR files.

<sup>1391</sup> Government of the Republic of Panama, [Informe Nacional 2024](#), which reports on progress for the thirtieth anniversary of the Fourth World Conference on Women and the Adoption of the Beijing Declaration and Platform for Action, June 2024, p. 16.

<sup>1392</sup> Government of the Republic of Panama, Report in response to the request for information of the IACHR, in light of Article 41, on the situation of human rights in Panama during 2024, Note No. NV-PANA-OEA-2-472, November 15, 2024, paras. 28–29 and 31. In IACHR files.

<sup>1393</sup> Government of the Republic of Panama, [Informe Nacional 2024](#), which reports on progress for the Thirtieth anniversary of the Fourth World Conference on Women and the Adoption of the Beijing Declaration and Platform for Action, June 2024, p. 33.

<sup>1394</sup> Government of the Republic of Panama, [Informe Nacional 2024](#), which reports on progress for the Thirtieth anniversary of the Fourth World Conference on Women and the Adoption of the Beijing Declaration and Platform for Action, June 2024, p. 71; IOM Panama, "[Panamá presenta nueva política pública para cerrar la brecha de oportunidades para mujeres](#)," July 3, 2024.

<sup>1395</sup> Government of the Republic of Panama, [Informe Nacional 2024](#), which reports on progress for the Thirtieth anniversary of the Fourth World Conference on Women and the Adoption of the Beijing Declaration and Platform for Action, June 2024, p. 62.

<sup>1396</sup> Government of the Republic of Panama, Report in response to the request for information of the IACHR, in light of Article 41, on the situation of human rights in Panama during 2024, Note No. NV-PANA-OEA-2-472, November 15, 2024, para. 40. In IACHR files.

<sup>1397</sup> Ministry of Health of Panama, "[Minsa y UNFPA inauguran la primera Casa Materna en Metetí-Darién](#)," January 17, 2024.

<sup>1398</sup> *La Estrella de Panamá*, "[Panamá 'necesita' una ley de gestión menstrual](#)," September 26, 2024.

<sup>1399</sup> Panamanian Observatory against Gender Violence, [Femicides, attempted femicides and violent deaths recorded nationwide](#), accessed on November 27, 2024.

<sup>1400</sup> MESECVI, "[Human Trafficking and Sexual Violence against Migrant Women: OAS/CIM/MESECVI Delegation Visits Panama to Strengthen Capacities for Action and Regional Cooperation](#)," February 9, 2024; IACHR, [2023 Annual Report, Chapter IV.Aa, Development of Human Rights in the Region](#), December 31, 2023, para. 619; Human Rights Watch, "[Neglected in the Jungle. Inadequate Protection and Assistance for Migrants and Asylum Seekers Crossing the Darién Gap](#)," April 3, 2024.



653. Regarding the rights of **LGBTI persons**, Panama faces challenges in terms of inclusion. In March, civil society organizations called for the adoption of an ethical pact to avoid hate campaigns against LGBTI persons in the context of the general elections.<sup>1401</sup> However, research led by the civil society pointed to widespread stigmatizing or offensive speech on social media against LGBTI persons during this period.<sup>1402</sup>

654. Panama also faces challenges regarding the exclusion of the gender perspective in educational programs. In 2024, several congresspersons suggested eliminating content on sexual and gender diversity from the curricula, arguing that it contradicts the traditional values of society. This initiative, which was criticized by civil society organizations, might serve as justification for acts of discrimination and violence against LGBTI persons and may limit access to inclusive education.<sup>1403</sup> At least five gay men and two trans women were murdered in 2024, crimes allegedly motivated by prejudice towards the victims' sexual orientation.<sup>1404</sup>

655. As to the rights of **indigenous peoples**, the Commission welcomes the fact that the State conducted a series of training sessions and workshops on the Protocol on Access to Justice for Women Victims of Gender-Based Violence, with a particular focus on indigenous women.<sup>1405</sup> According to reports, the State transferred Guna families from the island of Gardi Sugdub to the continent, due to the overcrowding they faced in their territory.<sup>1406</sup> Moreover, the Commission notes with concern the reports of lack of information and the absence of processes of free, prior and informed consultation on the development of business ventures that affect indigenous communities, thus causing an impact on their lives, health and the environment.<sup>1407</sup>

656. With respect to the situation of **Afro-descendants and the fight against racial discrimination**, the State of Panama reported that it has taken measures and designed public policies to promote equity and the inclusion of Afro-descendants. It also underscored the progress made by the National Development Secretariat for Afro-Panamanians (SENADAP).<sup>1408</sup> During a public hearing before the Inter-American Commission on Human Rights, Afro-descendant communities from the Casaya, Casayeta and Bolaños islands denounced violations of their rights to land, development and livelihood, as well as barriers to their access to justice, education and basic services. They also reported illegal detentions and the ungrounded criminalization of islanders.<sup>1409</sup> These communities highlighted the lack of collective titles over the territories they have historically occupied, which worsens their situation.<sup>1410</sup> Moreover, the State acknowledged the situation of poverty in the archipelago and the persistent challenges to providing basic services in the islands and explained that the land titling process was constitutionally restricted by a special regime intended to ensure the security of the Panama Canal and protect the ecosystem of the archipelago.<sup>1411</sup> In this regard, the

<sup>1401</sup> Panamá América, "Colectivo LGTBIO+ presenta un 'pacto ético electoral,'" March 7, 2024.

<sup>1402</sup> Fundación Iguales, [Monitoreo del discurso LGTBIO+ en el entorno digital en Panamá. Odio y LGTBIfobia durante las elecciones generales y el mes del orgullo](#), 2024.

<sup>1403</sup> Telemetro, "La polémica discusión entre diputados por la ideología de género," April 19, 2024.

<sup>1404</sup> El Siglo, "¿Cuál es la responsabilidad de la homofobia sistemática en Panamá en el aumento de asesinatos de homosexuales?," May 20, 2024; Crítica, "Beteta: 'En un año han sido asesinados 5 gays y 2 trans,'" May 14, 2024.

<sup>1405</sup> Government of Panama, Report in response to the request for information of the IACHR, in light of Article 41, on the situation of human rights in Panama during 2024, Note No. NV-PANA-OEA-2-472, November 15, 2024. In IACHR files.

<sup>1406</sup> Castillo Díaz, B. D., "Hacinamiento y cambio climático en Panamá: reubicación de una comunidad guna desde su isla a la tierra firme," *Debates Indígenas*, August 1, 2024.

<sup>1407</sup> IACHR, thematic hearing "Panama: Impacts of private business activities on the human rights of indigenous and peasant communities," 189<sup>th</sup> regular period of sessions, Washington D.C., United States, February 29, 2024.

<sup>1408</sup> Government of Panama, "Panamá reafirma su compromiso con las políticas de población y desarrollo en el Segundo Informe de Avances en la Implementación del Consenso de Montevideo," June 1, 2024.

<sup>1409</sup> IACHR, thematic hearing "Panama: Situation of the population of African descent on Casaya, Casayeta, and Bolaños Islands," 191<sup>st</sup> period of sessions, Washington, D.C., United States, November 15, 2024.

<sup>1410</sup> IACHR, thematic hearing "Panama: Situation of the Population of African Descent on Casaya, Casayeta, and Bolaños Islands," 191<sup>st</sup> period of sessions, Washington, D.C., United States, November 15, 2024.

<sup>1411</sup> IACHR, thematic hearing "Panama: Situation of the Population of African Descent on Casaya, Casayeta, and Bolaños Islands," 191<sup>st</sup> period of sessions, Washington, D.C., United States, November 15, 2024.



State of Panama assured it is taking steps to reconcile the rights of possession of Afro-descendant communities with the legal framework.<sup>1412</sup>

657. Regarding the rights of **children and adolescents**, the Commission appreciates the efforts made by the State to expand the capacity of the Comprehensive Care Centers for Early Childhood (CAIPIs), which seek to promote the integral development of children under 4 years of age through services focused on education, health, nutrition, identity and upbringing. According to official records, the capacity of the CAIPIs went from 1,200 children in 2019 to 2,400 in 2024.<sup>1413</sup> In addition, the Commission takes note of the release of three guides on community and family practices in May, prepared by the Ministry of Social Development (MIDES) together with UNICEF and the Development Bank of Latin America and the Caribbean (CAF). The purpose of these guides is to improve care practices, foster positive upbringing and promote early learning and development in children under 47 months of age in Panama.<sup>1414</sup>

658. Furthermore, the Commission welcomes the approval, in June, of the Protocol for the Identification and Attention to Unaccompanied and/or Separated Children in the Context of Human Mobility in Panama. The protocol is intended to ensure the protection, well-being and comprehensive development of unaccompanied and/or separated children and to serve as a guide and working tool for officials and other persons involved in the care of children and adolescents to promote effective interinstitutional coordination.<sup>1415</sup> The context in which the protocol was adopted is of relevance because, as of July 2024, 46,567 children and adolescents had passed through the Darién National Park, out of which 2,400 were unaccompanied.<sup>1416</sup>

659. In connection with the rights of **persons in the context of human mobility**, the Commission notes with concern the approval of Executive Decree No. 194 on October 25, 2024, under which a fine ranging from 1,000 balboas to 5,000 balboas is imposed on anyone who enters the country bypassing state border checkpoints. To address the situation of vulnerability faced by some people in human mobility, the fine is adjusted so they can pay for it before leaving Panama. If they lack the economic resources to do so, they are deported.<sup>1417</sup> In turn, data from the National Migration Service show that, as of August 2024, a total of 238,185 migrants had crossed the Darién region, which constitutes an approximate decrease of 28 percent compared to the same period in 2023, when 333,704 crossings were recorded.<sup>1418</sup>

660. During the 191<sup>st</sup> period of sessions, at the request of the Office of the Ombudsperson of Panama, the Commission held a public hearing concerning the rights of persons in human mobility across the Colombian–Panamanian jungle, in which the States of Colombia and Panama were present. The Office of the Ombudsperson explained that the lack of accurate information about the people who go through the jungle makes it difficult to know the actual number of victims of human rights violations, especially those in an at-risk situation, and emphasized the need to create regional protection and care mechanisms for migration flows.<sup>1419</sup> The State of Panama, for its part, explained that the Darién is a transit route with a growing flow of migrants due to factors that are out of the State’s control and reaffirmed its commitment to handling the situation while

<sup>1412</sup> IACHR, thematic hearing “[Panama: Situation of the Population of African Descent on Casaya, Casayeta, and Bolaños Islands](#),” 191<sup>st</sup> period of sessions, Washington, D.C., United States, November 15, 2024.

<sup>1413</sup> MIDES, “[Ministra María Inés Castillo presenta los avances, retos y desafíos de la niñez y la adolescencia en Panamá](#),” May 26, 2024.

<sup>1414</sup> MIDES, “[MIDES, UNICEF y CAF presentan tres 'Guías de prácticas de cuidado' que fortalecen la crianza positiva y el aprendizaje y desarrollo infantil temprano de niños y niñas en Panamá](#),” May 27, 2024.

<sup>1415</sup> MIDES, [Executive Decree No. 16 adopting the Protocol for the Identification and Attention to Unaccompanied and/or Separated Children in the Context of Human Mobility in Panama](#), June 6, 2024; UNICEF and MIDES, [Protocolo para la identificación y Atención a Niños, Niñas y Adolescentes no Acompañados/o Separados, en Contexto de Movilidad Humana en Panamá](#), June 2024.

<sup>1416</sup> UNICEF, [Situation Report: Children on the Move](#), August 31, 2024, p. 1.

<sup>1417</sup> Digital Official Gazette of Panama, [Executive Decree No. 194](#), October 25, 2024.

<sup>1418</sup> National Migration Service of Panama, [Statistics – Irregular transit through the Darién](#), undated, accessed on October 1, 2024.

<sup>1419</sup> IACHR, thematic hearing “[Regional: Rights of people in Movement in the Colombian–Panamanian Jungle](#),” 191<sup>st</sup> period of sessions, Washington, D.C., United States, November 13, 2024.



observing human rights. The Commission thanked the State of Panama for the invitation to monitor the situation and highlighted the importance of these efforts to address human mobility in the region.<sup>1420</sup>

661. With respect to the rights of **older persons**, the Commission has identified, based on information in the public domain, situations related to the rights to social security, care, health and a life without violence. The Commission applauds the introduction of the public policy Por un Envejecimiento Saludable (Healthy ageing), under the charge of the MIDES, designed to address economic security, health and well-being for the elderly, as well as to promote adequate and healthy environments for such population.<sup>1421</sup> The Commission also appreciates the allowances granted by the MIDES to older persons under the money transfer program called “120 a los 65” (120 at 65), which involves a monthly delivery of 120 balboas to people who are 65 years of age or older and who have no retirement plan or pension and are facing a situation of social risk, vulnerability, social exclusion or poverty.<sup>1422</sup>

662. As for the right to health, the Commission values the enactment of Law No. 423, which ensures a free, public healthcare service for older persons without economic resources at the medical care centers administered by the Ministry of Health.<sup>1423</sup> In addition, the Commission commends the launch of the Electronic Portal for Older Persons (PAM) by the Ministry of Health, which is a safe, reliable tool for older persons to access relevant information and stay connected with their community.<sup>1424</sup>

663. Finally, the Commission observes that, between January and July 2024, the Public Prosecutor’s Office recorded a total of 484 complaints related to the ill-treatment of older persons.<sup>1425</sup> It also takes note of the increase in the number of complaints for crimes against the family, which rose by 35 percent, based on the figures published by the Public Prosecutor’s Office, with breach of family duties being the most prevalent crime this year (287 cases).<sup>1426</sup>

## XXIV. PARAGUAY

### • General considerations

664. In 2024, **progress** was achieved in terms of democratic institutionality with the reestablishment of the National Human Rights Institution as an “A” entity under the Principles of Paris. Furthermore, the State improved access to justice for vulnerable groups, reinforced the response to violence against women and launched a survey on the Afro-Paraguayan population.

665. Paraguay also faced **challenges**. A law that restricts freedom of association was passed, which could hinder human rights defense work. Furthermore, the Commission noted that the civic space was shrinking, which has an impact on the Rule of Law, and that narratives against gender perspectives are surfacing, which undermine the rights of LGBTI persons and women.

666. On October 15, 2024, the State submitted its response to the Commission’s request for information to prepare this chapter.<sup>1427</sup>

<sup>1420</sup> IACHR, thematic hearing “[Regional: Rights of People in Movement in the Colombian–Panamanian Jungle](#),” 191<sup>st</sup> period of sessions, Washington, D.C., United States, November 13, 2024.

<sup>1421</sup> *Prensa Latina*, “[Panamá impulsa política pública sobre envejecimiento saludable](#),” June 16, 2024.

<sup>1422</sup> *La Estrella*, “[Panamá invierte \\$900 millones en reducir la pobreza en adultos mayores](#),” November 12, 2024.

<sup>1423</sup> *Panamá América*, “[Adultos mayores recibirán atención médica gratuita](#),” February 20, 2024.

<sup>1424</sup> *Destino Panamá*, “[Minsa lanza portal electrónico para personas adultas mayores](#),” September 18, 2024.

<sup>1425</sup> *La Prensa*, “[Por día dos adultos mayores son maltratados, la Defensoría del Pueblo pide erradicar esta acción](#),” August 31, 2024.

<sup>1426</sup> *Panamá América*, “[Penas más severas por abandono de ancianos](#),” May 26, 2024.

<sup>1427</sup> Republic of Paraguay, Note Verbale MPP/OEA/No. 1107/2024, in response to the request for information made by the IACHR to prepare the Annual Report, October 15, 2024.



- **Specific issues**

667. As regards the progress achieved in terms of **democratic institutional**ity, the Superior Tribunal of Electoral Justice (TSJE) created a unit to fight election disinformation and submitted a proposal for a legal reform intended to strengthen electoral processes.<sup>1428</sup> In this context, civil society organizations called on the Congress to ensure that members of academia and broad social sectors are involved in all election reforms.<sup>1429</sup>

668. The Senate removed senator Katty González from office for alleged influence peddling.<sup>1430</sup> The removal process<sup>1431</sup> was challenged as unconstitutional<sup>1432</sup> and regarded as part of a pattern of gender-based political violence.<sup>1433</sup> Furthermore, the Law on Transparency and Accountability was enacted, targeted at nonprofit organizations,<sup>1434</sup> which, according to the civil society, shrinks the civic space, threatens the autonomy of human rights organizations<sup>1435</sup> and particularly affects feminist and LGBTI organizations, inasmuch as it restricts freedom of association.<sup>1436</sup>

669. In this context, the Congress set up a bicameral committee to investigate potential ties between political financing and human rights organizations, with a special focus on those receiving international funding.<sup>1437</sup> This has raised concerns over possible information leaks, as well as persecution and smear campaigns.<sup>1438</sup> The civil society has warned against these actions that, coupled with the Law on

<sup>1428</sup> Specifically, Law No. 635/95, which regulates Electoral Justice, and Law No. 834/96, which establishes the Paraguayan Electoral Code. See: Senate of Paraguay, "[Senado de la Nación recibió proyecto de reformas electorales](#)," August 28, 2024.

<sup>1429</sup> Gauto Bozzano, Enrique, "Propuesta de reforma electoral precisa de más amplitud," in *Derechos Humanos en Paraguay 2024*, edited by the Human Rights Coordinator of Paraguay (CODEHUPY), p. 304, Asunción, CODEHUPY, 2024.

<sup>1430</sup> Senate of Paraguay, "[La Cámara Alta dispuso la pérdida de investidura de la senadora Katty González](#)," February 14, 2024.

<sup>1431</sup> *La Nación*, "[Fiscalía recomienda la restitución de Katty González](#)," June 14, 2024; *Última Hora*, "[Fiscalía recomienda a la Corte hacer lugar a la acción de Katty González](#)," June 14, 2024; *Radio Ñanduti Digital AM*, "[El Ministerio Público dictamina como inconstitucional la pérdida de investidura de la exsenadora Katty González](#)," accessed on January 4, 2025; Leguizamón Morra, Dante Ariel, "Democracia en peligro: organizaciones de la sociedad civil, las nuevas 'enemigas'," in *Derechos Humanos en Paraguay 2024*, edited by CODEHUPY, p. 420, Asunción, CODEHUPY, 2024.

<sup>1432</sup> The case is under analysis by the Supreme Court of Justice. The former senator and civil society organizations have publicly condemned the delay in the resolution of this case. See: *ABC Color*, "[Presentan acción de inconstitucionalidad para reponer a Katty González en el Senado](#)," February 27, 2024; *Yahoo Noticias*, "[Exsenadora opositora urge a la Corte Suprema de Paraguay resolver sobre su destitución](#)," August 29, 2024.

<sup>1433</sup> In this regard, see: Follow-up Mechanism to the Belém do Pará Convention (MESECVI) [@MESECVI], (February 14, 2024), Comité de Expertas expresa su preocupación por la decisión de retirar la investidura a la Senadora @KattyGonzalez9, luego de reiterados ataques y actos de acoso en su contra por parte de correligionarios que se configuran como violencia política de género [X post], X, <https://x.com/mesecvi/status/1757894875343712504?s=48&t=YhxMmLJZhyT1fj2aW9za2Q>. See also: Mariela Cuevas, "Retos y deudas para la seguridad y protección en el entorno digital," in *Derechos Humanos en Paraguay 2024*, edited by CODEHUPY, p. 274, Asunción, CODEHUPY, 2024; *ABC*, "[Expulsión inconstitucional: reacción de Katty al dictamen de Fiscalía](#)," June 14, 2024.

<sup>1434</sup> Legal Information System of the Congress of Paraguay, [Law No. 7.363](#), Article 17(b). See also: *La Nación*, "[Peña promulgó ley de control y transparencia de ONG](#)," November 15, 2024; *Swiss Info*, "[Presidente Peña promulga ley de control a oenegés pese a las críticas de sectores sociales](#)," November 16, 2024.

<sup>1435</sup> Velásquez Moreira, Vladimir, "La política cultural del cartismo" in *Derechos Humanos en Paraguay 2024*, edited by CODEHUPY, p. 195, Asunción, CODEHUPY, 2024. These concerns were addressed by the IACHR: IACHR, Press Release No. R255/24, [SRFOE Warns of Bill Limiting Freedom of Association in Paraguay](#), October 18, 2024.

<sup>1436</sup> Among other things, on account of risks to the privacy and security of organization donors, beneficiaries and members. In addition, the law uses vague and ambiguous language and provides for severe punishment in case of breach. See: IACHR, Press Release No. R255/24, [SRFOE Warns of Bill Limiting Freedom of Association in Paraguay](#), October 18, 2024; Mandates of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, the Special Rapporteur on Freedom of Opinion and Expression and the Special Rapporteur on the Situation of Human Rights Defenders, Letter No. OL PRY 1/2024, July 19, 2024; *ADN Politico*, "[Red Ciudadana por la Niñez expresa respaldo a la sanción de la Ley de Transparencia de las ONG](#)," July 8, 2024.

<sup>1437</sup> The committee's name is Temporary Bicameral Committee for the Investigation of Punishable Acts of Money Laundering and Other Related Crimes. Senate of Paraguay, "[Instalan Comisión Transitoria para Investigación de Lavado de Activos y Delitos Contra el Patrimonio](#)," August 26, 2024.

<sup>1438</sup> Leguizamón Morra, Dante Ariel, "Democracia en peligro: organizaciones de la sociedad civil, las nuevas 'enemigas'," in *Derechos Humanos en Paraguay 2024*, edited by CODEHUPY, p. 421, Asunción, CODEHUPY, 2024. *Últimas Noticias*, "[Sindicato de Periodistas exige a CBI aclarar la filtración de datos](#)," September 23, 2024.



Transparency and Accountability, fuel an adverse context for human rights advocacy, the exercise of journalism and political opposition, which seriously affects freedom of association and speech.<sup>1439</sup>

670. With regard to **human rights institutions**, the Office of the Ombudsperson regained the “A” grade granted by the Global Alliance of National Human Rights Institutions (GANHRI), which recognized the progress achieved in ensuring the independence of institutions.<sup>1440</sup> For its part, the State informed that the executive branch promoted activities by the Human Rights Network, strengthened mechanisms to monitor international recommendations and moved forward with human rights training sessions for state agents.<sup>1441</sup>

671. In terms of **citizen security**, the State submitted data about the strengthening of the Directorate of Comprehensive Women Protection to improve women’s protection against gender-based violence.<sup>1442</sup> Furthermore, the State reported to the Commission that the Public Prosecutor’s Office undertook education initiatives intended to deter and prevent violence.<sup>1443</sup> Moreover, the State offered a higher reward for the safe return of Edelio Morínigo, Félix Urbieto and Óscar Denis, who were kidnapped by the self-proclaimed “Paraguayan People’s Army” and remain in captivity.<sup>1444</sup>

672. As for the challenges, the executive branch authorized the armed forces to participate in internal security tasks in Itapúa, Misiones and Ñeembucú for an indefinite period of time.<sup>1445</sup> This initiative attracted criticism from civil society organizations, which expressed their concern over the new measures that contribute to the militarization of security. These new measures add to the ones already implemented by the Joint Task Force (FTC).<sup>1446</sup> The joint action of military and police forces has been monitored by the IACHR, taking into account Inter-American standards that restrict the involvement of military forces in citizen security tasks.<sup>1447</sup>

673. In 2024, the State reported on the progress achieved in terms of **access to justice and judicial independence** with the opening of three new Victim Support Center offices, as well as mediation centers and working groups focused on violence against women.<sup>1448</sup> The State updated the Commission on the initiatives to enhance access to justice for indigenous peoples, which included at least five sessions aimed at improving access to justice in indigenous communities. These sessions were targeted also to communities with

<sup>1439</sup> CODEHUPY, “[Codehupy exige al Congreso Nacional que cesen las mentiras y la persecución a las organizaciones de la sociedad civil y sus integrantes](#),” September 24; 2024; ABC, “[Antecedentes de algunos de los convocados a la comisión ‘Garrote’](#),” September 20, 2024.

<sup>1440</sup> GANHRI, [Report and Recommendations of the Session of the Sub-Committee on Accreditation](#), 2024. See also: Última Hora, “[Defensoría del Pueblo recupera la categoría A en derechos humanos](#),” May 13, 2024.

<sup>1441</sup> Ministry of Justice of Paraguay, Note DGDDHH No. 240/2024, October 3, 2024. This document is part of the documentation attached to Note Verbale MPP/OEA/No. 1107/2024 submitted by the Republic of Paraguay in response to the request for information by the IACHR to prepare its Annual Report, sent on October 15, 2024.

<sup>1442</sup> For example: Resolution No. 667/2024, which updates the Manual on Police Action and Coordination for a Comprehensive Response to Domestic Violence, and the forms for Life Risk Assessment Based on Domestic Violence–Femicide Scale or Violence Decalogue. Ministry of Foreign Affairs of Paraguay, Report submitted in response to the request for information sent by the IACHR in light of Article 41 on the situation of human rights in Paraguay during 2024, Note MPP/OEA/No. 1107/2024, October 15, 2024, Annex IV, pp. 2–4. In IACHR files. See also: Government of Paraguay, [Protocolo de Actuación Interinstitucional para la Prevención y Atención Integral en casos de violencia](#), December 2023.

<sup>1443</sup> Public Prosecutor’s Office, Note No. DDHH No. 228/2024 of October 4, 2024. This document is part of the documentation attached to Note Verbale MPP/OEA/No. 1107/2024 submitted by the Republic of Paraguay in response to the request for information by the IACHR to prepare its Annual Report, sent on October 15, 2024.

<sup>1444</sup> Ñanduti, “[Anuncian millonaria recompensa por información de miembros del EPP](#),” October 14, 2024.

<sup>1445</sup> Office of the President of Paraguay, Decree No. 1,767, May 28, 2024.

<sup>1446</sup> CODEHUPY and Servicio Paz y Justicia, Chapter on Paraguay (SERPAJ-PY), “[Viejas respuestas para viejos problemas: militarizar no es efectivo contra la inseguridad](#),” June 11, 2024.

<sup>1447</sup> IACHR, Annual Report 2023: Chapter IV.A. Human Rights Situation in the Region, para. 643; Annual Report 2022, Chapter IV.A, para. 623; and Annual Report 2021, para. 768.

<sup>1448</sup> Public Prosecutor’s Office, Note DDHH No. 228/2024, October 4, 2024. This document is part of the documentation attached to Note Verbale MPP/OEA/No. 1107/2024 submitted by the Republic of Paraguay in response to the request for information by the IACHR to prepare its Annual Report, sent on October 15, 2024.



cases filed with the inter-American system on human rights.<sup>1449</sup> The State added that the Ministry of Public Defense provided legal counsel to the LGBTI population, indigenous communities, women and persons with disabilities.<sup>1450</sup> Likewise, said ministry advised groups in situations of historical and structural vulnerability, including indigenous peoples.<sup>1451</sup>

674. Concerning the rights of **indigenous peoples**, the State informed the Commission about the creation of a working group to address land tenure and property issues. The State reported that, as of August, the Directorate on Human Rights had supported five legal proceedings for land restitution where indigenous communities had allegedly not been affected.<sup>1452</sup> The Primero de Marzo community voiced their concern over potential evictions from territories to which the community holds titles or where titles are disputed. For its part, the Hugua Po'i community, from the Mbya Guaraní people, denounced the lifting of a precautionary measure that protected a portion of land that was at the center of a dispute with a company.<sup>1453</sup>

675. Moreover, the Native Ayoreo People's Union of Paraguay (UNAP), together with Ayoreo organizations and communities, filed a constitutional remedy against deforestation and farming activities in the Tamocode territory, Estancia Faro Moro, in the department of Boquerón, as they believe these activities threaten the survival of the Ayoreo people, who are in voluntary isolation.<sup>1454</sup> This case had the support of the Public Prosecutor's Office which, as informed by the State, has been defending the rights of these peoples.<sup>1455</sup>

676. With regard to **persons deprived of liberty**, Paraguay reported on at least six actions that were carried out to monitor detention conditions at police stations.<sup>1456</sup> Within the framework of the New Prison Management Model,<sup>1457</sup> the State also opened the penitentiary of Minga Guazú, designed to promote reinsertion and reduce overcrowding, where persons are grouped and divided based on their profile.<sup>1458</sup> In addition, the Paraguayan Mechanism to Combat Torture adopted the San José Declaration aimed at institutional

<sup>1449</sup> Ministry of Justice of Paraguay, Note DGDDHH No. 240/2024, October 3, 2024. This document is part of the documentation attached to Note Verbale MPP/OEA/No. 1107/2024 submitted by the Republic of Paraguay in response to the request for information by the IACHR to prepare its Annual Report, sent on October 15, 2024.

<sup>1450</sup> The State reported that it provided legal counsel to 11 LGBTI persons between January and August, through the Protocol of Assistance to Persons from the LGBTI Community of the Ministry of Public Defense; 152 persons with disabilities; 2,865 older persons; 22,629 persons deprived of liberty; 294 indigenous persons, in this case, with the support of experts in indigenous communities; and 2,505 women victims of violence. Furthermore, the State referred to the institutions within the Public Prosecutor's Office that specialize in gender-based violence and domestic violence, children, adolescents and the rights of indigenous peoples. See Ministry of Public Defense, Note DG No. 523/2024, October 2, 2024. This document is part of the documentation attached to Note Verbale MPP/OEA/No. 1107/2024 submitted by the Republic of Paraguay in response to the request for information by the IACHR to prepare its Annual Report, sent on October 15, 2024.

<sup>1451</sup> Public Prosecutor's Office, Note DDHH No. 228/2024, October 4, 2024. This document is part of the documentation attached to Note Verbale MPP/OEA/No. 1107/2024 submitted by the Republic of Paraguay in response to the request for information sent by the IACHR to prepare its annual report on October 15, 2024.

<sup>1452</sup> Ministry of the Interior of Paraguay, Note DDHMI No. 53/2024, October 4, 2024. This document is part of the documentation attached to Note Verbale MPP/OEA/No. 1107/2024 submitted by the Republic of Paraguay in response to the request for information sent by the IACHR to prepare its annual report on October 15, 2024.

<sup>1453</sup> Rodríguez Olmedo, Natalia Paola, "Hambre Cero' sin agua para los pueblos indígenas del Chaco," in *Derechos Humanos en Paraguay 2024*, edited by CODEHUPY, p. 50, Asunción, CODEHUPY, 2024.

<sup>1454</sup> Ayoreo Ebetogue community, Filadelfia, Press Release, July 11, 2024, available at: <https://www.iniciativa-amotocodie.org/2024/07/13/comunicadoorganizacionesayoreoarpestadoparaguay/>.

<sup>1455</sup> Public Prosecutor's Office, Note DDHH No. 228/2024, October 4, 2024. This document is part of the documentation attached to Note Verbale MPP/OEA/No. 1107/2024 submitted by the Republic of Paraguay in response to the request for information by the IACHR to prepare its Annual Report, sent on October 15, 2024.

<sup>1456</sup> Ministry of the Interior of Paraguay, Note DDHMI No. 53/2024, October 4, 2024. This document is part of the documentation attached to Note Verbale MPP/OEA/No. 1107/2024 submitted by the Republic of Paraguay in response to the request for information by the IACHR to prepare its Annual Report, sent on October 15, 2024.

<sup>1457</sup> Ministry of Public Works and Communications of Paraguay, "[Se habilitó el nuevo centro penitenciario de Minga Guazú con enfoque en la reinserción social](#)," May 17, 2024; Paraguay Information Agency, "[Nuevo modelo penitenciario ya está generando impacto y resultados, afirma ministro](#)," August 24, 2024.

<sup>1458</sup> Ministry of Justice of Paraguay, "[Ministerio de Justicia cumple con deuda histórica al separar a personas condenadas de procesadas](#)," June 1, 2024.



strengthening and networking and the Global Action for the Rights of Persons with Disabilities Deprived of Liberty.<sup>1459</sup>

677. However, in 2024, the Paraguayan penitentiary system featured an overcrowding rate of 391 percent, a very high figure pursuant to human rights standards.<sup>1460</sup> Such a rate resulted from an excessive use of pretrial detention, which affects 57 percent of the prison population, and has made Paraguay the third country in the region with the highest percentage of people under pretrial detention.<sup>1461</sup> Furthermore, 36 workers at the Social Reinsertion Center have been accused of torture, who are currently under investigation.<sup>1462</sup>

678. With respect to the human rights of **women**, the State underscored the campaigns to prevent violence launched by the Ministry of Women.<sup>1463</sup> In addition, it expanded the use of electronic devices to monitor compliance with injunctions in cases of domestic violence, opened the Regional Women's Center of San Pedro and set up two safe houses in Boquerón and Concepción.<sup>1464</sup>

679. Notwithstanding the foregoing, available data shows that most of the complaints related to violence against women that enter the judicial system at the national level are cases of family, domestic or intimate partner violence. These crimes also prevail in indigenous communities.<sup>1465</sup> As of October 2024, there had been 27 victims of femicide and 40 victims of attempted femicide, most of them committed by the victim's partner or former partner, or by people close to the victim.<sup>1466</sup> Despite its efforts, the State's response proves to be insufficient considering that, according to official data, the police only deals with 16 out of the 95 complaints for violence against women that are recorded on a daily basis.<sup>1467</sup>

680. As for the challenges faced by **LGBTI persons**, a top state official publicly declared his dislike for students who had what he called "homosexual tendencies" in agrarian schools.<sup>1468</sup> This adds up to the refusal by public officials to allow LGBTI organizations to participate in the Children Council and in debates on comprehensive sex education.<sup>1469</sup> In this context, the Chamber of Deputies passed a bill to remove the word "gender" from the name of the Social Equity and Gender Commission.<sup>1470</sup>

<sup>1459</sup> CPT of Chile, *Declaración de San José para el fortalecimiento institucional y el trabajo en red y Acción global por los derechos de las personas con discapacidad en privación de libertad*, May 10, 2024.

<sup>1460</sup> National Mechanism for the Prevention of Torture (MNP), 2024, *Anuario estadístico de personas afectadas de libertad en la República del Paraguay 2024*, Asunción, MNP, p. 20.

<sup>1461</sup> MNP, 2024, *Anuario estadístico de personas afectadas de libertad en la República del Paraguay 2024*, Asunción, MNP, p. 33.

<sup>1462</sup> Ministry of Justice of Paraguay, "Director del Cereso solicitó iniciar investigación de supuestos casos de torturas," August 31, 2024.

<sup>1463</sup> Ministry of Foreign Affairs of Paraguay, Report submitted in response to the request for information sent by the IACHR in light of Article 41 on the situation of human rights in Paraguay during 2024, Note MPP/OEA/No. 1107/2024, October 15, 2024, paras. 18–19, and Annex IV, p. 3. In IACHR files. The campaigns launched include *Todos los Meses son Noviembre* (Every month is November), *Noviazgo sin Violencia* (Partners without violence), *Lentes Lilas* (Violet lenses), *Hay Excusas que Matan* (Some excuses kill), among others.

<sup>1464</sup> Ministry of Foreign Affairs of Paraguay, Report submitted in response to the request for information sent by the IACHR in light of Article 41 on the situation of human rights in Paraguay during 2024, Note MPP/OEA/No. 1107/2024, October 15, 2024, para. 22, and Annex IV, p. 3. In IACHR files.

<sup>1465</sup> As of August 2024, 21,300 complaints for violence against women had been filed with peace courts across the country. See: ABC, "Corte Suprema reporta más de 21 mil denuncias por violencia contra las mujeres," October 2, 2024; Senate of Paraguay, "Abogan por la aprobación del proyecto de Ley para atender casos de violencia contra las mujeres," October 15, 2024; Public Prosecutor's Office of Paraguay, "Observatorio de Ministerio Público: principales hechos punibles registrados en las comunidades indígenas a nivel país," September 2, 2024.

<sup>1466</sup> Attorney General's Office of Paraguay [@MinPublicoPy], (November 7, 2024), Feminicidio: 27 mujeres víctimas, 58 hijos quedaron huérfanos. También se registra 40 casos de Tentativa de Feminicidio [X post], X, <https://x.com/MinPublicoPy/status/1854606217219391527>.

<sup>1467</sup> Última Hora, "Violencia contra la mujer: De 95 denuncias diarias, solo en 16 interviene la Policía Nacional," October 29, 2024.

<sup>1468</sup> ABC, "Tras polémica declaración de homofobia ministro de mag habla de supuesta mala interpretación," February 27, 2024.

<sup>1469</sup> RND, "Lizarella denuncia que amenazaron con 'homosexualizar' a sus hijos," July 9, 2024; Radio Ñandutí [@nanduti], (July 9, 2024), Aprueban proyecto para controlar a las ONG (...), [X post], X, [https://x.com/nanduti/status/1810656138179789242?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1810656138179789242%7Ctwgr%5E4e0b33f3e1d060aa4c8bfbf36209e407a73c85a9%7Ctwcon%5Es1&ref\\_url=https%3A%2F%2Fwww.rdn.co.m.py%2F2024%2F07%2F09%2Flizarella-denuncia-que-amenazaron-con-homosexualizar-a-sus-hijos%2F](https://x.com/nanduti/status/1810656138179789242?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1810656138179789242%7Ctwgr%5E4e0b33f3e1d060aa4c8bfbf36209e407a73c85a9%7Ctwcon%5Es1&ref_url=https%3A%2F%2Fwww.rdn.co.m.py%2F2024%2F07%2F09%2Flizarella-denuncia-que-amenazaron-con-homosexualizar-a-sus-hijos%2F).

<sup>1470</sup> ADN Digital, "Diputados eliminan la palabra 'género' de la Comisión de Equidad," March 6, 2024.



681. Concerning the rights of **Afro-descendant persons and policies against racial discrimination**, the State undertook an initiative to calculate the number of Afro-descendants and learn about the characteristics of this population to generate key data on their socioeconomic situation.<sup>1471</sup> Moreover, Afro-Paraguayan organizations demanded the government issue the regulations to the Law on the Prevention and Punishment of Racist and Discriminatory Acts, which remains unregulated two years after its passage.<sup>1472</sup>

682. With respect to the rights of **children and adolescents**, Paraguay launched a program to support and protect children and adolescents deprived of family care.<sup>1473</sup> The State also introduced an initiative to raise awareness among children and adolescents of the risks of drug use, the social and legal consequences of microtrafficking and how to safely use social media.<sup>1474</sup> The country also deployed an operation to control the transit of children and adolescents over the De la Amistad International Bridge with the purpose of identifying and preventing crimes such as human trafficking, especially involving migrants.<sup>1475</sup>

683. Furthermore, the Senate approved a proposal to declare a state of national emergency to act on the alarming figures of abuse and violence against children and adolescents.<sup>1476</sup> According to official records, as of July 2024, the Public Prosecutor's Office had handled 11,482 offenses against children and adolescents, which translates into approximately 54 victims a day.<sup>1477</sup>

684. With regard to processes of **memory, truth and justice**, the Criminal Court of Appeals convicted a former chief of the Paraguayan police for torture during the military dictatorship.<sup>1478</sup> In addition to this judgment, the executive branch issued regulations providing for the compensation of armed forces agents who participated in the events of February 2 and 3, 1989, to fight against the dictatorship.<sup>1479</sup>

685. Finally, with respect to **human trafficking**, Paraguayan and Bolivian authorities held a meeting to pinpoint challenges and best practices on this matter and on migration.<sup>1480</sup>

## XXV. PERU

- **General considerations**

686. Peru **has taken steps forward** in connection with the rights of groups in a situation of vulnerability and human rights institutions with the approval of a National Multisectoral Human Rights Policy

<sup>1471</sup> National Council of Science and Technology of Paraguay, "[Proyecto busca visibilizar a la población afrodescendiente paraguaya](#)," September 13, 2024.

<sup>1472</sup> ABC Color, "[Afrodescendientes em Paraguay: exigen a Santi Peña reglamentar ley contra el racismo](#)," June 25, 2024.

<sup>1473</sup> This is the National Program of Alternative Care and Adoption called Familias de la Guarda (Foster families). See: Office of the President of Paraguay, "[Gobierno del Paraguay lanza 'Familias de la Guarda' Programa Nacional de Cuidados Alternativos y Adopciones](#)," October 8, 2024.

<sup>1474</sup> This initiative is called Healthy Coexistence among Peers at Education Centers. See: Paraguay Information Agency, "[Iniciativa apunta a consolidar herramientas para una convivencia sana entre estudiantes](#)," March 19, 2024.

<sup>1475</sup> In this context, as a result of the first control operation, carried out in October, 161 children and adolescents were prevented from leaving the country because they lacked the necessary travel documents. See: National Directorate of Migration of Paraguay, "[Despliegan operativo de seguridad migratoria orientado a la protección de niños, niñas y adolescentes en el Puente Internacional de la Amistad](#)," September 25, 2024.

<sup>1476</sup> Senate of Paraguay, "[Ante el aumento de casos de abuso. Comisión del Senado abordó problemática en mesa de trabajo](#)," September 3, 2024.

<sup>1477</sup> Public Prosecutor's Office of Paraguay, "[Hasta abril de 2024, el Ministerio Público atendió a 8 víctimas por día de Abuso Sexual en Niños, el 75% son niñas y el 55% son menores de 13 años](#)," May 31, 2024.

<sup>1478</sup> The judgment was ratified by the Criminal Court of Appeals. See: *Última Hora*, "[Tribunal confirma pena de 30 años para comisario stronista que torturó a opositores](#)," October 25, 2024; *Radio Francia Internacional*, "[Condena histórica de 30 años a un torturador de la dictadura de Paraguay](#)," February 21, 2024.

<sup>1479</sup> *Última Hora*, "[Ejecutivo reglamenta ley para la indemnización para veteranos del golpe de 1989](#)," September 9, 2024.

<sup>1480</sup> Government of Paraguay, "[Paraguay y Bolivia celebran II Reunión del Comité de Frontera Infante Rivarol-Cañada Oruro](#)," July 19, 2024.



Towards 2040 (PNMD). It also strengthened intercultural legal services, providing support to indigenous communities and women through working groups with a focus on care, femicides and the rights of sex workers.

687. However, significant **challenges** persist, such as the deterioration of democracy due to congressional interference with institutions that are key to the Rule of Law, including the National Board of Justice (JNJ), the National Election Jury (JNE) and anticorruption prosecutors. In addition, the Congress passed controversial laws on crimes against humanity and war crimes.

688. On November 9, 2024, the State submitted its response to the Commission's request for information to prepare this chapter.<sup>1481</sup>

- **Specific issues**

689. With regard to **democratic institutional**ity, the Congress moved forward with a bill to guarantee the right to vote of Peruvian citizens living abroad.<sup>1482</sup> The State also informed about the approval of a technical instrument to expand citizen participation in accountability hearings related to regional and local governments.<sup>1483</sup> In addition, the Office of the Ombudsperson acknowledged that such instrument represents a step forward and demanded that it be mandatory so as to strengthen social audit mechanisms.<sup>1484</sup>

690. However, the Commission notes the persistence of undue congressional interference with the operation of the other branches of government and public institutions by means of the initiation of disciplinary proceedings against authorities whose positions are essential to preserve democracy, such as the JNJ, the JNE and anticorruption prosecutors.<sup>1485</sup> In this regard, the legislative branch filed at least 14 disciplinary proceedings against the JNJ, which led to the suspension and subsequent removal of two JNJ members, Inés Tello and Aldo Vásquez.<sup>1486</sup>

691. Under these circumstances, the Commission resorted to its several mechanisms, including a request for information on the situation of the JNJ, a request for information on investigations against reporters and prosecutors, and a press release where the Commission expressed its concern about a series of actions to tamper with the system of checks and balances that might weaken the Rule of Law in Peru. In this context, the Commission underscored the need for the State to preserve democracy and human rights and urged the State to guarantee the respect for the independence of the judiciary and the electoral system, as well as for human rights, all of which strengthen democracy.<sup>1487</sup>

692. As for **human rights institutions**, the State reported that the executive branch approved the PNMD which, among other aspects, seeks to address inequality and structural discrimination as a public matter, following a decentralized participatory process to learn about the needs of the communities.<sup>1488</sup> The State also

<sup>1481</sup> Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, sent on November 9, 2024.

<sup>1482</sup> National Office of Electoral Processes, "[ONPE implementaría voto digital para peruanos en el extranjero](#)," December 10, 2024.

<sup>1483</sup> Among other measures, the document requests authorities to publish a summary of their accountability report some days before each hearing to facilitate citizen interaction, <https://www.defensoria.gob.pe/defensoria-del-pueblo-destaca-aprobacion-de-nuevas-medidas-para-desarrollo-de-audiencias-publicas-de-rendicion-de-cuentas-pero-pide-que-sean-obligatorias/>, July 9, 2024.

<sup>1484</sup> Office of the Ombudsperson, "[Defensoría del Pueblo destaca aprobación de nuevas medidas para desarrollo de audiencias públicas de rendición de cuentas pero pide que sean obligatorias](#)," July 9, 2024.

<sup>1485</sup> The IACHR expressed its concern in this regard: IACHR, Press Release No. 130/24, [IACHR Is Concerned About Congressional Interference With Other Branches of Government in Peru](#), June 7, 2024.

<sup>1486</sup> *Ojo Público*, "[Congreso quiebra a la JNJ con la inhabilitación de Inés Tello y Aldo Vásquez](#)," March 8, 2024; Instituto de Defensa Legal (IDL), "[Pronunciamiento del IDL frente a la destitución de los miembros de la Junta Nacional de Justicia Inés Tello y Aldo Vásquez](#)," March 8, 2024.

<sup>1487</sup> IACHR, Press Release No. 130/24, [IACHR Is Concerned About Congressional Interference With Other Branches of Government in Peru](#), June 7, 2024.

<sup>1488</sup> Thirty-one public entities and several civil society organizations participated in the planning process. Government of Peru, "[Ministro Arana destacó el enfoque inclusivo y participativo de la Política Nacional Multisectorial de Derechos Humanos al 2040](#)," December 10, 2024; Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, sent on November 9, 2024.



held a series of sessions to strengthen the capacities of the public administration in terms of gender equality.<sup>1489</sup> In parallel, the Office of the Ombudsperson created the Functional Unit on Prevention, Alert, Mediation and Management of Conflicts and the Functional Unit on Agreement Performance Management, within the Department for the Prevention of Social Conflicts and Governance, to ensure timely intervention in social conflicts.<sup>1490</sup>

693. Despite this progress, the Congress also considered a bill to allow the government to denounce the American Convention on Human Rights and withdraw from the jurisdiction of the Inter-American Court, amidst a growing political trend that is contrary to the inter-American human rights system.<sup>1491</sup> Paradoxically, the Executive nominated a candidate for the Inter-American Court, who was ultimately elected during the OAS General Assembly. Moreover, the Congress introduced reforms to the Constitutional Procedural Code, which, in the opinion of social organizations, will weaken courts' power to exercise the conventionality control, as such reforms establish that only judgments rendered by international courts against Peru can be considered by constitutional courts.<sup>1492</sup> In addition to this reform, the Congress is studying a bill to restrict diffuse control of conventionality.<sup>1493</sup>

694. Concerning **access to justice and judicial independence**, the State informed that the Ministry of Justice and Human Rights, through the Public Criminal Defense Unit, held 280,725 consultations and provided legal representation in 171,306 cases, including the provision of intercultural assistance with a differentiated approach to specific groups.<sup>1494</sup> The executive branch launched information campaigns and training sessions on the support provided by the Free Legal Assistance Centers (ALEGRA) with an intercultural approach to ensure access to justice in areas where indigenous peoples live.<sup>1495</sup> Moreover, the JNJ dismissed national prosecutor Liz Patricia Benavides Vargas from office for serious disciplinary wrongdoing after having used her position to remove prosecutor Bersabeth Revilla, who was investigating Ms. Benavides Vargas's sister.<sup>1496</sup> The Commission held a public hearing where organizations reported that personnel from the Public Prosecutor's Office were being subjected to administrative and criminal proceedings, as well as to dismissal without grounds. They also denounced threats of legal reforms that might affect institutionality, the dismantling of teams in charge of investigating high-impact cases and interferences that jeopardize the independence of the Public Prosecutor's Office.<sup>1497</sup>

695. Furthermore, Congress representatives submitted at least two proposals to reform the Peruvian Constitution: one to replace the JNJ with a national school of magistrates and another one to reorganize the JNJ and the Public Prosecutor's Office, which would result in the removal of those responsible for such entities and might weaken the country's institutionality.<sup>1498</sup>

696. At the same time, the State appointed the new members of the JNJ after a process that was described as nontransparent by civil society organizations, which underscored the lack of assessment of basic

<sup>1489</sup> Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, sent on November 9, 2024.

<sup>1490</sup> Office of the Ombudsperson of Peru, Information prepared by the departments of the Office of the Ombudsperson for the 2024 IACHR Annual Report, December 2, 2024.

<sup>1491</sup> LP, "[Proyecto de ley plantea retiro del Perú de la Convención Interamericana de Derechos Humanos](#)", December 13, 2024.

<sup>1492</sup> Republic of Peru, Law No. 32,153 of November 5, 2024. See also: IDL, "[¿Por qué es inconstitucional la Ley 32153, que restringe el uso de la jurisprudencia de la Corte IDH?](#)", January 13, 2025.

<sup>1493</sup> Congress of the Republic of Peru, Bill No. 9,171/2024, which seeks to eliminate judges' power to enforce "diffuse control," available at: <https://wb2server.congreso.gob.pe/spley-portal/#/expediente/search>.

<sup>1494</sup> Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, sent on November 9, 2024.

<sup>1495</sup> Along these lines, a center was opened at Pasaje San Pablo 174 in La Merced, province of Chanchamayo, to guarantee free legal services with an intercultural approach in the central jungle of Peru. Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, sent on November 9, 2024.

<sup>1496</sup> JNJ, "[JNJ destituyó a Patricia Benavides del cargo de fiscal suprema y de fiscal de la Nación](#)," May 22, 2024.

<sup>1497</sup> IACHR, Press Release No. 51/24, [IACHR Ends 189th Period of Sessions with 29 Public Hearings on Human Rights](#), March 11, 2024.

<sup>1498</sup> Congress of the Republic of Peru, "[Presentan propuesta para reorganizar la Junta Nacional de Justicia y el Ministerio Público](#)," June 4, 2024.



information about the candidates to detect potential conflicts of interest.<sup>1499</sup> The Commission held a public hearing about this issue where it highlighted that the selection process of justice officials is the cornerstone of the Rule of Law to ensure that the judiciary is impartial, transparent and competent. The Commission recalled that it has been monitoring the democratic and justice system in Peru and emphasized the importance of the justice system in protecting democratic institutionalities.<sup>1500</sup>

697. In addition, an amendment to the Criminal Code of Procedure was approved, under which investigation powers traditionally held by the Attorney General's Office were transferred to the National Police of Peru (PNP). This transfer of powers, in the opinion of social organizations and the Board of Supreme Prosecutors, threatens prosecutors' independence and the objectivity of investigations.<sup>1501</sup> Moreover, a series of initiatives were introduced, which have been a cause for concern among civil society organizations given their impact on the justice system and access to it.

698. Organizations, families and victims of human rights violations perpetrated between December 7, 2022, and January 23, 2023, continued expressing their concern over the challenges to access to justice and the failure to comply with the recommendations made by the Commission in its report *Situation of Human Rights in Peru in the Context of Social Protests*. The Commission visited Peru on August 12 and 13 to follow up on the aforementioned recommendations. During that visit, authorities, human rights defenders and the civil society shared information about the situation and the challenges faced in the implementation of such recommendations, including information from the Attorney General's Office of Peru related to investigations into human rights violations and data from different authorities and the civil society on matters related to democratic institutionalities.<sup>1502</sup>

699. In terms of **citizen security**, as of August, the Secretariat of Social Management and Dialogue had been involved in 117 cases to prevent social conflict. It also held 1,338 meetings with civil society organizations and local authorities to manage conflicts, promoted training sessions on conflict dialogue, prevention and management, and took steps to update the executive branch's guidelines and protocols governing social management, dialogue and the participation of women in dialogues to address conflicts.<sup>1503</sup> All of this took place in the context of at least 40 states of emergency ordered by the government across the country, mainly rooted in the fight against organized crime.<sup>1504</sup>

700. Conversely, the Congress passed a law on organized crime that narrowed down the concept of organized crime so that it would only apply to organizations that commit crimes punishable with six years of imprisonment and above, which leaves out crimes such as extortion.<sup>1505</sup> Social organizations and transport workers unions affected by extortion took to the streets to protest against such law as it would potentially weaken the fight against organized crime.<sup>1506</sup> As a result, the government submitted a bill to introduce a new

<sup>1499</sup> In sum, they denounced lack of transparency, publicity, citizen surveillance, a welcoming attitude towards monitoring, technical criteria in the preparation of knowledge tests and trust and equal conditions for candidates. This information was shared during the IACHR's public hearing "Democratic rule and the effects of the selection process for the National Board of Justice," 191<sup>st</sup> period of sessions, November 15, 2024; International Observation Mission (MIO), [La situación de la Junta Nacional de Justicia de Perú y el proceso de elección de sus miembros](#), October 2024.

<sup>1500</sup> IACHR, public hearing "[Peru: Democratic rule and the effects of the selection process for the National Board of Justice](#)," 191<sup>st</sup> period of sessions, November 15, 2024.

<sup>1501</sup> *El Peruano*, "[Junta de Fiscales Supremos advierte que ley que faculta a la PNP a investigar delitos es inconstitucional](#)," August 29, 2024.

<sup>1502</sup> IACHR, Press Release No. 192/24, [IACHR Concludes Follow-Up Visit to Peru](#), August 26, 2024.

<sup>1503</sup> Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, sent on November 9, 2024.

<sup>1504</sup> OAS, Recent Suspensions of Guarantees Regarding Multilateral Treaties, available at: <https://www.oas.org/en/sla/dil/inter-american-treaties-suspension-guarantees.asp>.

<sup>1505</sup> Congress of the Republic of Peru, Law No. 32,108, August 9, 2024.

<sup>1506</sup> Dávila Lynch, Eduardo, "[Ley 32,108 sobre crimen organizado: 'El Congreso ha generado incentivos para que las organizaciones delictivas crezcan'](#)," October 1, 2024; *El País*, "[Los transportistas y los comerciantes se echan a la calle en Perú para acabar con la ola de extorsiones](#)," October 10, 2024.



crime called “urban terrorism” and impose harsher sentences for contract killing and extortion.<sup>1507</sup> Congress also passed Law No. 32,181, which prevents courts from ordering pretrial detention for PNP agents who use their firearm while in service.<sup>1508</sup>

701. As for the progress made in connection with **Afro-descendant persons and policies against racial discrimination**, the Congress approved a reform that includes the Afro-Peruvian population in the Constitution, which was reported by the State as a milestone in the recognition and guarantee of their fundamental rights. The State also took steps forward in the implementation of the 2030 National Policy for Afro-Peruvian People (PNPA).<sup>1509</sup>

702. Despite these positive measures, according to available information in the public domain, methodological limitations were observed in the follow-up and assessment of indicators associated with the objectives of said policy, which hinders its implementation and the possibility of setting clear perspectives to eliminate racial discrimination and ensure the full exercise of rights.<sup>1510</sup> This is reflected in the barriers faced by Afro-Peruvian women and girls in accessing sexual and reproductive health services due to deficiencies in rural infrastructure, a lack of adequate information and the criminalization of abortion.<sup>1511</sup> Civil society organizations warned against the different impacts that adverse weather events have on Afro-descendant communities such as the Yapatera people, located in Piura, where pre-existing inequalities are worsened by recurrent environmental challenges.<sup>1512</sup>

703. With regard to **human rights defenders**, the Intersectoral Mechanism for the Protection of Human Rights Defenders (MINJUSDH) monitored risks in connection with 192 defenders to coordinate risk response measures. Furthermore, it created regional working groups to coordinate work and take action to protect defenders.<sup>1513</sup>

704. Moreover, the Foreign Affairs Committee of the Congress approved a report that grouped six bills intended to amend the Law on the Peruvian Agency for International Cooperation (APCI), with a potential negative impact on the defense of human rights and the work of civil society organizations.<sup>1514</sup> According to this report, the use of resources from international technical cooperation and donations by organizations to conduct activities declared by the State as contrary to public interest and internal order constitutes a serious violation, which could lead to the potential cancellation of such organizations.<sup>1515</sup> This initiative was described by the civil society as a strategy to shrink the civic space and prevent the defense of human rights. In addition, the human rights coalition National Human Rights Coordinator (CNDDHH) reported intimidation and

<sup>1507</sup> Government of Peru, “[Poder Ejecutivo remitió al Congreso el proyecto de ley que incorpora el delito de terrorismo urbano al Código Penal](#),” October 3, 2024.

<sup>1508</sup> Government of Peru, “[Policías que usen sus armas de forma reglamentaria no podrán ser objeto de detención preliminar ni de prisión preventiva](#),” December 11, 2024.

<sup>1509</sup> Congress of the Republic of Peru, “[Congreso ratifica, en segunda votación, reforma constitucional que reconoce al pueblo afroperuano](#),” November 20, 2024.

<sup>1510</sup> Ministry of Culture of Perú, [Informe de Evaluación de la Política Nacional del Pueblo Afroperuano al 2030](#), June 2024, p. 3.

<sup>1511</sup> Ashanti Perú, Red Peruana de Jóvenes Afrodescendientes, [Estudio sobre derechos sexuales y reproductivos de juventudes afroperuanas](#), June 2024, pp. 83–85.

<sup>1512</sup> Ashanti Perú, Red Peruana de Jóvenes Afrodescendientes, [Estudio sobre derechos sexuales y reproductivos de juventudes afroperuanas](#), June 2024, pp. 85–88; UNFPA, “[‘Always a fighter’: Afrodescendent Activist Lilian León Offers Solidarity and Support to Survivors of Gender-based Violence in Northern Perú](#),” March 25, 2024.

<sup>1513</sup> As of this date, there are eight regional working groups in operation in the regions of Madre de Dios, Ucayali, San Martín, Loreto, Amazonas, Junín, Piura and Huánuco.

<sup>1514</sup> IDL, “[Críticas al dictamen aprobado por la Comisión de Relaciones Exteriores del Congreso contra el trabajo de las ONG](#),” June 8, 2024.

<sup>1515</sup> Congress of the Republic of Peru, [Preliminary report on Bills No. 6,162/2023-CR, 6,252/2023-CR, 7,140/2023-CR, 7,354/2023-CR, 7,367/2023-CR and 7,505/2023-CR, which propose amendments to Law No. 27,692 —Law Creating the Peruvian Agency on International Cooperation \(APCI\)— to reinforce the work of said entity and contribute to the transparency and supervision of the application of resources received by entities that manage nonreimbursable international technical cooperation funds](#), June 2024.



defamation practices that misinform its human rights advocacy work and accuse the coalition of promoting violence during protests.<sup>1516</sup>

705. All of this takes place in a context of violence against indigenous and union leaders. On April 19, 2024, Victorio Dariquebe Gerewa, a park ranger and protector of the Amarakaeri Communal Reserve from the Keros Native Community, was murdered.<sup>1517</sup> In Ica, on May 28, Julio Alejandro Siancas Chati, a union leader, was killed.<sup>1518</sup> On July 2, Ronald Caisahuana Flores, a construction union leader in Jujín, Satipo, was murdered.<sup>1519</sup> On July 14, Mariano Mucama Isacama Feliciano, a Kakataibo Indigenous leader in Aguaytía, Padre Abad district, Ucayali, was found dead after being missing for 22 days.<sup>1520</sup> Later that month, on July 28, Juan José Mota Silvestre, Secretary-General of the Casma Construction Union, was murdered.<sup>1521</sup> On August 15, Arturo Cárdenas, Secretary-General of the Lima and Balnearios Construction Union, was assassinated in Lima.<sup>1522</sup> On October 7, 2024, in the Amarakaeri Communal Reserve, Manu district, Madre de Dios region, Gerardo Keimari Enrique, an Indigenous leader of the Matsigenka people, was found dead.<sup>1523</sup>

706. Additionally, the Board of Directors of the Lima Bar Association was reported to the institution's Ethics Council by the Ministry of Justice and Human Rights after holding a meeting with the Inter-American Commission on Human Rights.<sup>1524</sup>

707. As to the rights of **women**, the National Specialized Criminal Court of Appeals sentenced 13 military officers who had been accused of sexual violence against peasant women in the Huancavelica region during the internal armed conflict.<sup>1525</sup> The State created the Working Group for Strengthening the Assistance Provided by the Emergency Centers for Women (CEM) in Cases of Femicide and Attempted Femicide, composed of public officials and civil society representatives, to monitor the cases handled by these centers.<sup>1526</sup> Additionally, the State established a working group and a pilot plan to coordinate interventions focused on care, aiming to improve conditions for both paid and unpaid caregivers,<sup>1527</sup> as well as the Working Group for the Promotion and Protection of the Rights of Women who Perform Sexual Work.<sup>1528</sup>

<sup>1516</sup> International Federation for Human Rights (FIDH), "[Perú: Intimidación y difamación contra la Coordinadora Nacional de Derechos Humanos \(CNDDHH\) y Jennie Dado](#)," August 1, 2024; OMCT, "[Perú: Actos de intimidación y difamación contra la CNDDHH y Jennie Dado](#)," August 1, 2024.

<sup>1517</sup> *Ojo Público*, "[Minería ilegal y narcotráfico detrás del asesinato del guardaparque Victorio Dariquebe](#)," April 23, 2024; *SPDA Actualidad ambiental*, "[Asesinan a Victorio Dariquebe, guardaparque de la Reserva Comunal Amarakaeri](#)," April 21, 2024.

<sup>1518</sup> Federation of Workers from the Construction, Timber and Construction Supplies Industries for Latin America and the Caribbean (FLEMACON), "[Asesinato del sindicalista en Perú: ¡No a la impunidad!](#)," May 29, 2024; *El Perfil*, "[Con Siancas ya son 22 los dirigentes de sindicatos afiliados asesinados y exigimos justicia](#)," May 29, 2024.

<sup>1519</sup> *Diario Correo*, "[Satipo: Asesinan a balazos a dirigente de construcción civil](#)," July 3, 2024; *América TV*, "[Satipo: Asesinan a dirigente de construcción civil delante de su familia](#)," July 4, 2024.

<sup>1520</sup> Peruvian Society of Environmental Law (SPDA), "[Urgente: Hallan muerto a líder kakataibo Mariano Isacama desaparecido hace 22 días](#)," July 14, 2024; *Caretas*, "[Ucayali: Hallan muerto a líder kakataibo cerca del río Yurac](#)," July 15, 2024.

<sup>1521</sup> *Caretas*, "[Sujetos armados dieron muerte a Juan Mota Silvestre, dirigente de Construcción Civil en Casma](#)," July 30, 2024; *Radio Santo Domingo*, "[Ancash: asesinaron a balazos a dirigente de construcción civil en Casma](#)," July 29, 2024.

<sup>1522</sup> *Infobae*, "[Asesinan a secretario del sindicato de Construcción Civil en La Victoria: imágenes muestran los movimientos del sicario](#)," August 16, 2024; Public Prosecutor's Office of Peru, "[Fiscalía inicia investigación preliminar por la muerte de dirigente de construcción civil ocurrido en La Victoria](#)," August 16, 2024.

<sup>1523</sup> *Amazon Watch*, "[Murder of Peruvian Indigenous Earth Defender Underscores the Importance of Protecting Indigenous Land Rights Ahead of UNTOC COP12 and CBD COP16](#)," October 11, 2024; CIVICUS, "[Asesinan a un segundo activista que protegía una reserva comunal](#)," November 7, 2024; *Mongabay*, "[Perú: segundo defensor ambiental asesinado en el área de influencia de la Reserva Comunal Amarakaeri en Madre de Dios](#)," October 14, 2024.

<sup>1524</sup> Lima Bar Association, "[Gobierno Amenaza al Decano y Directivos del CAL por Reunión con Miembros de la CIDH](#)," January 8, 2025.

<sup>1525</sup> DEMUS [@DemusPeru], (June 19, 2024), #SentenciaManta | ¡Históricas! Corte Superior Nacional condena a los 13 militares denunciados por violaciones sexuales durante el conflicto armado interno [X post], X, <https://x.com/demusperu/status/1803553614792626507?s=48&t=YhxMmLjZhyT1f2aW9za2Q>.

<sup>1526</sup> Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, November 9, 2024, p. 16. In IACHR files.

<sup>1527</sup> Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, November 9, 2024, p. 15. In IACHR files.

<sup>1528</sup> Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, November 9, 2024, p. 17. In IACHR files.



708. However, high rates of gender-based violence against women, girls and adolescents persisted in the country, particularly including femicide, psychological and sexual violence, as well as disappearances.<sup>1529</sup> Between January and October 2024, the authorities received 5,518 alerts on disappeared women, including 603 cases in October alone, out of which 413 (68 percent) involved girls and adolescents.<sup>1530</sup> For its part, the Ministry of Women and Vulnerable Populations (MIMP) reported that, as of November 11, the death of 135 women under circumstances potentially linked to femicide had been recorded. Most of these crimes were committed by the victim's partner in her home.<sup>1531</sup> Additionally, as of October, 189 attempted femicides had been reported,<sup>1532</sup> and the CEMs had assisted women in 25,067 cases involving sexual violence, including 10,804 cases of rape and 868 instances of violence against pregnant women.<sup>1533</sup> Moreover, 6,489 cases of rape against girls and adolescents had been documented as of October 2024.<sup>1534</sup>

709. Between January and May 2024, more than 300 cases of sexual assault committed by teachers in educational institutions were recorded nationwide.<sup>1535</sup> Reports of 524 incidents of sexual violence perpetrated by teachers against indigenous students from the Wampís and Awajún communities between 2010 and May 2024 were monitored.<sup>1536</sup> These reports included cases involving HIV transmission and pregnancies resulting from rape.<sup>1537</sup> Executive branch authorities referred to sexual violence as a “cultural practice,” a statement condemned by the civil society and the Office of the Ombudsperson.<sup>1538</sup> The Commission submitted a request for information to the State to monitor this situation.<sup>1539</sup>

710. In this context of violence, regressive initiatives emerged concerning equality and the fight against gender discrimination. These included proposals to rename the Ministry of Women as the Ministry of the Family or merge it with the Ministry of Development and Social Inclusion, which would undermine the specific focus of actions against gender-based violence,<sup>1540</sup> and the repeal of decrees requiring the appointment of gender equality officers in public institutions and the delivery of training on gender to public officials.<sup>1541</sup> In addition, a bill was introduced to allow parents to exempt their children from courses that include comprehensive sex education components.<sup>1542</sup>

<sup>1529</sup> IACHR, [2023 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), December 31, 2023, para. 677; Ministry of Women and Vulnerable Populations, [Cases handled by national CEMs – Year 2024](#), October 31, 2024.

<sup>1530</sup> Office of the Ombudsperson of Peru, [“Defensoría del Pueblo: de enero a octubre del 2024 se han reportado 5518 alertas de mujeres reportadas como desaparecidas,”](#) November 24, 2024.

<sup>1531</sup> *Perú 21*, [“Alarmantes cifras de FEMINICIDIO: 135 mujeres fueron asesinadas en lo que va de 2024,”](#) November 19, 2024.

<sup>1532</sup> Ministry of Women and Vulnerable Populations, [Aurora National Program Statistics Portal](#), October 31, 2024.

<sup>1533</sup> Ministry of Women and Vulnerable Populations, [Casos de violencia sexual enero-octubre](#), October 2024.

<sup>1534</sup> Ministry of Women and Vulnerable Populations, [Casos de violencia sexual enero-octubre](#), October 2024.

<sup>1535</sup> *Infobae*, [“Violencia sexual en las escuelas: Denuncias superan las 900 en reporte del portal ‘SíseVe’ del Minedu,”](#) June 24, 2024.

<sup>1536</sup> *Infobae*, [“Denuncian que 423 docentes acusados de violencia sexual contra escolares awajún en Amazonas siguen dictando clases,”](#) June 11, 2024.

<sup>1537</sup> Office of the Ombudsperson, [Balance de las Recomendaciones Formuladas por la Defensoría del Pueblo y Agenda pendiente para restituir los derechos fundamentales de la niñez Awajún](#), August 2024, p. 15; Pontifical Catholic University of Peru, Democracy and Human Rights Institute (IDEHUPC), [“Las violaciones de niñas wampís y awajún: Injusticia comunitaria y ordinaria e impunidad,”](#) June 25, 2024.

<sup>1538</sup> Office of the Ombudsperson, [Balance de las Recomendaciones Formuladas por la Defensoría del Pueblo y Agenda pendiente para restituir los derechos fundamentales de la niñez Awajún](#), August 2024, p. 15; *Infobae*, [“Ministro de Educación desata ola de repudio al sugerir que agresiones sexuales contra niñas awajún pueden ser una ‘práctica cultural’,”](#) June 13, 2024; *Infobae*, [“Wampis responden al ministro de Educación sobre agresiones sexuales contra niñas awajún: ‘No es una práctica cultural, es un delito’,”](#) June 16, 2024.

<sup>1539</sup> IACHR, Request for information pursuant to Article 41 of the American Convention, August 21, 2024. In IACHR files.

<sup>1540</sup> *Infobae*, [“Congreso insiste en desaparecer el Ministerio de la Mujer: Waldemar Cerrón presenta PL para cambiarle el nombre,”](#) July 20, 2024; Congress of the Republic of Peru, [“Proponen cambio de nombre del ‘Ministerio de la Mujer’ por el ‘Ministerio de Familia, Infancia, Adulto Mayor y Personas con Discapacidad’,”](#) December 6, 2023; *Infobae*, [“Fusión del MIMP y el Midis: el impacto de un atentado contra los derechos de la mujer y la falta de transparencia desde el Gobierno,”](#) September 1, 2024; IACHR, [2023 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), December 31, 2023, para. 676.

<sup>1541</sup> Milagros Jáuregui de Aguayo [@MJaguayo63], (April 5, 2024), ARCHIVADO | ; Defendiendo la libertad de todos los peruanos! Hoy, en la [@commujeryfam](#) la cual presido, se aprobó derogar los decretos [X post], X, <https://x.com/mjaguayo63/status/1776331367816548789?s=48&t=YhxMmLIZhyT1f2aW9za2Q>.

<sup>1542</sup> Congress of the Republic of Peru, [“Propuesta de ley para el reconocimiento del derecho de los padres en la educación sexual de sus hijos,”](#) April 16, 2024.



711. Furthermore, the executive branch enacted the Law for the Protection of Pregnancy for the Expectant Mother, the Unborn Child and their Family Environment. In this regard, the civil society highlighted contradictions between this law and the legal framework for therapeutic abortion, the only circumstance under which abortion is permitted.<sup>1543</sup> The enactment of the aforementioned law also followed the introduction of a bill seeking to decriminalize abortion in cases of rape committed by a victim's relative.<sup>1544</sup> In addition, the State has yet to implement a reparations policy for victims of forced sterilization, which has been recognized as a form of gender-based violence and intersectional discrimination.<sup>1545</sup> Moreover, according to public information, up to six maternal deaths reportedly caused by inadequate medical care were recorded in the Pasco region.<sup>1546</sup>

712. As regards the rights of **LGBTI persons**, the State took steps towards the enactment of a gender identity law and the prohibition of attempts to change a person's sexual orientation or gender identity.<sup>1547</sup> Peru also implemented public policies including the Technical Health Standard for Combined HIV Prevention and the Protocol for the Legal Assistance of Women Sexual Workers.<sup>1548</sup> The Constitutional Court ordered the correction of the sex marker of an intersex person.<sup>1549</sup> Furthermore, the Committee on Justice and Human Rights of the Congress of the Republic of Peru passed a same-sex civil union bill,<sup>1550</sup> which was criticized by LGBTI organizations for failing to guarantee equal rights.<sup>1551</sup> In turn, religious sectors opposed the initiative arguing that it undermines traditional values.<sup>1552</sup>

713. However, the government issued Decree No.009-2024-SA, in which diverse sexual orientations and gender identities, particularly trans persons, are treated as diseases.<sup>1553</sup> Following complaints, the government removed pathologizing diagnoses from the health system.<sup>1554</sup> The civil society denounced the barriers that trans persons face in accessing healthcare services.<sup>1555</sup> Additionally, reports highlighted the specific obstacles encountered by trans men, including the denial of sexual and reproductive healthcare services due to their gender identity.<sup>1556</sup>

714. In this regard, the Commission held a public hearing on the rights of trans, nonbinary and gender-diverse persons, where organizations reported persistent violence and discrimination against trans

<sup>1543</sup> Infobae, "[Publican ley que protege embarazo de la madre gestante, criticada por su posible afectación al acceso al aborto terapéutico](#)," April 13, 2024.

<sup>1544</sup> LP, "[Plantean despenalizar el aborto por violación cuando el abuso se haya producido por el padre, el tío, el abuelo o el hermano de la víctima](#)," October 21, 2024.

<sup>1545</sup> IACHR, thematic hearing "[Peru: Human rights of victims of forced sterilization](#)," 189<sup>th</sup> regular period of sessions, Washington D.C., United States of America, March 1, 2024; Asociación de Mujeres Víctimas de Esterilización Forzada de Chumbivilcas, Additional information to the thematic hearing "Peru: Human rights of victims of forced sterilization," March 2024, p. 3. In IACHR files; United Nations OHCHR, "[Peru: Fujimori government's forced sterilisation policy violated women's rights. UN committee says in landmark ruling](#)," October 30, 2024.

<sup>1546</sup> Infobae, "[Muerte materna en el Perú: una mujer fallece cada 36 horas por complicaciones en el embarazo o durante el parto](#)," July 10, 2024.

<sup>1547</sup> Permanent Mission of Peru to the OAS, Diplomatic Note No. 7-5-M-198, October 15, 2024. In IACHR files.

<sup>1548</sup> Permanent Mission of Peru to the OAS, Diplomatic Note No. 7-5-M-198, October 15, 2024. In IACHR files.

<sup>1549</sup> Constitutional Court, [Judgment No. 228/2024. File No. 02563-2021-PA/TC](#), Lima, September 23, 2024; *Pasión por el derecho*, "[TC: Persona a la que se asignó sexo femenino al nacer, a pesar que presentaba cromosomas masculinos, logra que se le reconozca como varón \[Exp. 02563-2021-PA/TC\]](#)," November 16, 2024; *Agencia Presentes*, "[Perú: una persona intersex exige reconocimiento legal de su identidad ante el Tribunal Constitucional](#)," September 24, 2024; Promsex [@promsex], (July 24, 2024), #JusticiaParaEidan Inicia la audiencia pública ante el @TC\_Peru sobre el caso de Eidan [X post], X, <https://x.com/promsex/status/1816166209944957113>.

<sup>1550</sup> Infobae, "[Ley de unión civil avanza en Congreso de Perú: qué derechos se ganarían y lo que falta para su oficialización](#)," November 21, 2024; *Associated Press (AP)*, "[Comisión Legislativa abre puertas para debate de unión civil de personas del mismo sexo en Perú](#)," November 21, 2024.

<sup>1551</sup> *La Mula*, "[Unión civil: una propuesta limitada que perpetúa la desigualdad de derechos para parejas del mismo sexo](#)," November 20, 2024; Promsex [@promsex], (November 21, 2024), #PRONUNCIAMIENTO | La aprobación del dictamen de Unión Civil es un hecho tardío y limitado en el reconocimiento de los derechos LGBTIQ+ [X post], X, <https://x.com/promsex/status/1859694183231127593>.

<sup>1552</sup> *Expresso*, "[Marcha por la vida y la familia: Más de 50 mil personas se manifiestan en Lima contra la unión civil LGBT](#)," December 7, 2024.

<sup>1553</sup> HRW, "[Peru Chooses Bigotry in Medical Services](#)," May 15, 2024.

<sup>1554</sup> Permanent Mission of Peru to the OAS, Diplomatic Note No. 7-5-M-198, October 15, 2024. In IACHR files.

<sup>1555</sup> IACHR, "[Peru: Human rights of trans persons](#)," 190<sup>th</sup> regular period of sessions, July 10, 2024.

<sup>1556</sup> IACHR, "[Regional: Transmasculinity and access to the right to health](#)," 191<sup>st</sup> regular period of sessions, November 12, 2024.



women and sexual workers in education, healthcare and access to justice in Peru. They urged the State to pass a gender identity law that allows trans persons to rectify their names and gender in identity documents, provide training on equality and nondiscrimination to judges and judicial assistants, and compile statistics on violence against LGBTI persons, among other measures. In turn, the State referred to existing laws, regulations, workshops and roundtables aimed at promoting LGBTI rights and affirmed its commitment to improving LGBTI persons' access to rights in the country.<sup>1557</sup>

715. This takes place in a context in which, according to official figures, between 2012 and June 2024, violence has claimed the lives of 157 LGBTI persons<sup>1558</sup> and the Public Defender's Office has provided assistance to 231 LGBTI individuals.<sup>1559</sup>

716. Regarding **persons in the context of human mobility**, the State enacted legislation extending temporary healthcare coverage through the Comprehensive Health Insurance (SIS) to migrants and refugees diagnosed with HIV and tuberculosis, regardless of their migration status.<sup>1560</sup>

717. Notwithstanding the foregoing, the State issued Supreme Decree No. 011-2024-IN, which provides for the identification of migrants to "ensure security and public order," restricts the entry and transit of foreigners for security reasons and requires lodging businesses to verify the migration status of their guests, imposing penalties for noncompliance.<sup>1561</sup> This decree transfers immigration control duties to private individuals<sup>1562</sup> and was issued in a context where migrants have been blamed for rising crime rates, a narrative that may lead to more stigmatization.<sup>1563</sup>

718. With regard to the progress achieved in processes of **memory, truth and justice**, the Commission highlights the adoption of the consolidated amended text of Legislative Decree No. 1,428 and its regulations to strengthen the system for the search of disappeared persons, address cases involving the disappearance of persons in vulnerable situations and establish a standardized framework of action for the authorities in charge.<sup>1564</sup> In addition, the Office of the Second Supraprovincial Public Prosecutor Specialized in Human Rights and Interculturalism of Ayacucho recovered the skeletal remains of 11 possible victims of the 1984 Putis massacre.<sup>1565</sup> Moreover, the judiciary convicted 10 military officers for crimes against humanity — specifically, sexual violence— committed against nine peasant women between 1984 and 1985, during the internal armed conflict.<sup>1566</sup>

719. However, during 2024, the Commission received complaints relating to setbacks in memory, truth, justice and reparation policies in Peru. The Commission is particularly concerned over official statements

<sup>1557</sup> IACHR, "[Peru: Human rights of trans persons](#)," 190<sup>th</sup> regular period of sessions, July 10, 2024.

<sup>1558</sup> Permanent Mission of Peru to the OAS, Diplomatic Note No. 7-5-M-198, October 15, 2024, p. 10. In IACHR files.

<sup>1559</sup> Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, November 9, 2024, p. 21. In IACHR files.

<sup>1560</sup> Joint United Nations Programme on HIV/AIDS (UNAIDS), "[Peru approves groundbreaking law to extend health coverage for migrants with HIV and TB](#)," October 21, 2024; PAHO, "[Perú da importantes pasos para mejorar la cobertura de salud de migrantes no residentes con VIH y tuberculosis](#)," November 6, 2024.

<sup>1561</sup> *El Peruano*, Official Gazette of the Bicentenary, [Supreme Decree No. 011-2024-IN](#), October 22, 2024.

<sup>1562</sup> IDEHPUCP, "[El Decreto Supremo N° 011-2024-IN y las nuevas restricciones en la política migratoria](#)," October 29, 2024. See also: IACHR, [2023 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), December 31, 2023, para. 682.

<sup>1563</sup> *Infobae*, "[Dina Boluarte acusa a migrantes venezolanos por el incremento de la inseguridad en el Perú: 'Los vamos a botar'](#)," October 22, 2024; *Ahora*, "[Dina Boluarte responsabiliza a migrantes venezolanos por el aumento de la inseguridad en Perú](#)," October 22, 2024; *Prensa Mercosur*, "[Dina Boluarte acusa a migrantes venezolanos por el incremento de la inseguridad en el Perú: 'Los vamos a botar'](#)," October 23, 2024.

<sup>1564</sup> Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, November 9, 2024, para. 47. In IACHR files.

<sup>1565</sup> IACHR [@CIDH], (July 9, 2024), #Perú: #CIDH reconoce la recuperación de restos óseos de 11 posibles víctimas de la masacre de Putis (1984), resultado del trabajo liderado por la Segunda Fiscalía Penal Supraprovincial Especializada en Derechos Humanos e Interculturalidad de Ayacucho. La Comisión alienta al Estado a continuar las acciones interinstitucionales para la búsqueda e identificación de las víctimas de la masacre de Putis, y la restitución digna de sus restos a familiares; así como para el juzgamiento a los responsables [X post], X, <https://x.com/CIDH/status/1810795355430142286>.

<sup>1566</sup> *France 24*, "[Perú: condenan a 10 exmilitares a hasta 12 años de cárcel por violaciones en el conflicto con Sendero Luminoso](#)," June 20, 2024; *El País*, "[Condenados en Perú 10 militares por violar a mujeres campesinas hace 40 años](#)," June 20, 2024.



denying the existence of an internal armed conflict in the country.<sup>1567</sup> Furthermore, the State enacted the Law Establishing the Application and Scope of Crimes Against Humanity and War Crimes in Peruvian Legislation, which prevents the investigation and punishment of crimes committed before July 1, 2002.<sup>1568</sup> The IACHR urged the repeal of the initiative and its non-application, recalling that the imprescriptibility of these crimes is a principle of international law and that Peru has an obligation to ensure access to justice in cases of this gravity.<sup>1569</sup> This took place despite the order of the Inter-American Court of Human Rights that the State should take the necessary actions to ensure that the bill was not adopted; this generated condemnation from civil society organizations and victims' organizations<sup>1570</sup>.

720. For its part, the Commission held a thematic hearing, which had been requested by organizations to report on the consequences of Law No. 32,107 of 2024. Civil society organizations informed that, under said law, no person shall be prosecuted, convicted or punished for crimes against humanity committed before July 1, 2022, and called for its repeal. According to these organizations, this law represents a setback in access to justice for the victims of the cases included in the joint press release and affects more than 550 individuals and their families. The State underscored its commitment and the steps taken to monitor the cases, which included periodic meetings with the Commission and the petitioners to address justice and investigation issues. As for the impact of Law No. 32,107, the State argued that courts, as independent bodies, had decided to refrain from enforcing the law, based on the principle of diffuse control of conventionality, and added that, as of the reporting date, no sanctions had been imposed on justice operators who refused to enforce the law, although administrative investigations were ongoing. In parallel, the State emphasized that there were constitutional remedies against the law pending before the Constitutional Court.<sup>1571</sup>

721. Additionally, the Commission received reports concerning reprisals and the misuse of criminal law against justice operators who declined to enforce Law No. 32,107 during 2024.<sup>1572</sup> Furthermore, the Congress moved forward with the passage of Bill No. 7,549/2023-CR, which would grant amnesty to agents of the National Police, the armed forces, self-defense groups and state officials under investigation in cases where a judgment has not become final, as well as to those convicted of crimes committed between 1980 and 2000 who are over 80 years of age.<sup>1573</sup>

722. Moreover, civil society organizations denounced that the Peruvian State has failed to comply with a judgment ordering the development of a comprehensive reparations policy for victims of forced

<sup>1567</sup> According to the statement by Peru in a public hearing before the Commission during its 190<sup>th</sup> regular period of sessions. IACHR, thematic hearing "Peru: Impact of the law on crimes against humanity in joint press release cases," 191<sup>st</sup> regular period of sessions, Washington D.C., United States of America, November 15, 2024; IACHR, thematic hearing "Peru: Impunity for serious human rights violations during the 1980–2000 armed conflict," 190<sup>th</sup> regular period of sessions, online, July 10, 2024.

<sup>1568</sup> Congress of the Republic of Peru, Law 32,017, "Law Defining the Application and Scope of the Crime of Crimes Against Humanity and War Crimes in Peruvian Legislation," August 9, 2024.

<sup>1569</sup> IACHR, Press Release No. 206/24, [IACHR warns of impacts on access to justice following approval of Peru's law on crimes against humanity](#), September 3, 2024; IACHR, thematic hearing "Peru: Impunity for serious human rights violations during the 1980–2000 armed conflict," 190<sup>th</sup> regular period of sessions, online, July 10, 2024; IACHR [CIDH], (June 10, 2024), #Perú: #CIDH manifiesta preocupación por la aprobación en primera votación del Pleno del @congresoperu del Proyecto de Ley 6951/2023-CR, que establece la prescripción de todos los delitos de lesa humanidad y de guerra cometidos antes de 1 de julio de 2002, fecha de la entrada en vigor del Estatuto de Roma en el país. La iniciativa es contraria al derecho internacional y desobedece abiertamente sentencias emitidas por la @CorteIDH y otros instrumentos internacionales, incluido el Estatuto de Roma; por lo que se insta a las personas congresistas a detener el avance del mencionado Proyecto de Ley [X post], X, <https://x.com/CIDH/status/1800266985055440981>.

<sup>1570</sup> I/A Court H.R., Case of Barrios Altos and La Cantuta v. Peru. Provisional Measures and Supervision of Compliance with Judgments. Resolution of the Inter-American Court of Human Rights of July 1, 2024; CEJIL, [Organizaciones de derechos humanos de América Latina condenan aprobación de ley de prescripción en Perú en abierto desacato a lo dispuesto por la Corte IDH | CEJIL](#), July 11, 2024.

<sup>1571</sup> IACHR, thematic hearing "Peru: Impunity for serious human rights violations during the 1980–2000 armed conflict," 190<sup>th</sup> regular period of sessions, online, July 10, 2024.

<sup>1572</sup> IACHR, thematic hearing "Peru: Impact of the law on crimes against humanity in joint press release cases," 191<sup>st</sup> regular period of sessions, Washington D.C., United States of America, November 15, 2024.

<sup>1573</sup> IACHR, thematic hearing "Peru: Impunity for serious human rights violations during the 1980–2000 armed conflict," 190<sup>th</sup> regular period of sessions, online, July 10, 2024; IDEHPUCP, [¿Amnistía o impunidad?: análisis de la incompatibilidad del Proyecto de Ley N° 7549/2023 con las obligaciones internacionales del Perú en materia de Derecho Internacional de los Derechos Humanos y Derecho Internacional Humanitario](#), April 30, 2024. The IACHR Court has already ruled on similar provisions. See: IACHR Court, Barrios Altos v. Peru, Merits, Judgment of March 14, 2001, Series C No. 75, para. 41.



sterilizations that guarantees their effective participation,<sup>1574</sup> as well as the lack of progress in implementing the Comprehensive Reparations Plan for victims of serious human rights violations in the context of the armed conflict.<sup>1575</sup> The Commission convened thematic hearings to address both issues.<sup>1576</sup> In parallel, threats were recorded against the remembrance site “El Ojo que Lloro,” which included the possible cancellation of its National Cultural Heritage status and a demolition request by the government of the city of Lima.<sup>1577</sup>

723. With regard to the rights of **children and adolescents**, the National Specialized Protection Program for Children and Adolescents was launched in November, and its implementation is scheduled for 2025. This program aims to provide care for children and adolescents at risk or facing family abandonment.<sup>1578</sup> The State provided care to 3,064 children and adolescents in rural communities through the Plataformas Itinerantes de Acción Social (Itinerant Social Action Platforms) program.<sup>1579</sup>

724. Members of Congress submitted bills aimed at amending the Criminal Code and the Code of Criminal Liability for Adolescents so that adolescents aged 16 and 17 may be criminally charged as adults. Under this proposal, they could face penalties such as life imprisonment in serious cases, including contract killings, extortion, drug trafficking, kidnapping, femicide and rape.<sup>1580</sup>

725. The Office of the Ombudsperson voiced its concern over the low vaccination rates among children under five, particularly in remote areas, including indigenous communities. It also noted that, as of April 2024, the Ministry of Health had recorded 158 cases of girls and adolescents aged 11 to 14 who had given birth, as well as 9,224 pregnancies of adolescents aged 15 to 19. The Ministry of Education reported that, as of March 2024, 398 cases of violence among students had been recorded, including 63 instances of sexual violence. In the same period, 394 cases involving violence by staff against students were documented, including 71 instances of sexual violence.<sup>1581</sup> Furthermore, according to estimates from UNICEF, severe droughts in the country have impacted 344,000 children and adolescents.<sup>1582</sup> Additionally, the wildfires in September 2024 are estimated to have affected over 160,000 children and adolescents.<sup>1583</sup>

726. Regarding the rights of **older persons**, the State created the Working Group for the Coordination of Sector Interventions Focused on Care, aimed at coordinating sector interventions for various groups, including older persons.<sup>1584</sup> Peru approved the regulations for Law No. 31,781, which strengthens care for older persons with disabilities facing family abandonment or at risk of social exclusion. Said law provides

<sup>1574</sup> IACHR, thematic hearing “Peru: Human rights of victims of forced sterilization,” 189<sup>th</sup> regular period of sessions, Washington D.C., United States of America, March 1, 2024.

<sup>1575</sup> IACHR, thematic hearing “Peru: Impunity for serious human rights violations during the 1980–2000 armed conflict,” 190<sup>th</sup> regular period of sessions, online, July 10, 2024.

<sup>1576</sup> IACHR, thematic hearing “Peru: Human rights of victims of forced sterilization,” 189<sup>th</sup> regular period of sessions, Washington D.C., United States of America, March 1, 2024; IACHR, thematic hearing “Peru: Impunity for serious human rights violations during the 1980–2000 armed conflict,” 190<sup>th</sup> regular period of sessions, online, July 10, 2024.

<sup>1577</sup> *La República*, “[Municipalidad de Lima quiere demoler ‘El ojo que llora’](#),” March 23, 2024; IACHR, thematic hearing “Regional: Impact of Attacks on Remembrance Sites on the Right to Memory, Truth and Justice,” 190<sup>th</sup> period of sessions, online, July 11, 2024.

<sup>1578</sup> The plan is expected to benefit more than 87,000 children and adolescents.

<sup>1579</sup> Designed to bring state services closer to rural communities and those facing poverty or social exclusion. Republic of Peru, [Itinerant Social Action Platforms \(PIAS\) – Mobile platforms](#), undated; Ministry of Women and Vulnerable Populations, “[Ministra Hernández Cajo presenta nuevos programas para proteger a 87 mil niños, niñas y adolescentes en situación de riesgo o desprotección](#),” April 19, 2024.

<sup>1580</sup> Congress of the Republic of Peru, “[Sicarios menores de edad serán sentenciados como adultos](#),” October 17, 2024. See also: UNICEF Peru (@UNICEFp), (November 8, 2024), Ante la reducción de la edad penal a 16 años, desde UNICEF recordamos que los y las adolescentes deben ser juzgados en un sistema penal juvenil especializado, que priorice su reinserción social [X post], X, <https://x.com/UNICEFperu/status/1854892991262884325>.

<sup>1581</sup> Office of the Ombudsperson of Peru, “[Defensoría del Pueblo: brechas de vacunación y casos de anemia, embarazo adolescente y violencia continúan impactando en el desarrollo de la niñez y adolescencia](#),” April 14, 2024.

<sup>1582</sup> As these events hindered maritime transport, food and fuel supplies and access to drinking water.

<sup>1583</sup> UNICEF, “[UNICEF estima que más de 160 mil niños, niñas y adolescentes residen en las zonas de mayor concentración de incendios forestales](#),” September 27, 2024.

<sup>1584</sup> Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, November 9, 2024. In IACHR files.



for measures to ensure their health, safety, education, work and participation, among other rights, from a perspective of equality and nondiscrimination.<sup>1585</sup>

727. Furthermore, the Ministry of Social Development and Inclusion increased the pension amount received by older persons as part of the Pensión 65 (Pension 65) program.<sup>1586</sup> The Gracitana (Gratitude) national specialized services program was created to provide support and care to older persons in high-risk situations, with the purpose of reducing abandonment and abuse.<sup>1587</sup> Moreover, a congressional committee approved a report to advance a bill amending the Law of Older Persons, which would grant senior citizens a 50 percent discount on urban and interurban public transportation.<sup>1588</sup>

728. As to the rights of **indigenous peoples**, the Court with Jurisdiction over Multiple Matters of Nauta, in the Loreto region, recognized the Marañón river, which is affected by oil spills, as holder of rights in a lawsuit filed by the Kukama Huaynakana Kamatahuara Kana Federation of Indigenous Women, who claimed that their communities were threatened by contamination.<sup>1589</sup>

729. However, cross-border indigenous peoples in Peru, Colombia and Ecuador warned that illegal activities, the presence of armed groups and the development of extractive industries threatened their survival.<sup>1590</sup> The Mashco Piro people, who live in voluntary isolation, faced risks in their territory due to the advancement of forest exploitation.<sup>1591</sup> Additionally, representatives of the Wampís people denounced an increase in extractive operations and reported that no free, prior and informed consultation processes had been carried out to obtain their consent on the expansion of mining activities by a foreign company.<sup>1592</sup>

730. In 2024, Peru promoted the rights of **persons deprived of liberty** by adopting the Declaration of San José and the Global Action for the Rights of Persons with Disabilities Deprived of Liberty.<sup>1593</sup> Agreements were also signed between the National Penitentiary Institute (INPE), the Superintendency of Public Records and the Notary Associations to guarantee notary and registry services.<sup>1594</sup> In addition, an agreement with an academic institution facilitated that detainees—including persons with disabilities, older persons, persons under 20 years of age and LGBTI persons—could access higher education.<sup>1595</sup> Moreover, the Office of the Ombudsperson implemented the Rompiendo Cadenas (Breaking Chains) program to protect the rights of children and adolescents with detained parents or caregivers.<sup>1596</sup>

731. The Commission notes Supreme Decree No. 014-2024-JUS of November 26, 2024, under which a state of emergency concerning the penitentiary system was established to ensure security conditions

<sup>1585</sup> Republic of Peru, [“Reglamentan norma que fortalece atención integral de adultos mayores con discapacidad,”](#) June 26, 2024.

<sup>1586</sup> *La República*, [“Gobierno de Perú aumentará pago de Pensión 65 para adultos mayores: ¿desde cuándo aplicará?”](#) November 15, 2024.

<sup>1587</sup> *Infobae*, [“Programa Gracitana para adultos mayores: conoce cuáles son los servicios que brindará esta iniciativa,”](#) April 25, 2024.

<sup>1588</sup> *Infobae*, [“Medio pasaje para adultos mayores de 70 años: Comisión del Congreso aprobó dictamen,”](#) April 11, 2024.

<sup>1589</sup> Pontifical Catholic University of Peru, [“Sentencia emblemática: el río Marañón es declarado titular de derecho,”](#) May 1, 2024.

<sup>1590</sup> IACHR, thematic hearing [“Regional: Situation of the A'í Cofán, Andwas, Shuar, Siekopai, Siona, and Wampis Indigenous peoples,”](#) 191<sup>st</sup> regular period of sessions, Washington D.C., United States of America, November 15, 2024.

<sup>1591</sup> This endangers their health and livelihoods by directly affecting the animals, fish and forests in the lands where they live. *Debates Indígenas*, [“Mashco Piro: territorialidad, extractivismo e iniciativas para su protección,”](#) September 1, 2024.

<sup>1592</sup> Autonomous Territorial Government of the Wampís Nation, [“Carta pública: Gobierno Wampís rechaza destrucción minera por empresa estatal china,”](#) August 21, 2024.

<sup>1593</sup> CPT of Chile, [“Declaración de San José, adoptada por los Mecanismos Nacionales y Locales de Prevención de la Tortura \(MNLs y MLPs\) de América Latina para el fortalecimiento institucional y el trabajo en red and Acción global por los derechos de las personas con discapacidad en privación de libertad,”](#) May 10, 2024.

<sup>1594</sup> Government of Peru, [“Suscriben convenio para acercar servicios notariales y registrales a personas privadas de la libertad,”](#) January 23, 2024.

<sup>1595</sup> *Infobae*, [“Una nueva oportunidad: Convenio del INPE permitirá que internos accedan a una carrera universitaria,”](#) February 19, 2024. See also: National Penitentiary Institute (INPE), [“Estudian más de 16 mil internos,”](#) March 19, 2024.

<sup>1596</sup> It focuses on providing differentiated and specialized care in terms of health, education, recreation, violence-free environments and comprehensive wellbeing, among other related areas. Office of the Ombudsperson of Peru, [“Defensoría del Pueblo crea Programa ‘Rompiendo Cadenas’ dirigido a defender los derechos de la niñez y adolescencia con madres, padres o cuidadores en establecimientos penitenciarios,”](#) July 11, 2024.



in prisons, as well as the implementation of the 2030 National Penitentiary Policy. Furthermore, this regulation imposed a 45-working-day deadline for the Ministry of Justice to approve the Sectoral Strategy for the Penitentiary Emergency.<sup>1597</sup>

732. It was reported that, in 2024, a fire in a prison facility in Huancayo caused the death of five people,<sup>1598</sup> thus evidencing the crisis of the Peruvian penitentiary system, which has an overcrowding rate of 134 percent according to the INPE.<sup>1599</sup> In this regard, the Office of the Ombudsperson reported a high prevalence of chronic diseases in prisons,<sup>1600</sup> a lack of policies to care for LGBTI persons and persons with disabilities, and an insufficient number of study and workshop areas to meet the demand of the prison population.<sup>1601</sup>

733. In relation to **human trafficking**, the judiciary provided training to judges on how to deal with modern forms of slavery.<sup>1602</sup> In the first quarter of 2024, more than 20 criminal organizations linked to human trafficking were dismantled.<sup>1603</sup>

734. However, as of October, 153 cases of women victims of human trafficking for sexual exploitation had been recorded, out of which 109 were girls and adolescents and 29.2 percent were foreign nationals.<sup>1604</sup>

## XXVI. SAINT KITTS AND NEVIS

### • General considerations

735. In relation to **progress**, the IACHR highlights the legislative reforms to address the current backlog of criminal cases and to deter the smuggling of migrants into the State.

736. As it relates to **challenges**, the Commission notes with concern a law which seeks to criminalize children loitering.

737. The State did not respond to the request for information to prepare this chapter.

### • Specific issues

738. Concerning **human rights institutions**, the Commission notes the amendment in February of the Freedom of Information Act<sup>1605</sup> that permits either the Ombudsman or the Special Prosecutor to serve as the Information Commissioner, in an effort to enhance transparency and improve operational and budgetary

<sup>1597</sup> Ministry of Justice and Human Rights of Peru, "[Gobierno emite Decreto Supremo que declara en emergencia el sistema penitenciario para combatir la criminalidad](#)," November 26, 2024.

<sup>1598</sup> *SWI swissinfo.ch*, "[Al menos cinco reclusos mueren en el incendio de una prisión en el centro de Perú](#)," October 16, 2024; *Voz de América*, "[Incendio en cárcel en los Andes de Perú deja cinco muertos y 20 heridos](#)," October 16, 2024; *La República*, "[Cinco reclusos mueren y otros 35 quedan heridos por incendio en penal](#)," October 17, 2024.

<sup>1599</sup> INPE, Prison Statistics Information System (SIEP), [Prison Population – Prison Capacity and Overcrowding](#), May 2024.

<sup>1600</sup> Such as diabetes, tuberculosis, hypertension and HIV/AIDS.

<sup>1601</sup> This creates difficulties in accessing basic services, adequate facilities and specialized medical care within the prison system. See: Office of the Ombudsperson of Peru, [Informe Defensorial N.º 216 - Derechos humanos de los internos e internas de los 68 establecimientos penitenciarios del país](#), June 2024, pp. 85–86.

<sup>1602</sup> ILO, "[Judges improve their knowledge of criminal justice to address complex cases of modern slavery](#)," May 15, 2024.

<sup>1603</sup> Government of Peru, "[Presidenta Dina Boluarte: 'Para este Gobierno la seguridad de todos los peruanos es una prioridad'](#)," May 24, 2024.

<sup>1604</sup> Ministry of Women and Vulnerable Populations, [Aurora National Program Statistics Portal](#), accessed on October 31, 2024.

<sup>1605</sup> St. Christopher and Nevis, [Freedom of Information \(Amendment\) Bill, 2024](#), February 29, 2024; St. Christopher and Nevis, [Ombudsman \(Amendment\) Bill, 2024](#), February 29, 2024.



efficiencies.<sup>1606</sup> In addition, in February the Ombudsman Act was amended to revise the remuneration and increases the tenure of the Office of the Ombudsman to five years with eligibility for re-appointment.<sup>1607</sup>

739. With respect to **citizen security**, in August the State announced plans to establish a new Citizen Security Department which will advance the State's public health approach to addressing crime. This public health approach focuses on the root causes of crime such as poverty, lack of education and mental health.<sup>1608</sup> Further, following the passage of the amendment to the Firearms Act, a 15-day gun amnesty was implemented from May 10 to May 25, aimed at addressing the proliferation of illegal firearms and ammunition in the State.<sup>1609</sup> In addition, the amendment to the Offences Against the Person Act, increased the penalties for offences involving firearms, including shooting with intent to murder and shooting with intent to cause grievous bodily harm.<sup>1610</sup>

740. Regarding **access to justice**, the Commission notes the passage in September of the Judge Alone Trials Bill. According to the State, this law which introduces judge-alone trials in the High Court for certain criminal matters, is expected assist with the current backlog of criminal cases by allowing appropriate matters to be heard before a judge without a jury.<sup>1611</sup>

741. In relation to the rights of **children**, in August, the State announced its intention to strictly enforce the Criminal Law Amendment Act which, in order to maintain public order and protect the youth, prescribes that any child or adolescent under 16 found wandering or loitering after 10 p.m. without a valid reason may be subject to police intervention. Officers are authorized to stop these children and, if necessary, escort them to the nearest police station.<sup>1612</sup>

742. With regard to the rights of **women**, note is taken of the launch in August of the "Menstrual Wellness Project" which seeks to eliminate menstrual poverty and promote menstrual health education through educational workshops and community outreach programs.<sup>1613</sup>

743. With respect to the rights of **persons in the context of human mobility**, the Commission notes the passage of the amendment to the Immigration Act and the Anti-Smuggling of Migrants Bill in February.<sup>1614</sup> Both laws seek to deter the smuggling of migrants into the State. The amendment to the Immigration Act increases the penalties for offences, such as smuggling, concealing, harboring or shielding migrants. The Anti-Smuggling of Migrants Bill penalizes those involved in such activities and addresses broader networks of illegal activities, including by establishing an Agency for the Prevention and Countering of the Smuggling of Migrants within the State.<sup>1615</sup>

<sup>1606</sup> St. Kitts & Nevis Observer, [St. Kitts And Nevis Enhances Transparency With Passage Of Freedom Of Information \(Amendment\) Bill, 2024](#), July 8, 2024.

<sup>1607</sup> St. Christopher and Nevis, [Ombudsman \(Amendment\) Bill, 2024](#), February 29, 2024; St. Christopher and Nevis, [Ombudsman Act, Cap. 3:22](#).

<sup>1608</sup> The St. Kitts and Nevis Observer, [Government of St. Kitts and Nevis To Establish New Department For Citizenship Security](#), August 23, 2024.

<sup>1609</sup> Loop News, [Gun amnesty declared in St. Kitts and Nevis](#), May 10, 2024.

<sup>1610</sup> St. Kitts and Nevis, [The Firearms \(Amendment\) Bill, 2024](#), May 8, 2024; St. Kitts and Nevis, [Offences Against the Person \(Amendment\) Bill, 2024](#), May 8, 2024; The St. Kitts and Nevis Observer, [St. Kitts and Nevis' Parliament Increases Penalties For Offences Against the Person](#), May 10, 2024.

<sup>1611</sup> St. Kitts and Nevis Information Service, [National Assembly Approves Judge Alone Trials Bill, 2024, To Modernise Criminal Justice System](#), September 18, 2024.

<sup>1612</sup> Saint Kitts and Nevis Information Center, [Law on children loitering on streets to be strictly enforced](#), August 26, 2024.

<sup>1613</sup> SKN News, [Diani Prince-Drew launches Menstrual Wellness Project, promotes menstrual health education](#), August 19, 2024.

<sup>1614</sup> St. Kitts and Nevis Information Service, [Immigration \(Amendment\) Bill 2024](#), February 29, 2024; St. Kitts and Nevis Information Service, [Anti-Smuggling of Migrants Bill, 2024](#), February 29, 2024.

<sup>1615</sup> St. Kitts and Nevis Information Service, [Federal Parliament of St. Kitts and Nevis passes Immigration \(Amendment\) Bill, 2024](#), June 14, 2024; St. Kitts and Nevis Information Service, [Anti-Smuggling of Migrants Bill, 2024, successfully passed in Federal Parliament](#), June 14, 2024.



744. Regarding the rights of **people of African descent and against racial discrimination**, the Commission notes that the State initiated discussions in February with the owner of a foreign business to pursue reparations for the enslavement of African and Afro-descendant people.<sup>1616</sup>

745. Regarding the **death penalty**, the IACHR notes that no executions have been carried out since 2008. In addition, there is no person currently awaiting execution, and no new death sentences have been imposed.<sup>1617</sup>

## XXVII. SAINT VINCENT AND THE GRENADINES

### • General considerations

746. In relation to **progress**, the Commission takes note of the efforts undertaken by the State to address the crime situation. Further, the Commission welcomes the creation of a working group on gender-based violence and that the State received the World Health Organization's certification for eliminating the mother-to-child transmission of HIV and syphilis.

747. As it relates to **challenges**, the IACHR highlights the high homicide rate within the State, the dismissal of a case challenging the constitutionality of laws which criminalize consensual sexual relations between adults of the same sex, and the security inside State prisons.

748. The State did not respond to the request for information to prepare this chapter.

### • Specific issues

749. In relation to **democratic institutional**ity, the Commission notes that the State ranked 7<sup>th</sup> out of 32 countries in the Americas, and 42<sup>nd</sup> out of 142 countries globally, in terms of adherence to the rule of law according to the Rule of Law Index issued by the World Justice Project (WJP).<sup>1618</sup> There has been no change since the State's previous rankings.<sup>1619</sup>

750. Regarding **citizen security**, to address the crime situation, a National Firearm Amnesty was implemented from March to May which allowed persons to surrender illegal firearms without prosecution. According to public information, approximately 18 firearms and 327 rounds of ammunition were surrendered by individuals during the amnesty.<sup>1620</sup> Further, the Firearms Act was amended in order to raise the penalties for firearm-related offences and to introduce two new offences, namely trafficking in firearms and the 3D printing of firearms.<sup>1621</sup>

751. In relation to the homicide rate, according to public information, the State recorded a total of 54 homicides for 2024, compared to 55 homicides recorded for 2023, which represents an approximate 1.82% decrease.<sup>1622</sup> This indicates that the State's homicide rate was 52,07 per 100,000 inhabitants.<sup>1623</sup>

<sup>1616</sup> The Voice, [St Kitts and Nevis to discuss slavery reparations with British pub over slavery links](#), February 12, 2024.

<sup>1617</sup> World Coalition Against the Death Penalty, [Saint Kitts and Nevis](#), May 23, 2023. Last visited: October 2024.

<sup>1618</sup> World Justice Project, [WJP Rule of Law Index – Saint Vincent and the Grenadines](#), 2023.

<sup>1619</sup> World Justice Project, [WJP Rule of Law Index – Saint Vincent and the Grenadines](#), 2023; IACHR 2023 Annual Report, [Chapter IV.A – Saint Vincent and The Grenadines](#), para 738.

<sup>1620</sup> One News St. Vincent and the Grenadines, [Here is a List of Guns & Ammunition Surrendered during 2024 Gun Amnesty](#), June 7, 2024.

<sup>1621</sup> St. Vincent and the Grenadines Parliament, [Firearms \(Amendment\) Act 2023](#).

<sup>1622</sup> St. Vincent Times, [Gangs and Gun Culture: The escalating crime crisis in SVG](#), January 1, 2025; St. Vincent Times, [UK detective to assist SVG police after record-murders in 2023](#), January 3, 2024.

<sup>1623</sup> The IACHR calculated the homicide rate based on the State's population of 103,698 according to data from The World Bank, [Population total – Saint Vincent and the Grenadines](#), 2023.



752. With regard to the rights of **children**, the IACHR commends the State on receiving certification from the World Health Organization (WHO) for eliminating the mother-to-child transmission of HIV and syphilis (EMTCT).<sup>1624</sup>

753. With regard to the rights of **women**, the Commission values the creation in November of a working group on gender-based violence, composed of experts in the field, whose objective is to support coordination between providers of essential services for dealing with cases of gender-based violence and the main stakeholders in the routes of attention to such cases.<sup>1625</sup>

754. In relation to **human trafficking**, the Commission takes note of the efforts made by the police through public demonstrations against human trafficking, which highlight the importance of education, prevention, and prosecution in the fight against this crime; as well as community participation for the protection of children.<sup>1626</sup>

755. In relation to the **rights of LGBTI persons**, the Commission regrets the dismissal in February by the Supreme Court of Saint Vincent and the Grenadines of a case challenging the constitutionality of the State's laws which criminalize consensual sexual relations between adults of the same sex.<sup>1627</sup>

756. Concerning **persons deprived of liberty**, according to public data, in July, the Acting Superintendent of Prisons informed that acts of violence between inmates continue to exist within the facilities, where, despite security protocols, detainees introduce weapons, drugs and other prohibited objects. In addition, it was noted that the increase in the number of inmates with psychosocial disabilities is a particular concern because prison officers do not have the necessary training to support them.<sup>1628</sup>

757. In relation to the **death penalty**, IACHR notes the *de facto* moratorium in effect and that no executions have taken place since 1995, and no new death sentences have been imposed in recent years. However, one individual still remains under a sentence of death at least since 2021.<sup>1629</sup>

## XXVIII. SAINT LUCIA

- **General considerations**

758. As it relates to **progress**, the Commission welcomes the implementation of the Community Re-entry Program aimed at the rehabilitation and reintegration of adult offenders into society, the State's decision to amend the Citizenship of Saint Lucia Act and efforts to establish a new facility for the Boys Training Centre.

<sup>1624</sup> UNICEF, Press Release, "[Belize, Jamaica and St. Vincent and the Grenadines eliminate mother-to-child transmission of HIV and syphilis](#)", May 7, 2024.

<sup>1625</sup> Government of Saint Vincent and the Grenadines, [Launch of GBV Task Force](#), November 7, 2024; API - The Agency For Public Information; St. Vincent and the Grenadines, [16 days of Activism - Preventing violence against Women and Girls. Minister of National Mobilisation Hon. Keisal Peters has this message](#), November 25, 2024.

<sup>1626</sup> iWitness News, [Human Trafficking is second most profitable organized crime](#), August 4, 2024.

<sup>1627</sup> The Eastern Caribbean Supreme Court in the High Court of Justice of Saint Vincent and the Grenadines, [Claim No. SVGHCV2019/0110](#), February 16, 2024; ANN, "[International Human Rights lawyer says that SVG's buggery laws encourage discrimination](#)", February 20, 2024; Edge Media Network, "[St. Vincent Upholds Laws Criminalizing Gay Sex in Caribbean Island Nation in Setback for Activists](#)", February 20, 2024.

<sup>1628</sup> The Vincentian, [Gangs, Violence, Mental Issues Plague Prisons](#), August 9, 2024.

<sup>1629</sup> World Coalition Against the Death Penalty, [Saint Vincent and the Grenadines](#), May 23, 2023. Last visited: October 2024; IACHR, [Annual Report, Chapter IV.A "Saint Vincent and the Grenadines", 2022](#), para. 270.



759. With respect to **challenges**, the IACHR notes the State's high level of homicides, an increase in cases of sexual violence against women and the lack of establishment of a national human rights institution for the promotion and protection of human rights.

760. The State did not respond to the request for information to prepare this chapter.

- **Specific issues**

761. Concerning **human rights institutions**, the Commission recalls the establishment of a National Coordinating Committee for Human Rights but notes that the State is yet to establish a National Human Rights Institution (NHRI).<sup>1630</sup> In this regard, the Commission notes calls from civil society in December for the establishment of an NHRI.<sup>1631</sup> The IACHR emphasizes the necessity of establishing an independent body at the national level for the promotion and protection of human rights in accordance with the Paris Principles.

762. With regard to **citizen security**, the Commission takes note of the State's efforts to reduce crime.<sup>1632</sup> According to public information, between January and October, 72 illegal firearms and 1,318 rounds of ammunition were confiscated.<sup>1633</sup> However, as of December 11, there were 74 homicides recorded, compared to 75 homicides in 2023 which represents an approximate 1.33% decrease.<sup>1634</sup> This indicates that the State's homicide rate was approximately 41.05 per 100,000 inhabitants as of December.<sup>1635</sup>

763. With respect to the rights of **children**, the Commission welcomes the State's decision in June to amend the Citizenship of Saint Lucia Act to allow the children and grandchildren of Saint Lucians who migrated and started families in foreign countries the opportunity to become naturalized Saint Lucian citizens.<sup>1636</sup>

764. On the other hand, in terms of juvenile justice, the IACHR takes note of the Ministry for Equity and Social Justice's plans to repurpose and renovate the former George Charles Secondary School into a state-of-the-art Youth Services Centre for children, adolescents, and young people in need of care and protection. This facility aims to incorporate education, counseling, and vocational training into the juvenile justice system.<sup>1637</sup>

765. With regard to the rights of **women**, the Commission takes note of the measures to facilitate the access of 751 women to training programs that promote employability as a tool to eradicate poverty.<sup>1638</sup> Additionally, in May the State provided training aimed at paramedics, the Royal Police Force, firefighters and the health sector to raise awareness of intersectionality factors such as gender, ethnic-racial origin and age in order to offer an appropriate response to their needs.<sup>1639</sup>

<sup>1630</sup> IACHR, [Annual Report, Chapter IV.A "Saint Lucia"](#), 2022, para 725.

<sup>1631</sup> St. Lucia Times, [Marcy Francis Renews Call for A National Human Rights Commission](#), December 6, 2024.

<sup>1632</sup> Saint Lucia Times, [Prime Minister Pierre Addresses Crime Concerns](#), February 7, 2024.

<sup>1633</sup> St. Lucia Times, [K-9 Proves Effective In Police Anti-Crime Operations](#), November 14, 2024.

<sup>1634</sup> St. Lucia Times, [Homicide Victim Was Planning A Grand Birthday Celebration](#), December 11, 2024; The Voice, ["70 Murders out of 75 Homicides in 2023" - RSLPE](#), January 6, 2024.

<sup>1635</sup> The IACHR calculated the homicide rate based on the State's population of 180,251 according to data from The World Bank, [Population total - St. Lucia](#), 2023.

<sup>1636</sup> Government of Saint Lucia, Press Release, ["The Citizenship of Saint Lucia Act is Amended"](#), June 27, 2024.

<sup>1637</sup> The Voice, [New Multi-Faceted Juvenile Center to cater for Boys and Girls](#), June 22, 2024; St. Lucia Times, [State-Of-The-Art Juvenile Detention Centre For Saint Lucia](#), March 22, 2024; St. Lucia Loop News, [Plans unveiled for rehabilitation and education at new juvenile center](#), March 20, 2024. Saint Lucia Times, [Saint Lucia Advances Plans For Youth Services Center](#), October 8, 2024.

<sup>1638</sup> Government of Saint Lucia [Saint Lucia's National Report on the Implementation of the Beijing Platform for Action](#), Report for the period 2022 - 2024, p. 17.

<sup>1639</sup> St. Lucia Times, [Saint Lucia Fire Service Holding First Ever Gender Equity Training](#), May 29, 2024.



766. On the other hand, the Commission notes with concern publicly available data which indicate that between January to June, there were 77 sexual offence cases reported.<sup>1640</sup> According to public information, by November, sexual offences had increased by 19% as compared to 2023.<sup>1641</sup>

767. Regarding **persons deprived of liberty**, the Commission welcomes the implementation in June of the Community Re-entry Program (C-REP) directed at the rehabilitation and reintegration of adult offenders into society. C-REP offers inmates educational and vocational training, career counselling, psychosocial support and other services.<sup>1642</sup> In addition, the State implemented inter-ministerial collaboration efforts to improve the access to health services at the Bordelais Correctional Facility, where, as of March, medical supplies had been provided by the Ministry of Health and a full-time doctor was available to attend to the needs of inmates.<sup>1643</sup>

768. In relation to the **death penalty**, the IACHR notes the ongoing *de facto* moratorium in effect in Saint Lucia, where no executions have been carried out since 1995 and nobody is currently under the sentence of death.<sup>1644</sup>

## XXIX. SURINAME

### • General considerations

769. As it relates to **progress**, the Commission notes the amendment to the Electoral Regulation Act aimed at facilitating more efficient elections. In addition, the establishment of the National Education Policy aimed at guiding the State's education system is noted. Moreover, the IACHR notes the landmark judicial decision regarding the obligation of prior, free, and informed consultation with indigenous and tribal peoples concerning their lands.

770. As it relates to **challenges**, the IACHR notes the delay in approving the Collective Rights of Indigenous and Tribal Peoples Act. Additionally, the Commission notes the lack of establishment of a National Human Rights Institute (NHRI) in accordance with the Paris Principles. Moreover, the IACHR notes with concern reports of inhumane conditions faced by persons deprived of their liberty at the Santo Boma Prison.

771. On September 30, 2024, the State submitted its response to the request for information sent for the preparation of this chapter.<sup>1645</sup>

### • Specific issues

772. In relation to **democratic institutional**ity, the Commission notes the passage of the amendment to the Electoral Regulation Act, the Constitutional Court's ruling regarding security deposits for political parties and anti-corruption measures adopted by the State. Regarding the Electoral Regulation Act, according to official information, the amendments provide rules on voting, counting votes and fulfilling the tasks of the Central Polling Station. Moreover, these amendments aim to facilitate more efficient elections, ensure effective implementation of electoral regulations, and guarantee that voters can fully exercise their right to vote.<sup>1646</sup>

<sup>1640</sup> Loop News, [Homicides decrease: Police reveal 6,758 crimes in 2024](#), August 29, 2024.

<sup>1641</sup> St. Lucia Times, [Police Solve Over 20 Murders In 2024](#), November 12, 2024.

<sup>1642</sup> St. Lucia Loop News, [Ministry of Equity & C-REP help rehabilitate adult offenders](#), July 3, 2024.

<sup>1643</sup> St. Lucia Loop News, [Improving inmate and visitor health: Full-time doctor installed at BCF](#), March 7, 2024.

<sup>1644</sup> World Coalition Against the Death Penalty, [Saint Lucia](#), May 23, 2023. Last visited: October 2024.

<sup>1645</sup> Republic of Suriname, Inputs for the 2024 Annual Report of the IACHR, September 30, 2024, IACHR Archive.

<sup>1646</sup> National Assembly of Suriname, [Wijziging Kiesregeling goedgekeurd door parlement](#), May 21, 2024.



773. With the State's next general election set for May 2025,<sup>1647</sup> the Constitutional Court ruled that the increase in security deposit for political parties, which was adopted in October 2023, was contrary to the Suriname's Constitution and its obligations under the Inter-American Human Rights System. In assessing the aim, proportionality and necessity of the measure, the Court found that the 1,000% increase was disproportionately high and could not be justified. Furthermore, it was held that the increase had a discriminatory impact as it excluded smaller and less established political parties as a result of their limited financial capacity. Ultimately, referencing decisions of the Inter-American Court, the Constitutional Court concluded that the increase in the deposit was contrary to the right to vote and therefore incompatible with the fundamental rights and freedoms essential to a democratic State.<sup>1648</sup>

774. Regarding the State's fight against corruption, the Commission took note of the establishment of an Anti-Corruption Commission and issuance of an anti-corruption decree in 2023.<sup>1649</sup> The UN Human Rights Committee (UNHRC), within the context of the review of the State's fourth periodic report, recommended accelerating the implementation of the 2017 Anti-Corruption Act, ensuring the enforcement of the Decree on Declaration of Income and Assets, and fully operationalizing the Anti-Corruption Commission. The UNHRC also emphasized the importance of promptly investigating all allegations of corruption, prosecuting those responsible, and applying appropriate sanctions when found guilty.<sup>1650</sup>

775. Regarding **human rights institutional**ity, the Commission notes that after the Bill to establish the National Human Rights Institute (NHRI) was presented to the President in 2022, there have been consultations and awareness campaigns aimed at gathering input from stakeholders, including civil society and international organizations. In its fourth periodic report to the UNHRC, the State noted that the Bill had been revised in response to feedback. It also reaffirmed its commitment to engaging national stakeholders, including government agencies and civil society, in creating the necessary frameworks for establishing the NHRI. The IACHR takes note of the recommendation of the UN Human Rights to Committee which called for an acceleration of the establishment of an NHRI in accordance with the Paris Principles via an open and transparent consultation process.<sup>1651</sup>

776. Regarding the rights of **children**, the IACHR celebrates the adoption of a National Education Policy and the establishment of multidisciplinary working groups. The Commission values the adoption of the National Education Policy 2030 in September 2024. This policy seeks to guide the country's efforts toward achieving inclusive and high-quality education for all children.<sup>1652</sup> The IACHR also acknowledges the formation of seven multidisciplinary working groups for a national approach to youth issues. These groups are dedicated to addressing key areas such as education, employment, health, safety, and welfare, with the goal of developing a comprehensive, effective, and efficient national policy for youth.<sup>1653</sup>

777. Regarding the rights of **women**, the Commission notes that there is currently only one State operated shelter for women victims of domestic violence. According to the State, the shelter provides practical and emotional assistance through conversations with the court, prosecution office or the Bureau for Family Law Affairs. The shelter also provides assistance regarding interacting with the police, family doctor,

<sup>1647</sup> Government of Suriname, [Dag der verkiezingen vastgesteld op 25 mei 2025](#), October 2, 2024.

<sup>1648</sup> United News, [Constitutioneel Hof Vernietigt Verhoogde Waarborgsom Voor Politieke Partijen](#), August 5, 2024; De West, [Constitutioneel Hof verwerpt verhoging waarborgsom voor verkiezingsdeelname](#), August 5, 2024; Waterkant, [Constitutioneel Hof verwerpt verhoging waarborgsom voor politieke partijen](#), August 2, 2024; StarNieuws, [CHof: Verhoging waarborgsom 1.000% niet meer geldig](#), August 2, 2024.

<sup>1649</sup> IACHR, Annual Report, [Chapter IV.A "Suriname"](#), 2023, paras. 765.

<sup>1650</sup> UN Human Rights Committee, [Concluding observations on the fourth periodic report of Suriname](#), CCPR/C/SUR/CO/4, August 28, 2024 para. 8.

<sup>1651</sup> Human Rights Committee, [Concluding observations on the fourth periodic report of Suriname](#), CCPR/C/SUR/CO/4, August 28, 2024 paras. 5 - 6; [Replies of Suriname to the list of issues in relation to its fourth periodic report](#), CCPR/C/SUR/RQ/4, July 5, 2024, paras. 4 - 6.

<sup>1652</sup> UNICEF, Press Release, ["Suriname's National Education Policy 2024- 2031 adopted"](#), September 10, 2024.

<sup>1653</sup> Government of Suriname, [Ministerie van Arbeid, Werkgelegenheid en Jeugdzaken](#), October 16, 2024.



emergency room if necessary and making appointments with employers and transportation of the children to school.<sup>1654</sup>

778. With regards to **memory, truth and justice**, following the upholding of the conviction of ex-President Desi Bouterse for the homicides of political opponents during the military regime,<sup>1655</sup> the IACHR takes note of the ruling by the Court of Justice in March 2024 which declared inadmissible the request to suspend the sentences of the former President and four co-convicts.<sup>1656</sup> However, this sentence has yet to be enforced as those convicted of the homicides have absconded. In December, the Commission learnt of the passing of former President<sup>1657</sup> On this particular matter, the UNHRC stressed the necessity of ensuring accountability for serious human rights violations during the de facto military regime, including investigating and prosecuting alleged crimes, enforcing sentences related to the “December murders” trial and ensuring that victims and their families receive full reparation.<sup>1658</sup>

779. In relation to the rights of **indigenous peoples**, the IACHR notes the landmark judicial decision regarding territorial lands of indigenous peoples and the obstacles this community still faces in accessing justice. The Commission welcomes the judicial decision regarding the obligation of prior, free, and informed consultation with indigenous and tribal peoples by the State before allowing economic activities in their territories. Regarding this decision, the IACHR notes that the court recognized the territorial rights of twelve Indigenous and Maroon groups and held that once there is a direct impact on the territories, their consent must also be obtained before the State adopts a decision.<sup>1659</sup>

780. On the other hand, the Commission notes with concern the obstacles in access to justice for indigenous and tribal peoples, including the lack of recognition of collective legal personality and collective rights, as well as the geographic, economic, linguistic and educational barriers that exist.<sup>1660</sup>

781. Regarding the rights of **people of African descent and against racial discrimination**, the Commission notes the delay of the approval of the Collective Rights of Indigenous and Tribal Peoples Act, intended to protect these communities’ collective rights over their lands.<sup>1661</sup> This delay has enabled the ongoing sale and lease of public lands to private entities, raising concerns that lands claimed by Indigenous and tribal Afro-descendant peoples may be compromised.<sup>1662</sup> Furthermore, the Association of Saramaka Communities has urged the government to halt deforestation activities in their territories, to require prior consultation for any development project, and to ensure the protection and enjoyment of their collective rights.<sup>1663</sup> In this context, according to civil society organizations, 77% of the negative impacts on Saramaka territories occurred after the Inter-American Court ruling in 2007.<sup>1664</sup>

782. In relation to the **rights of the elderly**, the Commission welcomes the creation of the “Royalties for All” (RVI) program by the State to distribute profits of the country’s energy sector to the public.

<sup>1654</sup> Human Rights Committee, [Concluding observations on the fourth periodic report of Suriname\\*](#), CCPR/C/SUR/CO/4, August 28, 2024, para. 68.

<sup>1655</sup> IACHR, Annual Report, [Chapter IV.A “Suriname”](#), 2023, paras. 771.

<sup>1656</sup> Suriname Herald, [Hof wijst verzoekschrift opschorting vonnissen 8-decemberstrafproces af](#), March 20, 2024.

<sup>1657</sup> Government of Suriname, [Statement President Santokhi Inzake Heengaan Oud-President Bouterse](#), December 25, 2025.

<sup>1658</sup> Human Rights Committee, [Concluding observations on the fourth periodic report of Suriname\\*](#), CCPR/C/SUR/CO/4, August 28, 2024 para. 12.

<sup>1659</sup> The First Canton Court, *Stichting Gi Jesi Na Lellie and others v. The State of Suriname and others*, Civar No. 2024-00786, Paramaribo, Suriname, May 16, 2024.

<sup>1660</sup> Human Rights Committee, [Concluding observations on the fourth periodic report of Suriname](#), CCPR/C/SUR/CO/4, August 28, 2024.

<sup>1661</sup> UN, Human Rights Committee, [Concluding observations on the fourth periodic report of Suriname](#), CCPR/C/SUR/CO/4, August 28, 2024 para. 47.

<sup>1662</sup> UN, Human Rights Committee, [Concluding observations on the fourth periodic report of Suriname](#), CCPR/C/SUR/CO/4, August 28, 2024 para. 47.

<sup>1663</sup> Business and Human Rights, [Suriname: Saamaka communities ask the government to stop granting land concessions and to officially demarcate their territory](#), July 4, 2024; Mogabay, [As logging booms in Suriname, forest communities race to win land rights](#), July 4, 2024.

<sup>1664</sup> UN, Human Rights Committee, [Concluding observations on the fourth periodic report of Suriname](#), CCPR/C/SUR/CO/4, August 28, 2024 para. 47.



The IACHR values that the State proposes to prioritize people over 60 years of age and those with disabilities to receive this economic support before 2028.<sup>1665</sup>

783. On the matter of **persons deprived of liberty**, the Commission values the ‘My story counts!’ training programme implemented in 2024 at the Duisburg Penitentiary Institution and the House of Detention, where detainees had an opportunity to share their personal stories and inspire others.<sup>1666</sup> On the other hand, the Commission expresses its concerns about the situation of the Santo Boma Prison. According to public information, cells are overcrowded as they have been designed for six persons and are occupied by more than double the number of individuals.<sup>1667</sup>

### XXX. TRINIDAD AND TOBAGO

- **General considerations**

784. As it relates to **progress**, the Commission takes note of the passage of the Whistleblower Protection Act in the State’s pursuit to combat corruption. Moreover, the IACHR welcomes the decision to admit migrant children from Venezuela into the State’s public school system. In addition, the Commission welcomes the landmark decision regarding the duty to protect domestic violence victims and the launch of the National Strategic Action Plan on Gender-Based Violence.

785. As it relates to **challenges**, the IACHR notes with concern an increase in homicides and high levels of violence recorded against women. Additionally, the Commission notes the lack of progress in the implementation of public policies to protect the rights of LGBTI persons.

786. The State did not respond to the request for information to prepare this chapter.

- **Specific issues**

787. With regards to **democratic institutional**ity, the IACHR takes note of the efforts of the State to reform its constitution and to combat corruption. In particular, the Commission notes the publication, in August, of the Report of the National Advisory Committee on Constitutional Reform. In its report, the Committee recommended several reforms, including the removal of savings law clauses to allow legal challenges to colonial-era laws that infringe on fundamental rights and freedoms; the explicit constitutional recognition of the rights of the First Peoples; and clear protections for women’s rights to gender equality, children’s rights, and the right to nondiscrimination based on sexual orientation.<sup>1668</sup>

788. Moreover, in its pursuit to combat corruption, the State passed the Whistleblower Protection Act 2024 which aims to fight corruption and other wrongdoings by encouraging and facilitating disclosures of improper conduct in the public and private sectors. The Act also seeks to protect persons making disclosures from retaliation and regulate the receipt and investigation of reports of improper conduct.<sup>1669</sup>

789. Regarding **human rights institutions**, the Commission notes the recommendation of the National Advisory Committee on Constitutional Reform for reform of the Office of the Ombudsman. According to the Report, the Committee recommended that the Office be reformed into a Commissioner for Public Justice in order to better reflect its constitutional mandate which includes the power to investigate administrative injustice.<sup>1670</sup> However, the Commission notes that while the establishment of a Human Rights Commission was

<sup>1665</sup> Antena 3, [Suriname will pay each citizen \\$750 from the country’s energy sector profits](#), November 26, 2024.

<sup>1666</sup> GFC Nieuws, [Storytelling als krachtige tool voor misdaadpreventie in Surinaamse gevangenissen](#), June 12, 2024.

<sup>1667</sup> GFC Nieuws, [Schokkende beelden van Surinaamse gevangenis Santo Boma verspreid op sociale media](#), April 21, 2024.

<sup>1668</sup> National Advisory Committee on Constitutional Reform, [Report](#), July 2024, pgs. 53-62.

<sup>1669</sup> Republic of Trinidad and Tobago, [Whistleblower Protection Act](#), 2024.

<sup>1670</sup> National Advisory Committee on Constitutional Reform, [Report](#), July 2024, pg. 93.



considered, the Committee ultimately concluded that its establishment is unlikely to make a significant difference in the cases concerning alleged infringements of human rights as there are currently other public bodies with very similar mandates. In this regard, the Committee recommended that the Equal Opportunity Commission and the Equal Opportunity Tribunal be recognized under the Constitution.<sup>1671</sup>

790. In relation to **citizen security**, according to public information there were 624 homicides reported in 2024, the highest recorded annual homicide toll in the country.<sup>1672</sup> As compared to 577 homicides recorded in 2023, this represents an approximately 8% increase.<sup>1673</sup> This represents a homicide rate of 40 per 100,000 inhabitants as for 2024.<sup>1674</sup> In response to threats of heightened criminal activity, the State declared a State of Emergency (SOE) in December.<sup>1675</sup> Once approved by the Parliament, the SOE can last for three months, with a possibility of extension.<sup>1676</sup> Under the SOE, bail provisions are suspended and members of the police service have the authority to arrest persons on suspicion of involvement in illegal activities.<sup>1677</sup>

791. With respect to **access to justice**, the Commission notes the proclamation of the amended Administration of Justice Act and the amended Bail Act 2024. The amended Act seeks to reform the judicial process for indictable offence cases by removing preliminary enquiries at the District Courts. As such, indictable offence cases will now proceed directly to the High Court which will aid in reducing the backlog of cases presently before the High Court by reducing delays and providing opportunities for stronger case management by the Court.<sup>1678</sup>

792. In addition, the State amended the Bail Act in order to give effect to the July 2022 decision of the Privy Council which declared that persons on remand charged with murder could access bail pending trial.<sup>1679</sup> In addition to the removal of bail restrictions for persons accused of murder, the Act imposes conditions on the Court's discretion in granting bail for serious offenses, requires a higher burden of proof for persons accused of murder who seek bail, and mandates a review of the Act by the Office of the Attorney General every five years.<sup>1680</sup>

793. In relation to the rights of **children**, the Commission commends the State's decision to admit migrant children from Venezuela into the State's public school system in compliance with the Immigration (Amendment) (No.2) Regulations 2024.<sup>1681</sup> As of August 2024, according to public information, 23 migrant children out of the 111 who applied, were eligible to start the September 2024 school term.<sup>1682</sup>

794. Regarding the rights of **women**, the Commission notes the landmark decision on domestic violence, the launch of the National Strategic Action Plan on Gender-Based Violence and reported high levels of gender-based violence in the State. Regarding the judicial decision on domestic violence, the IACHR welcomed the High Court ruling which determined that the State has a positive obligation to act with due diligence to protect all victims of domestic violence and their families from the actions of non-State actors.<sup>1683</sup>

<sup>1671</sup> National Advisory Committee on Constitutional Reform, [Report](#), July 2024, pg. 61.

<sup>1672</sup> Trinidad and Tobago Guardian, [CoP Erla says TTPS made significant progress in 2024](#), January 2, 2025

<sup>1673</sup> Trinidad and Tobago Police Service, [Totals Crime by Month Report - Murders](#), 2023.

<sup>1674</sup> The IACHR calculated the homicide rate based on the State's population of 1,534,937 according to data from The World Bank. The World Bank, [Population total - Trinidad and Tobago](#), 2023.

<sup>1675</sup> Office of the Prime Minister – Communications, [State of Emergency Declared in Trinidad and Tobago](#), December 30, 2024.

<sup>1676</sup> Office of the Prime Minister – Communications, [Timelines of the State of Emergency](#), December 30, 2024.

<sup>1677</sup> Office of the Prime Minister – Communications, [State of Emergency \(SOE\) Regulations](#), December 30, 2024.

<sup>1678</sup> Judiciary of Trinidad and Tobago, [Proclamation of the Administration of Justice \(Indictable Proceedings\) Act, 2011 \(as amended\) \(AIIJPA\)](#), December 12, 2023.

<sup>1679</sup> IACHR, [Annual Report, Chapter IV.A "Trinidad and Tobago"](#), 2022, para 762.

<sup>1680</sup> Parliament of the Republic of Trinidad and Tobago, [Bail \(Amendment\) Act](#), 2024.

<sup>1681</sup> Government of the Republic of Trinidad and Tobago, [Admission of Migrant Children of the Bolivarian Republic of Venezuela into Schools in Trinidad and Tobago](#), June 21, 2024.

<sup>1682</sup> Trinidad and Tobago Newsday, [Education Minister: Migrant children will be given books, lunches](#), August 21, 2024.

<sup>1683</sup> CIDH - IACHR [@CIDH]. (May 21, 2024). [#TrinidadAndTobago: The #IACHR welcomes the High Court of Justice's ruling in the Tot Lampkin v. AG case, which found that the State has a positive obligation to act with due diligence to protect victims of domestic violence and their families from the actions of non-state actors. \[Tweet\]. Twitter. <https://x.com/CIDH/status/1793008949483929650>; High Court of Trinidad and Tobago, \[Tot Lampkin v Attorney General of Trinidad and Tobago\]\(#\), Claim No. CV2021-03178, May 16, 2024, para. 298.](#)



795. Moreover, the Inter-American Commission takes note of the launch of the National Strategic Action Plan on Gender-Based Violence and Sexual Violence 2023-2027,<sup>1684</sup> which establishes a comprehensive framework for the prevention and response to gender-based violence in all its manifestations, as well as the Survivor Transformation and Training Programme, which aims to provide essential life skills, educational opportunities and business training for women who have suffered gender-based violence.<sup>1685</sup>

796. On the other hand, it notes with concern the situation of violence against women, girls and adolescents, especially family or intimate partner violence and femicide. According to official data, between January and August, 1,227 cases of domestic violence in the form of physical violence and 117 cases in the form of sexual abuse were reported.<sup>1686</sup> Publicly available information indicates that, between January and September, 34 violent deaths of women were registered, of which 28 would be linked to femicides preceded by domestic violence.<sup>1687</sup> In this regard, the IACHR called on the State to adopt urgent measures to prevent and eradicate gender-based violence against women, including the incorporation of a gender and intersectional approach, ensuring the effective protection of survivors and the eradication of socio-cultural patterns that normalize gender-based violence against women.<sup>1688</sup>

797. With respect to the rights of **persons in the context of human mobility**, the IACHR welcomes the State's decision to extend of the Work Permit Exemption for Venezuelan nationals in Trinidad and Tobago, but continues to note with concern the treatment of migrants and refugees, notably in State custody.<sup>1689</sup> According to official information, the State extended the duration of its Work Permit Exemption, with the most recent extension running until December 31, 2025. However, the extension is only granted to Venezuelan nationals in Trinidad and Tobago with renewal documents dated between June 20, 2023 and August 11, 2023.<sup>1690</sup> Further, the Commission notes that members of the Trinidad and Tobago Coast Guard are facing disciplinary procedures over an allegation of sexual exploitation by a detained Venezuelan female.<sup>1691</sup> At the time of writing this report, the outcome of the disciplinary procedure was still pending.

798. Regarding **human trafficking**, the Commission highlights that, through collaboration between the Anti-Trafficking Unit of the Ministry of National Security and the Trinidad and Tobago Police Service, the State has conducted successful operations which has led to the identification of possible trafficking victims and of suspected traffickers. These joint operations led to the rescue of several alleged victims of human trafficking who are now under State protection.<sup>1692</sup>

799. Regarding the rights of **LGBTI persons**, the Commission notes the lack of progress in the implementation of public policies to protect the rights of this population within the State.<sup>1693</sup> In this context, the IACHR takes note of the homicide of a known LGBTI activist on November 15, 2024, which highlights that acts of violence against persons with diverse sexual orientations, gender identities and/or expressions and sexual characteristics continue in the State.<sup>1694</sup>

<sup>1684</sup> Loop, [Gov't launches National Strategic Action Plan against GBV](#), March 24, 2024.

<sup>1685</sup> Trinidad and Tobago Guardian, [STEP launched by Gender & Child Affairs Division](#), March 8, 2024.

<sup>1686</sup> Government of the Republic of Trinidad and Tobago, Attorney General's Office and Ministry of Legal Affairs, [Public Consultation on Domestic Violence](#), September 25, 2024, p. 7.

<sup>1687</sup> Trinidad and Tobago Guardian, [28 domestic violence murders in 2024--The limitations of protection orders](#), October 14, 2024.

<sup>1688</sup> IACHR, [Press Release No. 279/24](#), "Trinidad and Tobago Must Adopt Urgent Measures to Prevent Gender-Based Violence Against Women", November 7, 2024.

<sup>1689</sup> IACHR, [Annual Report, Chapter IV.A "Trinidad and Tobago"](#), 2023, para 791-792; [Annual Report, Chapter IV.A "Trinidad and Tobago"](#), 2022, para 768-770.

<sup>1690</sup> Ministry of National Security Trinidad and Tobago, [Media Release: Work Permit Exemption Extended](#), January 11, 2024.

<sup>1691</sup> Joint Select Committee on Human Rights, Equality and Diversity, [Sixth Report, Fourth Session \(2023/2024\) of the Twelfth Parliament](#), 2024; Trinidad and Tobago Newsday, [Report: Coast Guard officers facing disciplinary procedures over claims of sexual exploitation of migrants](#), March 2, 2024.

<sup>1692</sup> Trinidad and Tobago Guardian, [11 migrant women rescued from Cunupia spa](#), October 10, 2024; Trinidad and Tobago Newsday, [Police rescue 11 human trafficking victims in Mt Lambert](#), October 24, 2024.

<sup>1693</sup> CAISO, [CAISO head unhappy LGBTQ rights reform ignored again](#), August 23, 2024.

<sup>1694</sup> Loop, [Ste. Madeleine man gunned down outside private house party](#), November 17, 2024; Trinidad and Tobago Newsday, [Pride TT wants justice for slain activist](#), November 17, 2024.



800. In relation to **persons deprived of liberty**, the IACHR values the Writers Class 2024 initiative contributing to rehabilitation through storytelling in female prisons, where detainees received educational information from a renowned author on writing, editing, and publishing.<sup>1695</sup> Moreover, the Commission once again welcomes the “Link Up” initiative by the College of Science, Technology and Applied Arts of Trinidad and Tobago (COSTAATT), which in August 2024, partnered with Regency Recruitment and Resources Limited.<sup>1696</sup> This partnership is intended to further support prisoners’ transitions into society and the workforce, as private firms have pledged to support prisoners by offering them on-the-job training.<sup>1697</sup>

801. Regarding the **death penalty**, the Commission welcomes the release, in November 2023, of Mr. Wenceslaus James, who was the longest-serving death row inmate, who had been detained for over 30 years, of which 24 were under the sentence of death. The High Court of Trinidad and Tobago resented Mr. James to a term that he had already served and subsequently ordered his release.<sup>1698</sup> On the other hand, the IACHR notes that, while the last known execution took place in 1999, 48 individuals remain under the sentence of death.<sup>1699</sup>

## XXXI. UNITED STATES

### • General considerations

802. In terms of **progress**, the IACHR acknowledges measures such as California's reparations fund for African American communities and efforts to improve access to justice for survivors of gender-based violence. It also highlights federal actions to combat gun violence, including the Emerging Firearms Threats Task Force and the implementation of red flag laws, as well as initiatives to protect children from online exploitation. Additionally, the Commission observed efforts to enhance electoral integrity, ensure public safety during elections, and combat digital disinformation.

803. Regarding **challenges**, the IACHR emphasizes ongoing concerns about persistent patterns of racism, institutional and structural inequalities, the continued application of the death penalty, the frequency of mass shootings, gun-related violence, and excessive use of force by law enforcement in the United States. The Commission also expresses concern regarding restrictive migration and asylum policies, legislative restrictions on reproductive rights and transgender protections.

804. The State did not respond to the request for information to prepare this chapter.

### • Specific issues

805. In terms of **democratic institutions**, the IACHR closely followed the development of the national elections on November 5, 2024, in which citizens elected a President and a Vice President, 33 seats in the Senate, and 435 seats in the House of Representatives. Despite some delays, technical issues, and long queues due to a high voter turnout, elections took place in an organized and peaceful manner.<sup>1700</sup> In this context, the IACHR takes note of the efforts of the State to ensure the safety of the population. In particular,

<sup>1695</sup> Daily Express, [Writers Class Empowers Inmates of women’s prison](#), August 10, 2024.

<sup>1696</sup> IACHR, [Annual Report, Chapter IV.A “Trinidad and Tobago”](#), 2023, para. 797.

<sup>1697</sup> Trinidad and Tobago Guardian, [COSTAATT links up with Regency Recruitment to help ex-prisoners](#), August 21, 2024.

<sup>1698</sup> The Death Penalty Project, [Longest serving death row prisoner in Trinidad & Tobago released by High Court](#), November 13, 2023.

<sup>1699</sup> World Coalition Against the Death Penalty, [Trinidad and Tobago](#), May 23, 2023. Last visited: October 2024.

<sup>1700</sup> The New York Times, [“Despite Bomb Threats and Disinformation, a Fairly Smooth Election”](#), November 5, 2024; CNN, [“Voting nationwide has been mostly orderly, despite non-credible bomb threats from Russian origin”](#), November 5, 2024; PBS, [“Election Day unfolds relatively smoothly after massive turnout by early voters”](#), November 5, 2024; The Guardian, [“Voting on US election day ‘by and large normal’ despite some glitches, experts say”](#), November 5, 2024.



several polling stations in different States received bomb threats which were quickly deemed non-credible and false by authorities, who assured voting could resume safely.<sup>1701</sup> Moreover, authorities detected the spreading of disinformation online in the form of videos fabricated to mislead and attempt to keep the population from going to vote in person. In response, the population was swiftly made aware of the inauthenticity of this content.<sup>1702</sup>

806. In relation to the outcome of the elections, the Commission takes note of the victory of the Presidential candidate from the Republican Party, former President Donald Trump, as well as the subsequent recognition of this victory by the opponent candidate from the Democratic Party and their commitment on a peaceful transfer of power.<sup>1703</sup>

807. Nevertheless, the IACHR noted with concern that a political campaign for the Presidency included discriminatory and false remarks, often targeting persons in human mobility. In this scenario, the Commission condemned these remarks and reminded that such rhetoric fosters xenophobia, fuels discrimination, and undermines the dignity and rights of migrants.<sup>1704</sup>

808. In addition, the IACHR takes note of the ruling issued in July by the U.S. Supreme Court on the extent of presidential immunity concerning actions taken within constitutional authority, which could have a potential impact on the rule of law, accountability, and checks on executive power.<sup>1705</sup>

809. With respect to **human rights institutions**, the IACHR once again notes that the United States does not yet have a national institution exclusively mandated to the promotion and protection of human rights.<sup>1706</sup> The Commission reiterates that national human rights institutions play an important role as autonomous, independent and pluralistic bodies for the promotion and protection of human rights.<sup>1707</sup>

810. Regarding **citizen security**, the IACHR welcomes the announcement of new measures to reduce gun violence and enhance public safety. In September, the President of the United States signed an Executive Order, which establishes the Emerging Firearms Threats Task Force, and instructs federal agencies to develop and publish information on school safety protocols.<sup>1708</sup> In addition, the Department of Justice released model legislation and guidelines for States to conduct more thorough background checks on individuals who aspire to obtain firearms. The State also allocated funding to various programs in intervention, prevention, outreach, therapy, support training and technical assistance.<sup>1709</sup>

811. Moreover, according to information provided by the State, the recent establishment of the National Extreme Risk Protection Order (ERPO) Resource Center aims to offer technical assistance and resources to different stakeholders in the optimization of red flag laws, which allow for law enforcement officers or family members of firearm holders, who may be a danger to themselves or others, to seek judicial

<sup>1701</sup> Federal Bureau of Investigation (FBI), [“FBI Statement on Bomb Threats to Polling Locations”](#), November 5, 2024; The New York Times, [“Bomb Threats Hit Several States, but None Are Found Credible”](#), November 5, 2024; Reuters, [“Hoax bomb threats linked to Russia target polling places in battleground states, FBI says”](#), November 5, 2024.

<sup>1702</sup> FBI, [“FBI Statement on Inauthentic Use of Bureau Name, Insignia in Promoting False Election-Related Narratives”](#), November 5, 2024; [“FBI Statement on Additional Inauthentic Uses of Bureau Name, Insignia in Promoting False Election-Related Narratives”](#), November 5, 2024.

<sup>1703</sup> Harris, K. [@KamalaHarris], (November 6, 2024), “We must accept the results of this election. Earlier today, I spoke with President Trump and congratulated him on his victory. I told him that we will help him and his team with that transition, and we will engage in a peaceful transfer of power.” [X] <https://x.com/KamalaHarris/status/1854276029772451896>; AP, [“Harris says nation must accept election results while urging supporters to keep fighting”](#), November 7, 2024.

<sup>1704</sup> IACHR [@CIDH], (September 20, 2024), The #IACHR condemns the false and offensive remarks made about migrants, particularly Haitians, during the presidential electoral campaign [X], <https://x.com/cidh/status/1837128120400289818?s=46>

<sup>1705</sup> Supreme Court of the United States, [Trump v. United States, No. 23–939](#), July 1, 2024.

<sup>1706</sup> IACHR, [Annual Report, IV.A. “United States of America”](#), 2023, para. 391.

<sup>1707</sup> IACHR, [Compendium on Democratic Institutions, Rule of Law, and Human Rights](#), November 30, 2023, OEA/Ser.L/V/II.Doc. 318/23, para. 136.

<sup>1708</sup> The White House, [President Biden and Vice President Harris Announce Additional Actions to Reduce Gun Violence and Save Lives](#), September 26, 2024.

<sup>1709</sup> United States Department of Justice, [“Justice Department Announces New Resources to Improve Firearm Background Checks and Reduce Gun Violence”](#), September 26, 2024.



authorization to take away their access to the firearm. The State reported that 21 states have passed red flag laws, 6 of which have been using the Bipartisan Safer Communities Act funding to implement these laws. The State also communicated that it continues to urge states to pass and effectively implement red flag laws.<sup>1710</sup> The Commission welcomed these measures build on previous efforts such as the establishment of the White House Office of Gun Violence Prevention.<sup>1711</sup>

812. Nevertheless, the Commission received information on the persistence of endemic gun violence in the United States. From January to November 2024, there were 465 mass shootings and 14,904 homicides and unintentional killings, which resulted in the death of more than 2,592 persons, including 1,247 children.<sup>1712</sup> The total number of deaths and injuries caused by firearms stood at 43,457,<sup>1713</sup> over 15% more than in the same period in the previous year.<sup>1714</sup> Moreover, there were 210 victims in 300 incidents involving firearms in educational institutions until November 2024.<sup>1715</sup> The IACHR observes that the U.S. Surgeon General Advisory Report in 2024 declared firearm violence to be a public health crisis in the United States, as it is the leading cause of death for children.<sup>1716</sup>

813. In November, during the 191st period of sessions, the IACHR held a public hearing on the impact of gun violence on human rights in the United States. During the hearing, the requesting civil society and academic organizations informed the Commission about the impact of firearm violence on children, which affects Afro-descendant children disproportionately. They referred to the current legal framework, which they consider entails minimal regulation and represents a danger to populations in situations of vulnerability. They also requested the Commission to prepare a report about gun violence in the United States, including considerations on due diligence, immunity, and the lack of remedies for victims.<sup>1717</sup> In response, the State reaffirmed its commitment to address the gun violence issue with concrete actions, some of which have already been implemented. Such actions include the offering of mental health services to those affected by gun violence, increasing restrictions on access to firearms, and measures to address unsecured firearms in the home.<sup>1718</sup>

814. Furthermore, the IACHR continues to observe the excessive use of force by law enforcement that is often accompanied by impunity. As of October 2024, civil society reported that 1,151 individuals were killed in instances of police violence.<sup>1719</sup> In August, the IACHR issued a statement in particular about the case of Sonya Massey, an African American woman killed by a police officer in her home.<sup>1720</sup> In addition, the Commission takes note of the occurrence of these acts against people with psychosocial disabilities, especially those of African descent and other racial-ethnic backgrounds. This trend can be illustrated by the cases of the

<sup>1710</sup> IACHR, Letter from the United States Department of State to the IACHR regarding 'November 15, 2024 Hearing on Gun Violence'. IACHR Archive, November 14, 2024, pp. 5-6.

<sup>1711</sup> IACHR [@CIDH], (October 4, 2024), #IACHR welcomes the announcement of new measures to prevent gun violence and enhance public safety... [X], <https://x.com/cidh/status/1842217840817959410?s=48>

<sup>1712</sup> Gun Violence Archive, [Gun Violence Archive 2024](#), Updated November 17, 2024.

<sup>1713</sup> Gun Violence Archive, [Gun Violence Archive 2024](#), Updated November 17, 2024.

<sup>1714</sup> See IACHR, [Annual Report, IV.A. "United States of America"](#), 2023, para. 393.

<sup>1715</sup> K-12 School Shooting Database, ["All Shootings at Schools From 1966-Present"](#), 2024.

<sup>1716</sup> United States Department of Health and Human Services, [The U.S. Surgeon General's Advisory on Firearm Violence: A Public Health Crisis in America](#), June 25, 2024.

<sup>1717</sup> IACHR, Thematic hearing "[United States: Impact of gun violence on human rights](#)", 191 period of sessions, Washington, DC, United States of America, 15 November 2024. See also: IACHR [@CIDH], (November 15, 2024), #UnitedStates: Impact of gun violence on #HumanRights ... Organizations informed about what they describe as irresponsible gun practices and the impact they have on the lives of people in the country... [X], <https://x.com/CIDH/status/1857558756923498765>.

<sup>1718</sup> IACHR, Thematic hearing "[United States: Impact of gun violence on human rights](#)", 191 period of sessions, Washington, DC, United States of America, 15 November 2024. See also: IACHR [@CIDH], (November 15, 2024), #UnitedStates: Impact of gun violence on #HumanRights ... Organizations informed about what they describe as irresponsible gun practices and the impact they have on the lives of people in the country... [X], <https://x.com/CIDH/status/1857558756923498765>.

<sup>1719</sup> Campaign Zero, [Mapping Police Violence](#), Updated November 2, 2024.

<sup>1720</sup> IACHR [@CIDH], (August 1, 2024), #IACHR strongly condemns the killing of Sonya Massey, an African American woman, by an Illinois police officer at her home on #July6. [X], <https://x.com/cidh/status/1818772557375394009?s=48>



police shootings of Ryan Gainer, Win Rozario, and Yong Yang, who were all killed during mental health crises despite family calls for assistance.<sup>1721</sup>

815. On the other hand, 47 law enforcement officers were killed in the line of duty in the first eight months of 2024, representing a 6.8% increase compared the same period in 2023. Firearms were used in 76.6% of the cases. The leading circumstances surrounding the officers' deaths were related to investigative/enforcement (16), unprovoked attacks (8), and ambushes (entrapment/premeditation) (6).<sup>1722</sup>

816. Regarding **access to justice**, the IACHR welcomes the Department of Justice's publication, in May, of the "Framework for Prosecutors to Strengthen Our National Response to Sexual Assault and Domestic Violence Involving Adult Victims", which seeks to reduce the re-traumatization of victims and ensure greater accountability for perpetrators of sexual assault and domestic violence. The framework is based on five main principles: i) reliance on the evidentiary value of the victim's testimony; ii) the importance of a victim centered multidisciplinary action; iii) the effective use of the law and evidence regulations; iv) thoughtful and conscious actions based on what justice and accountability represent; and v) a redefinition of success built on a productive, healthy and committed workforce.<sup>1723</sup>

817. Moreover, the Commission takes note of the implementation of 'Access DOJ', a human-centered initiative aimed at improving people's access to the Department's services, programs, and resources. With this initiative, the Office for Access to Justice collaborates with the Office of the Pardon Attorney in removing obstacles for individuals who seek a Presidential Pardon. It also collaborates with the U.S. Trustee Program to increase access to bankruptcy meetings, especially for individuals who do not count with legal representation.<sup>1724</sup>

818. In relation to the rights of **children**, the IACHR welcomes the signing into law of the Bill to Protect Children from Online Exploitation which will require websites and social media platforms to report crimes involving Federal trafficking and enticement of children to the National Center for Missing and Exploited Children (NCMEC).<sup>1725</sup>

819. On the other hand, the Commission notes that, according to civil society organizations, as of December 2024, there have been 39 reported school shootings nationwide, resulting in 18 fatalities and 59 injuries.<sup>1726</sup> During a hearing on the impact of gun violence on human rights in the United States, the Commission expressed its concern about the impact of armed violence on children and adolescents, especially those of African American decent. It also recognized the efforts made by the State, stressing the importance of these measures being sustainable in the long term.<sup>1727</sup> Additionally, the IACHR has been informed that the US Supreme Court will analyze the legality of the ban on gender-affirming medical care for transgender children and adolescents.<sup>1728</sup>

820. With respect to the rights of **women**, the IACHR values the measures announced in September at the federal level to improve care and protection for victims of gender-based violence, through the allocation of new funds to assist survivors; the approach to violence in the digital sphere and artificial

<sup>1721</sup> IACHR, Press Release No. 203/24, [IACHR: United States must address ethno-racially motivated police violence against persons with psychosocial disabilities](#), September 3, 2024.

<sup>1722</sup> Federal Bureau of Investigation, [Statistics on Law Enforcement Officer Deaths in the Line of Duty from January through August 2024](#), accessed on December 23, 2024.

<sup>1723</sup> U.S. Department of Justice, ["Justice Department Announces Framework for Prosecutors to Strengthen National Response to Sexual Assault and Domestic Violence"](#), May 20, 2024.

<sup>1724</sup> U.S. Department of Justice, ["Justice Department Launches Access DOJ"](#), June 7, 2024. See also: U.S. Department of Justice, [Access DOJ](#).

<sup>1725</sup> Jon Ossoff U.S Senator for Georgia, Press Release, ["Sen. Ossoff's Bipartisan Bill to Protect Children from Online Exploitation Signed into Law"](#), May 7, 2024.

<sup>1726</sup> Education Week, [School Shootings This Year: How Many and Where](#), December 17, 2024.

<sup>1727</sup> CIDH. Public hearing, ["United States: Impact of gun violence on human rights"](#). 191 Period of Sessions, Washington, DC, United States, November 15, 2024.

<sup>1728</sup> Human Rights Campaign, Press Release, ["How the First Supreme Court Case on Transgender Medical Care Could Impact the State of Healthcare and LGBTQ+ Rights Across the Country"](#), December 2, 2024.



intelligence; limitations on access to weapons by aggressors; the issuance of protection orders for the elderly; the issuance of protection orders for the victims; and the issuance of protection orders for women electronically, among other measures.<sup>1729</sup> It also notes the launch, in July, of the Department of Homeland Security's Combating Gender-Based Violence website, which contains information on immigration options available to survivors of human trafficking, domestic violence, and other crimes<sup>1730</sup>. However, the persistent situation of violence in the family or couple environment<sup>1731</sup> and sexual violence, in particular, that which occurs in educational institutions<sup>1732</sup>, is worrying.

821. In terms of **sexual and reproductive rights**, progress has been made at the federal level, such as the granting of leaves<sup>1733</sup> and the prohibition of disclosing protected health information<sup>1734</sup>. At the state level, seven states approved incorporating reproductive health guarantees into their constitutions during the November 2024 elections.<sup>1735</sup> However, as of November 2024, abortion was illegal in 13 states<sup>1736</sup> and severely restricted in 12.<sup>1737</sup> In addition, various initiatives and lawsuits that seek to expand or block access to abortion services<sup>1738</sup>, contraceptive methods<sup>1739</sup>, abortion pills,<sup>1740</sup> and emergency medical care are pending approval or resolution.<sup>1741</sup>

822. This has generated legal uncertainty regarding the legality of the provision of reproductive health goods and services, which has resulted in a lack of access to them, particularly affecting women of African descent, women with disabilities, migrants, indigenous women, Latinas, and those living in rural areas.<sup>1742</sup> Thus, the fear of possible sanctions has caused health personnel to stop or delay medical care<sup>1743</sup>, even in cases of emergency and high-risk pregnancies.<sup>1744</sup> There have been reports of suspension of family planning

<sup>1729</sup> The White House, [FACT SHEET: Biden-Harris Administration Commemorates the 30th Anniversary of the Violence Against Women Act and Strengthens Commitment to Ending Gender-Based Violence](#), 12 de septiembre de 2024.

<sup>1730</sup> Department of Homeland Security, [DHS Announces New Resources to Combat Gender-Based Violence](#), 2 de julio de 2024.

<sup>1731</sup> CIDH, informe anual 2022, [Capítulo IVa](#), 1 de abril de 2023 párr. 419; The White House, [A Proclamation on National Domestic Violence Awareness and Prevention Month](#), 2024, 30 de septiembre de 2024; Break the Cycle, [Domestic Violence Statistics 2024](#), 28 de octubre de 2024.

<sup>1732</sup> Human Rights Committee, [Concluding observations on the fifth periodic report of the United States of America](#), December 7, 2023, para. 20; National Sexual Violence Resource Center, [What do you need to know about sexual assault on college campuses?](#), August 1, 2024; RAINN, [Campus sexual violence: statistics](#), accessed November 20, 2024.

<sup>1733</sup> Equal Employment Opportunity Commission, [Implementation of the Pregnant Workers Fairness Act](#), April 19, 2024.

<sup>1734</sup> Federal Register, [HIPAA Privacy Rule To Support Reproductive Health Care Privacy](#), April 26, 2024.

<sup>1735</sup> Arizona, Colorado, Maryland, Missouri, Montana, Nevada y Nueva York. CNN, [7 states vote to protect abortion rights, while efforts to expand access in Florida, Nebraska and South Dakota fail](#), November 6, 2024.

<sup>1736</sup> Alabama, Arkansas, Idaho, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Dakota del Sur, Tennessee, Texas, Virginia Occidental. Ver CRR, "[After Roe Fell: Abortion Laws by State](#)", accessed November 15, 2024.

<sup>1737</sup> Arizona, North Carolina, South Carolina, North Dakota, Florida, Georgia, Iowa, Nebraska, Pennsylvania, Utah, Wisconsin, and Wyoming. See CRR, "[After Roe Fell: Abortion Laws by State](#)," accessed November 15, 2024.

<sup>1738</sup> Supreme Court of Georgia, [Stay Order in State of Georgia v. SisterSong Women Of Color Reproductive Justice Collective et. al](#), October 7, 2024. AP [Supreme Court declines Biden's appeal in Texas emergency abortion case](#), October 7, 2024; NPR [Kentucky judge throws out Jewish mothers' lawsuit challenging the state's abortion ban](#), June 29, 2024; The rule on abortion licenses has been suspended for people who work for Catholic employers and in the states of Louisiana and Mississippi. AP [Judge lets over 8,000 Catholic employers deny worker protections for abortion and fertility care](#), September 24, 2024. AP, [Judge rules that federal agency can't enforce abortion rule in Louisiana and Mississippi](#), July 3, 2024.

<sup>1739</sup> AP, [Louisiana governor signs bill making two abortion drugs controlled dangerous substances](#), 24 de mayo de 2024; AP, [Republicans block bill to protect contraception access as Democrats make election-year push](#), 5 de junio de 2024.

<sup>1740</sup> The Hill, [3 states renew efforts to limit abortion pill access](#), 17 de octubre de 2024; Carmen Purl, M.D., vs. United States Department of Health and Human Services, [Civil Action n°2:24-cv-228-Z](#), octubre 2024; Reuters, [US Supreme Court preserves access to abortion pill mifepristone](#), junio 13 de 2024.

<sup>1741</sup> American Hospital Association, [Supreme Court dismisses EMTALA case](#), 27 de junio de 2024.

<sup>1742</sup> National Partnership for Women and Families, [State Abortion Bans Threaten Nearly 7 Million Black Women, Exacerbate the Existing Black Maternal Mortality Crisis](#), 15 de mayo de 2024; National Partnership for Women and Families, [State Abortion Bans Harm More Than Three Million Disabled Women](#), mayo 2024; Center for Law and Social Policy, [Deepening the Divide: Abortion Bans Further Harm Immigrant Communities \(2024\)](#), 17 de septiembre de 2024; Amnistía Internacional, [Abortion in the USA. The human rights crisis in the aftermath of Dobbs](#), 5 de Agosto de 2024, págs. 110 y 120.

<sup>1743</sup> Propublica, [Abortion Bans Have Delayed Emergency Medical Care. In Georgia, Experts Say This Mother's Death Was Preventable](#), September 16, 2024. IACHR, [Annual Report 2023. Chapter IV.a. Human Rights Development in the Region](#), December 31, 2023, para. 399.

<sup>1744</sup> CNN, [Women suing over Idaho's abortion ban describe dangerous pregnancies, becoming 'medical refugees'](#), 13 de noviembre de 2024.



services<sup>1745</sup> and threats to those who facilitate travel out of the states to obtain an abortion.<sup>1746</sup> There have also been acts of violence against health personnel, including physical attacks on people and facilities, as well as harassment and threats of legal, economic and professional sanctions.<sup>1747</sup>

823. On the rights of **persons in the context of human mobility**, the IACHR continues to monitor the impact that the State's policies have had on their human rights. In particular, the Commission has observed the restriction of the right of individuals to seek international protection, the continuing detention of migrants, and the inadequate monitoring of unaccompanied children.

824. In relation to the right of individuals to seek international protection, the Commission expresses its concern over the prospective implementation of the Presidential Proclamation on "Border Security" by the United States government, which aims to strengthen security at the State's Southern border. According to the State, the measures would restrict individuals who enter the territory of the State "unlawfully" from seeking asylum.<sup>1748</sup> In addition, the IACHR takes note of the end of the parole processes for certain nationals of Cuba, Haiti, Nicaragua, and Venezuela. According to public information, approximately half a million people will be directly impacted by this decision and possibly face deportation.<sup>1749</sup> The Commission also further notes that, according to official information, 525,610 repatriations took place between January and August 2024.<sup>1750</sup>

825. Moreover, the IACHR observes the increased use of detention of migrants. According to the Transactional Records Access Clearinghouse, by November 2024, there were a total of 38,863 migrants held in detention by Immigration and Customs Enforcement (ICE). Out of this number, 23,588 (or 60.7%) of detainees have no criminal record, and many have minor offenses such as traffic violations.<sup>1751</sup> In relation to the detention of migrants, the Commission completed a visit in October 2024 to monitor the implementation of the precautionary measures in favor of persons detained at the Northwest ICE Processing Center (NWIPC) in Tacoma, state of Washington. During its visit, the Commission toured the NWIPC, held meetings with civil society organizations and local authorities, and conducted interviews with beneficiaries from the Commission's precautionary measures. It also observed the conditions of detention and received complaints about poor hygiene, food quality, and deficient medical response to mental health issues.<sup>1752</sup> Regrettably, the Commission learned about the death of an individual detained at the NWIPC merely a few days after its visit, marking the second death in 2024 in these facilities.<sup>1753</sup>

826. The Commission also takes note of the State's international cooperation agreements with other countries from the region centered around repatriation efforts. Specifically, it observes that the United States has signed a Memorandum of Understanding on Assistance and Cooperation in Migration Matters with Panama, aiming to implement measures, such as repatriation flights, to address the situation in the Darien

<sup>1745</sup> BBC News, [The controversial court decision in the US that considers frozen embryos to be children \(and the effects it is having\)](#), February 22, 2024.

<sup>1746</sup> NPR, [It's harder to pay and travel for abortion care, and support funds are struggling](#), 3 de octubre de 2024.

<sup>1747</sup> IACHR, Supplementary Information from the Requesting Organizations Regarding the Thematic Hearing in the Context of the 188th Regular Period of Sessions on "Healthcare Denied: The Status of sexual and reproductive health and rights in the United States in the wake of the *Dobbs* decision," IACHR archive, March 1, 2024, p. 3; Southern Poverty Law Center, [Abortion Clinics Face Increased Harassment Post-Roe](#), June 13, 2024.

<sup>1748</sup> The White House, [President Biden Announces New Actions to Secure the Border](#), June 4, 2024.

<sup>1749</sup> ABC News, ["Parole program CHNV recipients will need to find alternative benefits, or leave the country: DHS"](#), October 4, 2024; El País, ["Biden acaba con el 'parole' humanitario para medio millón de venezolanos, haitianos, cubanos y nicaragüenses"](#), October 5, 2024; Boundless Immigration, ["Biden Administration Will Not Renew Legal Status for Hundreds of Thousands of Migrants from Four Countries"](#), October 8, 2024.

<sup>1750</sup> United States Department of Homeland Security, [Immigration Enforcement and Legal Processes Monthly Tables](#), Updated October 29, 2024.

<sup>1751</sup> Transactional Records Access Clearinghouse, [Immigration Detention Quick Facts](#), Updated November 3, 2024.

<sup>1752</sup> IACHR, Press Release No. 266/24, [IACHR completes visit to Tacoma, United States, to monitor compliance with precautionary measures](#), October 29, 2024.

<sup>1753</sup> The Seattle Times, ["Second person this year dies at WA immigrant detention center"](#), October 29, 2024; The News Tribune, ["Person was declared dead at Tacoma immigration detention center on Sunday, officials say"](#), October 29, 2024; KNKX, ["ICE releases identity of latest death at Tacoma detention center"](#), October 30, 2024.



National Park.<sup>1754</sup> In relation to unaccompanied children, the Commission expresses its concerns about ICE's reports concerning its inability to monitor the location and status of more than 291,000 unaccompanied migrant children. According to the State, this is partly due to the lack of an automated process for sharing information between domestic authorities.<sup>1755</sup>

827. Regarding **human trafficking**, the House of Representatives approved H.R. 443, the Human Trafficking Detection Improvement Act, which will ensure that the Department of Labor personnel have the tools and resources to identify cases of exploitation, their prevention and prosecution.<sup>1756</sup>

828. In relation to the **rights of indigenous peoples**, the IACHR takes note of the President Joe Biden's apology, during a visit to the Gila River Indian Reservation in Arizona in October, for the federal government-run boarding school system that separated Indigenous children from their families for decades, acknowledging this as a "stain on American history".<sup>1757</sup>

829. On the other hand, in February, in a hearing held during the 189<sup>th</sup> period of sessions, the IACHR expressed its concern on the environmental exploitation of uranium contaminating groundwater and generating radioactive emissions, its impact on the health of Indigenous peoples increasing the rate of people with cancer, and the lack of prior, free, and informed consent regarding the potential impacts.<sup>1758</sup>

830. Regarding rights of **people of African descent**, the state of California has allocated a 12 million dollars budget for reparations to address historic "harms and atrocities" against the state's Black population. This decision marks a significant milestone in acknowledging and atoning for the legacy of systemic racism. The funds will support initiatives such as community programs and direct assistance to individuals, aiming to address the lasting impacts of discriminatory policies and practices.<sup>1759</sup> Moreover, some states and localities have made progress in addressing racially discriminatory policing and impunity.<sup>1760</sup>

831. Nevertheless, there have been continued challenges experienced by those people. African descent population and other historically marginalized racial and ethnic groups kept experiencing systemic racism in policing across the country, which included racial profiling, and extrajudicial executions, excessive use of force and increased surveillance. Police in California killed Ryan Gainer, a 15-year-old Black boy with autism, on March 9.<sup>1761</sup> Police in New York killed Win Rozario, a 19-year-old Bangladeshi-American who sought help for a mental health crisis, on March 27.<sup>1762</sup> Police in Illinois killed Sonya Massey, a Black woman, on July 6 after she called for assistance with a suspected break-in at her home.<sup>1763</sup>

832. This occurred while several police jurisdictions in the United States used racially biased artificial intelligence technologies<sup>1764</sup>, and gunfire locator services provided by ShotSpotter devices<sup>1765</sup> were

<sup>1754</sup> United States Department of State, [United States Signs Arrangement with Panama to Implement Removal Flight Program](#), July 1, 2024; The White House, [Statement from NSC Spokesperson Adrienne Watson Welcoming the Agreement with Panama to Address Irregular Migration Jointly](#), July 1, 2024.

<sup>1755</sup> United States Department of Homeland Security, OIG-24-46 [Management Alert - ICE Cannot Monitor All Unaccompanied Migrant Children Released from DHS and U.S. Department of Health and Human Services' Custody](#), August 19, 2024.

<sup>1756</sup> Government of the United States, [House Passes Bill to Combat Human Trafficking](#), February 5, 2024.

<sup>1757</sup> El País, [La histórica disculpa de Biden por el "pecado" de los internados para niños nativos](#), October 25, 2024.

<sup>1758</sup> IACHR, Thematic hearing, ["United States: Impacts of uranium exploitation on Indigenous Peoples' rights"](#), 189<sup>th</sup> period of sessions, Washington D.C., United States, February 28, 2024.

<sup>1759</sup> AP News, [California budgets up to \\$12 million for reparations bills, a milestone in atoning for racist legacy](#), June 3, 2024.

<sup>1760</sup> Mississippi Today, ["New law gives state board power to probe misconduct"](#), May 16, 2024; The Guardian, ["Detroit changes rules for police use of facial recognition after wrongful arrest of Black man"](#), July 1, 2024.

<sup>1761</sup> The Guardian, ["A talented, goofy kid": family of Ryan Gainer, autistic teen killed by police, speak out](#), March 21, 2024.

<sup>1762</sup> CBS News, ["Family of man fatally shot by NYPD officers speaks out after release of body cam video. They say they want justice"](#), May 9, 2024.

<sup>1763</sup> AP News, [Illinois sheriff, whose deputy killed Sonya Massey apologizes: 'I offer up no excuses'](#), July 30, 2024.

<sup>1764</sup> UN, Human Rights Council, [Contemporary forms of racism, racial discrimination, xenophobia and related intolerance](#), A/HRC/56/68, June 3, 2024.

<sup>1765</sup> ShotSpotter is an AI gunshot detection device that is proven to be unreliable, lead to the unnecessary dispatch of police officers, and illegally surveil communities. See WIRED, ["Here Are the Secret Locations of ShotSpotter Gunfire Sensors"](#), February 22, 2024; ACLU Winsconsin, [ShotSpotter Leak Shows that Surveillance Tech is Used to Overpolice Black and Brown Communities](#), March 6, 2024.



disproportionately concentrated in neighborhoods inhabited by African and Latin American communities.<sup>1766</sup> Despite some specific advances at the federal level, national legislative initiatives aimed at increasing police accountability, such as the George Floyd Justice in Policing Act, continued to face delays in Congress.<sup>1767</sup> Reports also highlighted a rise in hate crimes, with 52.5% driven by biases related to race, ethnicity, or ancestry.<sup>1768</sup>

833. In addition, on May 23 the U.S. Supreme Court reversed a lower court ruling and allowed racially discriminatory practices in drawing voting maps in South Carolina, diminishing Black voters' political representation. The Congressional District 1 map removed over 60% of Black residents from the district, leaving Black South Carolinians likely to elect only one of seven U.S. representatives, despite being over a quarter of the state's population.<sup>1769</sup>

834. In relation to the rights of **LGBTI persons**, progress was made through the publication in May of the revised Title IX policy, which aims to combat discrimination based on sex stereotypes, sex characteristics, pregnancy, sexual orientation, and gender identity in state-funded school programs.<sup>1770</sup> However, according to recent public information, the implementation of these policies has not been consistent across the entire territory of the United States, as various have filed injunctions to block the implementation of the policy.<sup>1771</sup>

835. By November 2024, civil society organizations reported at least 36 violent deaths of transgender individuals in the United States, the majority of whom were trans women of color.<sup>1772</sup> These incidents occur within a broader context of legislative activity in 2024, during which more than 600 bills were introduced across 43 states, aiming to limit or negatively impact the human rights of transgender persons. Of these initiatives, 48 were approved, 482 were dismissed or archived, and 139 remain active or pending legislative procedures.<sup>1773</sup> Studies indicate that such legislative measures disproportionately target and affect transgender children and youth.<sup>1774</sup>

836. In December 2024, the U.S. Supreme Court heard oral arguments in the case *United States v. Skrmetti*, a case that examines whether Tennessee's law prohibiting gender-affirming care—specifically hormone therapies for trans children and adolescents—violates the Equal Protection Clause of the U.S. Constitution.<sup>1775</sup> Notably, the American Psychological Association and other leading mental health organizations have submitted *amicus curiae* briefs supporting the petitioner, highlighting the potential long-term negative mental health consequences of legislation that bans gender-affirming treatments and the

<sup>1766</sup> WIRED, "[Here Are the Secret Locations of ShotSpotter Gunfire Sensors](#)", February 22, 2024; ACLU Winsconsin, "[ShotSpotter Leak Shows that Surveillance Tech is Used to Overpolice Black and Brown Communities](#)", March 6, 2024.

<sup>1767</sup> The Hill, [Sheila Jackson Lee reintroduces George Floyd Justice in Policing Act](#), May 23, 2024.

<sup>1768</sup> U.S. Department of Justice, [FBI Releases 2023 Hate Crime Statistics](#), September 23, 2024.

<sup>1769</sup> Human Rights Watch, [US Supreme Court Allows Racial Discrimination in Electoral Maps](#), May 24, 2024; American Civil Liberties Union, [U.S. Supreme Court Rejects Unanimous Post-Trial Decision and Long-Settled Precedent, Allows South Carolina's Racially Discriminatory Congressional Map to Stand](#), May 23, 2024.

<sup>1770</sup> IACHR [CIDH] [#USA: #IACHR welcomes the revised Title IX policy](#) (...), May 9<sup>th</sup>, 2024.

<sup>1771</sup> CBS News, [Supreme Court maintains block on entirety of Biden administration's new Title IX rule](#), August 17<sup>th</sup>, 2024; The Hill, [Supreme Court refuses DOJ request to partially reinstate new Title IX rule](#), August 16<sup>th</sup>, 2024.

<sup>1772</sup> The Human Rights Campaign, [HRCF's 2024 Epidemic of Violence Report: Fatal Violence Against Transgender and Gender Non-Conforming People Continues, with Black Trans Women Comprising Nearly Half of the Deaths](#), November 19<sup>th</sup>, 2024, HRCF, [The Epidemic of Violence Against the Transgender & Gender-Expansive Community in the U.S.](#), November 2024.

<sup>1773</sup> Trans Legislation Tracker, [2024 anti-trans bills tracker](#). Last visited November 29<sup>th</sup>, 2024; ACLU, [Mapping Attacks on LGBTQ Rights in U.S. State Legislatures in 2024](#). Last visited November 28<sup>th</sup>, 2024.

<sup>1774</sup> Redfield, E., Conron, K. J., & Mallory, C. (2024). The Impact of 2024 Anti-Transgender Legislation on Youth. The Williams Institute, UCLA School of Law; Lee, W. Y., Hobbs, J. N., Hobaica, S., DeChants, J. P., Price, M. N., & Nath, R. (2024). [State-level anti-transgender laws increase past-year suicide attempts among transgender and non-binary young people in the USA](#). Nature Human Behaviour. 2024, <https://doi.org/10.1038/s41562-024-01979-5>; NPR, [More trans teens attempted suicide after states passed anti-trans laws, a study shows](#), September 26, 2024.

<sup>1775</sup> ACLU, [The Supreme Court Case on Trans Health Care, Explained](#), September 5<sup>th</sup>, 2024; The Advocate, [What is U.S. v. Skrmetti, the Supreme Court case that could change gender-affirming care forever?](#), November 22<sup>nd</sup>, 2024.



challenges such laws pose to mental health professionals striving to provide personalized care to their patients.<sup>1776</sup>

837. Regarding **persons deprived of liberty**, the Commission values the judicial decision issued in April that orders the appointment of a special supervisor for the Dublin Federal Correctional Institution, a federal women's prison located in California, known for widespread sexual abuse of female inmates. The judge also appointed several staff members to assist her, who all shall have full access to the prison facilities and its records.<sup>1777</sup> In addition, the IACHR welcomes the procedures conducted by the U.S. Attorney's Office to investigate the sexual abuse of multiple female inmates at that detention center. As of March 2024, at least seven federal prison correctional officers had been sentenced to prison for those crimes committed at the Dublin Federal Correctional Institution.<sup>1778</sup>

838. On the other hand, the constant increase in the number of women deprived of liberty is a matter of concern to the Commission. According to research published in July, the female incarcerated population stands almost seven times higher than in 1980. Even, this rate of growth for female imprisonment has been twice as high as that of men since that year, which might be related to policies and practices that lead to female criminalization and mass incarceration. The research also highlights that between 2000 and 2022, the rate of imprisonment in state and federal prisons declined by 69% for Black and Latina women, while the rate of imprisonment for white women rose by 18%. However, the imprisonment rate for Black women is still higher than the rate of imprisonment for white women and for Latina women.<sup>1779</sup>

839. Additionally, the Commission expresses its concern for the approval of the bills No. 9 and 10 that eliminates discretionary parole which allowed to release people from prisons and, diminishes the possibility reduce the time in prison for good behavior and requires convicted persons to serve at least 85% of their sentence, respectively.<sup>1780</sup>

840. On the matter of **death penalty**, the IACHR continued to monitor its application as the United States is the only country in the Western Hemisphere that executes persons sentenced to this punishment. Particularly, through two statements published in January, the IACHR expressed deep concern on the scheduled execution of Kenneth E. Smith via nitrogen hypoxia in Alabama. In addition, it highlighted its alarm over the first application of this untested method of execution.<sup>1781</sup>

841. Likewise, through a press release publish in November, the Commission condemned the execution of Richard Moore, despite the fact that on July 4, 2023, the IACHR granted precautionary measures in his favor<sup>1782</sup>, and on October 30, 2024, the IACHR had urged the country to refrain from applying the death

<sup>1776</sup> American [Academy of Pediatrics](#), [Brief amici curiae of American Academy of Pediatrics](#), et al. filed, September 3<sup>rd</sup>, 2024.

<sup>1777</sup> Fresno, [Designan a supervisora especial para prisión federal de mujeres de California tras abusos sexuales](#), April 8, 2024; Fox 11, [Special master appointed California federal women's prison after rampant abuse](#), April 6, 2024; and AP News, [Judge appoints special master to oversee California federal women's prison after rampant abuse](#), April 8, 2024.

<sup>1778</sup> U.S Department of Justice, [Seventh Correctional Officer at Federal Facility in Dublin, California, Sentenced to Prison for Sexual Abuse of Female Prisoners](#), March 27, 2024. Also, see: U.S Department of Justice, [Two More Dublin Federal Correctional Officers To Plead Guilty To Sexually Abusing Multiple Female Inmates](#), July 14, 2023; and AP News, [Warden ousted as FBI again searches California federal women's prison plagued by sexual abuse](#), March 11, 2024.

<sup>1779</sup> The Sentencing Project, [Incarcerated Women and Girls](#), July 24, 2024.

<sup>1780</sup> Louisiana State Legislature, Government of Louisiana, 2024 Second Extraordinary Session - [House Bill No. 9](#), and [House Bill No. 10](#), 2024. Also, see: Prison Policy Initiative, [An Act of Regression: Louisiana takes a giant step backward in parole and sentencing reform](#), August 31, 2024.

<sup>1781</sup> See: IACHR expresses deep concern on the scheduled execution of Kenneth E. Smith in #Alabama on #Jan25 via nitrogen hypoxia [X], X, <https://x.com/cidh/status/1748031381190423034?s=43&t=uf3HRk57pcbUZ8Q3BWn5zg>; and IACHR [@CIDH], (January 25, 2024), IACHR reiterates its deep concern on the scheduled execution of Kenneth E. Smith in #Alabama on #Jan25 via nitrogen hypoxia [X], X, <https://x.com/cidh/status/1750604374735278339?s=43&t=uf3HRk57pcbUZ8Q3BWn5zg>.

<sup>1782</sup> IACHR, Press Release No. 281/24 - [IACHR condemns execution of Richard Moore, sentenced to death penalty in United States](#), November 8, 2024.



penalty imposed on him<sup>1783</sup>. According to the *Death Penalty Information Center*, as of December 3, 2024, a total of 23 prisoners have been executed in eight states in the country this year.<sup>1784</sup>

## XXXII. URUGUAY

### • General considerations

842. Uruguay has a solid democratic and human rights institutional framework. In 2024, significant **progress** was achieved in connection with safe migration and asylum, human rights institutions and processes of memory, truth and justice.

843. However, **challenges** to the recognition and protection of the rights of women, LGBTI persons and indigenous communities persist. In addition, the State faces challenges related to incarceration rates, detention conditions and violence against children, adolescents, women and older persons.

844. On October 28 and 29, 2024, the State submitted its response to the Commission's request for information to prepare this chapter.<sup>1785</sup>

### • Specific issues

845. With regard to **democratic institutional**ity, the State took steps to strengthen the solid democratic foundation for which the country is known,<sup>1786</sup> by holding inclusive national elections to vote for the president and congress members, with broad citizen participation.<sup>1787</sup> In this context, matters of great public interest were submitted to public consultation, such as social security and night raids, both rejected through a transparent and participatory process. Furthermore, legislation was passed to impose clear and prorated sanctions on public officials who misuse the power of office.<sup>1788</sup>

846. As for **judicial independence**, during a thematic hearing, the Commission received information concerning certain challenges related to legislative issues, salaries, budgets and appointments that might restrict the autonomy of the Attorney General's Office (FGN). In addition, offensive speech and attacks by political stakeholders were documented, especially in high-profile cases where corruption, crimes against humanity or gender-based violence are being investigated. In this regard, the State explained that the regulatory, institutional and budgetary framework ensures the independence of the FGN and noted that criticism against authorities is framed under a democratic system with independence of powers.<sup>1789</sup>

847. Uruguay also took steps forward in terms of **human rights institutions** with the launch of the first 2023–2027 National Human Rights Plan (PNDH), whose purpose is to consolidate and mainstream this approach into public policies and public administration entities.<sup>1790</sup> In this context, in 2024, the Secretariat of

<sup>1783</sup> IACHR, Press Release No. 269/24 - [IACHR urges the United States to refrain from applying the death penalty on Richard Moore, beneficiary of precautionary measures](#), October 30, 2024.

<sup>1784</sup> Death Penalty Information Center, [Execution List 2024](#), November 1, 2024.

<sup>1785</sup> Permanent Mission of Uruguay to the OAS, Note No. 145/2024 in response to Note No. 714/2024 requesting information under Article 41 of the American Convention to prepare the 2024 Annual Report, October 28, 2024. In IACHR files. Permanent Mission of Uruguay to the OAS, Note No. 147/2024 in response to Note No. 714/2024 requesting information under Article 41 of the ACHR to prepare the 2024 Annual Report, October 29, 2024. In IACHR files.

<sup>1786</sup> IACHR, [2023 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), OEA/Ser.L/V/II. Doc. 386, rev. 1, December 31, 2023, para. 804.

<sup>1787</sup> Electoral Court, [October 27 National Election. Vote count results by department](#) and [November 24, 2024. Second Election. Vote count results by department](#), accessed on December 15, 2024.

<sup>1788</sup> Center of Official Information, National Directorate of Official Printing and Publications (IMPO), [Law No. 20,347](#), September 27, 2024; [Law No. 20,358](#), October 2, 2024.

<sup>1789</sup> IACHR, thematic hearing "[Uruguay: Impact on the independence of the Public Prosecutor's Office](#)," 190<sup>th</sup> regular period of sessions, Washington D.C., United States, July 10, 2024.

<sup>1790</sup> Presidency of Uruguay, "[Ejecutivo presentó primer Plan Nacional de Derechos Humanos](#)," December 18, 2023.



Human Rights (SDH) of the Office of the Presidency ran two editions of the course A Human Rights Approach in Public Policies, targeted at public officials.<sup>1791</sup> Moreover, the National Honorary Advisory Commission for the Protection and Restitution of the Right to Birth Identity came into operation with the purpose of promoting spaces for training, knowledge sharing and information generation to ensure an effective response for those who need it.<sup>1792</sup>

848. With respect to processes of **memory, truth and justice**, the State created an area within the National General Archive to collect, organize and preserve documents related to recent events and human rights violations.<sup>1793</sup> The State also identified the remains of two people who had disappeared during the military dictatorship.<sup>1794</sup> With regard to liability for the crimes committed during the dictatorship, a former military member of the Coordinating Agency for Antisubversive Operations was sentenced to prison for torturing detainees at a clandestine center in La Tablada.<sup>1795</sup> Furthermore, three military officials were also convicted for crimes against humanity involving 39 detainees, who had been kidnapped and tortured in a town called Treinta y Tres.<sup>1796</sup>

849. Moreover, a significant challenge that Uruguay faces is the submission of a motion to challenge the jurisdiction of ordinary courts over cases involving crimes against humanity and to transfer jurisdiction over these crimes to the Supreme Court of Justice. This motion has made some progress in court.<sup>1797</sup> If it were admitted, it could have a significant impact and perpetuate impunity in cases of violence during the dictatorship.<sup>1798</sup>

850. In terms of **citizen security**, a slight decrease in certain types of crimes was noted. Based on official records, homicide reports dropped by 30.6 percent, robberies fell by 31.7 percent and domestic violence declined by 1.6 percent in the first half of 2024, compared to the same period in 2023.<sup>1799</sup> In addition, a law was passed to incorporate cybercrimes, as well as aggravating circumstances and specific protections for victims who are in a situation of greater vulnerability, into criminal legislation.<sup>1800</sup> Furthermore, to reinforce and improve police action, guides on best practices were prepared to address sex crimes against children and adolescents,<sup>1801</sup> and to incorporate sexual diversity and gender perspectives.<sup>1802</sup> Training sessions were also delivered to police agents in relation to said guides and on topics such as domestic violence and gender, sexual harassment, human trafficking and exploitation, and perspectives on ethnics and race.<sup>1803</sup>

851. Concerning the progress made in the protection of **children and adolescents**, the State passed the Law on Guarantees for Early Childhood, Childhood and Adolescence to ensure the development, support and comprehensive protection of that sector of the population.<sup>1804</sup> The State also passed a law creating the Uruguay Amber Alert system for the early search of individuals under 18 years of age whose location is

<sup>1791</sup> Permanent Mission of Uruguay to the OAS, Note No. 145/2024, *op. cit.*, Annex 3, p. 1.

<sup>1792</sup> *Ibid.*; Center of Official Information, IMPO, [Law No. 20.212](#), November 17, 2023; Secretariat of Human Rights, "[Comisión Nacional Honoraria Asesora de Protección y Restitución del Derecho a la Identidad de Origen](#)," February 10, 2024.

<sup>1793</sup> Center of Official Information, IMPO, [Law No. 20.280](#), June 12, 2024.

<sup>1794</sup> *Página 12*, "[Uruguay pudo identificar los restos de otro desaparecido en dictadura](#)," September 25, 2024; *Página 12*, "[Uruguay: identificaron los restos de una desaparecida en dictadura](#)," May 29, 2024.

<sup>1795</sup> *El País*, "[Militar retirado fue condenado con 12 años de prisión por torturas en La Tablada durante la dictadura](#)," August 27, 2024.

<sup>1796</sup> *Resumen Latinoamericano*, "[Uruguay. Tres militares condenados por crímenes de lesa humanidad en la localidad de Treinta y Tres](#)," September 5, 2024.

<sup>1797</sup> *El Observador*, "[Recurso masivo de abogados del Centro Militar suspende más de 100 casos por crímenes de la dictadura](#)," July 30, 2024; *Diario La R*, "[Militares uruguayos buscan anular juicios de lesa humanidad ante la SCJ](#)," July 9, 2024; *Búsqueda*, "[Una 'chicana': fiscal Ricardo Perciballe cuestionó estrategia de militares para suspender audiencia por Plan Cóndor](#)," June 26, 2024.

<sup>1798</sup> The IACHR observes that the State of Uruguay took note of Recommendation No. 125.97 of the Working Group on the Universal Periodic Review, which refers to putting an end to persistent impunity for human rights violations and crimes against humanity during the dictatorship. Human Rights Council, Report of the Working Group, *op. cit.*, p. 4.

<sup>1799</sup> Ministry of the Interior, [Denuncias de delitos seleccionados, por año](#), August 7, 2024, p. 3.

<sup>1800</sup> Center of Official Information, IMPO, [Law No. 20.327](#), September 25, 2024.

<sup>1801</sup> Presidency of Uruguay, "[Interior presentó guía de actuación policial ante casos de violencia contra menores](#)," April 25, 2024.

<sup>1802</sup> Ministry of the Interior, [Guía Enfoque de género y diversidad sexual en el actuar policial](#), September 3, 2024.

<sup>1803</sup> Permanent Mission of Uruguay to the OAS, Note No. 145/2024, *op. cit.*, Annex 4, pp. 2–4.

<sup>1804</sup> Center of Official Information, IMPO, [Law No. 20.376](#), October 2, 2024.



unknown to their parents or guardians when it might be presumed that such absence results from a criminal or violent act that exposes them to danger; that is, people who are “missing or absent” under the law.<sup>1805</sup> In addition, the Institute of Children and Adolescents (INAU) established new Support Centers for Children and Families (CAIF) and planned to have 30 additional centers in operation by the end of 2024.<sup>1806</sup>

852. Moreover, Uruguay faced several challenges related to sexual violence, including the sexual exploitation of children and adolescents. Between January and October 2024, 64.9 percent of victims in sexual abuse complaints were children and adolescents.<sup>1807</sup> During the same period, complaints for conducts associated with sexual exploitation declined by 27 percent, with girls and female teenagers accounting for 81 percent of the victims.<sup>1808</sup> However, a 40 percent increase was recorded in the number of complaints for online grooming,<sup>1809</sup> and there was a 36 percent rise in the number of complaints for the dissemination of explicit pictures.<sup>1810</sup> In addition, a girl who was under the protection of the INAU was reported dead as a result of the preterm delivery of her baby after having been sexually abused and exploited in a context of unauthorized exits.<sup>1811</sup>

853. With regard to **human trafficking**, the 2023–2028 Third National Plan for the Eradication of Commercial and Noncommercial Sexual Exploitation of Children and Adolescents, which was drafted in mid-2023, is still pending approval.<sup>1812</sup> Conversely, measures were taken to strengthen victim support and improve the identification of cases of human trafficking and sexual exploitation. These measures included better infrastructure and expert training. Furthermore, the Guide on Interinstitutional Action for Situations of Human Trafficking and Exploitation in Uruguay, which lays down specific procedures designed for effective detection and institutional coordination cases of human trafficking and exploitation, was approved.<sup>1813</sup>

854. As for the rights of **women**, the State approved laws that improve labor conditions,<sup>1814</sup> facilitate access to health treatment, such as the HPV test<sup>1815</sup>, and provide hygiene products to people who menstruate.<sup>1816</sup> The State also lifted the prohibition of the Partner-Assisted Reproduction (ROPA) technique

<sup>1805</sup> Pursuant to the law, an *absent* child or adolescent is any person under 18 years of age whose location is unknown to their parents, guardians or persons in charge of them when it can be presumed, at the outset of their absence, that a criminal or violent act that exposes them to danger has taken place. Center of Official Information, IMPO, [Law No. 20,381](#), October 7, 2024.

<sup>1806</sup> Presidency of Uruguay, “[NAU fortalece atención de primera infancia en Rocha mediante incorporación de dos CAIF](#),” July 15, 2024; “[Nuevo CAIF en San Antonio, Canelones, recibe a más de 70 niños](#),” September 27, 2024; “[INAU instaló CAIF para 108 niños en el barrio Conciliación de Montevideo](#),” October 11, 2024; “[CAIF refuerza cobertura en primera infancia en el noroeste de Rocha tras apertura de local](#),” October 18, 2024.

<sup>1807</sup> Ministry of the Interior, [Indicadores de violencia doméstica y de género – 25N 2024](#), November 29, 2024, pp. 42–45.

<sup>1808</sup> Ministry of the Interior, [Indicadores de violencia doméstica y de género – 25N 2024](#), November 29, 2024, pp. 52–54.

<sup>1809</sup> Ministry of the Interior, [Indicadores de violencia doméstica y de género – 25N 2024](#), November 29, 2024, pp. 71–72.

<sup>1810</sup> Ministry of the Interior, [Indicadores de violencia doméstica y de género – 25N 2024](#), November 29, 2024, pp. 62–64.

<sup>1811</sup> *El País*, “[Adolescente de 16 años murió tras dar a luz: Inau investiga 'si existió negligencia' en centro de Rivera](#),” July 10, 2024; *La Diaria*, “[INAU informó de muerte de adolescente de 16 años por mensaje de Whatsapp y abrió expediente dos meses después de que sucedió denuncia Argenzio](#),” July 11, 2024.

<sup>1812</sup> Human Rights Council, [Visit to Uruguay. Report of the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children](#), A/HRC/55/55/Add.2, January 15, 2024, para. 68; National Institute of Human Rights and Office of the Ombudsperson (INDDHH), “[Declaración por el Día nacional contra la explotación sexual de niños, niñas y adolescentes](#),” July 12, 2024.

<sup>1813</sup> National Council to Prevent and Combat Human Trafficking and Exploitation, “[Comunicado Día Mundial contra la Trata de Personas](#),” July 30, 2024.

<sup>1814</sup> See: Center of Official Information, IMPO, [Law No. 20,374](#), October 2, 2024. See also: Republic of Uruguay, [Informe nacional para la Cuarta Conferencia Mundial sobre la Mujer y la aprobación de la Declaración y Plataforma de Acción de Beijing](#), 2024, p. 11; Center of Official Information, IMPO, [Law No. 20,312](#), August 13, 2024.

<sup>1815</sup> Center of Official Information, IMPO, [Law No. 20,361](#), October 1, 2024.

<sup>1816</sup> Center of Official Information, IMPO, [Law No. 20,375](#), October 2, 2024.



for lesbian couples.<sup>1817</sup> In addition, the State broadened support<sup>1818</sup> and justice<sup>1819</sup> services for victims of violence and achieved a 63 percent implementation rate of the Action Plan for a Life Without Violence.<sup>1820</sup>

855. The figures on gender-based violence are proof of a persistent challenge in the country. Between January and October 2024, complaints for domestic violence and related crimes dropped by 1.3 percent but still exceeded by 5.2 percent those of 2022, and by 10.8 percent those of 2021.<sup>1821</sup> In most cases, the perpetrator was the victim's partner, former partner or someone with whom they had an emotional-sexual relation,<sup>1822</sup> which is also the case for the 60 percent of women homicides committed in situations of domestic and gender-based violence.<sup>1823</sup> In addition, rates of violence against nonheterosexual, migrant and Afro-descendant women are even higher.<sup>1824</sup> In this context, a bill punishing false claims of gender-based violence moved forward in Congress and could undermine the existing protection guarantees if it were approved.<sup>1825</sup>

856. The State took measures to promote the rights of **older persons**. These included training sessions on information technology to improve older persons' chances in the labor market and facilitate their integration into daily activities.<sup>1826</sup> Furthermore, the National Institute of Older Persons (Inmayores) expanded the national coverage of its regulation, strategic action and decentralization divisions.<sup>1827</sup> It also conducted over 400 surveys in Long-Term Care Facilities for Older Persons (ELEPEM) and carried out awareness activities on abuse and ill-treatment of older persons addressed both to ELEPEM personnel and the public at large.<sup>1828</sup>

857. Despite these efforts, 10 older persons died in a fire on July 7, 2024, at an ELEPEM located in the Treinta y Tres department. In this regard, the State reported that the last inspection carried out in that facility in 2024 had been positive in terms of food, accommodation and health, and submitted inspection records between 2020 and 2024 that confirmed optimal sanitary and heating conditions. The fire is still under investigation by the prosecutor's office of Treinta y Tres.<sup>1829</sup> Furthermore, the National Institute of Human Rights and Office of the Ombudsperson (INDDHH) opened their *ex officio* investigation and emphasized the need for stricter supervision and follow-up of ELEPEMs.<sup>1830</sup>

858. With regard to the rights of **Afro-descendants**, the State made progress in the implementation of the National Afro-Descendants Plan and designed actions to fight child poverty among the Afro-descendant population.<sup>1831</sup> The State also submitted the 2025 National Plan for Racial Equality and African Descent and created the Observatory to Follow Up on the Implementation of Affirmative Actions for

<sup>1817</sup> Montevideo Portal, "[MSP habilitó método de reproducción asistida para parejas lesbianas que había prohibido](#)," May 19, 2024; *El País*, "[A 10 años de ley que financia tratamientos de fertilización, MSP autorizó método para que lesbianas sean madres](#)," May 19, 2024.

<sup>1818</sup> Inmujeres, "[Día internacional de eliminación de la violencia hacia las mujeres](#)," November 25, 2024.

<sup>1819</sup> See: Presidency of Uruguay, "[Argimón inauguró juzgados especializados en violencia de género, doméstica y sexual en Rivera](#)," August 16, 2024. See also: Inmujeres, "[Día internacional de eliminación de la violencia hacia las mujeres](#)," November 25, 2024.

<sup>1820</sup> Permanent Mission of Uruguay to the OAS, Note No. 145/2024, *op. cit.*, Annex 4, pp. 2–4.

<sup>1821</sup> Ministry of the Interior, "[Indicadores de violencia doméstica y de género – 25N 2024](#)," November 29, 2024, p. 6.

<sup>1822</sup> *Ibid*, pp. 8–10.

<sup>1823</sup> *Ibid*, pp. 77–78.

<sup>1824</sup> Ministry of Public Health, "[Día Internacional de la Eliminación de la Violencia Contra la Mujer](#)," November 25, 2024.

<sup>1825</sup> Committee of Experts of the Follow-up Mechanism of the Belém do Pará Convention (OAS-MESECVI), "[Comité de Expertas del MESECVI expresa su preocupación ante propuestas regresivas para modificar la Ley de violencia hacia las mujeres en Uruguay](#)," May 9, 2024.

<sup>1826</sup> Presidency of Uruguay, "[Personas mayores de 45 años podrán capacitarse en tecnologías de la información e inglés](#)," July 24, 2024; Municipality of Montevideo, "[Nuevos cursos de inclusión digital para personas mayores](#)," September 3, 2024.

<sup>1827</sup> Ministry of Social Development, "[Mes de las personas mayores](#)," October 1, 2024.

<sup>1828</sup> Ministry of Social Development, "[Mes de las personas mayores](#)," October 1, 2024.

<sup>1829</sup> Permanent Mission of Uruguay to the OAS, Note No. 145/2024 in response to Note No. 554-24/CIDH/SE/MPCT–Art.41 requesting information under Article 41 of the ACHR about a fire at an institution that provides care for older persons, August 27, 2024. In IACHR files. See also: Ministry of Public Health, [Press Release](#), July 8, 2024.

<sup>1830</sup> INDDHH, "[La INDDHH inicia investigación de oficio por tragedia en Treinta y Tres](#)," July 8, 2024.

<sup>1831</sup> CERD, "[Information received from Uruguay on follow-up to the concluding observations on its combined twenty-fourth to twenty-sixth periodic reports](#)," CERD/C/URY/FCO/24-26, September 5, 2024, paras. 8 and 29.



Persons of African Descent.<sup>1832</sup> In addition, a bill is under study to define measures intended to eradicate hate, racism, xenophobia and intolerance in sports.<sup>1833</sup>

859. Moreover, according to a report prepared by the INDDHH, the adoption of the Law on Affirmative Actions for Afro-descendants has proved insufficient.<sup>1834</sup> Other studies have shown that racial discrimination has led to low levels of satisfaction of basic needs and to low territory development rates, and contributed to an increase in the number of Afro-descendants living in irregular conditions compared to other groups.<sup>1835</sup> Furthermore, physical traits such as hair and skin color are associated with the early exclusion of Afro-descendants from the education system, with lower attendance rates and higher dropout rates, as they face discrimination since the first years of school.<sup>1836</sup>

860. In terms of **persons in the context of human mobility**, the country approved a pilot plan for the recognition of *prima facie* refugee status for asylum-seekers from Venezuela, which will give priority to applicants in an at-risk situation or with specific needs, such as families with children, gender-based violence survivors, persons with disabilities, older persons and persons in a situation of economic vulnerability.<sup>1837</sup> The State also created the Ties-Based Residency Program, which allows nearly 20,000 asylum applicants to stay in the country as regular migrants and access rights.<sup>1838</sup> The program upholds the commitments undertaken in the 2023 Global Refugee Forum and reinforces the principles of the 2022 Los Angeles Declaration on Migration and Protection.<sup>1839</sup>

861. Despite these efforts, in a thematic hearing before the Commission, civil society organizations explained that citizenship holders are facing difficulties because this regular migration status prevents them from securing Uruguayan nationality. In addition, the nationality in their passports is not Uruguayan, which prevents them from enjoying their freedom of movement when travelling to other countries and from accessing certain rights within Uruguay. In this regard, the State reaffirmed its commitment to international obligations and highlighted the steps taken to adjust legal frameworks and adopt public policies that guarantee the effective exercise of the rights of all its residents. It also expressed its willingness to keep discussing the right to nationality, as well as legal citizenship issues, and reassured that the State is committed to addressing these concerns.<sup>1840</sup>

862. As for **persons deprived of liberty**, university centers were opened at Units No. 3 and No. 20 of the National Rehabilitation Institute (INR), the latter located in Salto.<sup>1841</sup> Furthermore, some infrastructure improvement works were performed to improve detention conditions for women, which

<sup>1832</sup> Uruguayan Agency of International Cooperation, "[Mides presentó Plan Nacional de Equidad Racial y Afrodescendencia 2025-2030](#)," August 30, 2024.

<sup>1833</sup> Human Rights Council, [Report of the Working Group in the Universal Periodic Review\\*, Uruguay, Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review](#), A/HRC/57/8/Add.1, July 11, 2024, p. 2.

<sup>1834</sup> Working Group of the Ethnic-Racial Unit of the INDDHH, [Ley 19.122. Fijación de disposiciones con el fin de favorecer la participación en las áreas educativa y laboral de los afrodescendientes: La percepción de las personas afrodescendientes en el Uruguay y los desafíos de su aplicación](#), July 2024, pp. 26 and 59.

<sup>1835</sup> INDDHH, [Informe para la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos](#), 2024, p. 14.

<sup>1836</sup> *Ibid.*, p. 12; UNICEF, [Niños y niñas afrodescendientes sufren discriminación racial desde los primeros años escolares](#), July 23, 2024.

<sup>1837</sup> Ministry of Foreign Affairs, "[Gobierno establece procedimiento abreviado para solicitantes de refugio venezolanos](#)," May 29, 2024; IACHR [@CIDH], (May 31, 2024), #Uruguay: #CIDH saluda el anuncio de un procedimiento que simplificaría el trámite de solicitudes de refugio de personas de nacionalidad venezolana [X post], X, <https://x.com/CIDH/status/1796624299308048410>.

<sup>1838</sup> Presidency of Uruguay, Decree No. 138/024, which creates the Tie-Based Residency Program, May 15, 2024; IACHR [@CIDH], (May 17, 2024), #Uruguay: #CIDH celebra la aprobación del decreto que establece el Programa de Residencias por Arraigo [X post], X, <https://x.com/CIDH/status/1791579406097371560>.

<sup>1839</sup> Ministry of the Interior, "[Se creó el Programa de Residencias por Arraigo](#)," May 16, 2024.

<sup>1840</sup> IACHR, thematic hearing "[Uruguay: Right to Nationality and Risk of Statelessness in Legislation](#)," 189<sup>th</sup> regular period of sessions, Washington, D.C., United States, March 1, 2024.

<sup>1841</sup> Presidency of Uruguay, "[Ministerio del Interior inauguró dependencias en Artigas y Salto](#)," January 23, 2024; "[Inauguración de Centro Universitario en Unidad 3 del INR](#)," April 11, 2024.



included new accommodation spaces<sup>1842</sup> and a specific unit for trans women.<sup>1843</sup> To foster crime-related policies, the enforcement of judgments issued by criminal courts and social reinsertion, an interinstitutional working group was created between the INDDHH and the Office of the Parliamentary Commissioner for the Penitentiary System.<sup>1844</sup> Also, a white book on prison reform is under way.<sup>1845</sup> In addition, the country adopted the San José Declaration aimed at institutional strengthening and networking, as well as the Global Action for the Rights of Persons with Disabilities Deprived of Liberty, thus reaffirming its commitment to human rights in the penitentiary system.<sup>1846</sup>

863. Moreover, Uruguay still ranks fifth in the region, and tenth worldwide, in the list of countries with the highest detention rates.<sup>1847</sup> Between April 2023 and April 2024, the number of women detainees rose by 18 percent, whereas the number of male detainees increased by 6 percent. As of April 30, 2024, the penitentiary system had recorded an occupation rate of 121 percent, with an overcrowding rate of 47 percent for women and 19 percent for men.<sup>1848</sup> This situation was worsened by the lack of human, technical and material resources to adequately support the prison population, coupled with restrictions in accommodation, health, food and access to education, work and recreational activities due to insufficient supplies. Also, infectious diseases, such as tuberculosis and skin conditions, persist and pose serious challenges to the living conditions of detainees.<sup>1849</sup>

864. With respect to the rights of **LGBTI persons**, the State released a guide on how to comply with the employment quota for trans persons in public institutions, as required by Law No. 19,684.<sup>1850</sup> Conversely, some political leaders used stigmatizing speech, denying the existence of trans persons and rejecting their gender identity.<sup>1851</sup>

865. Finally, concerning the rights of **indigenous peoples**, Uruguay continued to discuss the conditions to enforce Convention No. 169 of the International Labour Organization (ILO) at the national level, despite the ongoing calls for measures recognizing and bringing visibility to indigenous peoples in Uruguay.<sup>1852</sup>

<sup>1842</sup> Presidency of Uruguay, [“Martinelli: Futuro centro para mujeres privadas de libertad implicará cambio en paradigma de rehabilitación,”](#) October 22, 2024; [“INR generó o recuperó 166 plazas para mujeres en cárceles en cuatro años,”](#) August 14, 2024; [“Centro para personas privadas de libertad incorporó sector femenino en Treinta y Tres,”](#) June 5, 2024; [“Instituto de Rehabilitación avanza en construcciones de plazas para albergar a mujeres privadas de libertad,”](#) June 13, 2024.

<sup>1843</sup> Ministry of the Interior, [“Inician las obras de la nueva Cárcel de Mujeres en Punta de Rieles,”](#) November 22, 2024; *Telenoche*, [“El Ministerio del Interior anunció la construcción de la primera cárcel de mujeres con centro trans,”](#) October 22, 2024.

<sup>1844</sup> Congress of Uruguay, [Documento de la Mesa Interinstitucional para la reforma de la política de ejecución penal y el sistema penitenciario convocada por el Comisionado Parlamentario Penitenciario y la Institución Nacional de Derechos Humanos - Mecanismo Nacional de Prevención de la Tortura](#), July 25, 2024.

<sup>1845</sup> Ministry of the Interior, [Estrategia Nacional de Reforma del Sistema Penitenciario](#), February 21, 2024.

<sup>1846</sup> Committee for the Prevention of Torture (CPT) of Chile, [Declaración de San José para el fortalecimiento institucional y el trabajo en red y Acción global por los derechos de las personas con discapacidad en privación de libertad](#), May 10, 2024.

<sup>1847</sup> See: Congress of Uruguay, [Parliamentary Commissioner for the Penitentiary System – Some figures](#), April 30, 2024; World Prison Brief, [World Prison Brief data – Highest to Lowest – Prison Population Rate](#), 2024.

<sup>1848</sup> Congress of Uruguay, [Parliamentary Commissioner for the Penitentiary System – Some figures](#), April 30, 2024.

<sup>1849</sup> Congress of Uruguay, [Documento de la Mesa Interinstitucional para la reforma de la política de ejecución penal y el sistema penitenciario convocada por el Comisionado Parlamentario Penitenciario y la Institución Nacional de Derechos Humanos - Mecanismo Nacional de Prevención de la Tortura](#), July 25, 2024, pp. 4–5.

<sup>1850</sup> Ministry of Social Development, [“Presentación de guía para la implementación de la cuota laboral para personas Trans en el ámbito público,”](#) September 30, 2024.

<sup>1851</sup> Infobae, [“La brutal declaración de un senador uruguayo contra la homosexualidad,”](#) July 22, 2024.

<sup>1852</sup> Human Rights Council, Report by Working Group, *op. cit.*, p. 2; United Nations, [“Uruguay debe dar mayor visibilidad a los pueblos indígenas,”](#) August 31, 2023; *Ambienta*, [“It is Time for Uruguay to Ratify ILO Convention 169,”](#) August 9, 2024.



## PARTIAL DISSENTING VOTE OF COMMISSIONER CARLOS BERNAL PULIDO ON CHAPTER IV.A DEVELOPMENT OF HUMAN RIGHTS IN THE REGION - OVERVIEW OF THE HUMAN RIGHTS SITUATION BY COUNTRY

With the customary respect for my colleagues and in accordance with Article 19.1 of the Rules of Procedure of the Inter-American Commission on Human Rights ("the Commission" or "the IACHR"), I submit a partial dissenting vote on certain points raised by the majority of the plenary of the Commission in Chapter IV. A of the 2024 Annual Report on the Development of Human Rights in the Region, Overview of the Human Rights Situation by Country (the "Report" or the "Annual Report").

I would like to highlight the relevance of this report and the judicious monitoring of the human rights situation in the region. I also salute the important effort made in the collection and systematization of the information included, although I consider that some statements are not properly substantiated. Likewise, as I have made clear on other occasions, given that the report included information on the State of Colombia, and that I am a national of that State, I abstain from participating in discussions and voting on that section.

Next, I will issue my partial dissenting vote in which I will highlight that the report: (i) contains considerations that pose a risk to pregnant persons and disregard integral needs of women; (ii) incorrectly uses the term "forced pregnancy"; (iii) inadequately addresses conscientious objection; (iv) incorrectly uses the concept of gender identity and other issues related to the LGBTI community; (v) omits the rights of parents vis-à-vis sex education; (vi) improperly uses the concept of "sex work". Finally, (vii) I will draw attention to the importance of using appropriate terminology.

### **1. Chapter IV. A contains considerations that pose a risk to pregnant women and ignore the integral needs of women**

Paragraphs 179, 362, 405, 422, 424, 467, 553, 625 and 702 of the Report address various aspects related to the regulation of abortion, including: (i) different regulatory models; (ii) the celebration of its decriminalization; (iii) concern about the "absolute criminalization of abortion"; and (iv) the consideration that its criminalization generates "disproportionate" impacts on women's sexual and reproductive rights.

Next, I will analyze: (i) the non-existence of a right to abortion in international law and the margin of state configuration in the matter; (ii) the deficit of protection for the unborn in the considerations on abortion made in the report; and (iii) the Report's limited approach to reproductive health and contraceptive methods.

#### **1.1. Non-existence of a right to abortion in international law and the margin of state configuration**

As I have indicated on other occasions, there are no binding sources in international law -and especially in the American Convention or other treaties that make up the Inter-American System- that contemplate (i) the so-called right to abortion or (ii) a correlative obligation for the States to provide abortion services. Under this framework, States have a wide margin of configuration - by virtue of the principles of subsidiarity or complementarity and representative democracy - to take measures to protect prenatal life - which is protected by the American Convention<sup>1853</sup> - including, although it is not the only means, the use of criminal law.

In his partially dissenting opinion to the judgment in the case of *Manuela et al. v. El Salvador*, former IACHR Court Judge Eduardo Vio Grossi stated that there is no right to abortion:

---

<sup>1853</sup> ACHR. Article 4.



"And in this regard it is indisputable that, (...) there is no inter-American or international legal norm, whether conventional, international custom or general principle of law, that recognizes abortion as a right. There are only resolutions of international bodies, most of which are made up of international officials and not representatives of States, decisions which, in addition to not being binding, are not interpretative of current international law but rather reflect aspirations to change it in the direction they suggest"<sup>1854</sup>.

In the case of *Beatriz v. El Salvador*, the IACHR and the representation of the victims alleged the existence of an alleged "right to abortion". However, it is important to note that the Court, in its judgment, did not recognize such a right<sup>1855</sup>. This reaffirms the inexistence of a binding legal source that establishes it.

However, the margin of configuration derived from this non-existence, together with the convergence of rights in tension, acquires greater amplitude due to the power of the States to define punishable conducts and their consequences. Furthermore, according to the IACHR Court, Article 7(2) of the American Convention automatically refers to domestic legislation with respect to the deprivation of liberty, in application of the principle of reservation of law.<sup>1856</sup>

Likewise, the sections in which these assessments are presented lack sufficient support to clearly substantiate the existence, within the Inter-American System, of a binding criterion that would allow the criminalization of abortion models to be classified as negative. In contrast, the binding conventional parameter is Article 4 of the ACHR, which, as I have pointed out on other occasions, protects the right to life from conception and requires the existence of regulatory frameworks that avoid an absolute deficit of protection for unborn children.

This is especially relevant if one considers that, according to a systematic reading of Articles 31, 76 and 77 of the American Convention, new international obligations in addition to those already established in the ACHR can only arise through consensus-manifested by the States through the signature and ratification of amendments or treaties.

In this sense, I conclude that, given that there is no right to abortion in the ISHR or clear rules on criminalization models, States have a wide margin of configuration in this matter.

Finally, the Report does not present sufficient documentary support to establish a relationship between the criminalization of abortion and the reported threats to women's sexual and reproductive rights. Furthermore, it is not possible to argue, in abstract terms, that the criminalization of abortion imposes a disproportionate burden on women, since: (i) the determination of whether or not a limitation on rights is proportional requires a case-by-case analysis; (ii) this general approach omits the necessary weighing of the rights of women and those of pregnant women; and (iii) it overlooks the fact that the regulatory models that criminalize abortion impact not only women, but also those who participate in these procedures.

## 1.2. Deficit of protection for the unborn in the Report

I emphasize that the references to abortion in the Report ignore the other person whose right to life is also conventionally protected: the unborn person. Thus, the necessary weighting that must exist between the rights in tension of all internationally protected persons is ignored. In this regard, it is emphasized that unborn persons are also subjects of law and holders of the right to life. A pronouncement on abortion always implies a position on a practice that necessarily implies the termination of the life of a dignified human being and that

<sup>1854</sup> Partially Dissenting Opinion of Judge Eduardo Vio Grossi, Inter-American Court of Human Rights, Case of Manuela et al. v. El Salvador, Judgment of November 2, 2021 (Preliminary Objections, Merits, Reparations and Costs), para. 13.

<sup>1855</sup> I/A Court H.R., Case of Beatriz et al. Case of Beatriz et al. v. El Salvador. Merits, Reparations and Costs. Judgment of November 22, 2024. Series C No. 549.

<sup>1856</sup> IACHR Court. Case of Romero Feris v. Argentina. Merits, Reparations and Costs. Judgment of October 15, 2019. Series C No. 391. para. 77.



Article 4 of the ACHR protects, so it is necessary to expressly recognize the rights of the unborn person as part of the weighing required in any case of abortion.

In this regard, Article 1.2 of the ACHR clearly establishes that, for the purposes of the Convention, a "person" is every human being<sup>1857</sup>. Thus, in light of the Convention, human rights are not only recognized for persons who have already been born, but all individuals must be protected from their conception, understanding them as human beings. Moreover, the IACHR Court itself in its advisory opinion 22 indicated that, without being a matter open to interpretation, the term person is equivalent to the term human being for the purposes of the ACHR.<sup>1858</sup>

In view of this, there is no doubt that the unborn person is a human being<sup>1859</sup>. Even the Universal Declaration on the Human Genome and Human Rights states that "the human genome is the basis of the fundamental unity of all members of the human family and of the recognition of their inherent dignity and diversity. In a symbolic sense, the human genome is the heritage of humanity".<sup>1860</sup>

The consequence of recognizing the unborn as a person as a human being is that he or she becomes a holder of rights. Thus, the ACHR establishes in the articles that develop rights the formula "Every person (...) "<sup>1861</sup>. Likewise, the instruments for the protection of human rights generally recognize the ownership of rights by members of the human species, especially the right to life.<sup>1862</sup>

Furthermore, in the *Artavia Murillo* judgment, the Inter-American Court determined that "the protection of the right to life is not absolute, but gradual and incremental as the development of the fetus progresses". This implies that, without prejudice to the concepts of graduality and incrementality (from which I completely separate myself), the Court has already established that persons in gestation must be protected by the State in their "right to life". In a similar sense, in the judgment of the *Cuscul Pivaral* case<sup>1863</sup>, the IACHR Court applied the ACHR to a person in gestation and also applied Article 19 of the ACHR, thus recognizing the legal status of a child to the person in gestation.

Finally, I emphasize that the preamble of the Convention on the Rights of the Child states that the child needs protection and care both before and after birth<sup>1864</sup>. This implies that, in light of the CRC, the unborn person is a child who requires special care. This was reiterated in the preparatory work for the International Covenant on Civil and Political Rights.<sup>1865</sup>

<sup>1857</sup> ACHR. Art. 1.2 "For the purposes of this Convention, a person is every human being".

<sup>1858</sup> IACHR Court. OC-22/16. Ownership of rights of legal persons in the Inter-American Human Rights System. Advisory Opinion of February 26, 2016. Series A. No. 22. para. 48.

<sup>1859</sup> Kaluger, G., and Kaluger, M., Human Development: The Span of Life, The C.V. Mosby Co., St. Louis, 1974, page 28-29.

<sup>1860</sup> Universal Declaration on the Human Genome and Human Rights. Article 1.

<sup>1861</sup> American Convention on Human Rights. Articles 4, 5, 7, 8, 10, 10, 11, 12, 13, 14, 16, 18, 20, 21, 22, 24 and 25.

<sup>1862</sup> International Covenant on Civil and Political Rights. Preamble, inc. 3; American Convention on Human Rights, inc. 3. Preamble; African Charter on Human Rights. Preamble, inc. 6; Geneva Declaration on the Rights of the Child. Preamble, inc. 1; American Declaration of the International Rights and Duties of Man. Art. 1; Universal Declaration of Human Rights. Preamble, inc. 1; Declaration of the Rights of the Child. Preamble, inc. 2; European Convention on Human Rights. Preamble, inc. 2.

<sup>1863</sup> I/A Court H.R., Case of Cuscul Pivaral v. Guatemala. Case of Cuscul Pivaral v. Guatemala. Judgment of August 23, 2018. "On the other hand, the Court has pointed out that extreme poverty and the lack of adequate medical care for pregnant or post-pregnant women are causes of high maternal mortality and morbidity, so the States must provide adequate health policies that allow to offer assistance with adequately trained personnel for the care of births, policies to prevent maternal mortality through adequate pre-natal and post-partum controls, and legal and administrative instruments in health policies that allow to adequately document cases of maternal mortality. Likewise, the Court has recognized that, by virtue of Article 19 of the Convention, the State must assume a special position of guarantor with greater care and responsibility, and must take special measures guided by the principle of the best interests of the child."

<sup>1864</sup> Convention on the Rights of the Child. Preamble.

<sup>1865</sup> "The main reason for providing in paragraph 4 [now Article 6(5)] of the original text that the death penalty should not be applied to pregnant women was to save the innocent life of the unborn child." United Nations. General Assembly. Report of the Third Committee on the Draft International Covenants on Human Rights. A/3764. P. 40.



### 1.3. Limited approach to reproductive health and contraceptive methods

Paragraph 243 of the Report states that:

"In addition, challenges persisted in access to reproductive health goods and services, including high rates of conscientious objection, **limited access to contraceptives and family planning**, stigmatization of women living with HIV and obstetric violence, with a particular impact on the most vulnerable women".

In this regard, I emphasize that it is not enough that the use of contraceptive methods be approved to guarantee women's sexual and reproductive rights, but that these measures must be accompanied by other measures of education and awareness-raising on the use of contraceptive methods in general, information on the specific physical effects they entail and their impact on the right to health. I emphasize that freedom in decision-making is not limited to the opening of options. True freedom comes when sufficient information is provided to make such decisions.

On this matter, the World Health Organization has indicated that the adoption of the contraceptive method will depend on **"the general state of health of the person"**, among other criteria<sup>1866</sup>. This is of great relevance, since it shows that **not every method is suitable for every person** and that, in this context, the provision of such methods may represent a health risk in specific cases. Thus, it is essential that people receive adequate guidance on existing contraceptive methods so that they can make an informed choice of the most appropriate option for them.

Only with proper guidance can it be guaranteed that persons who use contraceptive methods give their informed consent, an essential guarantee that derives from the conventional text<sup>1867</sup>. With regard to informed consent, the Inter-American Court of Human Rights has stated that:

"The concept of informed consent consists of a prior decision to accept or submit to a medical act in a broad sense, obtained freely, i.e. without threats or coercion, inducement or improper inducements, expressed after **obtaining adequate, complete, reliable, understandable and accessible information, provided that this information has been truly understood, which will allow the full consent of the individual**. Informed consent is the positive decision to undergo a medical act, derived from a process of prior, free and **informed** decision or choice, which constitutes a bidirectional mechanism of interaction in the doctor-patient relationship".<sup>1868</sup>

In relation to this, in the case of *I.V. v. Bolivia*, the Court reproached that the victim never had the possibility of knowing and weighing different alternatives of contraceptive methods<sup>1869</sup>. In this case, the IACHR emphasized the importance of people having the necessary information to make an informed decision. In this context, the Court highlighted the relevance of addressing the effects or impacts of the method for free choice.<sup>1870</sup>

Thus, the autonomy of individuals in the choice of contraceptive methods can only be guaranteed when they have the capacity to consent to their use or non-use with the necessary information.

<sup>1866</sup>Family planning. Contraceptive methods. <https://www.who.int/es/news-room/fact-sheets/detail/family-planning-contraception>.

<sup>1867</sup> IACHR Court. Case of *I.V. v. Bolivia*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 30, 2016. Series C No. 329.

<sup>1868</sup> IACHR Court. Case of *I.V. v. Bolivia*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 30, 2016. Series C No. 329.

<sup>1869</sup> Ibidem.

<sup>1870</sup> IACHR Court. Case of *I.V. v. Bolivia*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 30, 2016. Series C No. 329.



## 2. Incorrect use of the term "forced pregnancy"

Paragraph 467 of the Report states the following:

"In addition, it warns of the disproportionate impact of the criminalization of abortion, such as exposure to criminal proceedings **and forced pregnancies**, the impediments to access therapeutic abortion services - the only one permitted under the current legal framework - even in cases of pregnancies of girls under 14 years of age considered high risk due to their nature, and the acts of public ridicule to which women are subjected when detained and accused of having an abortion" (Bolding outside the original text).

As I have pointed out in other dissenting opinions, the use of this term in the report is incorrect. Thus, in the first place, this term refers to an international crime regulated by international criminal law, without this being the context of the analysis carried out by the Commission. Secondly, even if this were the concept to which the Report would like to refer, the elements for the configuration of the crime are not met either.

Thus, the Rome Statute - by considering it a crime against humanity and a war crime - has defined it as "the unlawful confinement of a woman who has been forcibly impregnated"<sup>1871</sup>. Under this framework, in the development of the elements of the crimes, it has been identified that this conduct takes place when (i) "the perpetrator has confined one or more women who have become pregnant by force"<sup>1872</sup> and (ii) with the intent to modify the ethnic composition of a population or to commit another serious violation of international law<sup>1873</sup>. Therefore, the intent plays a determining role for the purposes of its concreteness. Hence, it is wrong (i) to associate a pregnancy resulting from rape - without ignoring its intrinsic gravity - with a forced pregnancy - the latter conduct does not necessarily always occur in these scenarios - or (ii) to equate - as paragraph 373 does - an unwanted pregnancy with a forced pregnancy.

Finally, I stress the importance of not interpreting the concept of forced maternity, or even forced pregnancy, in the sense of classifying as such any policy of prohibition of abortion. As I have stated on several occasions, there is no right to abortion, there is no obligation of the State to provide it and, on the contrary, the State does have the duty to protect the right to life from conception.

## 3. Inadequate approach to conscientious objection

Paragraph 179 of the Report states the following:

"179. On the other hand, the STF suspended the validity of the resolution of the Federal Council of Medicine in Brazil that prohibited the performance of legal abortions after 22 weeks of gestation. **However, there continued to be obstacles to access to legal abortion**, such as inadequate or delayed provision of health services, the demand for requirements that are not in the law, denial of service in cases permitted by law, misinformation, **conscientious objection of medical personnel** and the lack of these health services outside the state capitals. In addition, several bills have been introduced that seek to impose greater restrictions on access to sexual and reproductive health care. This in a context of high maternal mortality figures in the country, which reported 43,196 cases between January and August 2024, most of the victims being Afro-descendant women" (Bolted outside the original text).

Likewise, paragraphs 242, 243, and 405 establish conscientious objection as an impediment or challenge to access to abortion services. In turn, in paragraph 207, reference is made to the possibility of public officials to refrain from conducting training on LGTBI issues, in exercise of conscientious objection.

<sup>1871</sup>ICC. Elements of Crimes. Article 7(1)(g) -4; Article 8(2)(b)(xxii) -4.

<sup>1872</sup>Ibidem.

<sup>1873</sup>Ibidem.



In this regard, I reiterate that the exercise of the right to freedom of conscience<sup>1874</sup> through the right to conscientious objection cannot be considered as an obstacle, impediment or challenge to other rights, such as the right to health, when access to abortion services has been granted domestically. This view is particularly dangerous and **troubling coming from an international human rights such as the IACHR** as it does not align with the intention of the OAS Assembly to seek to ensure that Member States fulfill their primary responsibility to respect, guarantee and protect all human rights, "including the right to freedom of conscience and religion or belief for all"<sup>1875</sup>

In fact, I note that far from constituting an obstacle, the exercise of conscientious objection constitutes a vehicle for the protection of various rights, such as: the right to freedom of conscience and religion, the right to honor and dignity, and the right not to be subjected to forced labor. Even the IACHR itself has recognized that conscientious objection arises as a guarantee of these rights<sup>1876</sup>. This position, in fact, has been upheld by the Human Rights Committee, which has found in conscientious objection a concretization or materialization of the right to freedom of conscience.<sup>1877</sup>

Now, it is clear that conscientious objection, like any right, can of course come into tension with other fundamental guarantees. While it is true that the exercise of freedom of conscience can be subject to limitations, it is also true that since it is a human right, its exercise cannot be stigmatized in a generalized manner, much less when it is being exercised in the context of abortion, where decisions on the limitation must be made on a case-by-case basis and in compliance with the requirements widely developed by the ISHR, making an adequate weighing between freedom of conscience and other rights such as the right to life.<sup>1878</sup>

At this point, I would like to clarify that this does not mean that there should be a weighing exercise between abortion and conscientious objection, given the non-existence of a right to abortion in the IAHRS. In such a case, the weighing analysis should be based on rights such as the right to health.

In any case, an interpretation that seeks to annul conscientious objection in a generic manner in specific contexts and without taking into account the particularities of the cases would: (i) imply leaving conscientious objection without content in specific contexts and without taking into account the particularities of the cases; (i) would mean leaving freedom of conscience and religion without content; (ii) would imply consolidating a hierarchical vision of rights - far removed from the foundations of international human rights law; (iii) would completely depart from the logic of weighing rights and (iv) would represent, consequently, a very serious attack on one of the most important guarantees of the internal jurisdiction of every person.

#### 4. On gender identity and other issues related to the LGBTI community

In paragraphs 64, 220, 247, 370, 422, 629, reference is made to: (i) the right to gender identity; (ii) the adaptation of identification documents to gender identity; (iii) the right to marriage for same-sex couples; (iv) the right to adoption; and (v) the prohibition of state funding for hormonal treatments for trans children and treatments aimed at modifying gender identity.

In this regard, I will now refer to: (i) the non-existence of the obligation to guarantee the rectification of the sex marker in identity documents for persons who identify themselves as transgender; (ii) the vision incorporated by the ACHR on marriage and the margin of configuration in matters of adoption; and (iii) the need for more information and academic and scientific rigor regarding gender affirmation therapies and hormone treatments.

---

<sup>1874</sup> ACHR. Article 12.

<sup>1875</sup> OAS. General Assembly. Resolution 2991 of October 7, 2022.

<sup>1876</sup> IACHR. Sahli Vera v. Chile, Alfredo Díaz Bustos v. Bolivia and Xavier Alejandro León Vega.

<sup>1877</sup> Human Rights Committee. General Comment No. 22.

<sup>1878</sup> IACHR Court. Jurisprudence Booklet No. 26: Restriction and suspension of human rights.



#### 4.1. No obligation to guarantee the rectification of the sex marker on identity documents for persons who identify as transgender.

Regarding the so-called "right to gender identity" and the adaptation of identification documents to gender identity, I reiterate that the American Convention does not expressly contemplate a right to gender identity, nor is there a binding instrument in the Inter-American system that establishes an obligation to adapt identification documents to gender identity.

As I have indicated, recognizing new rights that are not in the Convention through an interpretation that does not follow the procedures established in the Convention itself would undermine Articles 31, 76 and 77, ignoring the original will of the States that ratified the Convention.

Therefore, any pronouncement in which one of the organs of the ISHR applies a right that is not established in the binding instruments of international law that govern its activity will be an act that will violate the literal meaning of the American Convention and will exceed the scope of the competences of the IACHR or the Court, as the case may be. Such an irregular constitutive act would also undermine the principles of good faith and *pacta sunt servanda*.<sup>1879</sup>

By virtue of the above, given that there is no conventional right to gender identity in the ISHR, it is possible to affirm that there are no correlative obligations of recognition of this right on the part of the States either. On the other hand, although I am not unaware that OC-24/17 affirmed the existence of the so-called "right to gender identity" and an alleged obligation to adapt identification documents to the self-perceived gender identity in the terms indicated in this Chapter, I emphasize that the Advisory Opinions of the IACHR Court do not have the capacity to contemplate rights or obligations other than those expressly contemplated by the American Convention.<sup>1880</sup>

In this regard, in the first place, Article 68 of the Convention expressly states that the States are obliged to comply with the decisions rendered by the Court "in any case to which they are parties". This provision is of great relevance in that (i) it is the only one that refers to the legal value of the Court's pronouncements and (ii) it expressly limits the binding nature to the States parties to a case, thus limiting the addressee of the obligations -the State party to a case- and the context in which the pronouncement is issued -that is, the contentious one-. This position has also been sustained by some sectors of the doctrine, also based on the principle of consent of the States as the basis of conventional law.<sup>1881</sup>

Secondly, specifically regarding OC-24/17, it is appropriate to take into consideration Article 64 of the ACHR, which circumscribes the competence of the Court to issue advisory opinions regarding the Convention or treaties of the Inter-American System. Thus, given that OC-24/17 establishes alleged rights not contemplated in the ACHR, nor in any other treaty of the IAHRs, its binding nature is even more questionable.

Thirdly, to derive obligations or so-called rights not contemplated in the Convention, based exclusively on an advisory opinion, would be contrary to the principle of *pacta sunt servanda* that governs international treaty law, by virtue of which States are only bound to comply with that to which they have expressed their consent.<sup>1882</sup>

<sup>1879</sup> Vienna Convention on the Law of Treaties. Article 26.

<sup>1880</sup> IACHR Court. Gender identity, and equality and non-discrimination of same-sex couples. State obligations in relation to the change of name, gender identity, and rights derived from a bond between same-sex couples (interpretation and scope of Articles 1(1), 3, 7, 11(2), 13, 17, 18 and 24, in relation to Article 1 of the American Convention on Human Rights). Advisory Opinion OC-24/17 of November 24, 2017. Series A No. 24.

<sup>1881</sup> Systematization of the criticisms in: González Domínguez, P. (2017). The doctrine of conventionality control in light of the principle of subsidiarity. *Estudios constitucionales*, 15(1), 55-98.

<sup>1882</sup> Vienna Convention on the Law of Treaties.



Fourth, although the Inter-American Court has affirmed that advisory opinions are parameters of conventionality control<sup>1883</sup>, I emphasize that an open and transparent inter-American dialogue is still necessary to further discuss this position, which is not expressly derived from the American Convention, nor from any other international instrument binding on the States. I call attention to the fact that there is still no consensus on the matter, neither in the States of the region nor in the academy; hence, important constitutional courts still refrain from invoking the figure of conventionality control and from incorporating advisory opinions as a parameter.<sup>1884</sup>

Finally, I note that some authors have indicated that the extension of the effects of advisory opinions could contribute to distort the functioning of the Inter-American System and, thus, weaken it, since (i) it results in equating decisions issued in the advisory function of the Court with the text of the convention itself<sup>1885</sup>, and (ii) it blurs the differences between the jurisdictional and advisory functions of the Court. Some have even indicated that these interpretations of the Court generate legal uncertainty, since there is no certainty as to the effects with which the advisory opinions are issued.<sup>1886</sup>

On the contrary, as I have stated in previous reasoned votes, gender identity, understood under the criterion of *self-determination* or *self-perception*, poses serious risks to the rights of persons, in general, and, in particular, to population groups with special inter-American protection, such as women. Insisting that States change even the sex markers on identity documents increases these risks, since it completely dilutes the differentiation of the sexes and truncates the application of affirmative measures for women.

The Commission must deliberate deeply on this matter, from a human rights perspective and with a differential approach, in order not to harm or frustrate affirmative measures in favor of women or other population groups with special inter-American protection.

If it is enough for a person to state that she *perceives herself* as a woman for the State to automatically recognize her as such, without any additional regulation or reasonable requirement, affirmative measures in favor of women will most likely lose their effectiveness, and the States will end up erasing the very identity of women and of any other population group.

On this, the then H. Justice Elizabeth Odio Benito was clear, explaining that:

"...] the central subject of feminism (and, in this case, of the violence exercised against women because they are women) is women and the specific oppression they suffer, its origin and impact. If we confuse the feminist struggle and replace the subject of feminism, if the subject of feminism ceases to be the biological woman to be a strange and confusing variable subjective identities, we must consider and put on the table the more than foreseeable negative impact it would have on decades of struggle and feminist theory. And not only feminism would disappear, but also the theory of human rights, which is also based not on feelings or self-perceptions, but on objective and scientific categories. Thus, one might ask: if sex, a material and scientific category, disappears, absorbed by "gender identity", an individual subjective perception, what would gender violence be based on? And what would female sex be reduced to? How would rape and other crimes of sexual violence against women be documented? How would the violence suffered by trans people be documented if the change of sex is something confidential that cannot be documented? And the wage differentials? And the

<sup>1883</sup> IACHR Court. Rights and guarantees of children in the context of migration and/or in need of international protection. Advisory Opinion OC-21/14 of August 19, 2014. Series A No. 21. para. 31.

<sup>1884</sup> Ramírez, F. G. (2023). A critical look at conventionality control. *Revista de Derecho y Ciencias Sociales*, (28), 101-142; Palacios, D. L. (2017). Inter-American conventionality control in national venue: a notion still under construction. *Revista Direito e Práxis*, 8, 1389-1418.

<sup>1885</sup> Colombo, I. (2022). A critical analysis of the doctrine of conventionality control. *Omnia. Derecho y sociedad*, 5 (1), pp. 83-116.

<sup>1886</sup> Colombo, I. (2022). A critical analysis of the doctrine of conventionality control. *Omnia. Derecho y sociedad*, 5 (1), pp. 83-116.



discrimination in access to education at all levels, formal and informal? There are many more questions. But these few are enough to show the chaos and the regression we are facing".<sup>1887</sup>

I take advantage of the considerations of then Judge Elizabeth Odio Benito to insist on the defense of the value that exists in being biologically female or male, which is not equivalent to *reducing* the identity of a person only to his or her biological sex.

Therefore, if international human rights law erases biological sex and measures with a differential approach based precisely on the criterion of biological sex, it would deprive the protection of population groups such as women of any rational basis. If the majority position continues to promote absolute legal recognition of *self-perceived* or *self-determined* gender identity, it will hinder - if not annul - the effectiveness of countless special protection measures.

#### 4.2. Same-sex couples: disregard of the vision incorporated by the ACHR on marriage and margin of configuration in adoption matters

Regarding the "right to marriage of same-sex couples" and the "right to adoption" mentioned in the report, first of all, I reiterate that there is no treaty provision that obliges States to recognize same-sex marriages. As I have mentioned on several occasions, the treaties that are part of the Inter-American Human Rights System and grant competence to the Inter-American Commission to address contentious cases do not contemplate any obligation with respect to the recognition of marriage between same-sex couples. This absence of obligation derives from the literal wording of the American Convention, which clearly establishes that marriage is a right reserved for "man and woman:"

**"The right of men and women** to marry and to found a family if they are of age and meet the conditions required by domestic law, insofar as these do not affect the principle of non-discrimination established in this Convention, is recognized."<sup>1888</sup> (Boldface outside of original text).

Therefore, in accordance with the hermeneutic principle that calls for a literal and good faith interpretation<sup>1889</sup>, the State is only obliged to recognize the right to marriage for the couples specifically mentioned in Article 17(2) of the American Convention.

It is essential to underline that, according to the jurisprudence of the International Court of Justice, the good faith interpretation of a treaty should not result in changes in the literal meaning of the treaties or in inferring what is not expressly contained in the text. This approach implies that the interpreter must assume that the parties intended what follows from the ordinary meaning of the terms used in the international agreement<sup>1890</sup>. The text-centered approach to treaty interpretation is not only accepted in the field of international law, but is also highly recommended, since it is based on the only empirically verifiable evidence of the intentions of States: the text of the treaty itself.<sup>1891</sup>

Following these rules of interpretation, the European Court of Human Rights has considered the conception of marriage as that between a man and a woman - as established in the European Convention on Human Rights, in a provision similar to that of the ACHR-<sup>1892</sup> In this sense, the European Court supports the idea that there is

<sup>1887</sup> IACHR Court. Case of Vicky Hernández et al. v. Honduras. Merits, Reparations and Costs. Judgment of March 26, 2021. Series C No. 422. Partially dissenting vote of Judge Elizabeth Odio Benito. Para. 15.

<sup>1888</sup> American Convention on Human Rights. Article 17.1.

<sup>1889</sup> Vienna Convention on the Law of Treaties. Article 31.

<sup>1890</sup> International Court of Justice. Case concerning rights of nationals of the United States of America in Morocco. France v. United States of America. ICJ Reports 1952, pp. 196-199. International Court of Justice. Interpretation of peace treaties with Bulgaria, Hungary, and Romania (Second Phase). ICJ Reports 1950, pp.229-230.

<sup>1891</sup> International Court of Justice. Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 Nautical Miles from the Nicaraguan Coast (Nicaragua v. Colombia), Preliminary Objections, Judgment, I.C.J. Reports 2016, p. 116-123, paras. 34-38, 46. Although the International Court of Justice did not rely exclusively on the literal criterion of interpretation, this was one of the first criteria taken into account by that Tribunal to dismiss the interpretation of the Colombian party.

<sup>1892</sup> European Convention on Human Rights. Article 12: "Men and women of marriageable age have the right to marry and to found a family in accordance with the national laws governing the exercise of this right".



no binding obligation for States to recognize marriage between same-sex couples, which leaves a wide margin of State configuration for the regulation of this matter.<sup>1893</sup> Likewise, in terms of the European Court of Human Rights:

"The Court reiterates that, according to Article 14 in conjunction with Article 8, States are free to restrict marriage only to opposite-sex couples and have a certain margin of configuration to decide the exact nature of the legal status granted by other means of legal recognition."<sup>1894</sup>

On this point, it is worth noting that this same approach is upheld by the European Court in the cases *Orlandi v. Italy*<sup>1895</sup> and *Fedotova and others v. Russia*.<sup>1896</sup> Indeed, in both cases, the European Court held that, although States must provide mechanisms for the protection of same-sex unions, this protection does not necessarily derive from the recognition of same-sex marriages.

Within this framework, I fully agree that the margin available to States in this regard concerns both the form of recognition and the content of the protection to be granted to same-sex couples, **which, of course, cannot translate into an absolute absence of protection for same-sex couples.**

Finally, I would like to point out that there is no international instrument that establishes obligations of recognition regarding adoption for same-sex couples, so that the States have a wide margin of configuration in this matter. However, I emphasize, as I have done on other occasions, that any decision in this regard must be based on the principle of the best interests of the child or adolescent, always guaranteeing his or her well-being and integral development.<sup>1897</sup>

#### 4.3. The need for more information and academic and scientific rigor regarding gender affirming therapies and hormonal treatments.

Finally, regarding the prohibition of state funding for hormone treatments for trans children and treatments aimed at modifying gender identity, I reiterate that there is a need for the Commission to deepen these discussions with scientific arguments in order to address them comprehensively. In particular, there are studies that indicate the damage that can be caused by having undergone hormone treatments during adolescence.<sup>1898</sup>

Moreover, in the case of children and young people, it is essential that their capacity to consent to hormone treatments be taken into account and assessed. Indeed, it is necessary to have an in-depth discussion on the negative effects linked to these treatments and to harmonize this information with the statements made by the Commission.

<sup>1893</sup> ECTHR. *Oliari et al. v. Italy*. 21 July 2015. Para. 193.

<sup>1894</sup> ECTHR. *Chapin and Charpentier v France*. 09 September 2016. Para.48.

<sup>1895</sup> ECHR. *Orlandi v Italy*. "The Court reiterates that States are still free, under Article 12 of the Convention as well as under Article 14 taken in conjunction with Article 8, to restrict access to marriage to different sex. The same holds for Article 14 taken in conjunction with Article 12 (see *Oliari and Others*, cited above, § 193)." (Translation: The Court reiterates that **States remain free** under Article 12 of the Convention, as well as Article 14 in conjunction with Article 8, **to restrict access to marriage to different sex couples**. The same applies to Article 14 in conjunction with Article 12). Para. 192.

<sup>1896</sup> In this case, the Court analyzed -only- the possible violation of Article 8 of the ECHR, which refers to the right of individuals not to be subjected to arbitrary interference by the State in their private life. In the case of same-sex couples, the Court established that the lack of a legal framework that allows same-sex couples to have their relationship recognized and protected under national law may generate significant obstacles in the daily life of these couples. Without prejudice to the foregoing, it established that the State may enjoy a margin of appreciation to determine the form of registration of same-sex unions, which implies that this registration should not necessarily be through the figure of marriage.

<sup>1897</sup> The Convention on the Rights of the Child (1989) enshrines in Article 3.2 that "States undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians or other persons legally responsible for him or her".

<sup>1898</sup> "Trust the Experts' Is Not Enough: U.S. Medical Groups Get the Science Wrong on Pediatric 'Gender Affirming' Care. <https://media4.manhattan-institute.org/sites/default/files/how-to-respond-to-medical-authorities-claiming-gender-affirming-care-safe.pdf>.



Indeed, scholars argue that there are long-term studies that show - in individuals who have undergone gender affirming or hormonal treatments - an increase in morbidity and mortality and a risk of suicide after transition.<sup>1899</sup>

These elements cannot be ignored by the Commission; especially when this body has the mandate to promote and defend human rights in the region, including the right to health.

## 5. On the failure to consider the rights of parents with regard to sex education

Paragraph 422 of the Report states the following:

"In this context, it is of concern that the directive of the Ministry of Education that banned the misnamed "gender ideology" in educational institutions, without explaining its scope, restricting access to comprehensive sex education, which hinders the implementation of the National Intersectoral Strategy for the Prevention of Pregnancy in Girls and Adolescents (ENIPENA)."

On the other hand, in paragraphs 138, 257, 276, 311, 450, and 505, reference was made to restrictions on access to comprehensive sex education, among others, when such education refers to matters related to gender or sexual diversity.

First, I consider that with these considerations the IACHR ignored the duty to protect the best interests of children and adolescents and to avoid hypersexualization. As I have mentioned previously, hypersexualization represents a risk that disproportionately affects the population of children. This has been recognized by the Committee on the Rights of the Child in General Comment 20, stating that "[t]he digital environment may also expose adolescents to risks, including (...) **hypersexualization**."<sup>1900</sup> This has been reiterated by the Committee in several reports, in which it has stated that hypersexualization is a problem that must be addressed by States, since it puts the rights of children and adolescents at risk.<sup>1901</sup>

It is reiterated that sex education, therefore, should be a means to prevent the hypersexualization of children and adolescents<sup>1902</sup> and not a mechanism to promote it. Consistent with this, the ECtHR has established that for sex education to be in accordance with the Convention, it must aim to provide children with **correct, accurate, objective and scientific knowledge on the subject, presented in an age-appropriate manner**.<sup>1903</sup>

Complaints have been filed all over the world about the hypersexualization of educational materials; this calls for very strict regulation by the States and vigilance and research in these matters.<sup>1904</sup> In the United States, multiple bills have been introduced to establish the right of parents to know the education their children

<sup>1899</sup> Levine, S.B., Abbruzzese, E. Current Concerns About Gender-Affirming Therapy in Adolescents. *Curr Sex Health Rep* **15**, 113-123 (2023). <https://doi-org.ez.unisabana.edu.co/10.1007/s11930-023-00358-x>.

<sup>1900</sup> General Comment No. 20 (2016) on the realization of children's rights during adolescence.

<sup>1901</sup> Consideration of the reports submitted by States parties under article 44 of the Convention. Fifth periodic reports of States parties due in 2012; Committee on the Rights of the Child. Combined fifth and sixth periodic reports submitted by the Plurinational State of Bolivia under article 44 of the Convention, due in 2015.

<sup>1902</sup> University of La Sabana. The hypersexualization of childhood. . <https://www.unisabana.edu.co/portaldenoticias/al-dia/la-hipersexualizacion-de-la-infancia/>.

<sup>1903</sup> ECtHR. Case Macatė v. Lithuania.

<sup>1904</sup> See: Quadatrin Mexico. Imposing gender ideology and hypersexualization in books: associations. 2023. <https://mexico.quadratrin.com.mx/imponen-ideologia-de-genero-e-hipersexualizacion-en-libros-asociaciones/>; Debate. New SEP textbooks teach about inclusion, and pleasures of the body?. 2023. <https://www.debate.com.mx/cultura/Nuevos-libros-de-texto-de-la-SEP-ensenan-sobre-inclusion-y-placeres-del-cuerpo-20230802-0073.html>; Infobae. Inappropriate content in SEP books: parents exhibit pages that "promote hypersexualization". 2023. <https://www.infobae.com/mexico/2023/08/29/contenido-inapropiado-en-libros-de-la-sep-papas-exhiben-paginas-que-promueven-la-hipersexualizacion/>; Texas Values. Austin ISD Sex-Ed Curriculum, <https://txvalues.org/wp-content/uploads/2014/04/AISD-Sex-Ed-Curriculum-Presentation-final.pdf>; Foxnews. Transgender lesson gets New York 7th-grade teacher suspended. 2023.



receive in matters such as gender identity.<sup>1905</sup> Also, multiple states have banned educational materials that include references contrary to the best interests of the child.<sup>1906</sup>

Finally, there was no adequate balance between the rights and subjects involved in the discussion regarding comprehensive sexual education, in particular, the right of parents to choose the education of their children, which is especially relevant in these discussions since, according to Article 12.4 of the ACHR, "[p]arents, and where appropriate guardians, have the right to ensure that their children or wards **receive a religious and moral education in accordance with their own convictions**". As mentioned above, this same guarantee has been provided for in the International Covenant on Civil and Political Rights<sup>1907</sup>, the International Covenant on Economic, Social and Cultural Rights<sup>1908</sup>, the Convention on the Rights of the Child<sup>1909</sup> and the Additional Protocol to the European Convention on Human Rights<sup>1910</sup>. According to the ECtHR, the **right of parents to choose their children's education, including sex education**, is an aspect of the right to respect for private and family life protected by the ECHR.<sup>1911</sup>

In this regard, I reiterate that there is a consensus on the existence and recognition of this right of parents. The Inter-American Commission has understood that the right of parents to choose the education of their children (i) must be interpreted in conjunction with the rights of children and adolescents, especially the right to education<sup>1912</sup> and (ii) must respect the provisions of the Inter-American instruments that establish that education must be oriented to train children to respect human rights, public freedoms and tolerance<sup>1913</sup>.

Of course I agree with these criteria, however, it cannot be omitted that: (i) all types of education must be respectful of the best interests of children as a guiding principle, and (ii) the right of parents to choose the education of their children is derived from the right to education of children itself; therefore, there is a false dilemma in considering that both rights are incompatible.

Thus, the ECtHR, in its interpretation of Article 2 of Protocol No. 1, has stated that,<sup>1914</sup> it is on the fundamental right to education that the right of parents to respect for their philosophical and religious convictions is based. According to the European Court of Human Rights, although the ownership of this right rests with the parents, it also rests with the children, who have the right to education and teaching.<sup>1915</sup>

Undoubtedly, this right has an impact on the sexual education of children and adolescents since sexual education, like any other type of education, must be framed within the scope of protection of conventional law, recognized by international human rights law, which grants parents the right to choose the education of their children, in accordance with Article 12.4 of the Convention. However, the Commission did not take this right into account when criticizing the State's actions.

Finally, it should be noted that the term "gender ideology" is not incorrect, but has been a concept that has been widely studied and defined in the doctrine. Therefore, it is problematic to silence or stigmatize those who use this term.

<sup>1905</sup> See: <https://www.future-ed.org/legislative-tracker-2023-parent-rights-bills-in-the-states/>.

<sup>1906</sup> See: <https://www.kmuw.org/education/2023-12-18/kansas-school-district-restricts-books-that-mention-nudity-sexual-orientation-or-gender-identity>; <https://www.cbsnews.com/news/florida-public-schools-ban-teach-gender-identity-sexuality/>;

<sup>1907</sup> Article 18.4.

<sup>1908</sup> Article 13.3.

<sup>1909</sup> Article 14.2.

<sup>1910</sup> Article 2

<sup>1911</sup> ECtHR, Kjeldsen, Busk Madsen and Pedersen, para. 53; Dojan et al, cited above, paras. 78-83.

<sup>1912</sup> Freedom of Religion and Belief Study - Inter-American Standards.

<sup>1913</sup> Freedom of Religion and Belief Study - Inter-American Standards.

<sup>1914</sup> The general principles enunciated by the ECtHR are mainly derived from the judgments Kjeldsen, Busk Madsen and Pedersen v. Denmark (ECtHR 1976/5); Campbell and Cosans v. United Kingdom (ECtHR 1982/1); Valsamis v. Greece (ECtHR 1996, 70) and Folgero et al. v. Norway (ECtHR 2007/53).

<sup>1915</sup> Case of Kjeldsen, Busk Madsen and Pedersen v. Denmark (ECHR 1976/5 of 7 December, nr. 52).



## 6. Misuse of the concept of "sex work"

Paragraphs 497, 504, 686, and 714 refer to the expressions "sex workers" and "sex work". In this regard, I disagree with the use of these expressions to refer to prostitution and the women who are subjected to this practice. As mentioned by the Special Rapporteur on violence against women and girls, its causes and consequences, in her May 2024 report on prostitution, these terms "erroneously describe prostitution as an activity as dignified as any other work. It fails to take into account the gross human rights violations that characterize the prostitution system and involves psychological manipulation of the victims and their experiences."<sup>1916</sup> Instead of "sex workers" I suggest that, in line with the report referenced at the bottom of the page, the term prostituted persons, women or girls be used as a recognition of the magnitude of the harm experienced by women and girls subjected to prostitution.

However, I emphasize the importance that the measures taken to protect prostituted persons must respect differential approaches in relation to biological women and persons identified as "trans women", because the experiences, risks, degree of vulnerability and health needs that each group experiences are different, depending on their biological differences and the conditions that influenced them to be prostituted.

As I have done previously and because it is relevant to the present analysis, I share the position held in the dissenting vote in the *Vicky Hernández* case by former Judge Elizabeth Odio Benito, who considered that mistakenly mixing specific regimes for the protection of groups in situations of vulnerability entails the risk of making invisible the particular struggles of each one and diluting the concrete forms of violence, so that they are not properly analyzed and counteracted.<sup>1917</sup> The former Judge considered that confusing the biological category of "woman" and replacing it with "gender identity" contributes to reducing decades of struggle to achieve equality between the female and male sexes, and women themselves, to a strange and confusing variable of subjective identities.<sup>1918</sup>

I agree with former Judge Odio Benito, in turn, that the situations of violence and discrimination suffered by people who identify as transgender are not the same as those suffered by people who are biologically female. Therefore, protection systems must apply the instruments and specific standards of protection in a differential and appropriate manner for each vulnerable group.

## 7. On the use of appropriate terminology

In paragraph 412 of the Report, it was indicated:

"412. During 2024, the IACHR continued to receive information on **human rights violations** related to citizen security operations against persons allegedly linked to gangs in the context of the emergency regime" (Bolding outside the original text).

In this regard, I suggest that, for the sake of methodological rigor, the expression "alleged" should always be included to qualify "human rights violations". This is because, as it is written, it would seem that the IACHR is establishing the responsibility of the State for committing human rights violations, for which it does not have jurisdiction since we are not in a quasi-judicial scenario. At the same time, this affects subsidiarity, since pronouncements are made on violations of rights without having studied whether the State had the opportunity to resolve them.

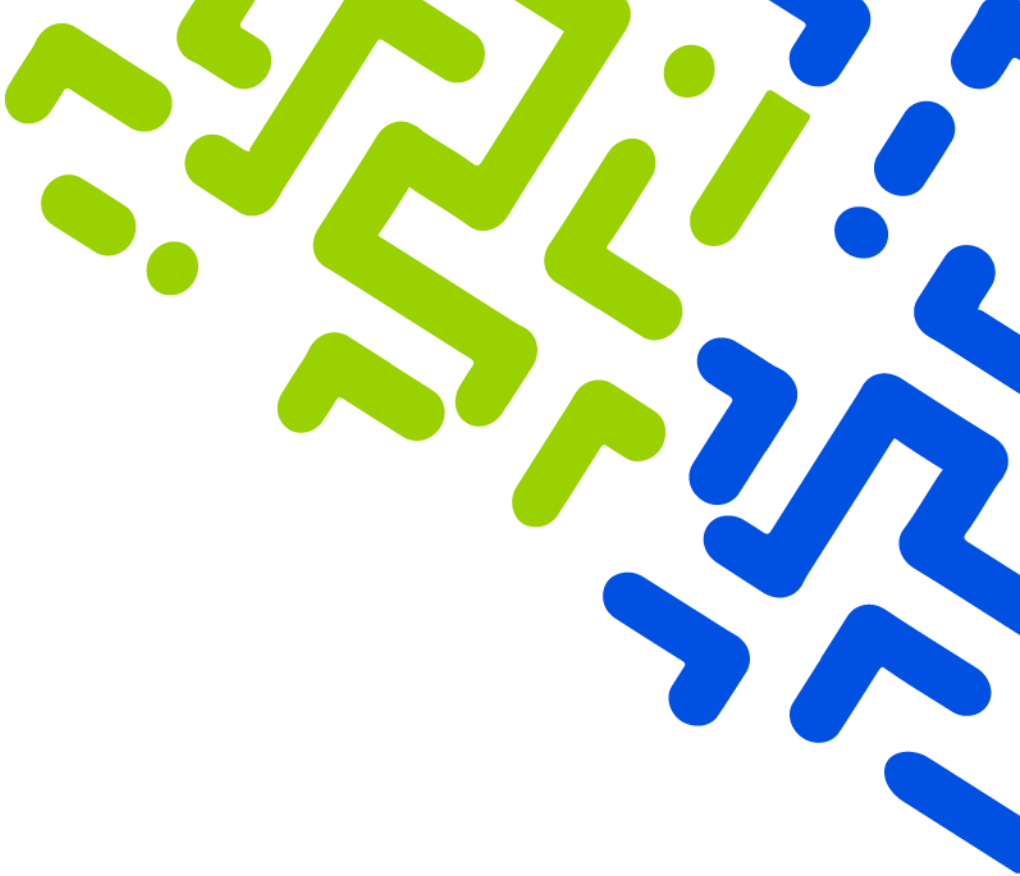
---

<sup>1916</sup> Report A/HRC/56/48, Prostitution and violence against women and girls - Report of the Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem. May 7, 2024, paragraph 6.

<sup>1917</sup> [IACHR Court](#). Case of Vicky Hernández et al. v. Honduras. Merits, Reparations and Costs. Judgment of March 26, 2021. Series C No. 422. Partially dissenting vote of Judge Elizabeth Odio Benito. Paras. 15, 27-42.

<sup>1918</sup> [IACHR Court](#). Case of Vicky Hernández et al. v. Honduras. Merits, Reparations and Costs. Judgment of March 26, 2021. Series C No. 422. Partially dissenting vote of Judge Elizabeth Odio Benito. Para. 15.





Nb

Cuba



## **CHAPTER IV.B: CUBA**

<b>I.</b>	<b>INTRODUCTION .....</b>	<b>649</b>
<b>II.</b>	<b>DEMOCRATIC INSTITUTIONS AND THE RULE OF LAW....</b>	<b>651</b>
A.	Serious violation of the fundamental elements and institutions of representative democracy .....	652
1.	Continuity of a single-party model .....	652
2.	Concentration of powers and authority for the conduct of public affairs.....	654
3.	Subordination of the administration of justice to political power .....	654
<b>III.</b>	<b>SITUATION OF HUMAN RIGHTS IN CUBA .....</b>	<b>656</b>
A.	Massive, gross, and systematic violations of human rights.....	656
B.	Groups in situations of vulnerability and discrimination .....	679
<b>IV.</b>	<b>RELATIONSHIP BETWEEN THE STATE AND OTHER STAKEHOLDERS .....</b>	<b>688</b>
A.	Situation of the Cuban State vis-à-vis the OAS and the IACHR.....	688
B.	U.S.-Cuba Relations .....	690
<b>V.</b>	<b>CONCLUSIONS AND RECOMMENDATIONS .....</b>	<b>691</b>



---

## CHAPTER IV.B

### CUBA

#### I. INTRODUCTION

1. The Inter-American Commission on Human Rights has consistently held that it is competent to examine the human rights situation in Cuba and to process individual petitions submitted by Cuban citizens. The Commission considers that the exclusion from the inter-American system occurred with respect to the Government of Cuba, not the State. The State of Cuba is party to international instruments on human rights in the Hemisphere, such as the American Declaration of the Rights and Duties of Man and the Charter of the Organization of American States; it also signed Resolution VIII of the Fifth Meeting of Consultation of Ministers of Foreign Affairs (Santiago, Chile, 1959), which established that the Inter-American Commission on Human Rights is “charged with furthering respect for such rights.” Therefore, the international obligations entered into the State of Cuba have legitimized the competence of the IACHR.

2. Furthermore, with respect to the States that have not ratified the American Convention on Human Rights, the States conferred on the Commission the power “to pay particular attention to the observance of the human rights referred to in Articles I, II, III, IV, XVIII, XXV and XXVI of the American Declaration of the Rights and Duties of Man,” as established in Article 20(a) of the Statute of the IACHR. Accordingly, it is incumbent on the IACHR to monitor human rights in Cuba.

3. In the exercise of its competence to promote and protect human rights in the Americas, the Commission followed up on the human rights situation in Cuba, in particular the events of 2024, which could have a bearing on the full enjoyment of human rights.

4. The IACHR published its latest country report on Cuba in June 2020, which provides an overview of the human rights situation in the country between 2017 and 2019.<sup>1</sup> Following the publication of that report, the IACHR continued to monitor the human rights situation in Cuba and noted that the main concerns identified in the report persisted and were exacerbated in recent years. Since 2021, the IACHR has decided to continue to publish special reports on Cuba in Chapter IV-B of its Annual Report.

5. Also, in April 2023, the IACHR and its Special Rapporteurship for Economic, Social, Cultural, and Environmental Rights (REDESCA) published a thematic report on labor and trade union rights in Cuba. In connection with that report, they were able to identify patterns of violation of labor and union rights, related to the following: (a) discrimination and persecution for political reasons in the workplace; (b) workplace harassment; (c) impediments to access to justice in labor-related matters; (d) violations of due process; (e) insufficient wages to meet basic needs; (f) unjustified obstacles to freedom to choose a profession; (g) gender discrimination; (h) violation of academic freedoms; (i) lack of trade union and professional association freedoms; and (j) abusive disciplinary measures.<sup>2</sup>

6. During 2024, the IACHR continued to take cognizance of various facts that constituted obstacles to the enjoyment of the rights of persons under the jurisdiction of the Cuban State, such as arbitrary restrictions to the right to assembly and association, and to freedom of expression and dissemination of thought - particularly in the context of the various social protests that have occurred in the country since July 2021, and that continued in 2022, 2023, and 2024 -.

7. In addition, the IACHR notes that Cuba continues to face structural human rights challenges. These challenges are rooted in the aforementioned absence of the essential elements of representative

---

<sup>1</sup> IACHR, [Situation of Human Rights in Cuba](#), OEA/Ser.L/V/II. Doc. February 23, 2020.

<sup>2</sup> IACHR, [Labor and Union Rights in Cuba](#), OEA/Ser.L/V/II, Doc. 53, of April 5, 2023.



democracy, especially the continuity of a single-party model, the absence of free elections and political pluralism, and the prohibition of association for political purposes.

8. This political model of the State has a negative impact on human rights in two main ways. On the one hand, there is an active tendency on the part of the State to systematically intimidate and repress those who express disagreement with the government or are considered dissidents/opponents of the Communist Party. On the other, it prevents implementation of the reforms needed to reestablish the separation and independence of public powers, improve living conditions, and combat impunity in cases of human rights violations.

9. In addition, the IACHR continued to receive numerous complaints of massive violations of freedom, security, and personal integrity; of protection against arbitrary detention; of inviolability of the home; and of Cubans' freedom of movement and circulation. The IACHR also continues to observe serious ongoing violations of minimum judicial guarantees and judicial protection. The Commission ascertained that these human rights violations have mainly affected human rights defenders, dissident social and political leaders, activists and independent journalists, as well as Afro-descendants, women, LGBTI people, and other vulnerable groups.

10. In evaluating the human rights situation in Cuba in 2024, the IACHR decided to include the country in Chapter IV-B of its annual report, given that it considers that the country's situation falls within the provisions of Article 59, paragraph 6.a.i of its Rules of Procedure, which refers to:

- (a) a serious breach of the core requirements and institutions of representative democracy mentioned in the Inter-American Democratic Charter, which are essential means of achieving human rights, including:
  - (i) there is discriminatory access to or abusive exercise of power that undermines or denies the rule of law, such as systematic infringement of the independence of the judiciary or lack of subordination of State institutions to the legally constituted civilian authority;

11. The IACHR also found that the foregoing situation meets the criteria set forth in Article 59(6)(c) of the Rules of Procedure, which provides that:

- (c)[t]he State has committed or is committing massive, serious, and widespread violations of human rights guaranteed in the American Declaration, the American Convention, or the other applicable human rights instruments.

12. In accordance with Article 59.5 of its Rules of Procedure, in preparing this report, the Commission relied on information provided by international agencies, civil society organizations, and the Government itself through its official Ministry of Foreign Affairs of Cuba website and other official media. The IACHR has also relied on information obtained through its other monitoring and protection mechanisms, such as, inter alia, the system of petitions and cases, precautionary measures, and public hearings. The IACHR analyzes the information received in light of Inter-American human rights norms and standards and issues recommendations to the State. It also takes this opportunity to report on the activities carried out during 2024 with respect to Cuba.

13. As part of the process of preparing this report, the Commission received abundant information from civil society organizations, particularly in connection with the four meetings of the Network of Civil Society Organizations regarding the human rights situation in Cuba (RED Cuba) held in 2024. With this initiative, the IACHR has been reinforcing its strategic monitoring of the human rights situation in the country through its various mechanisms and mandates, while promoting inter-American standards for the protection of human rights in a more synergistic manner and in direct and constant cooperation with civil society. In addition, RED Cuba meetings have successfully increased the exchange of information, the receipt of complaints, and the reception of specialized inputs from civil society.



14. The IACHR approved this report on December 10<sup>th</sup>, 2024. On January 24<sup>th</sup>, 2025, the Commission sent the State a copy of the preliminary draft of this report in accordance with Articles 59(7) and 59(10) of its Rules of Procedure, giving it one month to submit its comments. The State did not submit any observations.

## II. DEMOCRATIC INSTITUTIONS AND THE RULE OF LAW

15. Article XX of the American Declaration of the Rights and Duties of Man (1948) establishes that: "Every person having legal capacity is entitled to participate in the government of his country, directly or through his representatives, and to take part in popular elections, which shall be by secret ballot, and shall be honest, periodic and free."<sup>3</sup>

16. Moreover, upon adopting the Inter-American Democratic Charter in 2001, the OAS member states recognized that representative democracy is the system through which stability, peace, and development in the region can be achieved, and that it is fundamental for attaining the full exercise of fundamental rights. Article 3 of the Inter-American Democratic Charter<sup>4</sup> states that:

Essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government.<sup>5</sup>

17. For its part, by way of reference, the Inter-American Court of Human Rights (Inter-American Court of Human Rights), in the case of *San Miguel Sosa et al. vs. Venezuela* (2018), indicated that the Inter-American Democratic Charter "is a rule of authentic interpretation of the treaties to which it refers, since it reflects the interpretation that the OAS Member States themselves, including the States Parties to the Convention, make of the norms pertaining to democracy in both the OAS Charter and the Convention."<sup>6</sup> Thus, the Inter-American Court of Human Rights concluded that "the effective exercise of democracy in the American States is, therefore, an international legal obligation and they have sovereignly agreed that such exercise is no longer a matter solely for their domestic, internal or exclusive jurisdiction."<sup>7</sup>

18. At the same time, the IACHR teaches that the exercise of the right to political participation implies "the right to organize parties and political associations, which through open discussion and ideological struggle, can improve the social level and economic circumstances of the masses and prevent a monopoly on power by any one group or individual."<sup>8</sup> In addition, the Commission has considered that:

Governments have, in the face of political rights and the right to political participation, the obligation to permit and guarantee: the organization of all political parties and other associations, unless they are constituted to violate human rights; open debate of the principal themes of socioeconomic

<sup>3</sup>OAS, [American Declaration of the Rights and Duties of Man](#), Adopted at the Ninth International Conference of American States, Bogotá, Colombia, 1948.

<sup>4</sup>This report will refer to the Inter-American Democratic Charter and the decisions and advisory opinions of the Inter-American Court for purposes of interpreting the American Declaration of the Rights and Duties of Man.

<sup>5</sup>OAS, [Inter-American Democratic Charter](#), Article 3, Adopted at the Twenty-eighth special session, Lima, Peru, September 11, 2001.

<sup>6</sup>Inter-American Court of Human Rights, Case of San Miguel Sosa et al. v. *Venezuela*, Merits, Reparations, and Costs, Judgment of February 8, 2018, Series C No. 348, par. 114.

<sup>7</sup>Inter-American Court of Human Rights, Case of San Miguel Sosa et al. v. *Venezuela*, Merits, Reparations, and Costs, Judgment of February 8, 2018, Series C No. 348, par. 114.

<sup>8</sup>IACHR, [Annual Report, Chapter IV, Cuba, "a. Political Rights"](#), 2002, par. 12.



development; the celebration of general and free elections with all the necessary guarantees so that the results represent the popular will.<sup>9</sup>

19. Accordingly, as reflected in its annual reports, the IACHR has postulated a direct relationship between the exercise of political rights and the concept of democracy as a form of governmental organization, which, in turn, implies the exercise of other fundamental human rights.<sup>10</sup> Indeed, for the IACHR, the concept of representative democracy is based on the principle that political sovereignty resides with the people and that, in the exercise of that sovereignty, they elect their representatives to exercise political power. These representatives are also elected by citizens to implement specific policy measures, which in turn implies that there has been broad debate on the nature of the policies to be applied – freedom of expression – among organized political groups – freedom of association – that have had the opportunity to express themselves and meet publicly – right of assembly.<sup>11</sup> The exercise of political rights is therefore inseparable from other fundamental human rights.

#### **A. Serious violation of the fundamental elements and institutions of representative democracy**

20. Pursuant to Article 59, paragraph 6.a.i of its Rules of Procedure, the IACHR considers that there exists in Cuba a serious violation of the fundamental elements and institutions of representative democracy, including an abusive exercise of power that contravenes the rule of law through the systematic infringement of the independence of the Judiciary. There are three structural reasons for this: (1) continuity of a single-party political model; (2) concentration of faculties and powers in the management of public affairs; (3) subordination of the administration of justice to political power.

##### **1. Continuity of a single-party model**

21. The current Cuban Constitution promulgated in 2019 confirmed the establishment of the Communist Party of Cuba (PCC) as the superior driving force of the society and the State and, effectively, the only party in Cuba.<sup>12</sup> The Commission notes that this results, formally and in practice, in the non-existence of opposition political parties and of diverse schools of thought.<sup>13</sup>

22. Likewise, although Cuba's electoral law establishes active and passive suffrage for Cuban citizens without ideological restrictions,<sup>14</sup> in practice, as indicated to the IACHR,<sup>15</sup> the Candidacy Commissions<sup>16</sup> -bodies in charge of preparing and presenting the draft candidacies for deputies to the National Assembly of People's Power and filling the positions elected by this and the municipal assemblies of People's Power- reportedly continue to act as an ideological filter in order to ensure that people who do not identify with official state views and the PCC do not occupy public elective positions.

23. Thus, the Commission notes that, although *de jure* the law allows free political participation of citizens, *de facto* the Communist Party reportedly continues to regulate, control, and direct electoral processes

<sup>9</sup> IACHR, [Annual Report, Chapter IV, Cuba, "a. Political Rights"](#), 2002, par. 12.

<sup>10</sup> IACHR, [Annual reports, Chapter IV.B, Cuba](#), 2022, par. 16.

<sup>11</sup> IACHR, [Report on the Situation of Human Rights in Haiti](#), OEA/Ser.L/V/II.77.rev.1, doc. 18, May 8, 1990, Chapter 1. "Political Rights," par. 15.

<sup>12</sup> Specifically, Article 5 of the current Constitution establishes: "The Communist Party of Cuba, unique, Martiano, Fidelista, and Marxist-Leninist, the organized vanguard of the Cuban nation, sustained in its democratic character as well as its permanent linkage to the people, is the superior driving force of the society and the State." Cuba, Official Gazette, Constitution of the Republic (GOC-2019-406-EX5), April 10, 2019. Available at: [https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5\\_0.pdf](https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5_0.pdf).

<sup>13</sup> IACHR, [Situation of Human Rights in Cuba](#), OEA/Ser.L/V/II. Doc.2, February 3, 2020, par. 141.

<sup>14</sup> Cuba, Official Gazette, Law No. 127 "Electoral Law" (GOC- 2019-735-060), August 19, 2019. Available at <https://www.gacetaoficial.gob.cu/>.

<sup>15</sup> Testimonies received by the IACHR in connection with the [Report on the Situation of Human Rights in Cuba](#), OEA/Ser.L/V/II. Doc. 2, February 3, 2020, par. 155.

<sup>16</sup> Cuba, Official Gazette, Law No. 127 "Electoral Law" (GOC- 2019-735-060), August 19, 2019. Available at <https://www.gacetaoficial.gob.cu/>, Article 152.



in the country. Furthermore, the Commission notes that the official departure of former President Raúl Castro from the leadership of the Communist Party in 2021 did not result in changes with respect to political participation or in openness to party and ideological pluralism.<sup>17</sup>

24. During 2024, the National Electoral Council of Cuba conducted multiple electoral processes to fill vacant seats in the Municipal Assemblies of People's Power,<sup>18</sup> in accordance with the provisions of Article 144 of the 2019 Electoral Law.<sup>19</sup> In this regard, the Commission took note of the complaints made by civil society organizations regarding the lack of transparency of these processes. In particular, they mentioned the lack of information surrounding the vacancies and the reasons for them, the constituencies involved, and voter turnout or results.<sup>20</sup>

25. Also, on May 4, special indirect elections<sup>21</sup> were held in Cuba to renew the governorships of the provinces of Matanzas, Cienfuegos, Villa Clara, and Santiago de Cuba. Civil society organizations referred to this process as "ghost voting" (*votación fantasma*) due to the lack of information and the fact that the delegates of the Municipal Assemblies of People's Power in the respective provinces did not have the option of rejecting the candidacies proposed by the President of the Republic.<sup>22</sup>

26. As indicated by the Inter-American Court of Human Rights in the case of *Castañeda Gutman v. Mexico* of 2008, although the Inter-American system does not impose a specific electoral system or a specific means of exercising the rights to vote and to be elected, there are general guidelines that determine a minimum content of political rights that must be observed.<sup>23</sup> Consequently, as highlighted by the Court in the case of *Yatama v. Nicaragua* of 2005, "the full scope of political rights cannot be restricted in such a way that their regulation or the decisions adopted in application of this regulation prevent people from participating effectively in the governance of the State or cause this participation to become illusory, depriving such rights of their essential content."<sup>24</sup>

27. In the case of Cuba, the IACHR observes that the single-party system and the monopoly of power in a single political group negate the fundamental essence of political rights, by, inter alia, permanently restricting the exercise of political participation. This, in turn, fosters a political structure characterized by the absence of democratic institutions.

<sup>17</sup> Granma, [Elegido Miguel Díaz-Canel Bermúdez como Primer Secretario del Comité Central del Partido Comunista de Cuba \(Miguel Díaz-Canel Bermúdez elected as First Secretary of the Central Committee of the Communist Party of Cuba\)](#), April 19, 2021; Los tiempos, [Raúl Castro se va, pero seguirá presente en decisiones estratégicas en Cuba \(Raúl Castro leaves, but will still be present in strategic decisions in Cuba\)](#), April 20, 2021; El país, [Miguel Díaz-Canel asume el mando del Partido Comunista cubano tras la salida de Raúl Castro \(Miguel Díaz-Canel assumes command of the Cuban Communist Party after Raúl Castro's departure\)](#), April 19, 2021.

<sup>18</sup> National Electoral Council of Cuba [@Elecciones\_Cuba] (May 5, 2024), IACHR [@CIDH], (November 21, 2023) IACHR calls on the State to promptly and impartially investigate the death of Luis Barrios Díaz on November 19 [Tweet].

<sup>19</sup> Cuba, Official Gazette, Law No. 127 "Electoral Law" (GOC- 2019-735-060), August 19, 2019. Available at <https://www.gacetaoficial.gob.cu/>, Article 152.

<sup>20</sup> DemoAmLat: Electoral Transparency, [Elegir no es una opción: \(Choosing is not an option:\) 5to aniversario del Consejo Electoral Nacional de Cuba \(5th anniversary of the National Electoral Council of Cuba\)](#), 2024; El Toque, [Las particularidades de las elecciones para vacantes en Cuba \(Particular features of the elections to fill vacant seats in Cuba\)](#), June 7, 2024.

<sup>21</sup> Articles 175 and 180 of the Constitution establish that governors and vice-governors are elected by the delegates to the Municipal Assemblies of People's Power, at the proposal of the President of the Republic. Cuba, Official Gazette, Constitution of the Republic (GOC-2019-406-EX5), April 10, 2019. Available at: [https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5\\_0.pdf](https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5_0.pdf).

<sup>22</sup> DemoAmLat, [Elecciones fantasma en Cuba: sin electores, candidatos ni resultados \(Ghost elections in Cuba: without voters, candidates, or results\)](#), April 23, 2024; Granma, [En cuatro provincias del país, elecciones hoy de gobernadores y vicegobernadores \(In four provinces of the country, elections of governors and vice-governors will be held today\)](#), May 4, 2024.

<sup>23</sup> Inter-American Court of Human Rights, *Case of Castañeda Gutman v. Mexico*, Preliminary objections, merits, reparations, and costs, Judgment of August 6, 2008, Series C No. 184, par. 166.

<sup>24</sup> Inter-American Court of Human Rights, *Case of Yatama v. Nicaragua*, Preliminary objections, merits, reparations and costs, Judgment of June 23, 2005, Series C No. 127, par. 204.



## 2. Concentration of powers and authority for the conduct of public affairs

28. According to Article 3 of the Inter-American Democratic Charter, the separation of powers and independence of the branches of government are essential elements of democracy. In this regard, the Inter-American Court of Human Rights specified, in *Advisory Opinion No. 28 of 2021*, that:

In this regard, the Inter-American Court has stated that "The separation of State powers into different branches and organs is linked closely with the aim of preserving related freedoms, with the understanding that concentration of power leads to tyranny and oppression. At the same time, the separation of State powers allows for the efficient fulfillment of the various aims entrusted to the State."<sup>25</sup>

29. In the same vein, the Inter-American Court of Human Rights considers that "the separation and independence of powers assumes the existence of a system of controls and oversight to constantly regulate the balance of powers."<sup>26</sup> This system of "checks and balances" would therefore require the existence of guarantees that allow the powers to act freely and autonomously, without interference or subordination to one another.<sup>27</sup>

30. In the case of Cuba, the foundations of the State and the characteristics of the branches of government show that the main powers for the conduct of public affairs remain concentrated in a small number of authorities. The Commission observes that the National Assembly of People's Power (ANPP) continues to be an institution with very high concentration of functions, including broad powers to adopt laws and appoint the leaders of the main judicial, oversight, and administrative institutions.<sup>28</sup> In addition, it can dismiss officials, a role that could affect independent and impartial decision-making.<sup>29</sup>

31. The Commission considers that this structure, which did not change in 2024, continues to create an environment in which political affiliation and loyalty to the government and its ideology become fundamental requirements to access and remain in such positions. This situation perpetuates a structure in which power and decision-making remain concentrated in the ruling political group, rather than being based on diverse and truly democratic representation. It also makes it impossible to implement reforms in the country.

## 3. Subordination of the administration of justice to political power

32. Regarding the right to justice, the American Declaration contemplates in Article XVIII that: "Every person may resort to the courts to ensure respect for his legal rights. There should likewise be available to him a simple, brief procedure whereby the courts will protect him from acts of authority that, to his prejudice, violate any fundamental constitutional rights."<sup>30</sup> The Declaration also provides in Article XXVI the right to due

<sup>25</sup> Inter-American Court of Human Rights, The figure of indefinite presidential reelection in Presidential Systems in the context of the inter-American human rights system (Interpretation and scope of Articles 1, 23, 24, and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3.d of the Charter of the Organization of American States and the Inter-American Democratic Charter), Advisory Opinion OC-28/21, June 7, 2021, Series A No.28, par. 80.

<sup>26</sup> Inter-American Court of Human Rights, The figure of indefinite presidential reelection in Presidential Systems in the context of the inter-American human rights system (Interpretation and scope of Articles 1, 23, 24, and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3.d of the Charter of the Organization of American States and the Inter-American Democratic Charter), Advisory Opinion OC-28/21, June 7, 2021, Series A No.28, par. 82.

<sup>27</sup> IACHR, [Annual Report, Chapter IV.B. Cuba](#), 2022, par. 30.

<sup>28</sup> Article 109 of the Constitution sets out all its electoral powers. The National Assembly elects the President and Vice President of the Republic from among its members. It also elects the members of the Council of State and appoints, on the proposal of the President of the Republic, the Prime Minister and members of the Council of Ministers. In addition, it elects the President and Justices of the People's Supreme Court, the Attorney General of the Republic, the Comptroller General of the Republic, and the President and members of the National Electoral Council. Cuba, Official Gazette, Constitution of the Republic (GOC-2019-406-EX5), April 10, 2019. Available at: [https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5\\_0.pdf](https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5_0.pdf).

<sup>29</sup> IACHR, [Situation of Human Rights in the Cuba](#), OEA/Ser.L/V/II. Doc. 2, February 3, 2020, par. 113.

<sup>30</sup> OAS, [American Declaration of the Rights and Duties of Man](#), Adopted at the Ninth International Conference of American States, Bogotá, Colombia, 1948.



process of law, establishing that “Every person accused of an offense has the right to be given an impartial and public hearing, and to be tried by courts previously established in accordance with pre-existing laws, and not to receive cruel, infamous or unusual punishment.”<sup>31</sup>

33. In addition, with respect to judicial independence, the Commission has discussed how critical the guarantee of independence is to the administration of justice, as it is a condition sine qua non for compliance with the standards of due process established by international law.<sup>32</sup> The IACHR has emphasized that independence is two dimensional: the first dimension is institutional or systemic, while the second is functional, referring to justice operators’ individual independence in performing their functions. Regarding the first dimension, it has pointed out that the independence of the Judiciary must be guaranteed by the State and proclaimed by the Constitution or legislation of the country.<sup>33</sup> The IACHR also stresses the importance of judges they need to be guarantees as soon as they are elected for carrying out their work independently, impartially, in accordance with the law, and with respect for human rights.<sup>34</sup>

34. In the case of Cuba, the Commission notes that although Article 150 of the 2019 Constitution states that “Magistrates and judges, in their function of imparting justice, are independent and do not owe obedience except to the law.”<sup>35</sup>, testimonies gathered by the IACHR from former members of the Cuban Judicial System indicate that, in practice, judicial independence is not respected. The following accounts in particular are worth highlighting:

Judicial independence, as established by the Constitution, the law of the courts and the law of the prosecution, is not achieved in practice. Everything is judicial arbitrariness in all senses and processes. [...] Since the complaint is filed, the investigative process is opened, and it is presented to the court, arbitrariness has been verified. Everything is directed by the Communist Party and the interests of the Government, structures that have the “leading voice” in all the processes in which they have an interest.<sup>36</sup>

Judicial independence is highly compromised in Cuba, since all the actors have to be part of the Communist Party of Cuba. Independence is very well conceived from the legal and constitutional point of view, but, in practice, the pressures to which we are subjected force us away from what we would like to do.<sup>37</sup>

35. The Commission also notes that the Assemblies of People's Power continue to have a high degree of interference in the appointment of judges, who are accountable to it for their actions and can be revoked by the body that elects them.<sup>38</sup> In this way, judges who do not conform to the government's ideology are persecuted and removed from office, undermining the integrity of the judicial system.<sup>39</sup> With regard to the Office of the Attorney General of the Republic, the Constitution provides that it is an indivisible organic unit subordinate to the President of the Republic.<sup>40</sup> In the Commission's opinion, these provisions violate the fundamental principle of separation of powers and negatively affect public confidence in the impartiality of the judicial system.

<sup>31</sup> OAS, [American Declaration of the Rights and Duties of Man](#), adopted at the Ninth International Conference of American States, Bogotá, Colombia, 1948.

<sup>32</sup> IACHR, [Guarantees for the Independence of Justice Operators](#), OEA/Ser.L/V/II. Doc. 44, December 5, 2014, par. 25.

<sup>33</sup> IACHR, [Guarantees for the Independence of Justice Operators](#), OEA/Ser.L/V/II. Doc. 44, December 5, 2014, par. 31.

<sup>34</sup> IACHR, [IACHR, Report on the Human Rights Situation in Cuba](#), OEA/Ser.L/V/II. Doc. 2, February 3, 2020, par. 121.

<sup>35</sup> Cuba, Official Gazette, Constitution of the Republic (GOC-2019-406-EX5), April 10, 2019. Available at: [https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5\\_0.pdf](https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5_0.pdf), Article 150.

<sup>36</sup> IACHR, [Labor and Union Rights in Cuba report](#), OEA/Ser.L/V/II. Doc. 53, April 5, 2023, par. 346 (interview 41).

<sup>37</sup> IACHR, [Labor and Union Rights in Cuba report](#), OEA/Ser.L/V/II. Doc. 53, April 5, 2023, par. 346 (interview 52).

<sup>38</sup> Cuba, Official Gazette, Constitution of the Republic (GOC-2019-406-EX5), April 10, 2019. Available at: [https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5\\_0.pdf](https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5_0.pdf), Articles 149, 154-155.

<sup>39</sup> IACHR, interviews with P.O.R.; F.Y.Y.; A.R.Y., S.F.M., August 12, 2022. IACHR archive.

<sup>40</sup> Cuba, Official Gazette, Constitution of the Republic (GOC-2019-406-EX5), April 10, 2019. Available at: [https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5\\_0.pdf](https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5_0.pdf), Chapter VI - Office of the Attorney General.



36. The Commission notes that the absence of judicial independence has serious repercussions on judges' decisions. In specific cases of dissidents and activists, there are complaints regarding a lack of impartiality and guarantees such as the right to a public trial are not fully respected.<sup>41</sup>

37. Thus, in the framework of the follow-up hearing on precautionary measures for beneficiaries deprived of liberty held on November 7, 2023, during the 188<sup>th</sup> Period of Sessions, the Commission took note of comments by civil society regarding structural violations of due process, such as: the absence of judicial protection in cases of deprivation of liberty; the non-existence of independent defense attorneys; legal organizational dependence of judges and courts on political power; restrictions on the use of evidence and the right to defense; summary proceedings with verbal sentences of which there is no documentary record; and the use of military criminal proceedings against civilians.<sup>42</sup>

38. In turn, in the report on labor and trade union rights in Cuba, published in April 2023, the IACHR highlighted serious impairments of due process in the framework of labor-related proceedings, including: the lack of independence and impartiality of the Labor Justice bodies; failure to substantiate rulings handed down in labor cases; the lack of effective review of the rulings of Labor Justice Organs by Municipal Courts, which should be functioning as a second instance; and the difficulties in obtaining legal representation through the National Organization of Collective Law Firms and, even when it is possible to obtain it, it could be biased. According to complaints from civil society organizations, there is extensive government interference in the National Organization of Collective Law Firms.<sup>43</sup>

39. On this last point, during the hearing on freedom of association in Cuba held on February 29, 2024 during the 189<sup>th</sup> Session, the Commission noted the restrictions on the right to practice law.<sup>44</sup> Attorneys who are not members of the National Organization of Collective Law Firms are prohibited from practicing before the courts. In addition, to be a lawyer, a person must meet certain "morality requirements" determined by the ideology of the State; not have been convicted of an intentional crime that "dishonors the public concept", nor be subject to criminal proceedings for such a crime; and not exercise judicial, fiscal, administrative, or arbitration functions.<sup>45</sup>

40. In this regard, the Commission notes that the functioning of the judicial system in Cuba reflects the subordination of the Judiciary to the political power, which results in the lack of real independence and autonomy of the public authorities, and leads to the absolute lack of legal certainty, effective access to justice, and judicial protection. This has a direct impact on the violation of the rights to justice (Article XVIII) and to due process of law (Article XXVI) as established in the American Declaration of the Rights and Duties of Man. Ultimately, the lack of independence of the Judiciary undermines its ability to guarantee the full exercise of human rights. It therefore not only compromises its ability to provide fair and impartial trials in the interest of securing human rights but also threatens the rule of law as a whole.

### III. SITUATION OF HUMAN RIGHTS IN CUBA

#### A. Massive, gross, and systematic violations of human rights

41. For decades, the IACHR has continued to ascertain, with extreme concern, arbitrary restrictions on the right to assembly and free expression of the population, as well as the persistence of violations of the right to liberty, security, and integrity of individuals, of protection from arbitrary detention, inviolability of the home, minimum judicial guarantees, and judicial protection, to which political dissidents,

<sup>41</sup>Human Rights Watch, [World Report 2019: Chapter: Cuba](#), 2023.

<sup>42</sup>IACHR. Thematic Hearing "Cuba: Follow-up (Ex Officio)," 188<sup>th</sup> regular session, Washington D.C., United States, November 7, 2023.

<sup>43</sup> IACHR, [Labor and Union Rights in Cuba report](#), OEA/Ser.L/V/II. Doc. 53, April 5, 2023.

<sup>44</sup> IACHR, [189<sup>th</sup> Period of Sessions](#), Cuba: Right to freedom of association, February 29, 2024.

<sup>45</sup>Cuba, 1984. Decree-Law No. 81 on the Practice of Law and the National Organization of Collective Law Firms. Available at: [https://www.ciegodeavila.gob.cu/images/PDF/nuestraRegion/Otras\\_Direcciones/Justicia/DECRETO LEY 81 DE LA ABOGACIA.pdf](https://www.ciegodeavila.gob.cu/images/PDF/nuestraRegion/Otras_Direcciones/Justicia/DECRETO LEY 81 DE LA ABOGACIA.pdf), Chapter IV - Local Organization of Collective Law Firms.



social leaders, activists, human rights defenders, and independent journalists are subjected. In particular, between 2021 and 2024, the IACHR warned that repression of dissent has got worse, especially since the July 2021 protests in Cuba.<sup>46</sup>

42. In 2024, the IACHR continued to observe systematic repression by state agents and pro-government groups seeking to prevent peaceful gatherings and protests organized by people who dissent from the positions imposed by the government in the country. Repressive practices have included, inter alia, arbitrary detentions, criminalization, house arrests, surveillance, interrogations, threats, fines, and internet shutdowns. All this is taking place in a context of deep social and economic crisis, which has included power outages for prolonged periods of time, making it difficult to access essential basic goods, already in short supply, such as food, water, and medicines.

43. The Commission considers that these state practices constitute massive, serious, and systematic violations of human rights. This conclusion is based on the large number of victims, the seriousness of the actions undertaken, and the existence of certain patterns of conduct carried out with state resources in response to a policy defined and endorsed by the top echelons of the state. Therefore, the IACHR considers that the current human rights situation in Cuba is covered by the provisions of Article 59, paragraph 6.c of its Rules of Procedure.

44. The following are the main rights violations identified in 2024.

### Human rights defenders

45. In 2024, human rights defenders in Cuba continued to carry out their defense and denunciation activities under a hostile environment characterized by repressive actions against them by the State and total curtailment of civic liberties. In the course of its monitoring activities, the IACHR observed that human rights defenders in the country face arbitrary detentions, house arrests, threats and coercion, surveillance, internal mobility restrictions, and police summonses, among other obstacles.<sup>47</sup>

46. Civil society organizations have notified the Commission of patterns of repression that are intended to silence and obstruct the work of human rights organizations.<sup>48</sup> In particular, the Commission has learned of threats and intimidation directed at human rights defenders. For example, activist Yamilka Laffita publicly denounced having been the victim of death threats through social networks due to her humanitarian work.<sup>49</sup> For their part, Consuelo Rodríguez Hernández and Lázaro Roberto Aguiar Mendoza, members of the Independent Trade Union Association of Cuba (ASIC) in Cruces, Cienfuegos, were summoned to appear at the local police unit. While there, State Security allegedly warned them that they should stop making their denunciations on social networks or else they could be sent to prison for between 2 and 8 years.<sup>50</sup>

47. The Commission has ascertained that these threats and acts of intimidation have also been directed at family members of human rights defenders. On May 8, 2024, the Commission granted precautionary measures in favor of Mariens Pavó Oñate, wife of public defender Julio Alfredo Ferrer Tamayo, who has been

<sup>46</sup> IACHR, [Annual Report, Chapter IV.B Cuba](#), 2021, par. 19.

<sup>47</sup> IACHR, Press Release No. 38/24, [The IACHR and Its Special Rapporteurship for Freedom of Expression Condemn Persistent Repression Against Journalists and Civil Society in Cuba](#), February 21, 2024; IACHR, Press Release No. 306/24, [Cuba: IACHR, SRFE and REDESCA condemn repression of organizations and media in the context of a serious social and economic crisis](#), December 4, 2024.

<sup>48</sup> IACHR, Public Hearing "[Cuba: Right of Association](#)", held in the framework of the 189th Period of Sessions, February 29, 2024.

<sup>49</sup> CiberCuba, [Activista cubana Lara Crofs denuncia amenazas en su contra](#) (Cuban activist Lara Crofs denounces threats against her), September 25, 2024; Periódico Cubano, [La dictadura cubana amenaza a la activista Lara Crofs](#), (Cuban dictatorship threatens activist Lara Crofs), September 25, 2024.

<sup>50</sup> Martí Noticias, [Seguridad del Estado impone restricción de movimiento a matrimonio de sindicalistas en Cuba](#) (State security restricts freedom of movement for a trade union couple in Cuba), June 27, 2024; ADN Cuba, [Régimen cubano acosa y amenaza a activistas sindicales](#) (Cuban regime harrasses and threatens trade union activists), June 28, 2024.



followed by State agents, and has been the target of threatening phone calls and visits to her workplace to prevent her husband, who is outside the country, from returning.<sup>51</sup>

48. Likewise, human rights defenders are continuously monitored and tracked by state security forces. The home of the leader of the Damas de Blanco (Ladies in White), Berta Soler, is reportedly surrounded by surveillance cameras, while she herself is allegedly subjected to constant surveillance.<sup>52</sup> The same is reportedly true for Coco Fariñas, leader of the United Anti-Totalitarian Front (FANTU), who, according to the information received, is often persecuted and detained by State security agents in order to curtail his freedom of movement.<sup>53</sup> In September, activist Jenn Pantoja's home was surrounded by state security cars, and she was subsequently detained after denouncing this situation on her social networks.<sup>54</sup> The activist was released a few hours later.<sup>55</sup> The Commission also learned about the case of activist Julio César Góngora Milo, whose home is said to be under constant surveillance by police officers and who is reportedly constantly threatened with contempt of court and incitement to commit a crime proceedings.<sup>56</sup>

49. The IACHR again received information on *de facto* prohibitions to prevent human rights defenders from carrying out peaceful protests. In this case, the information referred to the case of activists Wilber Aguilar Bravo, Jorge Fernández Era, and Miryory García, whose homes were reportedly visited by police cars in order to prevent them from leaving, in an effort to prevent citizen demonstrations on the eve of the anniversary of the death in combat of the Cuban National Hero, José Martí.<sup>57</sup> As for activist and intellectual Jorge Fernández, the Commission learned that in August he was detained by officers of the National Revolutionary Police as he left his home after having called for a peaceful march.<sup>58</sup> The activist was released eleven hours later.<sup>59</sup>

50. During 2024, the Commission continued to receive information about activists who are frequently arbitrarily detained by State security in retaliation for their advocacy activities. For example, defender Berta Soler was detained on December 4 and released after 69 hours; she had previously been detained on September 22 (67 hours of detention) and November 10 (76 hours of detention).<sup>60</sup> In September, information emerged regarding the case of Mirdael Matos Gainza, a member of the Patriotic Union of Cuba (UNPACU), who was reportedly detained and transferred to Guantanamo prison, where he remains to this day.<sup>61</sup> In March, activist and former political prisoner Ramón Jesús Velázquez Toranzo was arrested at the

<sup>51</sup> IACHR, [Resolution 29/2024](#), Precautionary Measure No. 96-15, Marienys Pavó Oñate regarding Cuba, Extension, May 11, 2024.

<sup>52</sup> IACHR, Public Hearing "[Cuba: Right of Association](#)", held in the framework of the 189th Period of Sessions, February 29, 2024; Cubalex, [Berta Soler: Un año de represión sistemática y desaparición forzada en Cuba \(One year of systematic repression and forced disappearance in Cuba\)](#), September 25, 2024.

<sup>53</sup> IACHR, Public Hearing "[Cuba: Right of Association](#)", held in connection with the 189th Period of Sessions, February 29, 2024.

<sup>54</sup> CiberCuba, [Seguridad del Estado detiene a la intelectual cubana Jenny Pantoja \(State Security detains Cuban intellectual Jenny Pantoja\)](#), September 18, 2024; [Cuba Headlines, Intellectual Jenny Pantoja Detained by Cuban State Security](#), September 18, 2024.

<sup>55</sup> Adn Cuba, [Régimen detiene a profesora Jenny Pantoja y la libera horas más tarde \(Regime detains teacher Jenny Pantoja and releases her hours later\)](#), September 19, 2024.

<sup>56</sup> IACHR, [Resolution 21/2024](#), Precautionary Measure No. 280-24, Julio César Góngora Millo regarding Cuba, April 10, 2024, par. 5.

<sup>57</sup> CiberCuba, [Régimen se moviliza para evitar protestas en Cuba, activistas denuncian acoso policial \(Regime moves to prevent protests in Cuba, activists denounce police harassment\)](#), May 18, 2024.

<sup>58</sup> CiberCuba, [Denuncian detención arbitraria del escritor Jorge Fernández Era y de la académica Alina Bárbara López \(Reports of the arbitrary arrest of writer Jorge Fernández Era and academic Alina Bárbara López\)](#), August 18, 2024; Diario de Cuba, [El régimen cubano detiene a los intelectuales Alina Bárbara López Hernández y Jorge Fernández Era \(Cuban regime arrests intellectuals Jorge Fernández Era and Alina Bárbara López\)](#), August 18, 2024.

<sup>59</sup> Catorce y medio, [La Policía detuvo a Alina Bárbara López y a Jorge Fernández por "desafiar" reclusión domiciliaria \(Police arrested Alina Bárbara López and Jorge Fernández for "defying" house arrest\)](#), August 20, 2024.

<sup>60</sup> Raza e Igualdad, [Régimen cubano recrudescere represión contra Berta Soler, líder de las Damas de Blanco \(Cuban regime steps up repression against Berta Soler, leader of the Damas de Blanco\)](#), December 9, 2024; Cubalex, [Berta Soler: Un año de represión sistemática y desaparición forzada en Cuba \(One year of systematic repression and forced disappearance in Cuba\)](#), September 25, 2024; CiberCuba, [Domingo represivo en Cuba: \(Repressive Sunday in Cuba:.\) Detienen a la Dama de Blanco Berta Soler en la Habana \(Lady in White Berta Soler is arrested in Havana\)](#), September 30, 2024.

<sup>61</sup> Cubanet, [Arrestan a opositor Mirdael Matos, miembro de la UNPACU \(Oppositionist Mirdael Matos, member of UNPACU, is arrested\)](#), September 13, 2024; Diario de Cuba, [El opositor Mirdael Matos Gainza, plantado en Guantánamo en protesta por una detención arbitraria \(Opposition figure Mirdael Matos Gainza detained in Guantanamo protests arbitrary arrest\)](#), October 8, 2024.



Sanctuary of the Virgen de la Caridad del Cobre, in Santiago de Cuba, after calling for a peaceful march on the church. After a month of detention in Villa Marista prison, the activist was released.<sup>62</sup>

51. The Commission is concerned about the persistent use of criminal law as a tool of the Cuban State to limit the exercise of the defense of human rights in the country. In June, the People's Provincial Court of Havana sentenced activists Josiel Guía Piloto and Lázaro Romero Piloto to seven years in prison; while Jesús Alfredo Pérez Rivas and William Cepero García received five-year prison sentences and Alain Yosvani Cruz Suescum was sentenced to five years of correctional work without internment, all for the crime of "propaganda against the constitutional order", after demonstrating in February, 2023.<sup>63</sup>

52. In connection with its precautionary measures, the Commission has been informed about defenders who have been sentenced and deprived of their liberty and whose life and personal integrity are at risk due to their conditions of detention. On June 28, the Commission granted precautionary measures in favor of human rights defender J.M.M.B., who has been deprived of his liberty since July 12, 2021. After his arrest he was subjected to a "brutal" beating, interrogations, and a "torture method" known as "the bicycle." There were also reports that he was subjected to an attempted rape and further beatings.<sup>64</sup> On April 26, the Commission granted precautionary measures in favor of activist Aniette González García, who is deprived of liberty and sentenced for the crime of "insulting the national symbols."<sup>65</sup>

53. In addition, the Commission continued to receive information on the imposition of fines on human rights defenders as a way to dissuade them from continuing their defense activities. Activist Alberto Turis Betancourt Pérez was arrested and fined for "public disorder" on September 4, after taking to the streets to denounce drug sales in his neighborhood.<sup>66</sup> The IACHR has warned that the principal aim of imposing fines or other penalties on the work of human rights defenders and depriving them of their liberty is to criminalize their activities in promoting and defending human rights, as well as deterring them from continuing to advance their causes.<sup>67</sup> The organs of the inter-American system have indicated that attacks on the lives of human rights defenders have a multiplier effect, which goes beyond the person of the defender, because it produces a chilling effect on those defending similar causes.<sup>68</sup>

54. The defense of human rights in Cuba continues to be carried out in an environment that prohibits any kind of dissidence or opposition to the regime. Civil society organizations have told the Commission that human rights defenders are stigmatized and delegitimized by being labeled by the State as "mercenaries", "traitors", or "terrorists" in an attempt to diminish public support and socially isolate them.<sup>69</sup> The organizations also reported continuous blocking of their websites, which reportedly limited their ability to operate.<sup>70</sup>

55. In view of the facts described above, the Inter-American Commission considers that the situation of human rights defenders continues to be of concern. In Cuba, the minimum conditions needed to

<sup>62</sup> CiberCuba, [Detienen a opositor que se plantó con su familia en Santuario de El Cobre \(Opposition member is arrested for protesting with his family at the El Cobre Sanctuary\)](#), March 12, 2024; 14 y medio, [El ex preso político Ramón Jesús Velázquez regresa a EE UU tras pasar detenido más de un mes en Villa Marista \(Former political prisoner Ramón Jesús Velázquez returns to the US after spending more than a month in Villa Marista\)](#), April 21, 2024.

<sup>63</sup> Martí Noticias, [Condenan a cinco activistas cubanos que se manifestaron en 2023 \(Five Cuban activists who demonstrated in 2023 convicted\)](#), June 28, 2024; Diario de Cuba, [Hasta siete años de cárcel para cinco activistas cubanos que se manifestaron en 2023 \(Up to seven years in prison for five Cuban activists who demonstrated in 2023\)](#), June 28, 2024.

<sup>64</sup> IACHR, [Resolution 40/2024](#), J.M.M.B. regarding Cuba, June 28, 2024.

<sup>65</sup> IACHR, [Resolution 24/2024](#), Precautionary Measure No. 352-23 Aniette González García regarding Cuba, April 26, 2024, par. 17.

<sup>66</sup> Catorce y medio, [Multado por "desorden público" un hombre que denuncia la venta de droga en La Habana Vieja \(A man complaining about drug sales in Havana is fined for causing "public disorder"\)](#), September 5, 2024; Periódico Cubano, [Arrestan a activista por denunciar la venta de drogas en La Habana Vieja \(Activist arrested for reporting drug sales in Havana\)](#), September 6, 2024.

<sup>67</sup> IACHR, [Report on the Situation of Human Rights in Cuba](#), OEA/Ser.L/V/II. Doc. 2, February 3, 2020, par. 193.

<sup>68</sup> IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/SER.L/V/II/Doc.66, December 31, 2011, par. 25.

<sup>69</sup> IACHR, Public Hearing "Cuba: Right of Association", held in connection with the 189th Period of Sessions, February 29, 2024.

<sup>70</sup> IACHR, Public Hearing "Cuba: Right of Association", held in connection with the 189th Period of Sessions, February 29, 2024.



guarantee the defense of human rights do not exist. On the contrary, it is observed that these activities are carried out in a hostile environment, characterized by acts of intimidation and harassment by state authorities and subjection to unjustified criminal proceedings as a way of criminalizing those who seek to defend human rights in the country.

56. The IACHR reiterates its call to the State to adopt effective measures to guarantee and protect the rights of human rights defenders, activists, journalists, and other social leaders. In this regard, the Commission urges the Cuban State to refrain from actions that arbitrarily interfere with the exercise of human rights related to opportunities for citizens to participate in society ("civic space") and to guarantee an environment conducive to the defense of human rights.

### Persons deprived of liberty

57. Regarding persons deprived of liberty, the Commission reiterates its concern about the lack of updated official information on the situation of this segment of the population, the high rate of incarceration, and the deplorable conditions of detention and difficulties in accessing rights that reportedly lead to hunger strikes and acts of corruption. It is also concerned about the prevalence of acts of torture and ill-treatment in Cuban prisons, including the practice of forced labor.

58. With regard to the lack of updated official information and the high rate of incarceration, the Commission regrets that the Cuban State persists in its refusal to publish official data on persons detained in the country.<sup>71</sup> In particular, the most recent official data were published in 2012, at which time 57,337 persons were detained in the country's prisons.<sup>72</sup> Notwithstanding, as the IACHR indicated in its Annual Reports for 2021, 2022, and 2023,<sup>73</sup> this figure contrasts sharply with the most recent figure, from January 2024, documented by the Institute for Research on Crime and Justice in the *World Prison Brief* (WPB), which reports that there are said to be close to 90,000 people detained in Cuban prisons.<sup>74</sup> Thus, considering that the total number of inhabitants of the country reported by the World Bank is 11,194,449,<sup>75</sup> the above prison population figure means that Cuba, together with El Salvador, would be one of the two countries with the highest per capita prison population rate worldwide. Specifically, Cuba has 893 persons deprived of liberty per 100,000 inhabitants.<sup>76</sup>

59. Regarding detention conditions, the IACHR continued to receive information on overcrowding - although the exact percentage is unknown - inadequate food, lack of water and medicine supply, deficiencies in medical care, and poor hygiene conditions.<sup>77</sup> According to public information, the lack of medical care reportedly caused the death of two persons deprived of liberty in the Kilo 7 and Prison 1580 prisons in August

<sup>71</sup>IACHR, [Annual Report, Chapter IV. B "Cuba"](#), 2021, par. 121; IACHR, [2021 Annual Report, Chapter IV. B "Cuba"](#), 2022, par. 150; and IACHR, [Annual Report, Chapter IV. B "Cuba"](#), 2023, par. 60.

<sup>72</sup>IACHR, [Annual Report, Chapter IV. B "Cuba"](#), 2022, par. 150.

<sup>73</sup>IACHR, [Annual Report, Chapter IV. B "Cuba"](#), 2021, par. 121; IACHR, [2021 Annual Report, Chapter IV. B "Cuba"](#), 2022, par. 150; and IACHR, [Annual Report, Chapter IV. B "Cuba"](#), 2023, par. 60.

<sup>74</sup>World Prison Brief (WPB), [Highest to Lowest - Prison Population Total](#) European Parliament, [European Parliament resolution of 29 February 2024 on the critical situation in Cuba \(2024/2584\(RSP\)\)](#), February 29, 2024.

<sup>75</sup>World Bank, Data: Cuba. <https://data.worldbank.org/country/cuba?view=chart>. Accessed on: September 30, 2024

<sup>76</sup>The calculation was made by the IACHR using the figures indicated. See also: IACHR, [Annual Report, Chapter IV. B "Cuba"](#), 2021, par. 121; and IACHR, [Annual Report, Chapter IV. B "Cuba"](#), 2022, par. 150; IACHR Annual Report, [Chapter IV. B "Cuba"](#), 2023, par. 60; World Bank, [Cuba total population](#), 2023; and Cuban Observatory of Human Rights, [OCDH denuncia situación del Covid-19 en cárceles de Camagüey \(Cuba\) y la nula transparencia del gobierno en la gestión de la pandemia \(OCDH denounces the situation of Covid-19 in prisons in Camagüey \(Cuba\) and the lack of government transparency in the management of the pandemic\)](#), March 30, 2021.

<sup>77</sup>Human Rights Watch, [World Report 2024](#), January 11, 2024, p. 173; Cubanet, ["Cárceles cubanas: \('Cuban prisons:\) Crecen las denuncias por represión, falta de atención médica y mala alimentación" \(Increasing reports of repression, lack of medical care, and inadequate food\)](#), April 12, 2024; Cubanet, ["Reportan dos muertes por negligencia médica en prisión durante agosto de 2024" \("Two deaths reported due to medical negligence in prison in August 2024"\)](#), September 20, 2024; Cubanet, ["Campaña de Cubalex exige atención médica para presos con padecimientos mentales en Cuba" \("Cubalex campaign demands medical care for prisoners suffering from mental disorders in Cuba"\)](#), March 5, 2024; CiberCuba, ["Crisis en las cárceles cubanas: \('Crisis in Cuban prisons:\) 'A los presos hay que llevarles de todo' \('Prisoners must be given everything'\)"](#), October 4, 2024.



2024.<sup>78</sup> In this regard, from January to September 2024, the Cuban Prison Documentation Center received 466 complaints about denial of medical care or deficient care in more than 29 prisons.<sup>79</sup>

60. Likewise, available data indicate a shortage of medical supplies and medicines as they are sometimes rationed.<sup>80</sup> With regard to food, according to information from civil society organizations, detainees have reported a reduction in rations and poor quality food, as well as the absence of main courses. In some prisons such as Guantánamo, Boniato, Veguitas 1, and Kilo 7, cases of malnutrition have even been reported.<sup>81</sup> In addition, persons detained for political reasons reportedly also face a lack of communication with their families.<sup>82</sup>

61. In this scenario, characterized by deplorable detention conditions, there were hunger strikes, mostly by people deprived of liberty for political reasons, who reportedly demanded basic rights, better conditions, adequate food, medical attention, and the cessation of arbitrariness within the penitentiary centers.<sup>83</sup> Specifically, according to data published in 2024, the organization Cubalex allegedly documented 100 cases of hunger strikes during 2023, of which 94 were men and 70 corresponded to people detained for political reasons.<sup>84</sup>

62. Likewise, the Commission notes that, according to available information, the lack of access to rights in prison leads to practices of abuse of authority and corruption in Cuba's prison system by guards, who would withhold medicines or food and then sell them to detainees. Reportedly there are even cases in which prisoners and guards together engage in illicit business and allow some detainees to carry weapons. In addition, prison agents are said to introduce prohibited substances such as alcohol or drugs to offer them to inmates in exchange for money or "favors."<sup>85</sup>

63. Moreover, the IACHR reiterates that, under international human rights law, overcrowding of persons deprived of liberty in itself could constitute a form of cruel, inhuman, or degrading treatment, which means that the State cannot continue to fill already collapsed prisons with additional inmates.<sup>86</sup> In addition, it reminds Cuba of the obligation of States to ensure that persons deprived of their liberty are held in conditions

<sup>78</sup> Centro de Documentación de Prisiones Cubanas, "[Actualización sobre condiciones en prisiones \(agosto de 2024\)](#)" ("[Update on prison conditions \(August 2024\)](#)"), September 17, 2024. See also: Cubanet, "[Reportan dos muertes por negligencia médica en prisión durante agosto de 2024](#)" ("[Two deaths reported due to medical negligence in prison during August 2024](#)"), September 20, 2024.

<sup>79</sup> Cuban Prison Documentation Center, "[Update on Prison Conditions \(January 2024\)](#)", February 16, 2024; "[Update on Prison Conditions \(February 2024\)](#)", March 7, 2024; "[Update on Prison Conditions \(March 2024\)](#)", April 10, 2024; "[Update on Prison Conditions \(April 2024\)](#)", May 10, 2024; "[Prison Conditions Update \(May 2024\)](#)", June 11, 2024; "[Prison Conditions Update \(June 2024\)](#)", July 12, 2024; "[Prison Conditions Update \(July 2024\)](#)", August 8, 2024; "[Prison Conditions Update \(August 2024\)](#)", September 17, 2024; "[Prison Conditions Update \(September 2024\)](#)", October 9, 2024.

<sup>80</sup> Cubanet, "[Cárceles cubanas: \('Cuban prisons:\) Crecen las denuncias por represión, falta de atención médica y mala alimentación](#)" ("[Increased reports of repression, lack of medical care, and inadequate food](#)"), April 12, 2024; Cibercuba, "[Crisis en las cárceles cubanas: \('Crisis in Cuban prisons:\) 'A los presos hay que llevarles de todo'](#)" ("[Prisoners must be given everything](#)"), April 10, 2024.

<sup>81</sup> Centro de Documentación de Prisiones Cubanas, "[Actualización sobre condiciones en prisiones](#)" ("[Update on prison conditions](#)"), March 2024. See also: Martí Noticias, "[Cárceles cubanas violan reglas establecidas por ONU: \('Cuban prisons violate rules established by UN:\) 'a los presos hay que llevárselo todo'](#)" ("[Prisoners must be given everything](#)"), April 10, 2024; Cibercuba, "[Crisis en las cárceles cubanas: \('Crisis in Cuban prisons:\) 'A los presos hay que llevarles de todo'](#)" ("[Prisoners must be given everything](#)"), April 10, 2024.

<sup>82</sup> Martí Noticias, "[La Habana prolonga por 20 meses el aislamiento a José Daniel Ferrer en prisión](#)" ("[Havana extends Jose Daniel Ferrer's solitary confinement in prison for 20 months](#)"), November 15, 2024; Cibercuba, "[Maykel Osorbo incomunicado en prisión](#)" ("[Maykel Osorbo held incommunicado in prison](#)"), March 31, 2024.

<sup>83</sup> Cuban Prison Documentation Center, "[Update on Prison Conditions \(July 2024\)](#)", August 8, 2024; "[Update on Prison Conditions \(August 2024\)](#)", September 17, 2024; "[Update on Prison Conditions \(June 2024\)](#)", July 12, 2024.

<sup>84</sup> Cubalex, "[La huelga de hambre como forma de protesta: \('Hunger strikes as a form of protest:\) un derecho humano fundamental](#)" ("[a fundamental human right](#)"), February 23, 2024; Diario de Cuba, "[En 2023 hubo 100 huelgas de hambre en las cárceles cubanas, 70 de ellas de presos políticos](#)" ("[In 2023, there were 100 hunger strikes in Cuban prisons, 70 of them by political prisoners](#)"), February 27, 2024.

<sup>85</sup> Centro de Documentación de Prisiones Cubanas, "[Hambre, robos y armas de fuego: corrupción en prisiones cubanas](#)" ("[Hunger, robberies and firearms: corruption in Cuban prisons](#)"), April 8, 2024; originally published by Diario de Cuba, "[Hambre, robos y armas de fuego: corrupción en prisiones cubanas](#)" ("[Hunger, robberies and firearms: corruption in Cuban prisons](#)"), April 8, 2024. See also: Centro de Documentación de Prisiones Cubanas, "[Incidentes represivos o violatorios de derechos humanos en centros penitenciarios cubanos](#)" ("[Repression or human rights violation in Cuban prisons](#)"), August 12, 2024, p. 21.

<sup>86</sup> IACHR, [Report on the Use of Pretrial Detention in the Americas](#), par. 290.



of detention compatible with their human dignity. These include, among others, access to safe drinking water, sufficient and quality food, and appropriate hygienic conditions.<sup>87</sup> In addition, it is essential to provide timely, adequate, and specialized health care services to persons in their custody.<sup>88</sup> Measures should also be adopted to prevent, identify, and punish acts of corruption in prisons.<sup>89</sup>

64. On the other hand, the Commission reiterates its concern over the persistence of acts of mistreatment and torture in Cuban prisons which, according to data from civil society, between March 1, 2023 and June 30, 2024, reportedly resulted in the death of five persons in custody due to physical torture and beatings by officials.<sup>90</sup> Along the same lines, in connection with public hearing held during its 189th Period of Sessions, the IACHR was informed of 5,685 acts of repression in Cuba between 2022 and 2023.<sup>91</sup> Likewise, the Prison Documentation Center recorded at least 1,100 cases of human rights violations in detention centers between January and August 2024. Most of the violations were allegedly committed by prison staff, State Security officials, and the judicial system, and consist of incidents of harassment of inmates, beatings, and physical torture, as well as a lack of food or food in poor condition.<sup>92</sup>

65. In addition, civil society documented solitary confinement, degrading treatment, sexual abuse, forced labor, denial of religious attendance, denial and monitoring of telephone calls, transfers to prisons outside the province, and denial of special temporary releases in sensitive cases.<sup>93</sup> In addition, sanctions administered by the Disciplinary Council against people who refuse to receive food include temporary transfers or transfers to other provinces, confinement in punishment cells, physical violence and corporal punishment, prohibition of the use of white or black clothing, and threats.<sup>94</sup>

66. In addition to the above, regarding forced labor, on January 17, 2024, Decree-Law No. 81/2023 was adopted, which establishes a labor regime to guarantee the labor rights of persons deprived of liberty both inside and outside penitentiary centers, and provides that the penitentiary authority is empowered to enter into labor contracts.<sup>95</sup> However, the Commission notes that this legal framework has been criticized by civil society because it reportedly does not prevent the persistence of exploitative labor conditions against persons deprived of liberty, who cite irregular contracts and inadequate remuneration. A special case concerns people who produce charcoal in the country, whose working conditions are reportedly "inhumane".<sup>96</sup>

67. The Commission warns that persons detained for political reasons are disproportionately singled out for ill-treatment and torture. Specifically, according to *Prisoners Defenders*, this group is constantly and systematically subjected to acts of physical and psychological violence that include, in addition to those

<sup>87</sup> In this regard, IACHR. [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#), OEA/Ser.L/V/II, adopted on December 31, 2011, par. 432.

<sup>88</sup> Inter-American Court of Human Rights [Case of Chinchilla Sandoval et al. v. Guatemala. Preliminary Objection, Merits, Reparations, and Costs, Judgment of February 29, 2016](#). Series C No. 312, paras. 171-72.

<sup>89</sup> See: IACHR, [Personas Privadas de Libertad en Ecuador \(Persons Deprived of Liberty in Ecuador\)](#), OEA/Ser.L/V/II, February 21, 2022, recommendation A, 1.4.

<sup>90</sup> Centro de Documentación de Prisiones Cubanas, ["Incidentes represivos o violatorios de derechos humanos en centros penitenciarios cubanos"](#) ("Repression or violations of human rights in Cuban prisons"), August 12, 2024, p. 6.

<sup>91</sup> Cubalex, Justice 11 J, Robert F. Kennedy Human Rights and Civil Rights Defenders, ["Situación del derecho a la libertad de asociación en Cuba"](#) ("Status of the Right to Freedom of Association in Cuba"), February 2024. See also: ADN Cuba, ["Entregan informe a CIDH sobre 5 685 actos de represión en Cuba entre 2022 y 2023"](#) ("Report delivered to the IACHR regarding 5,685 acts of repression in Cuba between 2022 and 2023"), February 29, 2024.

<sup>92</sup> Centro de Documentación de Prisiones Cubanas, [Actualización sobre condiciones en prisiones \(agosto de 2024\)](#) (Update on Prison Conditions (August 2024)), September 17, 2024.

<sup>93</sup> Centro de Documentación de Prisiones Cubanas, ["Incidentes represivos o violatorios de derechos humanos en centros penitenciarios cubanos"](#), August 12, 2024, pp. 4–20.

<sup>94</sup> Centro de Documentación de Prisiones Cubanas, ["Actualización sobre condiciones en prisiones \(julio de 2024\)"](#) ("Update on Prison Conditions (July 2024)"), August 8, 2024.

<sup>95</sup> Official Gazette of the Republic of Cuba, Government of Cuba, [Decree-Law No. 81/2023](#), January 17, 2024.

<sup>96</sup> Observatorio Cubano de Derechos Humanos, ["OCDH denuncia ante Naciones Unidas el 'trabajo forzoso' al que son sometidos los presos que producen carbón en Cuba"](#) ("OCDH denounces before the United Nations the 'forced labor' to which prisoners who produce charcoal in Cuba are subjected"), May 2, 2024. See also: Diario de Cuba, ["El trabajo forzoso de los presos cubanos viola la Constitución, pero dos normas lo apuntalan"](#) ("Cuban prisoners' forced labor violates the Constitution, but two norms shore it up"), May 24, 2024; Diario de Cuba, ["Activistas denuncian en la ONU el 'trabajo forzoso' al que son sometidos en Cuba presos que producen carbón"](#) ("Activists denounce at the UN the 'forced labor' to which prisoners who produce charcoal are subjected in Cuba"), May 3, 2024.



mentioned above, the denial of food and medicine, no medical attention, and denial of visits, as well as threats against their family members.<sup>97</sup> Specifically, on the denial of medical care, it was reported that, up to September 2024, none of the 356 persons detained for political reasons with serious medical pathologies including chronic illnesses and none of the 62 with serious mental health disorders received adequate medical or psychiatric treatment.<sup>98</sup>

68. In addition, women deprived of their liberty as a result of their participation in independent civil society organizations reportedly face greater subjection to acts of violence. In particular, at a public hearing held in July 2024 in connection with the 190th Period of Sessions, the IACHR was informed that, according to civil society records of human rights violations in Cuba, most of the violations recorded in the last 16 months were committed against women. Specifically, 860 of the 1,577 incidents in 2023 were violations against women's rights and, up to July 2024, 416 of the 702 incidents recorded involved women as victims, who were abused, tortured, harassed, vexed, and harassed by representatives of the State.<sup>99</sup>

69. In the same vein, in connection with the 189th Period of Sessions, the IACHR received data indicating that the years 2022 and 2023 were characterized by intense repression against women activists in Cuba, which included measures such as isolation in punishment cells, threats, and severe restrictions on communications. Added to this is the institutional gender violence exercised by the Cuban State against mothers, through coercion, intimidation, and threats to take away custody of their children.<sup>100</sup>

70. In light of the above, the IACHR reiterates its condemnation of all forms of torture or cruel, inhuman, or degrading treatment, and recalls that these acts must be absolutely prohibited and prevented under any circumstances. In this regard, it recalls that States have the obligation to condemn such practices, to carry out investigations ex officio and with due diligence, and to punish all perpetrators and instigators.<sup>101</sup> In addition, the IACHR insists on the duty of States to act with enhanced due diligence and, in this regard, to adopt and apply a gender and intersectional perspective to prevent, investigate, punish, and redress all acts of discrimination and violence perpetrated against women deprived of liberty.<sup>102</sup>

## Freedom of expression

### *Attacks, threats, and intimidation against journalists and the media*

71. In 2024, the Office of the Special Rapporteur for Freedom of Expression (SRFE) of the IACHR continued to record cases of harassment, attacks, and intimidation against journalists and independent media in Cuba, mainly by State agents. These actions include harassment, police operations, searches, seizures, arbitrary arrests, summonses, and interrogations, as well as threats of criminalization or exile. According to public reports, the government uses these tactics to intimidate and restrict independent and critical journalism in the country.

72. In 2024, the IACHR and its Office of the Special Rapporteur received reports of arbitrary detentions and the imposition of criminal sanctions against journalists and communicators in Cuba for going

<sup>97</sup> Prisoners Defenders, ["Continúa la escalada de represión criminal del régimen de Cuba: \("The escalation of criminal repression by the Cuban regime continues:\)"](#) [5 nuevos prisioneros políticos este mes suman 1.117 hoy en Cuba](#) (5 new political prisoners this month total 1,117 today in Cuba"), July 11, 2024; ["Nuevos presos políticos mantienen el número de prisioneros políticos en Cuba en 1.105, que enfrentan hambruna, nula atención médica y torturas"](#) ("New political prisoners keep number of political prisoners in Cuba at 1,105, facing starvation, no medical care and torture"), September 16, 2024; ["Familiares de presos políticos y activistas incrementan la lista de prisioneros políticos en Cuba hasta los 1.113 en septiembre"](#) ("Relatives of political prisoners and activists increase list of political prisoners in Cuba to 1,113 in September"), October 17, 2024.

<sup>98</sup> Prisoners Defenders, ["Familiares de presos políticos y activistas incrementan la lista de prisioneros políticos en Cuba hasta los 1.113 en septiembre"](#) ("Relatives of political prisoners and activists increase list of political prisoners in Cuba to 1,113 in September"), October 17, 2024.

<sup>99</sup> IACHR, 190th Period of Sessions, [Public Hearing - Cuba: Human Rights of Persons Arbitrarily Deprived of Liberty for Political Reasons](#), July 8, 2024.

<sup>100</sup> IACHR, 189th Period of Sessions, [Public Hearing - Cuba: Right to freedom of association](#), February 29, 2024.

<sup>101</sup> In this regard, see IACHR, [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#), paras. 343 and 350.

<sup>102</sup> IACHR, [Women Deprived of Liberty in the Americas](#), OEA/Ser.L/V/II. Doc. 91/23, March 8, 2023, par. 141.



about their legitimate work. Thus, for example, reporter Luis Ángel Cuza Alfonso, a contributor to *CubaNet*, was sentenced on November 7, 2023 to one year and six months in prison for allegedly committing the crime of "public disorder."<sup>103</sup> According to the organization Cubalex, between January 2022 and November 2023, Cuza Alfonso was subjected to ten arbitrary detentions, eight surveillance operations with house arrest, four illegal summonses, and four threats, as well as interruptions in internet service.<sup>104</sup> The journalist is currently being held in the Combinado del Este maximum security prison in Havana.

73. The Rapporteurship also learned that journalist Yeris Curbelo Aguilera, a contributor to *CubaNet*, was sentenced to two years in prison by the Municipal Court of Niceto Pérez, Guantánamo, charged with causing "minor injuries."<sup>105</sup> According to reports from civil society organizations, this sentence follows acts of aggression against him by the political police in June of this year. The conviction is considered a reprisal for his participation in the Camareira demonstrations in May 2023. After sentencing, Curbelo Aguilera was reportedly transferred to the Combined Prison of Guantánamo.<sup>106</sup>

74. According to public information, on March 18, *CubaNet* journalist Osniel Carmona Breijo was detained by State Security and National Revolutionary Police (PNR) forces and later released.<sup>107</sup> This arrest occurred in the context of anti-government protests in the east of the island, triggered by the increase in power outages and the food crisis.<sup>108</sup> Likewise, in April 2024, it was reported that another *CubaNet* contributor, Armando Sardiñas, was also detained for more than five hours in a police station in Havana after posting a live broadcast of a march in the capital.<sup>109</sup>

75. On April 26, 2024, according to public reports, Cuban authorities detained journalist José Luis Tan Estrada while he was on board a bus, accusing him of "being a mercenary and spreading false information."<sup>110</sup> Subsequently, he was transferred to Villa Marista, the State Security detention center in Havana.<sup>111</sup> On April 29, his family reportedly filed a writ of habeas corpus with a court, requesting information on his whereabouts and the reasons for his detention.<sup>112</sup> For their part, civil society organizations reported that Tan Estrada was reportedly interrogated on at least two occasions in a period of less than 72 hours and fined 3,000 pesos under Decree-Law 370.<sup>113</sup> According to public information, during his detention, the communicator was subjected to multiple daily interrogations in which he received threats and was told to

<sup>103</sup> Article 19 MX-CA, [Exigimos la liberación inmediata del reportero y activista Ángel Cuza, sentenciado a prisión por el delito de desorden público en Cuba](#) (We demand the immediate release of reporter and activist Ángel Cuza, sentenced to prison for the crime of public disorder in Cuba), January 10, 2024.

<sup>104</sup> Article 19 MX-CA, [Exigimos la liberación inmediata del reportero y activista Ángel Cuza, sentenciado a prisión por el delito de desorden público en Cuba](#) (We demand the immediate release of reporter and activist Ángel Cuza, sentenced to prison for the crime of public disorder in Cuba), January 10, 2024.

<sup>105</sup> Article 19 MX-CA, [El Estado cubano continúa y amplifica la violencia contra periodistas y activistas](#) (Cuban state continues and amplifies violence against journalists and activists), September 30, 2024; 14ymedio, [La familia del reportero Yeris Curbelo denuncia que su juicio fue "amañado" por la Seguridad del Estado](#) (Family of journalist Yeris Curbelo denounces that his trial was "rigged" by State Security), September 25, 2024.

<sup>106</sup> Article 19 MX-CA, [El Estado cubano continúa y amplifica la violencia contra periodistas y activistas](#) (Cuban state continues and amplifies violence against journalists and activists), September 30, 2024; Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly Report on the Situation of Human Rights in Cuba), September 2024.

<sup>107</sup> Cubanet, [En paradero desconocido el reportero de 'CubaNet' Osniel Carmona Breijo](#) (CubaNet reporter Osniel Carmona Breijo, whereabouts unknown), March 18, 2024.

<sup>108</sup> Cubanet, [En paradero desconocido el reportero de 'CubaNet' Osniel Carmona Breijo](#) (CubaNet reporter Osniel Carmona Breijo, whereabouts unknown), March 18, 2024.

<sup>109</sup> Race and Equality, [@raceandequality], (Apr. 15, 2024), Rechazamos que las autoridades cubanas hayan amenazado y detenido en las últimas horas a dos periodistas independientes en la Isla, X, (We protest the fact that Cuban authorities have in recent hours threatened and detained two independent journalists on the Island, X.), <https://x.com/raceandequality/status/1779905404950004143?t=Bzcx-OMt4nucH-DV6Rgyhw&s=19>.

<sup>110</sup> La Nación, [Periodista independiente cubano es liberado tras cinco días de arresto](#) (Cuban independent journalist is released after five days of arrest), May 2, 2024.

<sup>111</sup> La Nación, [Periodista independiente cubano es liberado tras cinco días de arresto](#) (Cuban independent journalist is released after five days of arrest), May 2, 2024.

<sup>112</sup> Committee to Protect Journalists (CPJ), [Cuban journalist questioned about social media posts, jailed](#), May 7, 2024.

<sup>113</sup> 14ymedio.com, [Organizaciones y periodistas independientes reclaman la liberación de José Luis Tan Estrada](#) (Organisations and independent journalists call for the release of José Luis Tan Estrada), April 29, 2024.



abandon his profession and cease his publications on social networks.<sup>114</sup> The Office of the Special Rapporteur learned that journalist Tan Estrada was released in early May 2024.<sup>115</sup> The journalist also publicly denounced that State Security agents informed him that his publications "incited undue actions" and warned him that he could be accused of the crimes of "incitement, disobedience, or contempt" if he did not stop his activity.<sup>116</sup>

76. Similarly, in April 2024, Camila Acosta, a journalist for *CubaNet* and *ABC* correspondent, was also reportedly detained while on her way to Cárdenas, in the province of Matanzas, to interview relatives of political prisoners. According to public reports, the journalist was taken to the Cárdenas police station, where she was held for an hour and told that she would be taken to Havana.<sup>117</sup>

77. In addition, the Office of the Special Rapporteur has also followed the case of journalist Lázaro Yuri Valle Roca, sentenced on July 28, 2022 by the People's Provincial Court of Havana to five years in prison for allegedly repeatedly committing the crimes of resistance and enemy propaganda.<sup>118</sup> On May 15, 2024, Valle Roca was transferred from the Combinado del Este prison to complete immigration procedures, and then returned to prison until his release. According to public reports, on June 5, 2024, the journalist was exiled by the regime and arrived in the city of Miami, in the United States, after obtaining a humanitarian parole.<sup>119</sup> During his imprisonment, relatives of the journalist reported that they were detained by political police officers while trying to visit him. In addition, it is reported that he was physically assaulted and his physical and mental condition deteriorated due to confinement and various illnesses, including loss of vision, pulmonary disorders, and multiple skin conditions.<sup>120</sup>

78. On May 4, 2024, the Rapporteurship learned of the detention of independent journalist and activist Carlos Michel Morales Rodríguez, accused of "disobedience." This arrest followed his release after serving a sentence of two years and ten months for his participation in the protests of July 11, 2021 in Caibarién, Villa Clara.<sup>121</sup> According to public information, the detention was the result of the authorities' threat to imprison him again if he did not abandon independent journalism and his activism in *Cuba Decide*.<sup>122</sup> On July 22, journalist Morales Rodríguez was sentenced to eight months of house arrest.<sup>123</sup> Subsequently, on October 16, he was summoned to the Municipal Court of Caibarién, where he was given an *ultimatum* to work with state entities. Reports in the public domain indicate that the authorities reportedly rejected a request from the local Baptist church for his maintenance work at the institution to be considered valid for the remaining five months

<sup>114</sup> La Nación, [Periodista independiente cubano es liberado tras cinco días de arresto](#) (Cuban independent journalist is released after five days of arrest), May 2, 2024.

<sup>115</sup> Cubalex, [CubalexDDHH], (May 1, 2024), Journalist @JLperiodista96 released. Activist Yamilka Lafita (Lara Crofts) reported on her Facebook profile that she communicated with him via telephone and he told her that he had been transferred that day to #Camagüey, X, <https://x.com/CubalexDDHH/status/1785829423478129021?t=CbKUX8Ib8WvYXMK9AbTiUhQ&s=08>.

<sup>116</sup> Tan Estrada, J.L., [JLperiodista96], (April 13, 2023), Cuando la Seguridad del Estado le teme al verdadero #periodismo (When State security fears real journalism), X, [https://x.com/JLperiodista96/status/1779249050530783614?t=f7CmG6uWeTLld\\_mYUWMNFw&s=19](https://x.com/JLperiodista96/status/1779249050530783614?t=f7CmG6uWeTLld_mYUWMNFw&s=19); Cubalex, [ALERT: Plazo legal para resolver el recurso de Habeas Corpus a favor de José Luis Tan Estrada](#) (Legal deadline to resolve the Habeas Corpus appeal in favor of José Luis Tan Estrada), May 1, 2024.

<sup>117</sup> ABC International, [El régimen cubano detiene a la corresponsal de ABC para que no informe de temas «sensibles» como los presos políticos](#) (Cuban regime detains ABC correspondent to stop her from reporting on "sensitive" issues such as political prisoners), April 22, 2024.

<sup>118</sup> IACHR, Annual Report 2022, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/ II/ Doc. 50, March 6, 2023, paras. 445, 451; IACHR, Annual Report 2023, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/ II/doc. Doc. 386, December 6, 2023, par. 522.

<sup>119</sup> La Prensa, [Periodista cubano Lázaro Yuri Valle sale de prisión y viaja a Estados Unidos con permiso especial](#) (Cuban journalist Lázaro Yuri Valle leaves prison and travels to the United States on special leave), June 5, 2024; Univisión noticias, [Llega a Miami el periodista y preso político cubano desterrado por el régimen](#) (Cuban journalist and political prisoner exiled by the regime arrives in Miami), June 5, 2024.

<sup>120</sup> Diario de Cuba, [El régimen cubano niega atención médica al periodista preso Lázaro Yuri Valle Roca, denuncia su esposa](#) (Cuban regime denies medical attention to imprisoned journalist Lázaro Yuri Valle Roca, according to his wife), January 25, 2024.

<sup>121</sup> 14ymedio, [Liberado el periodista independiente Carlos Michel Morales, preso político del 11J en Cuba](#) (Independent journalist Carlos Michel Morales, 11J political prisoner in Cuba released), March 6, 2024.

<sup>122</sup> Justice 11J, [Represión contra manifestante del 11J Carlos Michael Morales: enfrenta juicio tras huelga de hambre](#) (Repression against 11J protester Carlos Michael Morales: faces trial after hunger strike), 2024.

<sup>123</sup> Cibercuba, [Régimen cubano excarcela a preso político del 11J visiblemente deteriorado](#) (Cuban regime releases visibly deteriorated 11J political prisoner), 23 July 2024; 14ymedio.com, [El periodista independiente Carlos Michel Morales, condenado a ocho meses de reclusión domiciliaria](#) (Independent journalist Carlos Michel Morales sentenced to eight months' house arrest), 23 July 2024.



of his sanction. Morales Rodríguez described this refusal as a "violation of religious freedom" and as disregard for a legally established institution.<sup>124</sup>

79. In May 2024, in the municipality of Pinar del Río, there were reports of repression against journalists and activists through house searches, arbitrary detentions, and confiscation of equipment. Journalists Yosmaury Casares Soto and Raciél Álvarez Díaz of Panorama Pinareño were arrested and their equipment confiscated, according to the Cuban Institute for Freedom of Expression and the Press (ICLEP).<sup>125</sup> They were also transferred to the training center known as "El Técnico", where they reportedly received threats of imprisonment for practicing independent journalism and for alleged ties with the opposition. In particular, journalist Casares Soto was reportedly warned that he could face the same fate as his brother, José Rolando Casares, imprisoned for political reasons in 2017.<sup>126</sup>

80. The Office of the Special Rapporteur has also received reports of threats, summonses, and interrogations of journalists and press workers. Emilio Almaguer de la Cruz, an independent journalist in Baracoa, was summoned on April 16 by an agent of the National Revolutionary Police. According to public reports, during the meeting, an official of the Department of State Security warned him that his publications in international press agencies constituted crimes and indicated that, in order to lift the regulation that prevented him from leaving Cuba, he should cease such publications.<sup>127</sup> In addition, during the interrogation, he was allegedly physically assaulted and threatened with legal proceedings that could lead to a minimum sentence of eight years in prison.<sup>128</sup>

81. Also, on June 20, 2024, journalist Julio Aleaga Pesant was reportedly summoned by State Security agents to the Ministry of Communications in Havana, accused of breaking Decree Law 370.<sup>129</sup> According to public reports, he was fined 3,000 Cuban pesos (approximately US\$116) for violating Article 68 of the Decree. In addition, he was allegedly threatened with the seizure of his equipment and with being accused of committing enemy propaganda if he continued to publish.<sup>130</sup>

82. Likewise, the organization Cubalex recorded a repressive peak on April 30, on the eve of the official celebration of International Workers' Day. Since April 29, independent journalists from ICLEP reported being under siege and threatened with criminal prosecution for taking to the streets. Between that day and the

<sup>124</sup> ADN Cuba, [Periodista cubano Carlos Michael Morales Rodríguez denuncia acoso del régimen](#) (Cuban journalist Carlos Michael Morales Rodríguez denounces harassment by the regime), October 25, 2024.

<sup>125</sup> Sociedad Interamericana de Prensa (SIP), [Organizaciones de prensa del hemisferio reclaman contra la violencia, la injusticia y la impunidad](#) (Hemispheric press organizations call for action against violence, injustice, and impunity), May 17, 2024.

<sup>126</sup> Sociedad Interamericana de Prensa (SIP), [Organizaciones de prensa del hemisferio reclaman contra la violencia, la injusticia y la impunidad](#) (Hemispheric press organizations call for action against violence, injustice, and impunity), May 17, 2024.

<sup>127</sup> Article MX-CA, [Cuba: \(Cuba:\) El periodista independiente Emilio Almaguer es víctima de amenazas de ir a prisión](#) (Independent journalist Emilio Almaguer is threatened with imprisonment), April 16, 2024.

<sup>128</sup> Diario de Cuba, [La Seguridad del Estado amenaza al periodista independiente Emilio Almaguer](#) (State Security Threatens Independent Journalist Emilio Almaguer), April 16, 2024.

<sup>129</sup> Article 19 MX-CA, [[@article19mex](#)], (June 24, 2024), [#Cuba](#): On June 20, journalist Julio Aleaga Pesant was summoned by State Security agents to the Ministry of Communications in the Plaza Municipality in Havana, accused of violating Decree Law 370, X, <https://x.com/article19mex/status/1805346880504971487>; Observatorio Cubano de Derechos Humanos, [[@bservacuba](#)], (June 21, 2024), El periodista Julio Aleaga Pesant relata cómo sucedieron los hechos ayer jueves al asistir a citación policial, en la cual fue interrogado y multado debido a sus publicaciones en redes sociales (Journalist Julio Aleaga Pesant recounts how events transpired yesterday, Thursday, when he attended a police summons, in which he was interrogated and fined due to his publications on social networks) <https://x.com/observacuba/status/1804227788871995873>.

<sup>130</sup> Article 19 MX-CA, [[@article19mex](#)], (June 24, 2024), [#Cuba](#): On June 20, journalist Julio Aleaga Pesant was summoned by State Security agents to the Ministry of Communications in the Plaza Municipality in Havana, accused of violating Decree Law 370, X, <https://x.com/article19mex/status/1805346880504971487>; Observatorio Cubano de Derechos Humanos, [[@bservacuba](#)], (June 21, 2024), El periodista Julio Aleaga Pesant relata cómo sucedieron los hechos ayer jueves al asistir a citación policial, en la cual fue interrogado y multado debido a sus publicaciones en redes sociales (Journalist Julio Aleaga Pesant recounts how events transpired yesterday, Thursday, when he attended a police summons, in which he was interrogated and fined due to his publications on social networks) <https://x.com/observacuba/status/1804227788871995873>.



next, Cubalex documented at least seven arbitrary house arrests, four detentions, and 17 cases of Internet outages.<sup>131</sup>

83. In addition, in July 2024, José Jasán Nieves Cárdenas, a Cuban journalist in Miami and director of *El Toque*, reported having received threats from an unknown number, saying: "we know exactly where to find you," along with a photo and video of a car driving past his house.<sup>132</sup> According to published reports, there are indications that the message came from Cuban State Security agents. For their part, civil society organizations have stressed the importance of the U.S. authorities guaranteeing the safety of the journalist and conducting an investigation into these threats.<sup>133</sup>

84. In September 2024, the Rapporteurship received reports of a new escalation of repression against the independent press in Cuba. At least six women journalists publicly resigned from media and activist work, in some cases under threat of imprisonment by State Security. They include María Lucía Expósito (*Alas Tensas*), Adriana Normand (*El Toque*), Yennys Hernández Molina, Annery Rivera Velasco, Yadira Álvarez Betancourt, and Lucy G. Morell (*Periodismo de Barrio*). In addition, several *CubaNet* journalists, who chose to remain anonymous, also resigned.<sup>134</sup>

85. Elaine Díaz, director of *Periodismo de Barrio*, denounced through the social network X (formerly Twitter) that State Security agents are forcing innocent people to film videos of themselves incriminating themselves for crimes they did not commit and to publicly resign from the media in which they worked.<sup>135</sup>

86. *CubaNet* also reported acts of intimidations against people working for it, indicating that several have been detained and threatened with long prison sentences or threats against the safety of their families. In addition, it was reported that they have been recorded against their will and that electronic devices and savings have been confiscated.<sup>136</sup> In October 2024, there were also cases of summonses and intimidation of several media directors, including Orlidia Barceló Pérez (*El Espirituano*) and Mabel Páez Díaz (*El Majadero de Artemisa*).<sup>137</sup>

87. The Office of the Special Rapporteur has also received reports that Cuban authorities, including agents of State Security and the National Revolutionary Police, are reportedly using the new Law on Social Communication to persecute journalists who refuse to go along with the regime's official version of events. Since October 2024, at least 11 journalists have been summoned, interrogated, and forced to resign from their profession, as reported by Reporters Without Borders (RSF).<sup>138</sup> In addition, journalists have

<sup>131</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba \(Monthly Report on the Situation of Human Rights in Cuba\)](#), April, 2024.

<sup>132</sup> CPJ, [CPJ calls on US to investigate threats against exiled Cuban journalist](#), July 12, 2024.

<sup>133</sup> CPJ, [CPJ calls on US to investigate threats against exiled Cuban journalist](#), July 12, 2024.

<sup>134</sup> Yucabyte, [Violaciones de derechos digitales en Cuba \(September 2024\)](#) (Digital rights violations in Cuba (September 2024)), October 28, 2024; ADN Cuba, [Nueva ola represiva en Cuba contra periodistas independientes](#) (New wave of repression in Cuba against independent journalists), October 4, 2024; La Nación, [Medio independiente cubano denuncia detención de dos colaboradoras](#) (Cuban independent news outlet denounces detention of two collaborators), October 4, 2024; Reporters Without Borders (RSF), [CUBA | Se intensifica el acoso a los periodistas con la nueva Ley de Comunicación Social](#) (CUBA | Harassment of journalists intensifies with new Social Communication Law), October 22, 2024.

<sup>135</sup> ADN Cuba, [Nueva ola represiva en Cuba contra periodistas independientes](#) (New wave of repression in Cuba against independent journalists), October 4, 2024.

<sup>136</sup> ADN Cuba, [New wave of repression in Cuba against independent journalists](#), October 4, 2024;

<sup>137</sup> Padrón Cueto, C., [@adroncueto], (October 3, 2024), Denunciamos la escalada represiva de la Seguridad del Estado Cubana contra periodistas de @CubaneNoticias, X, (We denounce the repressive escalation of the Cuban State Security against journalists of @CubaneNoticias, X) [https://x.com/padroncueto/status/1841964880989237640?t=mGIPiOrT\\_vDNtsgWp-SuQ&s=08](https://x.com/padroncueto/status/1841964880989237640?t=mGIPiOrT_vDNtsgWp-SuQ&s=08); Voces del Sur, [@VDSborg], (Oct. 7, 2024), Condenamos la represión contra periodistas del @ICLEP: (We condemn the repression against @ICLEP journalists) Basta de hostigamiento y citaciones arbitrarias (Enough harassment and arbitrary subpoenas), X, <https://x.com/VDSorg/status/1843323336438206924?t=UkTBDH-cOXBdJcAGtqDi2Q&s=08>; Diario Las Américas, [PEN de Escritores Cubanos condena represión en contra de periodistas de medios independientes \(Cuban Writers' PEN condemns repression against independent media journalists\)](#), October 11, 2024.

<sup>138</sup> RSF, [CUBA | Se intensifica el acoso a los periodistas con la nueva Ley de Comunicación Social](#) (CUBA : Harassment of journalists intensifies with the new Law of Social Communication), October 22, 2024.



reportedly been charged with "propaganda against the government" and "mercenary activities" under this law.<sup>139</sup>

88. The Office of the Special Rapporteur reiterates that journalism is the primary and principal manifestation of freedom of expression, since it is journalists and the media that keep society informed on matters of public interest and contribute to the existence of broad, robust, and pluralistic public debate. For this reason, States have the obligation to create the conditions for journalists to freely, independently, and safely go about their work.<sup>140</sup>

89. According to Principle 9 of the Declaration of Principles on Freedom of Expression of the IACHR, the murder, kidnapping, intimidation of and/or threats to social communicators violate the fundamental rights of individuals and strongly restrict freedom of expression. The IACHR and its Special Rapporteurship have considered that these kinds of actions are intended to restrict or hinder the work of journalists who investigate abuses, abuses, irregularities, or illicit acts of any kind, whether carried out by public officials or private individuals. Likewise, they are intended to be tools of intimidation, through which a message is sent to all those members of civil society who investigate irregularities in public administration. The SRFE has also argued that this practice "seeks to silence the press in its watchdog role", preventing society from being informed about events of public interest.<sup>141</sup>

***Persecution of critical voices and restrictions on citizens' opportunities to participate in society (civic arena)***

90. In 2024, the Commission and its Special Rapporteurship continued to document the Cuban government's persecution of a series of social sectors, including political opponents, activists, and human rights defenders. A prominent case is that of Aniette González García, sentenced in February 2024 to three years in prison for "insulting symbols of the homeland" after posting photos with the Cuban flag on Facebook.<sup>142</sup> As mentioned above, on April 26, 2024, the Inter-American Commission granted precautionary measures in her favor, upon noting the seriousness of her situation and the irreparable risk to her life, integrity, and health.<sup>143</sup> During her detention, Aniette was labeled "counterrevolutionary." She was subjected to interrogation and received constant threats from State security agents, who told her that her conviction would ensure that "[she] will never again use the Internet as a platform for expression using the national flag."<sup>144</sup> Currently, she is allegedly being kept isolated as much as possible from the other inmates. Her rights are said to be controlled by a State Security officer, which is said to be evidence of different treatment for political reasons.<sup>145</sup>

91. The Office of the Special Rapporteur also documented the case of Lizandra Góngora, sentenced to 14 years in prison for her participation in the protests of July 11, 2021 in Güira de Melena, Artemisa.<sup>146</sup> According to published reports, Góngora was charged with "sabotage", "robbery using force", and "public

<sup>139</sup> RSF, [CUBA | Se intensifica el acoso a los periodistas con la nueva Ley de Comunicación Social](#) (CUBA : Harassment of journalists intensifies with the new Law of Social Communication), October 22, 2024.

<sup>140</sup> IACHR, Office of the Special Rapporteur for Freedom of Expression, [The Inter-American Legal Framework regarding the Right to Freedom of Expression](#), OEA Ser.L/V/II CIDH/RELE/INF. 2/9, December 30, 2009, par. 8 and paras. 165 ff.

<sup>141</sup> IACHR, [Background and Interpretation of the Declaration of Principles](#).

<sup>142</sup> Race and Equality, [[@raceandequality](#)], (Feb. 2, 2024), Rechazamos que las autoridades cubanas hayan sentenciado a la activista Aniette González, quien fue detenida el 23 de marzo de 2023 por tomarse fotos envuelta en la bandera de #Cuba (We reject Cuban authorities' sentencing of activist Aniette Gonzalez, who was arrested on March 23, 2023 for taking photos of herself wrapped in the #Cuba flag), X, <https://x.com/raceandequality/status/1753550018726793411>; Swissinfo.ch, [Una activista cubana condenada a tres años de prisión por unas fotos envuelta en la bandera](#) (Cuban activist sentenced to three years in prison for flag-wrapped photos), February 3, 2024.

<sup>143</sup> IACHR, [Resolution 24/2024](#), Precautionary Measure No. 352-23, Aniette González García regarding Cuba, April 26, 2024, par. 3.

<sup>144</sup> IACHR, [Resolution 24/2024](#), Precautionary Measure No. 352-23, Aniette González García regarding Cuba, April 26, 2024, paras. 7-8.

<sup>145</sup> IACHR, [Resolution 24/2024](#), Precautionary Measure No. 352-23, Aniette González García regarding Cuba, April 26, 2024, par. 8.

<sup>146</sup> Diario de las Américas, [Cuba: ¿Dónde está Lizandra Góngora?](#) (Where is Lizandra Góngora?), October 23, 2024; El Toque, [Rostros de los presos políticos](#): (Faces of political prisoners:) [Lizandra Góngora](#) (Lizandra Góngora), January 16, 2024.



disorder."<sup>147</sup> In March 2023, she was reportedly transferred from El Guatao prison in Havana to the Isla de la Juventud. In addition, public allegations indicate that she has suffered from several forms of abuse in prison, including punishment cells, physical violence, and harassment by prison officials.<sup>148</sup> It is alleged that she was transferred to isolate her from her family. Her relatives reported that in March 2024 she was diagnosed with a uterine fibroid, in addition to other health problems, such as Sick cell disease and swollen lymph nodes.<sup>149</sup>

92. Likewise, the Office of the Special Rapporteur has closely monitored reports of repression against the organization Damas de Blanco. Thus, for example, on September 22, 2024, it was reported that Berta Soler, leader of the group, was arbitrarily detained and suffered an enforced disappearance in Havana while on her way to protest.<sup>150</sup> On October 14, 2024, the Damas de Blanco denounced the temporary detention of at least 12 members during the 100th "repressive Sunday" since 2022.<sup>151</sup> Berta Soler reported through social networks about ten arrests in Matanzas and one in Villa Clara, in addition to her own arrest, which lasted more than 16 hours in Havana.<sup>152</sup> She reported that she was intercepted by "paramilitaries in civilian clothes" ordered by State Security when she attempted to exercise her "freedom to demonstrate peacefully."<sup>153</sup>

93. The Office of the Special Rapporteur has received reports of digital repression by the Cuban State. In particular, it has been reported that activist José Manuel Barreiro Rouco faces the risk of being sentenced to two and a half years in prison for "contempt" and "illegal possession and sale in dollars", after making publications about the president of Cuba in a family chat on Facebook, considered by the government as "denigrating actions" that affect the honor of key figures of the Cuban Revolution.<sup>154</sup> In addition, it has been reported that activist Yamilka Laffita, known as "Lara Crofs," received a death threat on September 24 on Facebook.<sup>155</sup> The message claims that she meets with "counterrevolutionary people" and mentions the academic Alina Bárba López Hernández, who is also allegedly a victim of harassment by the State.<sup>156</sup>

### **Social Protest**

94. During the first half of 2024, 137 protests were registered, mainly triggered by blackouts, water problems, food shortages, violence, and growing social discontent among the Cuban population.<sup>157</sup> In March 2024, the first mass protests reportedly took place in Cuba in Santiago de Cuba, Granma, Matanzas, and Sancti Spíritus.<sup>158</sup> During that month, blackouts reportedly lasted more than 15 hours, and public services, such

<sup>147</sup> Cubanet, "[Es muy duro ver a mi hija presa](#)": ("It is very hard to see my daughter in prison":) [Madre de la presa política Lizandra Góngora](#) (Mother of political prisoner Lizandra Góngora), October 24, 2024.

<sup>148</sup> Cubanet, [Presa política Lizandra Góngora está incomunicada en prisión, denuncia activista](#) (Political prisoner Lizandra Góngora is held incommunicado in prison, activist denounces), September 4, 2024.

<sup>149</sup> Cubanet, "[Es muy duro ver a mi hija presa](#)": ("It is very hard to see my daughter in prison":) [Madre de la presa política Lizandra Góngora](#) (Mother of political prisoner Lizandra Góngora), October 24, 2024; Martí noticias, [La presa política cubana Lizandra Góngora lleva más de un mes esperando por una cirugía](#) (Cuban political prisoner Lizandra Góngora has been waiting for more than a month for surgery), May 1, 2024.

<sup>150</sup> Article 19 MX-CA, [El Estado cubano continúa y amplifica la violencia contra periodistas y activistas](#) (Cuban state continues and steps up violence against journalists and activists), September 30, 2024.

<sup>151</sup> ABC, [Las disidentes cubanas Damas de Blanco denuncian 100 domingos de arrestos](#) (Cuban dissidents Damas de Blanco denounce 100 Sundays of arrests), October 14, 2024.

<sup>152</sup> ABC, [Las disidentes cubanas Damas de Blanco denuncian 100 domingos de arrestos](#) (Cuban dissidents Damas de Blanco denounce 100 Sundays of arrests), October 14, 2024.

<sup>153</sup> ABC, [Las disidentes cubanas Damas de Blanco denuncian 100 domingos de arrestos](#) (Cuban dissidents Damas de Blanco denounce 100 Sundays of arrests), October 14, 2024.

<sup>154</sup> Article 19 MX-CA, [El Estado cubano continúa y amplifica la violencia contra periodistas y activistas](#) (Cuban state continues and steps up violence against journalists and activists), September 30, 2024; Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly report on the human rights situation in Cuba), September 2024.

<sup>155</sup> Article 19 MX-CA, [El Estado cubano continúa y amplifica la violencia contra periodistas y activistas](#) (Cuban state continues and steps up violence against journalists and activists), September 30, 2024.

<sup>156</sup> Article 19 MX-CA, [El Estado cubano continúa y amplifica la violencia contra periodistas y activistas](#) (Cuban state continues and steps up violence against journalists and activists), September 30, 2024.

<sup>157</sup> Cubalex, [Tendencias y patrones de represión en Cuba: \(Trends and patterns of repression in Cuba\): Primer semestre 2024](#) (First semester 2024), July 2024.

<sup>158</sup> Martí VeriCuba, [@MartíVeriCuba], (Mar. 18, 2024), Corriente y comida", "[#PatriaYVida](#)" y "[#Libertad](#)", exigieron el 17 de marzo cientos de [#cubanos](#) en varias localidades del país, para manifestarse contra la escasez, los cortes eléctricos y la gestión gubernamental, X (Hundreds of #Cubans in several locations in the country demanded "Electricity and food", "[#PatriaYVida](#)" and "[#Libertad](#)", on March 17, to demonstrate against shortages, power cuts, and government management, X)



as water supply, garbage collection, and the health system, continued to face serious problems. In addition, a protest was held outside the El Cobre police station in Santiago de Cuba, where citizens expressed their disapproval of the arbitrary arrests carried out during the protest.<sup>159</sup> In light of these events, the IACHR urged the State to respect the right to free demonstration and to refrain from the use of force.<sup>160</sup>

95. According to public reports, the harassment continued after the March 17 demonstrations, with targeted arrests and police summonses.<sup>161</sup> The political police allegedly carried out "prophylactic" actions in localities where no protests were registered, with the presumed objective of inhibiting future demonstrations and violating the rights of possible leaders or sympathizers, according to the organization Cubalex.<sup>162</sup> As of March 31, Cubalex documented at least 37 arrests linked to these protests. Of those arrested, 19 people reportedly remain imprisoned.<sup>163</sup> In addition, it was reported that Holy Week processions were banned in parishes in Villa Clara, Havana, Granma, and Camagüey.<sup>164</sup>

96. In May 2024, the Office of the Special Rapporteur received reports of repressive acts in connection with the commemorations of International Workers' Day (May 1) and the founding of the Republic of Cuba (May 20).<sup>165</sup> Cubalex documented at least 63 incidents aimed at restricting the movement and communications of activists, journalists, and citizens, including internet shutdowns, house arrests, surveillance operations, arbitrary detentions, fines, and police summonses.<sup>166</sup> Reports also indicate that repression intensified with gunfire and physical violence in response to peaceful protests triggered by blackouts and economic crisis. In particular, in a protest in Ciudad Nuclear, Cienfuegos, at least 11 arrests were recorded, on charges of public disorder, contempt, and assault. According to reports in the public domain, those detained face prison sentences and bail of up to 200,000 pesos (equivalent to 95 times the minimum wage in Cuba).<sup>167</sup> Persecution against those who recorded the events was also documented, including summonses, interrogations, and warnings.<sup>168</sup>

97. In addition, there were reports of pot-banging at the Cienfuegos Nuclear Power Plant on the night of May 28, in response to the prolonged power cuts imposed by the Cuban regime.<sup>169</sup> At least ten people were arrested during the protest, as reported by the group Justicia 11J. The protesters were reportedly

[https://x.com/MartiVeriCuba/status/1769677268178043028?t=6\\_QFqHLAlxy61bNCt-yh7A&s=08](https://x.com/MartiVeriCuba/status/1769677268178043028?t=6_QFqHLAlxy61bNCt-yh7A&s=08); Cubalex, [Monthly Report on the Situation of Human Rights in Cuba](#), March 2024.

<sup>159</sup> Cubalex, [@CubalexDDHH], (March 18, 2024), Este domingo 17 de marzo se reportaron varias protestas masivas contra los apagones, la situación económica y la falta de libertades, X (This Sunday, March 17, several mass protests against blackouts, economic situation and lack of freedoms were reported, X)

<https://x.com/CubalexDDHH/status/1769800142826148147?t=RTiuHL3XGR68oChkZwhCJA&s=08>.

<sup>160</sup> IACHR, [IACHR], (Mar. 19, 2024), Faced with the social protests that began on [#17Mar](#) due to food shortages and lack of electricity, the #IACHR urges the State to respect the right to free demonstration and to refrain from the use of force, X, <https://x.com/cidh/status/1770096841742242296?s=46&t=MqOVYcsFpR9jsgswGplsmw>.

<sup>161</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly report on the human rights situation in Cuba), March 2024.

<sup>162</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly report on the human rights situation in Cuba), March 2024.

<sup>163</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly report on the human rights situation in Cuba), March 2024.

<sup>164</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly report on the human rights situation in Cuba), March 2024.

<sup>165</sup> ADN Cuba, [Otro 20 de mayo bajo represión en Cuba](#) (Another May 20 under repression in Cuba), May 21, 2024; Cubanet, [Detenido y en paradero desconocido opositor pacífico Agustín López Canino](#) (Peaceful opponent Agustín López Canino arrested, whereabouts unknown), May 20, 2024.

<sup>166</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly report on the human rights situation in Cuba), May 2024; CiberCuba, [Régimen deja sin internet a periodistas independientes en Cuba](#) (Regime leaves independent journalists without Internet in Cuba), May 2, 2024.

<sup>167</sup> Cubalex, [Monthly report on the Situation of Human Rights in Cuba](#), May, 2024.

<sup>168</sup> Cubalex, [Monthly report on the Situation of Human Rights in Cuba](#), May, 2024.

<sup>169</sup> Cubita Now, [Se informa sobre un cacerolazo nocturno en Cienfuegos en protesta por los apagones del régimen en Cuba](#) (Nighttime pot-banging is reported in Cienfuegos to protest the regime's blackouts in Cuba), May 29, 2024.



transferred to the Provincial Criminal Investigation and Operations Unit (Upico), the State Security Investigation Unit, and the First Station of the National Revolutionary Police (PNR).<sup>170</sup>

98. In July 2024, surveillance operations, house arrests, and internet shutdowns were reportedly stepped up around the anniversary of the July 11 protests and the assault on the Moncada barracks on July 26.<sup>171</sup> The Office of the Special Rapporteur learned that the regime has reportedly interrupted Internet access and, in some cases, the use of cellphones, affecting at least 42 activists, independent journalists, and opponents.<sup>172</sup> In addition, at least 52 citizens were reportedly besieged or monitored in their homes by State Security patrols to prevent them from leaving.<sup>173</sup> According to published reports, these measures lasted for several days and were accompanied by threats of criminal prosecution, arrests, and reprisals against family members if the restrictions imposed were violated.<sup>174</sup>

99. Three years after the mass protests in Cuba, the IACHR and its Special Rapporteurship condemned the growing state repression against activists and human rights defenders. They also called on the government to address the legitimate demands of the people and called for the release of all persons detained for participating in the social protests.<sup>175</sup>

100. Furthermore, the Office of the Special Rapporteur documented at least 70 protests in Cuba as a result of the collapse of the national electricity system on October 18, 2024. As of the evening of October 20, demonstrations were recorded in Havana, Villa Clara, Holguín, Mayabeque, Santiago de Cuba, Sancti Spíritus, and Artemisa.<sup>176</sup>

101. The Office of the Special Rapporteur also observed the activation and continuation of judicial proceedings and criminal sanctions for the alleged commission of the crimes of sabotage, sedition, disrespect, and public disorder, directed against those who participate in protests and social demonstrations. Thus, for example, on July 17, the Municipal People's Court of Niceto Perez, in Guantanamo province, convicted six activists for their participation in the May 6, 2023 Caimanera protests. According to public reports, the persons sentenced are Daniel Álvarez González, Luis Miguel Alarcón Martínez, Freddy Sarquíz González, for public disorder and instigation to commit a crime, and Felipe Octavio Correa Martínez, sentenced to two years for assault.<sup>177</sup>

102. In addition, Cuban authorities have reportedly threatened to charge those who promote or participate in mass protests against the regime with the crime of sedition. In the program "Hacemos Cuba",

<sup>170</sup> Diario de Cuba, [Al menos diez detenidos por la protesta en Juraguá, acusados de 'desorden público, desacato o atentado'](#) (At least ten arrested for the protest in Juraguá, accused of 'public disorder, contempt, or attack'), 5 June 2024; Cuba Noticias 360, [Reportan protesta en Cienfuegos por los apagones](#); (Protest reported in Cienfuegos over blackouts:) ["Suenan la ollas"](#) (The pots are rattling), May 29, 2024; Cubita Now, [Se informa sobre un cacerolazo nocturno en Cienfuegos en protesta por los apagones del régimen en Cuba](#) (Reports of overnight pot-banging in Cienfuegos to protest regime blackouts in Cuba), May 29, 2024.

<sup>171</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly report on the human rights situation in Cuba), July 2024.

<sup>172</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly report on the human rights situation in Cuba), July 2024.

<sup>173</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly report on the human rights situation in Cuba), July 2024.

<sup>174</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly report on the human rights situation in Cuba), July 2024.

<sup>175</sup> IACHR, Press release No. 162/24 [Cuba: Three years after the protests of July 11 in Cuba, IACHR and Its Special Rapporteurship for Freedom of Expression Condemn Persistent Repression](#), July 11, 2024.

<sup>176</sup> Justicia11J Detenciones por Motivos Políticos, [@justicia11j], (21 de octubre de 2024), ¡Todos los ojos en #Cuba! (Detentions for political reasons [ @justicia11j], (October 21, 2024), All eyes on #Cuba!) Hemos registrado al menos 28 protestas en el país en los últimos días desde que el pasado 18 de octubre colapsó el sistema eléctrico nacional, profundizando la crisis general que sufren las familias cubanas, X, (We have registered at least 28 protests in the country in the last few days since the collapse of the national electricity system on October 18, deepening the general crisis suffered by Cuban families, X.) <https://x.com/justicia11j/status/1848380715731189922?t=XY7GLTFpGtbUgM3Ppo2Nxx&s=08>; Justicia 11J, [Boletín: Ola represiva en Cuba para frenar nuevas protestas legítimas](#) (Wave of repression in Cuba to stop new legitimate protests), November 14, 2024.

<sup>177</sup> Article 19 MX-CA, [Estado cubano busca inhibir la libertad de expresión al condenar a prisión a activistas por protestas en Guantánamo](#) (Cuban state seeks to inhibit freedom of expression by sentencing activists to prison for protests at Guantánamo), July 18, 2024.



officials of the Ministry of the Interior, including Colonel Hugo Morales Karell, reportedly accused alleged terrorists in the United States of instigating acts against the authorities, arguing that their objective is to provoke excessive reactions from the Police to discredit the Government. According to the available information, Morales dismissed the allegations of abuse of power, attributing them to "unconventional war plans" of the enemy.

103. For his part, Otto Molina Rodríguez, president of the Criminal Chamber of the Supreme People's Court, warned about calls on social networks to disrupt public order and threatened to apply the crime of sedition, which has been used against protesters on July 11, 2021, with penalties that can reach up to 30 years in prison, life imprisonment, or the death penalty in exceptional circumstances.<sup>178</sup> On May 3, 2024, the IACHR and its Special Rapporteurship recalled that the death penalty is contrary to the American Declaration of the Rights and Duties of Man and, if in force, only applies for the most serious crimes, never for political or related crimes.<sup>179</sup>

104. Finally, the Special Rapporteurship learned with grave concern of the death of Yosandri Mulet Almarales, Gerardo Díaz Alonso, and Jesús de Guillen Esplugas, who had been convicted of demonstrating in July 2021.<sup>180</sup> These cases are in addition to that of Luis Barrios Díaz, who died in prison on November 21, 2023.<sup>181</sup>

105. The Office of the Special Rapporteur reiterates that social protest, which includes the exercise of the right to freedom of peaceful assembly without arms, freedom of association, and freedom of expression, is a fundamental tool in the defense of democracy and human rights, and the State is obliged to respect, protect, and guarantee these rights.<sup>182</sup> Regarding the obligation to respect these rights, the Commission and its Special Rapporteurship reiterate that "the exercise of freedom of assembly through social protest should not be subject to government authorization or excessive requirements that make it difficult to carry out."<sup>183</sup> Likewise, with respect to the obligation to protect and facilitate, the Commission has emphasized that "the overriding social interest in the right to take part in public demonstrations gives rise to a general presumption in favor of its exercise."<sup>184</sup> As mentioned in the IACHR report on protest and human rights, States must act on the basis of the lawfulness of protests and public demonstrations and on the assumption that they do not constitute a threat

<sup>178</sup> Diario de Cuba, [El régimen amenaza con aplicar cadena perpetua o muerte en caso de protestas masivas](#) (Regime threatens life imprisonment or death in case of mass protests), April 26, 2024; Cubanet, [Pena de muerte, amenaza del régimen como herramienta de represión contra las protestas](#) (Death penalty, the regime's threat as a tool of repression against protests), April 26, 2024; ABC Internacional, [Régimen cubano amenaza con la pena de muerte a quienes participen en protestas masivas](#) (Cuban regime threatens death penalty for those who participate in mass protests), April 27, 2024.

<sup>179</sup> IACHR, [@IACHR], (May 3, 2024), #IACHR and @RELE\_CIDH express concern over statements by authorities and public officials warning of possible criminal penalties for those who promote or participate in mass protests, including lengthy prison sentences and even the death penalty, X, <https://x.com/cidh/status/1786401995315626325?s=46&t=MqOVYcsFpR9isgswGplsmw>.

<sup>180</sup> Cuban Prisons Documentation Center, [@docubprisiones], (August 26, 2024), Lamentamos profundamente el fallecimiento de Yosandri Mulet Almarales, condenado por manifestarse en julio de 2021 y de cuyo intento de suicidio el 22 de agosto informamos la pasada semana (We deeply regret the death of Yosandri Mulet Almarales, convicted for demonstrating in July 2021 in #Cuba, and whose suicide attempt on August 22 we reported last week.) <https://x.com/docubprisiones/status/1828227906679828531>; Diario Las Américas, [Cuba: Muere el preso político del 11J Yosandri Mulet Almarales](#) (11J political prisoner Yosandri Mulet Almarales dies), August 27, 2024; Martí noticias, [Muere manifestante del 11J encarcelado en Cuba de aparente suicidio, según familiares](#) (11J protester imprisoned in Cuba dies of apparent suicide, family says), August 26, 2024; 14ymedio, [Muere de un infarto en prisión Gerardo Díaz Alonso, detenido durante el 11J en Cárdenas \(Gerardo Díaz Alonso, arrested during the 11J in Cárdenas, dies of a heart attack in prison.\)](#) October 18, 2024; CiberCuba, [Fallece el preso político Gerardo Díaz Alonso, condenado por las protestas del 11J](#) (Political prisoner Gerardo Díaz Alonso, convicted for the 11J protests, dies) October 17, 2024; El País, ["They beat him and killed him": the death of a political prisoner in a Cuban jail](#), December 2, 2024.

<sup>181</sup> Martí News, [Acusan al régimen cubano por la muerte de 4 presos políticos del 11J \(Cuban regime accused of the death of 4 political prisoners on 11J\)](#), December 4, 2024; Diario de Cuba, [Es un asesinato: un familiar del preso político Luis Barrios denuncia que murió por falta de asistencia médica \('It's a murder': family member of political prisoner Luis Barrios denounces that he died due to lack of medical assistance\)](#), November 21, 2023.

<sup>182</sup> IACHR, Office of the Special Rapporteur for Freedom of Expression, [Protest Social and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September, 2019, Prologue and paras. 1–46

<sup>183</sup> IACHR, Office of the Special Rapporteur for Freedom of Expression, [Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, par. 56.

<sup>184</sup> IACHR, Office of the Special Rapporteur for Freedom of Expression, [Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, par. 91.



to public order, even in cases where they are unannounced.<sup>185</sup> Finally, in relation to the obligation to guarantee, the IACHR has established that "it entails first and foremost the duty to investigate and punish any violation that occurs within the framework of a public demonstration."<sup>186</sup>

### ***Legal Framework restricting the Right to Freedom of Expression***

106. In October 2024, the Office of the Special Rapporteur became aware of the entry into force of the new Social Communication Law.<sup>187</sup> Recently, five opposition figures in Havana were reportedly sentenced under this legislation to prison terms of up to seven years for "propaganda against the constitutional order" after peacefully demonstrating with posters and disseminating their messages on social networks.<sup>188</sup> On June 16, 2023, the Office of the Special Rapporteur warned that this law severely restricts the exercise of freedom of the press by imposing certain duties on journalists and social communicators that are excessive, discretionary, and contrary to the very nature of journalistic work.<sup>189</sup> In this regard, the Office reiterated its call to the State to align the legal framework with international standards on freedom of expression, and to respect and guarantee this right without prior conditions.

107. In addition, the Office of the Special Rapporteur draws attention to the adoption of new regulations that could have an impact on the exercise of freedom of expression and access to information in Cuba. On July 18, 2024, during the third term of its tenth legislature, the National Assembly approved the Law on Transparency and Access to Public Information<sup>190</sup>. The Minister of Science, Technology, and Environment presented the legislation, highlighting that it regulates and promotes the culture of transparency in public management. The Minister affirmed that the regulation reflects "the highest expression of the political will of the State and the Government to make its management transparent"<sup>191</sup>. He also argued that the law seeks to reduce administrative corruption and bribery, in addition to creating effective and transparent institutions that respond to the needs of access to public information<sup>192</sup>. He also pointed out that mechanisms are established to guarantee that citizens have access to Public Administration information, namely "that which is generated or kept by the subjects in the exercise of their public functions, as well as by natural and legal persons that receive financing and other public benefits".<sup>193</sup>

108. According to available information, the new Law on Transparency and Access to Public Information could be used to reinforce control over information, instead of facilitating genuine access to data of public interest<sup>194</sup>. In this context, the Office of the Special Rapporteur has received reports from civil society organizations that indicate that the provisions of the law could contravene international standards on access to public information. In particular, they warn that the regulation contains a restrictive interpretation of "public information", limiting it to that in possession of the official reporting entities (*sujetos obligados*), instead of covering the "Activity of Public Interest", which includes those "matters or areas of management that should be resolved through governmental political decisions, at any of the levels of administrative, legislative or

<sup>185</sup>IACHR, Office of the Special Rapporteur for Freedom of Expression, [Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, par. 93.

<sup>186</sup> IACHR. IACHR, Office of the Special Rapporteur for Freedom of Expression, [Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, par. 246.

<sup>187</sup>Diario Las Américas, [Cuba: The Social Communication Law, a new censorship mechanism, enters into force](#), October 4, 2024

<sup>188</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba \(Monthly report on the human rights situation in Cuba\)](#), June 2024.

<sup>189</sup> Office of the Special Rapporteur for Freedom of Expression, Press Release No. 125/23, [La RELE manifiesta su preocupación por nueva ley de Comunicación Social en Cuba \(The SRFOE expresses its concern about new Social Communication Law in Cuba\)](#), June 16, 2023.

<sup>190</sup> Cuba Debate, [Cuba aprueba Ley de Transparencia y Acceso a la Información Pública \(Cuba approves Law on Transparency and Access to Public Information\)](#), July 18, 2024.

<sup>191</sup> La Jornada, [Aprueba Cuba inédita ley de transparencia y acceso a la información \(Cuba approves unprecedented law on transparency and access to information\)](#), July 18, 2024.

<sup>192</sup> La Jornada, [Aprueba Cuba inédita ley de transparencia y acceso a la información \(Cuba approves unprecedented law on transparency and access to information\)](#), July 18, 2024.

<sup>193</sup> La Jornada, [Aprueba Cuba inédita ley de transparencia y acceso a la información \(Cuba approves unprecedented law on transparency and access to information\)](#), July 18, 2024.

<sup>194</sup> CiberCuba, [Gobierno aprueba Ley para controlar el acceso a la información en Cuba \(Government approves law to control access to information in Cuba\)](#), July 19, 2024.



judicial political organization, that seek to satisfy the maximum interest of the community".<sup>195</sup> In addition, the law does not incorporate the principle of "maximum disclosure" and does not establish that those requesting information are exempt from justifying their reasons for doing so. Likewise, the organizations point out that the wording of the regulations regarding regulated entities/persons is not clear.<sup>196</sup>

109. The organizations also informed the Special Rapporteur that the law stipulates that requesters are responsible for the use of public information and may face administrative, civil, or criminal sanctions for misuse.<sup>197</sup> They emphasize that it establishes exceptions to public access, including classified information and any fact that, when disclosed, could cause damage, danger, impairment, or violation of sovereignty, defense, and national security.<sup>198</sup> In addition, they note that exceptions are included for personal data, pending legal proceedings, intellectual property rights, commercial confidentiality, and the environment.<sup>199</sup> The organizations warn that these exceptions are broad and vague, which may facilitate censorship and control over sensitive information.

110. In addition, the new transparency law would exclude independent media from its scope of application, stipulating that "the request for information made by journalists and managers of media organizations, for the management of communication processes in the exercise of their social function, is governed by the specific legislation of Social Communication"<sup>200</sup>. This provision has raised concern among civil society organizations, as it could constitute a form of discrimination against the practice of journalism and a serious risk to freedom of expression.<sup>201</sup>

111. The Office of the Special Rapporteur recalls that Article 13 of the American Convention guarantees the right of citizens to "seek" and "receive" information and ideas of any kind, thereby requiring the State to provide the information in its possession. Likewise, Principle 4 of the IACHR Declaration of Principles on Freedom of Expression establishes that access to state information is a fundamental right, subject only to exceptional and legally established limitations, only in cases of real and imminent danger to national security in democratic societies.<sup>202</sup> In accordance with the principle of maximum disclosure, all information must be accessible, except for strictly delimited and legally defined exceptions designed to protect imperative public interests.<sup>203</sup>

### ***Internet and Human Rights***

112. Finally, in 2024, the Office of the Special Rapporteur continued to document an increase in internet outages in connection with social protests and activists' calls for meetings. In addition, according to public reports, surveillance operations are often accompanied by interruptions in Internet access, which prevents the dissemination of information of public interest. This practice, allegedly ordered by State Security and executed by the Cuban Telecommunications Company (ETECSA), is implemented selectively, as well as on commemorative dates and in entire territories during protests. The persistent blocking of *websites* of

<sup>195</sup> Information sent by the Alianza Regional por la Libre Expresión e Información in conjunction with its local members Fundación Colectivo + Voces, and Observatorio Cubano de Derechos Humanos, on file with the Special Rapporteurship, July 19, 2024.

<sup>196</sup> Information sent by la Alianza Regional por la Libre Expresión e Información in conjunction with its local members Fundación Colectivo + Voces, and Observatorio Cubano de Derechos Humanos, on file with the Special Rapporteurship, July 19, 2024.

<sup>197</sup> La Jornada, [Aprueba Cuba inédita ley de transparencia y acceso a la información \(Cuba approves unprecedented law on transparency and access to information\)](#), July 18, 2024.

<sup>198</sup> La Jornada, [Aprueba Cuba inédita ley de transparencia y acceso a la información \(Cuba approves unprecedented law on transparency and access to information\)](#), July 18, 2024.

<sup>199</sup> La Jornada, [Aprueba Cuba inédita ley de transparencia y acceso a la información \(Cuba approves unprecedented law on transparency and access to information\)](#), July 18, 2024.

<sup>200</sup> Observatorio Legislativo de Cuba, [Ley de Transparencia y Acceso a la Información Pública en Cuba \(Law on Transparency and Access to Public Information in Cuba\): Análisis y desafíos \(Analysis and challenges\)](#), August 30, 2024.

<sup>201</sup> Information sent by the Alianza Regional por la Libre Expresión e Información in conjunction with its local members Fundación Colectivo + Voces, and Observatorio Cubano de Derechos Humanos, on file with the Special Rapporteurship, July 19, 2024.

<sup>202</sup> IACHR, [Declaration of Principles on Freedom of Expression](#), Adopted by the IACHR at its 108<sup>th</sup> regular session held from October 2-20, 2000, Principle No. 4.

<sup>203</sup> IACHR, Office of the Special Rapporteur for Freedom of Expression, [The right to access information in the Inter-American Legal Framework](#), OEA/Ser.L/V/II CIDH/RELE/INF. 1/09, December 30, 2009, paras. 9–10.



independent media and human rights organizations is also observed, along with massive blackouts and power outages.<sup>204</sup> Throughout the year, anomalies were also recorded in the operation of social networks such as *Signal*.<sup>205</sup>

113. The Rapporteurship recalls that, just as States must ensure access to public spaces, such as streets, roads and public squares for holding meetings, they must also ensure that the Internet is available and accessible to all citizens in order for them to be able to form associations and arrange meetings to participate in the political life of the country.<sup>206</sup>

### Economic, Social, Cultural, and Environmental Rights

114. The Inter-American Commission on Human Rights (IACHR), through the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA), is constantly monitoring the situation of economic, social, cultural and environmental rights (ESCR) in Cuba. In general terms, the information gathered from different sources indicates that exercising and guaranteeing ESCR in the country is still precarious. This occurs in a context of low economic growth, high inflation, reduced food production and sales, and infrastructure problems, particularly in the electricity sector.

115. The Commission and REDESCA take note of the package of fiscal and economic measures announced by the Government of Cuba at the end of 2023, which seeks to correct distortions and reactivate the economy. The measures include an increase in fuel prices, an increase in basic services tariffs, and the elimination of the basic food basket subsidy.<sup>207</sup> However, these adjustment measures have made it more difficult for the population to exercise ESCR, triggering new social protests during 2024.<sup>208</sup>

116. Worth noting, in this context, is the importance of the peaceful and spontaneous demonstrations that began on March 17 in Santiago de Cuba and quickly spread throughout the country, motivated by citizens' demands related to electricity supply and food shortages. According to data provided by civil society, in the month of September 2024 alone, 855 spontaneous protests and complaints were registered, 79.4% of which were linked to the demand for economic and social rights, particularly in areas such as health, public services, insecurity, food, social problems and housing.<sup>209</sup>

117. The IACHR and its REDESCA are alarmed by the findings of the VII Report "State of Social Rights in Cuba" of the Cuban Observatory of Human Rights, which states that extreme poverty rose to 89% of the Cuban population in 2024, one point higher than a year ago. More than a thousand interviews conducted for this study revealed that the main concern of the Cuban population is the food crisis, followed by electricity blackouts, inflation, low purchasing power of wages and the precarious situation of public health.<sup>210</sup>

<sup>204</sup> Cubalex, [Tendencias y patrones de represión en Cuba](#): (Trends and patterns of repression in Cuba:) [First semester 2024](#), July 2024; La Prensa Nicaragua, [laprensa], (Oct. 18, 2024), Cuba sufre un apagón masivo que deja sin electricidad a toda la isla, X, (Cuba suffers massive blackout that leaves the entire island without electricity, X.) [https://x.com/laprensa/status/1847385988483719602?t=qnh\\_YWTN-d3wQcPSWbM40A&s=08](https://x.com/laprensa/status/1847385988483719602?t=qnh_YWTN-d3wQcPSWbM40A&s=08); Ve Sin Filtro, [vesinfiltro], (Oct. 18, 2024), Mientras #CubaApagada se queda sin luz, también queda menos conectada a internet, X, (As #CubaApagada goes without power, it also becomes less connected to the internet, X.) <https://x.com/vesinfiltro/status/1847381359058448532?t=cbFy1PdkaKW6Q43AhnzuaA&s=08>.

<sup>205</sup> Guardianes Digitales, [Informe #6 sobre la salud del Internet en Cuba \(Report #6 on the health of the Internet in Cuba\)](#), 2024.

<sup>206</sup> IACHR, Office of the Special Rapporteur for Freedom of Expression, [Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, par. 297.

<sup>207</sup> Granma, ["Proyecciones de gobierno para corregir distorsiones y reimpulsar la economía durante el año 2024 \(Government projections to correct distortions and revive the economy during 2024\)"](#), January 24, 2024.

<sup>208</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly Report on the Situation of Human Rights in Cuba), January, 2024.

<sup>209</sup> Observatorio Cubano de Conflictos, ["Cuba: 855 protestas y denuncias en septiembre"](#) (855 protests and complaints in September), October 1, 2024.

<sup>210</sup> Observatorio Cubano de Derechos Humanos (OCDH), ["El Estado de los Derechos Sociales en Cuba"](#) (State of Social Rights in Cuba), VII Report, July 2024, p. 3.



118. Regarding the food crisis situation, the report of the Cuban Observatory of Human Rights emphasizes that 7 out of 10 Cuban people have stopped eating some food due to lack of money or food shortages. It also underscores the disproportionate impact this situation has on people of African descent, affecting 80% of this group, as well as 79% of the elderly, which exacerbates pre-existing social and economic inequalities.<sup>211</sup> For its part, a study conducted by the *Food Monitor Program* reveals that at least 60% of the people surveyed consider that they have significantly lost access to food.<sup>212</sup>

119. The IACHR and REDESCA note that shortages of basic products such as milk, flour, rice, sugar, sugar, chicken, and oil have become a daily reality for many Cubans. The crisis in the production and supply of subsidized food and the high prices in illegal markets and MSMEs have triggered demonstrations throughout the country. In this regard, note was taken of the Cuban Government's request for support from the United Nations World Food Program (WFP) to continue delivering milk to children under seven years of age at a subsidized price.<sup>213</sup> Also, during February, authorities of the Ministry of Food Industry (MINAL) declared the need to reduce the supply of bread for the standard family basket due to delays in shipments of wheat and flour<sup>214</sup> and, as a substitute, to use sweet potato, cassava or pumpkin, reducing the quality of the bread produced, forcing the population to consume other ingredients without alternatives. In September, it transpired that a decision had been made to reduce the size of a loaf of bread in order to guarantee its production and distribution without affecting consumers or priority facilities such as schools and hospitals.<sup>215</sup>

120. Lack of essential medicines and medical supplies also remains a widespread problem in Cuba, with a direct impact on the health of the population. According to statements made by the Minister of Public Health, the public drug network is facing significant shortages.<sup>216</sup> This shortage is especially critical for people with chronic diseases, who are often forced to purchase drugs on the black market or, in the worst cases, to do without them, putting their well-being at risk.<sup>217</sup> Testimonies provided to the IACHR and the Office of the Special Rapporteur reveal that, due to the shortage of supplies in hospitals, it is the patients themselves who must bring their own kit of medical supplies, including items such as anesthesia, for their surgical procedures.<sup>218</sup> In addition, the purchase of medicines in pharmacies has become extremely difficult, as many products are not available, which forces the population to resort to the illegal purchase and sale of imported products offered at high prices on the island. This situation highlights the crisis of the Cuban health system and its repercussions on the quality of life of its population.

121. The IACHR and REDESCA welcome the Cuban Government's decision to extend until January 31, 2025 the tariff exemption for food, medicines, and other products imported by individuals for non-commercial purposes, which will help alleviate scarcity and generalized shortages.<sup>219</sup> Likewise, as has been stated on several occasions<sup>220</sup>, they reiterate their concern about the effects of the tightening of the economic, financial, and commercial embargo sanctions imposed by the United States, while calling for their lifting in order to safeguard the human rights affected by this measure.

<sup>211</sup> Observatorio Cubano de Derechos Humanos (OCDH), "[El Estado de los Derechos Sociales en Cuba](#) (State of Social Rights in Cuba)", VII Report, July 2024, p. 12.

<sup>212</sup> Food Monitor Program, [Food Insecurity Survey 2024](#), May 2024.

<sup>213</sup> Agencia EFE, "[Cuba pide por primera vez ayuda al PMA de la ONU por problemas de distribución de leche \(Cuba asks UN WFP for help for the first time due to milk distribution problems\)](#)", February 28, 2024.

<sup>214</sup> Cubadebate, "[Ministerio de la Industria Alimentaria informa sobre disponibilidad de harina de trigo \(Food Industry Ministry reports on availability of wheat flour\)](#)", February 25, 2024.

<sup>215</sup> Granma, "[Disminuye el gramaje del pan de la canasta familiar para no afectar su producción \(Fewer grams of wheat in family bread basket to keep production going\)](#)", September 12, 2024.

<sup>216</sup> Cubadebate, "[Que las farmacias funcionen acorde con las necesidades de la población es una prioridad, sostienen diputados \(Pharmacies must function in accordance with the needs of the population, members of parliament say\)](#)", July 15, 2024.

<sup>217</sup> CiberCuba, "[Díaz-Canel en Día contra el Cáncer: \(Díaz-Canel in Day against Cancer:\) 'Cuba dará la atención que merece cada paciente' \('Cuba will provide the care that every patient deserves'\)](#)", February 5, 2024.

<sup>218</sup> Testimony of two Cuban exiles, received by the IACHR and REDESCA in Washington D.C., September 26, 2024.

<sup>219</sup> Gaceta Oficial de la República de Cuba, [Resolución 311/2024](#), September 28, 2024.

<sup>220</sup> IACHR, Press Release No. 81/24, [Cuba: IACHR and REDESCA express concern over worsening food shortages and prolonged power outages](#), April 29, 2024.



122. In relation to the existence of power outages, the IACHR and REDESCA take note of the creation of four solar parks in the province of Santiago de Cuba with the aim of reducing energy dependence in the area.<sup>221</sup> However, they warn that widespread and prolonged power cuts continue to affect the daily life of the majority of the Cuban population, and are one of the main reasons behind the street protests. At the same time, press reports indicate a significant increase in the frequency of blackouts, mainly in provinces in the interior, where in some cases these outages can last up to 20 hours a day.<sup>222</sup> In October there was a generalized collapse of the electricity service that affected the power supply in a large part of the island for several consecutive days, which led to new protests<sup>223</sup> and the suspension of classes and cultural events.<sup>224</sup> Reports showed up to 35 hours without electricity and cases of food shortages and water rationing.<sup>225</sup> The power outages experienced by the population not only affect daily life, but also have a direct impact on the safeguarding of other ESCR such as access to food in adequate conditions for consumption; the quality of health and education services, or the supply of drinking water given the dependence on electrical systems for its distribution.

123. Regarding access to drinking water, more than 600,000 people in Cuba, 7% of the total population, lack adequate access.<sup>226</sup> This deficit is mainly attributed to power outages and breakdowns in pumping equipment and hydraulic networks, which have seriously impaired the distribution of this essential resource. The figure represents a 25% increase in the number of people affected in the last ten months, and is evidence of a trend that reflects not only the infrastructure crisis, but also the deficiencies in the management of basic services in the country. In this context, the Commission and REDESCA urge the Cuban State to adopt effective measures to guarantee access to essential public services and improve the resilience of infrastructure in order to meet the vital needs of the population and promote its comprehensive development, especially in a context of growing vulnerability to the effects of climate change.

124. The IACHR and REDESCA express their concern over the significant loss of purchasing power of wages and salaries and pensions in Cuba, a situation that translates into economic hardship for a large part of the population and particularly affects groups in especially vulnerable situations. Based on the information available, 86% of Cuban households find it hard to subsist on their income; and of these 61% indicate that they have difficulties even in acquiring the most essential goods for their survival.<sup>227</sup> Widespread price increases also impact the elderly, who in many cases spend more than half of their pension to cover their basic needs.<sup>228</sup> According to official sources, 39% of the beneficiaries receive minimum pensions amounting to 1,528 Cuban pesos, equivalent to 4.70 dollars at the exchange rate in the informal market.<sup>229</sup> Given this situation, elderly people can be seen in the streets of Havana going through the garbage in order to find recyclable materials to sell and to be able to collect a little money to make ends meet.<sup>230</sup>

125. Regarding persons deprived of their liberty, the Commission and REDESCA continued to receive complaints about detention conditions related to overcrowding, poor food, lack of access to drinking

<sup>221</sup> Granma, "[Cuatro grandes parques solares reducirán la dependencia energética de Santiago de Cuba \(Four large solar parks will reduce energy dependence of Santiago de Cuba\)](#)", June 4, 2024.

<sup>222</sup> Cubanet, "[Veinte horas de apagón, y aquí no ha pasado nada \(Twenty hours of blackout, and nothing has happened here\)](#)" September 27, 2024.

<sup>223</sup> France24, "[Cuba encara un apagón prolongado, mientras el Gobierno amenaza con socavar las protestas](#)" ("Cuba faces prolonged blackout as government threatens to repress protests"), October 21, 2024.

<sup>224</sup> Artemisa, "[Medidas dada la emergencia electroenergética en la que se encuentra el país](#)" (Measures to address the energy crisis), October 18, 2024.

<sup>225</sup> Diario de Cuba, "[Con toda Cuba apagada, al menos una sede del Partido Comunista tenía electricidad](#)" ("With all of Cuba shut down, at least one Communist Party headquarters had electricity"), October 19, 2024.

<sup>226</sup> Granma, "[La compleja situación del abasto de agua afecta a más de 600.000 clientes en el país \(The complex water supply situation is affecting more than 600,000 customers in the country\)](#)", September 3, 2024.

<sup>227</sup> Observatorio Cubano de Derechos Humanos (OCDH), "[El Estado de los Derechos Sociales en Cuba \(The state of social rights in Cuba\)](#)", VII Report, July 2024.

<sup>228</sup> CiberCuba, "[La compra de un anciano cubano con 860 pesos en Holguín \(The purchase of an elderly Cuban for 860 pesos in Holguín\)](#)", February 7, 2024.

<sup>229</sup> Cubadebate, "[¿Desprotegidos sin el Inass? \(Unprotected without the National Social Security Institute-Inass?\)](#)", October 13, 2024.

<sup>230</sup> CiberCuba, "[Ancianos cubanos reciclan basura para sobrevivir en La Habana \(Elderly Cubans recycle garbage to survive in Havana\)](#)", April 24, 2024.



water, medicines, and medical care.<sup>231</sup> Civil society organizations documented between March 2023 and May 2024 at least 2,093 cases of human rights violations in detention centers, of which 739 are related to lack of medical care and health problems. Most of these abuses are perpetrated by prison staff, State Security agents, and members of the judicial system, and include harassment of inmates, beatings, physical torture, and insufficient or spoiled food.<sup>232</sup> Likewise, the food received by people in State custody is scarce, poorly balanced, and, in many cases, in a state of decomposition.<sup>233</sup> There is also a lack of adequate and timely medical care; medication sent by family members is not delivered and necessary tests are not performed, even for those with chronic illnesses and people with disabilities.<sup>234</sup> During the same period (March 2023 and May 2024), 44 people are reported to have died in prison, mainly due to lack of medicines and lack of adequate medical care.<sup>235</sup>

126. In addition, note was taken of the reports made by civil society on forced labor imposed in prisons on political prisoners, who are forced to work for state-owned companies in coal production and sugarcane harvesting without the necessary protective equipment. In addition, they denounce that persons deprived of their liberty receive insignificant salaries and are coerced to perform their work under threats and reprisals.<sup>236</sup>

127. Regarding the situation of Cuban workers abroad, especially those involved in medical missions, the IACHR and REDESCA received information on the serious human rights violations experienced by health personnel, who face exploitative working conditions, inadequate salaries, and various forms of harassment and pressure.<sup>237</sup> However, as reported, abandoning these missions carries severe penalties, including prison sentences of up to eight years or a ban on returning to the country. In addition, precarious housing conditions, withholding of salaries in favor of the government, reprisals against family members of those who express dissent, and serious allegations of sexual harassment and constant surveillance were reported. Annually, the Cuban government sends more than 50,000 doctors and other specialists abroad, generating revenues ranging from 7 to 11 billion dollars, which is equivalent to three to four times the income from tourism. Regarding this situation, the Commission and the Office of the Special Rapporteur take note of the Resolution of the European Parliament, in which it expresses its concern about the existence of forced labor in Cuba and condemns this type of practice promoted by the State, especially the medical brigades, but which also affects teachers, sailors, engineers, artists, athletes, and other persons.<sup>238</sup>

128. The housing deficit in Cuba continues to be a structural problem that affects a large part of the population. According to the official press, the country faces a deficit of more than 856,500 housing units, given that in 2023 only 65% of planned housing projects were executed.<sup>239</sup> In 2024, as of August, 5,262 homes were completed, representing an execution rate of 39%.<sup>240</sup> This deficit is aggravated by factors such as population growth, urbanization, the deterioration of many existing buildings, and the lack of economic resources of individuals to improve them.

129. In relation to the guarantee of the right to a healthy environment and actions in the face of the climate emergency, the IACHR and REDESCA take note of the development of a national air monitoring system to measure pollution; and that, among the actions planned for its revitalization, are the updated characterization of air quality behavior, the acquisition of equipment and technologies to measure the main

<sup>231</sup> IACHR, Thematic Hearing, "[Human Rights of Persons Arbitrarily Deprived of Liberty for Political Reasons in Cuba](#)," 190th regular session, Washington, DC, United States, July 8, 2024.

<sup>232</sup> Centro de Documentación de Prisiones Cubanas, [Update on Prison Conditions \(May 2024\)](#), June 11, 2024.

<sup>233</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba \(Monthly Report on the Human Rights Situation in Cuba\)](#), August 2024; Prisoner Defenders, "[Brief Report on Forced Labor in Cuban Prisons](#)," June 14, 2024.

<sup>234</sup> IACHR, Thematic Hearing "[Cuba: Monitoring of Precautionary Measures for Beneficiaries Deprived of their Liberty \(Ex Officio\)](#)," 188th regular session, Washington D.C., United States, November 7, 2023.

<sup>235</sup> Centro de Documentación de Prisiones Cubanas, [Update on Prison Conditions \(May 2024\)](#), June 11, 2024.

<sup>236</sup> Prisoners Defenders, [United Nations condemns forced prison labor imposed on political prisoners in Cuba](#), August 28, 2024.

<sup>237</sup> IACHR, Thematic Hearing, "[Human Rights of Persons Participating in Medical Missions](#)," 189th regular session, Washington, DC, United States, February 29, 2024, information provided by Prisoners Defenders.

<sup>238</sup> European Parliament, [Critical Situation in Cuba](#), European Parliament Resolution (2024/2584(RSP)), February 29, 2024.

<sup>239</sup> Granma, "[El Programa de la Vivienda necesita otras alternativas \(The Housing Program needs other alternatives\)](#)," February 27, 2024.

<sup>240</sup> Granma, "[Todos los cuadros tienen que hablar con el pueblo \(All officials must talk to the people\)](#)," October 1, 2024.



pollutants, the improvement of transport and dispersion models of these compounds, and the adoption of mitigation measures.<sup>241</sup>

## **B. Groups in situations of vulnerability and discrimination**

130. In 2024, the Commission continued to receive information on the human rights situation of vulnerable groups and groups traditionally subject to discrimination. In the following section it addresses the main concerns in relation to certain populations in Cuba, such as people of African descent, women, LGBTI persons, persons in situations of human mobility, people deprived of their liberty, and persons with disability.

### **People of African descent**

131. In relation to the situation of Afro-descendants, the Commission emphasizes its concern regarding the persistence of challenges in the implementation of actions and measures for the elimination of racial and structural discrimination in the country, as well as the situation of extreme vulnerability to which this ethnic-racial group continues to be exposed.

132. According to information received by the IACHR during its 190th session, racially profiled violence and structural discrimination are persistent problems in Cuba, especially within the justice system and the actions of police forces. Cases documented by civil society show that Afro-Cubans are more likely to be perceived as dangerous and criminal, leading to increased police persecution, imprisonment, and repression.<sup>242</sup>

133. In this regard, according to publicly available information, state repression during the "11J" protests has disproportionately affected Afro-descendants. Also, according to information systematized by the organization Cubalex, Afro-descendants accused of sedition for participating in the aforementioned protests have received harsher sentences than non-Afro-descendants tried for the same crime. According to them, these sentences reflect racial profiling, within the framework of a judicial system with entrenched structural racism.<sup>243</sup>

134. Likewise, in the framework of the aforementioned hearing, civil society organizations denounced the lack of facilities to participate and build a social and political agenda that would lead the State to espouse public practices that would enable them to occupy a place in society to advocate for respect for their rights. They denounced that Afro-descendant human rights defenders were harassed by State security agents when attempting to assemble peacefully and suffered arbitrary detentions, without the right to an effective defense, and with greater violence on the part of police forces.<sup>244</sup>

135. On the other hand, the IACHR has warned of the special impact on the economic, social, cultural, and environmental rights of Afro-Cuban people, particularly in the areas of health, housing, unemployment, and access to sanitation and drinking water.<sup>245</sup> On this point, civil society organizations emphasized that poverty and extreme poverty mainly affect people of African descent, who live in a precarious situation, in unhealthy areas, with low salaries, no remittances, and little schooling.<sup>246</sup> In addition to the

<sup>241</sup> Granma, [Desarrollan un sistema nacional de vigilancia del aire para solucionar problemas de contaminación atmosférica \(National system being developed to monitor air and resolve atmospheric contamination problems\)](#), May 30, 2024.

<sup>242</sup> IACHR, 190th Period of Sessions, [Public Hearing - Cuba: Human Rights Violations in the context of institutional violence](#), July 11, 2024.

<sup>243</sup> Diario de Cuba, [Los afrodescendientes recibieron condenas más severas por el 11J, denuncia Cubalex \(Afro-descendants received harsher sentences from the 11J, according to Cubalex\)](#), September 2, 2024.

<sup>244</sup> IACHR, 190th Period of Sessions, [Public Hearing - Cuba: Human Rights Violations in the context of institutional violence](#), July 11, 2024.

<sup>245</sup> IACHR, [Situación de derechos humanos en Cuba](#) (Situation of Human Rights in Cuba), 2020, par. 304.

<sup>246</sup> Raza e Igualdad, [En Cuba, la pobreza extrema afecta principalmente a las personas afrodescendientes de la Isla \(In Cuba, extreme poverty mainly affects people of African descent on the island\)](#), October 29, 2024.



difficulty of finding employment in decent conditions, Afro-Cuban activists have denounced that they have been fired from their jobs in retaliation for speaking out against racial discrimination and human rights violations.<sup>247</sup>

136. In addition, there is apparently no recent official information that would allow us to verify the inequalities affecting people of African descent and to design public policies to combat the growing racial inequality in Cuba. According to civil society representatives, the last population census of 2012 did not account for these inequities because it did not include the existence of segments of the population differentiated according to ethno-racial descent. Moreover, the population census that was to be carried out in 2022 was postponed until at least 2025.<sup>248</sup>

137. The Commission continues to take note of the follow-up actions to the National Program against Racism and Racial Discrimination adopted by the Cuban State in 2019 and in effect until 2030, which include the inauguration in October 2023 of the Laboratorio Social Color Cubano, which monitors implementation of the Program.<sup>249</sup> However, civil society organizations denounce significant challenges in terms of implementation and impact, such as the lack of communication and dissemination of the few actions that are carried out<sup>250</sup> and the lack of measurable objectives that can be evaluated by citizens.<sup>251</sup>

138. The Commission also reiterates its call on the State to take positive steps to ensure the political participation of people of African descent in public bodies, either by adopting a system of electoral quotas or by creating channels for civil society participation in legislative processes and public policy development. The IACHR believes that their participation would contribute substantially to the modification of racist patterns and enable their specific needs to be highlighted, by heeding their right to equality before the law, provided for in Article II of the American Declaration, as well as the substantive dimension of the principle of equality.

## Women

139. Regarding the human rights situation of women, the Commission reiterates its concern about the harassment, intimidation, and persecution suffered by women human rights defenders, Afro-Cuban activists, and women deprived of their liberty in Cuba. Particularly notable is the absence of public policies and specialized legislation to combat violence against women in the country and the lack of official and updated statistical data on this type of violence.

140. The Commission appreciates the enactment of Decree 109, which created the National System for the Integral Care of Life that aims to contribute to the redistribution of care work taking the gender approach into account in order to transform unequal relations between men and women.<sup>252</sup> However, it notes with concern the lack of adoption of specialized regulations to prevent, investigate, and punish gender-based violence against women.<sup>253</sup> Despite repeated demands by civil society organizations, the discussion of the Comprehensive Law against Violence and the classification of femicide as a crime has not yet been included

<sup>247</sup> IACHR, 190th Period of Sessions, [Public Hearing - Cuba: Human Rights Violations in the context of institutional violence](#), July 11, 2024.

<sup>248</sup> Martí Noticias, [Cofradía de la Negritud: desigualdad racial se acentúa en Cuba a la par de la pobreza y la exclusión \(Cofradía de la Negritud: racial inequality exacerbated in Cuba along with inequalities based on poverty and exclusion\)](#), July 30, 2024; Raza e Igualdad, [En Cuba, la pobreza extrema afecta principalmente a las personas afrodescendientes de la Isla \(In Cuba, extreme poverty mainly affects people of African descent\)](#), October 29, 2024.

<sup>249</sup> Cuba Información, [En Cuba hace cuatro años se aprobó el Programa Nacional contra el Racismo y la Discriminación Racial \(In Cuba, the National Program against Racism and Racial Discrimination was approved four years ago\)](#), October 19, 2023.

<sup>250</sup> IPS Cuba, [Programa contra el racismo en Cuba reclama más visibilidad y difusión \(Program against racism in Cuba calls for more visibility and dissemination\)](#), February 9, 2024.

<sup>251</sup> La Joven Cuba, [¿Existe el color cubano? \(Is there such a thing as Cuban color?\) Desigualdades tras la máscara del mestizaje \(Inequalities masked by racial mingling\)](#), August 15, 2024.

<sup>252</sup> Ministry of Justice, Decree 109/2024 "[Sistema Nacional para el Cuidado Integral de la Vida \(National System for Integral Life Care\)](#)" (GOC-2024-578-099), October 15, 2024, articles 4 and 6.

<sup>253</sup> CEDAW Committee, [IX Report of Cuba to the Committee on the Elimination of Discrimination against Women](#), 12 December 2022, para. 262.



in the legislative agenda.<sup>254</sup> In this regard, the Commission regrets the lack of ratification of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, the main regional instrument for the protection of women's human rights.<sup>255</sup>

141. On the other hand, the Commission warns of the prevalence of femicidal violence and the absence of measures to combat it, such as prevention protocols and temporary housing for victims of violence.<sup>256</sup> Publicly available information indicates that, between January and October 2024, 40 violent deaths of women were recorded, most of them perpetrated by their partners or ex-partners.<sup>257</sup> In addition to these data are the people affected by these deaths, mainly family members who depended on the victims.<sup>258</sup> The Commission appreciates the recognition in the Cuban regulatory framework of the right to reparation in cases of gender violence. However, civil society organizations have pointed out that there are challenges to its timely implementation, such as the absence of a gender focus in legislation, the limitation of reparation to compensation, and bureaucratic obstacles.<sup>259</sup>

142. Likewise, the Commission warns that, during 2024, women activists and human rights defenders continued to face acts of repression to discourage their participation in protests, activism, or defense work.<sup>260</sup> The persistence of short-term arbitrary detentions<sup>261</sup>, harassment, physical, psychological, and vicarious violence<sup>262</sup>, sexual violence, and threats by State officials has been reported, particularly affecting Afro-Cuban women.<sup>263</sup> Also notable were reprisals against family members of women defenders in the form of harassment, forced disappearance, and expulsion from schools and workplaces.<sup>264</sup> In addition, women deprived of their liberty face inadequate detention conditions that put their personal integrity at risk,<sup>265</sup> as well as physical and sexual assaults committed by state agents.<sup>266</sup> Along these lines, the Commission was informed

<sup>254</sup> La Coalición, Request for a Thematic Hearing, "State Violence in Cuba: Deaths in Custody and Patterns of Violence from an Intersectional Perspective," 190th Session of the IACHR, p. 2. On file at IACHR. Alas Tensas, [La Asamblea Nacional responde a petición de aprobación de una Ley Integral contra la Violencia de Género \(National Assembly responds to request for approval of a Comprehensive Law against Gender Violence\)](#), February 21, 2024.

<sup>255</sup> IACHR, [Situation of Human Rights in Cuba](#), OEA/Ser.L/V/II. Doc. 2, February 3, 2020, par. 311; General Information on the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, [Signatory Countries](#), accessed on October 18, 2024.

<sup>256</sup> Prisoners Defenders, [The reality of the current femicide crisis in Cuba. Report for CEDAW](#), September 2024, p. 2; Diario de Cuba, [Violencia machista y política en Cuba, bajo la lupa del Comité para la Eliminación de la Discriminación contra la Mujer \(Machista and political violence in Cuba monitored by the Committee for the Elimination of Discrimination against Women\)](#), October 9, 2024.

<sup>257</sup> Alas Tensas, [Listado de feminicidios en Cuba en el año 2024 \(List of feminicides in Cuba in 2024\)](#), October 15, 2024; Alas Tensas, [El asesinato de una joven de 18 años eleva a 39 los feminicidios en Cuba en 2024 \(The murder of an 18-year-old woman raises the number of feminicides in Cuba in 2024 to 39\)](#), October 10, 2024.

<sup>258</sup> Casa Palanca, [Víctimas de las que no se habla \(Victims nobody talks about\)](#), September 18, 2024; Alas Tensas, [Violencia de género contra la mujer en Cuba: feminicidios, trata y explotación \(Gender-based violence against women in Cuba: feminicides, trafficking, and exploitation\) \(Contribution to CEDAW\)](#), October 16, 2024.

<sup>259</sup> Cubalex, Solicitud de Audiencia "Obligación de reparar a las víctimas de violencia de género en Cuba (Request for Hearing "Obligation to Make Reparations to Victims of Gender Violence in Cuba)", August 20, 2024, 191st IACHR Period of Sessions, p. 1. On file at IACHR.

<sup>260</sup> La Coalición, et al. Solicitud de Audiencia "Violencia de Estado en Cuba" (Request for Hearing "State Violence in Cuba"), p. 8. On file at IACHR.

<sup>261</sup> DW, [Cuba: las Damas de Blanco denuncian 100 domingos de arrestos \(Cuba: Ladies in White denounce 100 Sundays of arrests\)](#), October 15, 2024.

<sup>262</sup> Race & Equality, [En Cuba se vive el 8M entre la violencia de género y la represión \(Cuba lives 8M between gender violence and repression\)](#), March 8, 2024.

<sup>263</sup> La Coalición, et al., Solicitud de Audiencia "Violencia de Estado en Cuba" (The Coalition, et al., Request for a Hearing on "State Violence in Cuba"), p. 2. On file at IACHR.

<sup>264</sup> Red Femenina de Cuba, et al, Solicitud de Audiencia "Represión Estatal contra Mujeres Activistas" (Request for Hearing on "State Repression against Women Activists"), p. 2. On file at IACHR.

<sup>265</sup> IACHR, [IACHR Grants Precautionary Measures to Aniette González García, Human Rights Defender in Cuba, May 6, 2024; Red Femenina de Cuba, et al](#), May 6, 2024; Red Femenina de Cuba, et al, Request for Hearing "State Repression against Women Activists", 191st Regular Session, August 20, 2024, p. 2. On file at the IACHR.

<sup>266</sup> La Coalición, et al. Solicitud de Audiencia "Violencia de Estado en Cuba" (Request for Hearing "State Violence in Cuba"), p. 8. On file at IACHR.



about the denial of food and adequate medical care to a pregnant woman deprived of liberty who was pressured to terminate her pregnancy.<sup>267</sup>

143. The aforementioned acts of violence collide with the rights enshrined in the American Declaration of the Rights and Duties of Man. Article II recognizes the right to equality without distinction as to race, sex, and other categories.<sup>268</sup> However, Cuban women defenders and prisoners face discrimination, firstly, due to the absence of regulations that guarantee the exercise of their rights and, secondly, due to the various forms of violence they suffer in both the public and private spheres. In addition, the exercise of the right to protection of motherhood and childhood<sup>269</sup> is affected by the conditions inside detention centers and the reprisals faced by family members of women defenders, including children.

144. In summary, serious deficiencies persist in the protection of the rights of women, who are deprived of public policies and adequate legislation to prevent and punish gender violence, which exacerbates the vulnerability of specific groups such as women defenders, Afro-Cuban activists, and women deprived of liberty. This absence of protection mechanisms increases the commission of acts of violence as reflected in the number of violent deaths. Finally, there is evidence of a pattern of discrimination and violence against women activists and human rights defenders exercised by state agents that particularly affects Afro-descendant women.

### LGBTI persons

145. Regarding the rights of LGBTI persons, the Commission remains concerned about the situation of generalized violence against this group. At the same time, there are numerous complaints from civil society about the lack of investigations by the authorities into violent crimes, possibly motivated by prejudice. Concern is also reiterated about transgender political prisoners and the lack of official data on the rights of LGBTI people.

146. The IACHR notes that between May 3 and 18, 2024, the country conducted “Cuban Days against Homophobia and Transphobia”.<sup>270</sup> On those days, peaceful association meetings were organized by the State to draw attention to the struggle for the rights of LGBTI people. Likewise, political leaders and high-level public officials expressed their support for LGBTI rights during the year.<sup>271</sup>

147. On the other hand, the Commission warns about the lack of official and public data and information on the human rights situation of LGBTI persons, a situation that makes monitoring difficult. The IACHR notes that most of the data are generated by civil society organizations and the independent press.

148. The IACHR also continues to receive information related to acts of violence and repression against LGBTI persons in Cuba. In February, for example, the murder of Helen García Artelles, a trans woman and human rights defender from Camagüey, was reported.<sup>272</sup> In July, according to information in the public domain, Cuban activist and artist Kiriam Gutiérrez Pérez was banned from participating in and even attending an event known as “Reina de la Copla en Cuba” (Queen of the Couplet in Cuba). This was due to an anonymous

<sup>267</sup> Request for precautionary measure, Lisdany Rodríguez Isaac, pregnant prisoner, April 12, 2024, on file at the IACHR; Cubita Now, [Presa del 11 | se embaraza en prisión: el régimen la está presionando para que aborte \(11 | prisoner becomes pregnant in prison: the regime is pressuring her to have an abortion\)](#), January 24, 2024.

<sup>268</sup> Organization of American States, [American Declaration of the Rights and Duties of Man](#), 1948, Article II.

<sup>269</sup> Idem, Article VII.

<sup>270</sup> Tribuna de la Habana, [Celebran Jornadas Cubanas contra la Homofobia y la Transfobia \(Celebration of Cuban Days against homophobia and transphobia\)](#), May 6, 2024; Radio Rebelde, Concluye XVII edición de las Jornadas contra la homofobia y la transfobia en Cuba, May 16, 2024.

<sup>271</sup> CMXX, Radio Bayamo, [En Cuba el amor es ley y lo seguirá siendo, asevera presidente \(In Cuba, love is the law and will continue to be so, President asserts\)](#), May 17, 2024; CUBADEBATE, [Jornadas contra la Homofobia y Transfobia: Educar en el respeto y la no discriminación \(Educating for respect and non-discrimination\)](#), May 6, 2024.

<sup>272</sup> CubitaNOW, [Asesinato de Mujer Trans en Camagüey Eleva a Seis los Feminicidios en Cuba en 2024 \(Murder of Trans Woman in Camagüey Raises the Number of Feminicides in Cuba to Six in 2024\)](#), February 5, 2024.



accusation that an act of protest could take place at the event.<sup>273</sup> Likewise, the Commission learned about the lack of interest of the authorities in investigating crimes allegedly motivated by prejudice and that the impunity that this generates is one reason why LGBTI people want to leave the island.<sup>274</sup>

149. In addition, the Commission reiterates its concern about the wellbeing of trans activist and political prisoner Brenda Díaz, who has been housed in a male prison since her arrest during the July 11, 2021 demonstrations. According to information in the public domain, Brenda was transferred to a punishment cell on January 1, 2024 and, although she is no longer in this cell, she reports being in inhumane conditions and being the victim of acts of violence by guards.<sup>275</sup>

150. In light of the above, the IACHR urges the State to make efforts to collect and analyze data regarding the prevalence and nature of violence and bias-based discrimination against LGBTI persons.<sup>276</sup> It also reiterates the recommendation made in 2023 on guaranteeing the right to life and integrity of LGBTI people; first by refraining from practicing, through its agents, acts of violence against them; and, secondly by ensuring a legal framework that protects them against actions by third parties.<sup>277</sup>

151. Finally, the Commission reiterates to the State the urgent need to adopt protocols that provide security for trans persons deprived of their liberty.<sup>278</sup> Likewise, the State is called upon to investigate acts of violence against LGBTI persons in accordance with international standards of due diligence to guarantee adequate access to justice for LGBTI persons and ensure measures of non-repetition.

### People in a situation of human mobility

152. Regarding the population in a situation of human mobility, the Commission noted with concern the enactment of the new Citizenship Law, which contains provisions that would allow depriving persons of their nationality for acts contrary to political, economic, and social interests. It also reiterates its alarm at the persistence of arbitrary restrictions on the right of movement and residence, including the right of nationals to leave and return freely to the country, and continues to closely observe the increase in the massive outflow of Cuban nationals from the country.

153. Regarding the new Citizenship Law,<sup>279</sup> approved in July 2024 by the National Assembly of People's Power, the Commission notes with concern that the norm allows depriving a person of Cuban nationality if he or she, in the opinion of the corresponding citizenship authority, "from abroad perform acts contrary to the high political, economic, and social interests of the Republic of Cuba". In addition, the aforementioned law provides that "when any person gives cause for deprivation of citizenship and causes serious damage to the country in relation to national security, endangers the stability of the State, international relations, or the general health of the population, the citizenship authority may issue a Presidential Decree without complying with the requirements and formalities for the processing of the case". In this regard, the

<sup>273</sup> CiberCuba, [Denuncian censura contra la artista trans Kiriam Gutiérrez \(Censorship against trans artist Kiriam Gutiérrez denounced\)](#), July 9, 2024.

<sup>274</sup> CiberCuba, ["¿Qué voy a poder aquí en Cuba, qué voy a construir aquí?" \(What am I going to be able to do here in Cuba, what am I going to build here?\)](#), June 28, 2024.

<sup>275</sup> Diario de Cuba, ["Si la maltrataron", denuncia la madre de la presa política del 11j Brenda Díaz \("Yes, they did mistreat her," complains the mother of 11j political prisoner Brenda Díaz\)](#), January 4, 2024; ADN Cuba, [Maltratan y llevan a celda de castigo a presa política del 11j Brenda Díaz \(They mistreat 11j political prisoner Brenda Díaz and move her to a punishment cell\)](#), January 1, 2024.

<sup>276</sup> IACHR, [Report on Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas](#), 2015 Recommendations 1, p. 290.

<sup>277</sup> IACHR, [Annual Report 2023 Chapter IV-B 'Cuba'](#), 2023, par. 145; IACHR, [Report on Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas](#), 2015. Recommendations 25-27, p. 294; Recommendations 31 and 32, p. 295.

<sup>278</sup> Inter-American Court of Human Rights, Advisory Opinion OC-29/22 of 30 May 2022, Differential approaches with respect to certain groups of persons deprived of liberty (interpretation and scope of Articles 1(1), 4(1), 5, 11(2), 12, 13, 17(1), 19, 24, and 26 of the American Convention on Human Rights and other instruments concerning the protection of human rights), paras. 242ff; IACHR, [Report on Women Deprived of Liberty in the Americas](#), adopted by the Inter-American Commission on Human Rights on March 8, 2023, par. 295.

<sup>279</sup> Cuba, [Proyecto de Ley de Ciudadanía \(Draft Citizenship Law\)](#), approved by the National Assembly of People's Power on July 19, 2024.



IACHR stresses that nationality constitutes a non-derogable right, and that its arbitrary deprivation, especially as a punishment or sanction for political reasons, is contrary to international human rights law.<sup>280</sup>

154. With regard to restrictions on the right of movement and residence, during 2024, the Commission continued to observe that the exercise of this right is extremely restricted in law and in fact, especially for those who have espoused critical positions towards the Government. The IACHR learned of new cases of activists and independent journalists who have been banned from leaving the country by Cuban authorities. In March, activist Martha Beatriz Roque was prevented from leaving the country to attend a ceremony in which she was awarded the International Women of Courage Award by the U.S. State Department.<sup>281</sup> Similarly, on June 6, CubaNet contributor Armando Sardiñas was prevented from boarding a flight to Nicaragua.<sup>282</sup> In turn, writer Adriana Normand denounced on November 13 that she was informed that she was under surveillance (*se encuentra regulada*) when she was in the office in charge of issuing passports in Havana.<sup>283</sup>

155. In particular, the Commission is concerned about certain provisions of the new Migration Law<sup>284</sup> that allow limiting the entry into the country of Cuban citizens for the purpose of guaranteeing defense, national security, internal order, or public order and interest. The IACHR stresses that, in accordance with Article VIII of the American Declaration, every person has the right to establish his or her residence within the territory of the state of which he or she is a national, to move about freely within such territory, and not to leave it except by her or his own will.<sup>285</sup> Likewise, the refusal to return nationals to their country is considered a serious violation of the rights associated with the exercise of nationality.

156. In addition, the IACHR continues to take note of the significant increase in the migration of Cuban persons to the United States in 2024. In this regard, according to the most recent Customs and Border Protection (CBP) statistical update, between October 2023 and September 2024, 217,615 Cuban nationals arrived in the United States.<sup>286</sup> This number already exceeds 641,000 for fiscal years 2022 to 2024, and continues to surpass the 125,000 who emigrated in 1980 during the historic Mariel exodus. In 2024, the IACHR continued to receive information linking this increase in migration to the severe economic crisis in the country, constant power outages, and restrictions on the exercise of basic human rights, as well as ongoing state repression of social demonstrations in the country.

157. Given this reality, the Commission urges the State to eliminate any provisions of the new Citizenship Law that may lead to arbitrary deprivation of nationality for political and/or ideological reasons. In addition, it reiterates its call on the State of Cuba to eliminate restrictions on exit and entry into the country imposed on individuals due to their activities as activists or for political reasons, as well as to adopt urgent and comprehensive measures to address the factors that are generating the massive outflow of its nationals from the country, including violations of basic human rights and fundamental freedoms.

<sup>280</sup> IACHR, Press Release No. 230/24, [IACHR calls on States to continue adopting measures to prevent and eradicate statelessness in the region](#), September 27, 2024.

<sup>281</sup> ADN Cuba, [Régimen impide a Martha Beatriz Roque viajar a EEUU para recoger premio \(Regime prevents Martha Beatriz Roque from traveling to the U.S. to collect award\)](#), March 5, 2024; 14 y Medio, [El régimen cubano impide a Martha Beatriz Roque recoger un premio en EE UU \(Cuban regime prevents Martha Beatriz Roque from collecting an award in the U.S.\)](#), March 1, 2024.

<sup>282</sup> CubaNet, [Régimen impide a colaborador de 'CubaNet' salir del país: \(Regime prevents 'CubaNet' collaborator from leaving the country\) "Los sueños se volvieron pesadilla" \("Dreams turned into nightmares"\)](#), June 7, 2024; Diario de Cuba, [La Seguridad del Estado impide salir del país al colaborador de 'Cubane' Armando Sardiñas \(State Security prevents 'Cubane' contributor Armando Sardiñas from leaving the country\)](#), June 10, 2024.

<sup>283</sup> Cubanos por el Mundo, [Prohíben a la escritora cubana, Adriana Normand, salir del país \(Cuban writer Adriana Normand banned from leaving the country\)](#), November 13, 2024; ADN Cuba, [Régimen cubano impone prohibición de salida del país a escritora Adriana Normand \(Cuban regime bans writer Adriana Normand from leaving the country\)](#), November 13, 2024.

<sup>284</sup> Cuba, [Proyecto de Ley de Migración \(Migration Bill\)](#), approved by the National Assembly of People's Power on July 19, 2024.

<sup>285</sup> OAS, [American Declaration of the Rights and Duties of Man](#), adopted at the Ninth International Conference of American States, Bogotá, Colombia, in 1948.

<sup>286</sup> U.S. Customs and Border Protection (CBP), [Nationwide Encounters](#), Data is available for the Northern Land Border, Southwest Land Border, and Nationwide (i.e., air, land, and sea modes of transportation) encounters by Fiscal Year (FY). Last modified: October 22, 2024.



## Older persons

158. Regarding the situation of the rights of the elderly, the IACHR is concerned about social protection and the exercise of the rights to housing, food, and health with independence and autonomy, particularly given the impoverishment of this segment of the population. The Commission also takes note of arbitrary detentions of elderly opposition members.

159. According to available information, the aging population in Cuba is one of the largest in the region, with 24.4% of the population over 60 years of age.<sup>287</sup> Given the current economic, energy, water and food crisis,<sup>288</sup> this population is in a situation of extreme vulnerability. According to the aforementioned civil society reports, extreme poverty escalated to 89% of the general population.<sup>289</sup> Among people over 60 years of age, this percentage rises to 91%, and among those over 70 years of age, it reaches 94%.<sup>290</sup> Likewise, these reports indicate that the pension received by most of the elderly is insufficient to cover food, health and housing expenses.<sup>291</sup>

160. In relation to the right to food, information gathered by civil society organizations indicates that more than 80% of the elderly have experienced a significant loss of access to essential foodstuffs.<sup>292</sup> This population faces different, specific difficulties in acquiring food, due, among other causes, to the need to travel long distances and stand in long lines to do so, and to the lack of access to remittances.<sup>293</sup> In this regard, multiple public information sources report that the elderly have been seen scavenging for food.<sup>294</sup> Regular lack of potable water, electricity, and liquefied gas directly impacts food storage and cooking.<sup>295</sup> In this situation, reports point out the difficulty of accessing data or evaluation reports on the status of the food services provided by the Family Assistance System.<sup>296</sup>

161. With regard to the right to housing, the Commission learned from public information about the poor quality of housing for some elderly people and the relationship between housing and the disintegration of family nuclei due to migration. In this regard, worrying photos have circulated on social

<sup>287</sup> IACHR, [Public Hearing, Cuba: Rights of older people](#), November 11, 2024; Radio Angulo, [Envejecimiento demográfico en Cuba, más allá de las cifras \(Demographic aging in Cuba: beyond the statistics\)](#), June 2, 2024; Granma, [El envejecimiento poblacional implica más de un desafío \(Population aging involves more than one challenge\)](#), October 13, 2024

<sup>288</sup> Observatorio Cubano de Derechos Humanos (OCDH), ["El Estado de los Derechos Sociales en Cuba \(The state of social rights in Cuba\)"](#), VII Report, July 2024.

<sup>289</sup> Observatorio Cubano de Derechos Humanos (OCDH), ["El Estado de los Derechos Sociales en Cuba \(State of Social Rights in Cuba\)"](#), VII Report, July 2024, p. 3.

<sup>290</sup> IACHR, [Public Hearing, Cuba: Rights of older people](#), November 11, 2024.

<sup>291</sup> Martí Noticias, [Cuba está sumida en varias crisis y los ancianos son los más afectados, asegura activista. \(Cuba is swamped in crises and the elderly are the hardest-hit, activist says\)](#), January 18, 2024; CiberCuba, [Ancianos constituyen el único grupo poblacional que crece en Cuba \(The elderly are the only segment of the population in Cuba that is increasing\)](#), May 5, 2024; Periódico cubano, [Severo envejecimiento en Cuba: más del 20% de la población en la Isla supera los 60 años \(Severe aging in Cuba: more than 20% of the population of the island is over 60\)](#), October 15, 2024; IACHR. Hearing, [Cuba: Rights of older people](#), November 11, 2024

<sup>292</sup> IACHR, [Public Hearing, Cuba: Rights of older people](#), November 11, 2024.

<sup>293</sup> Martí Noticias, [Ancianos, niños y embarazadas, los que más resienten el impacto de la falta de alimentos en Cuba \(The elderly, children, and pregnant women are the most affected by the lack of food in Cuba\)](#), May 25, 2024; IACHR Hearing, [Cuba: Rights of older people](#), November 11, 2024.

<sup>294</sup> CiberCuba, [Ancianos cubanos buscan alimentos en la basura \(Elderly Cubans search for food in the garbage\)](#), February 8, 2024; CiberCuba, [Dramáticas imágenes: \(Dramatic images:\) Ancianos en Cuba hurgan la basura en busca de comida \(Elderly people in Cuba scavenge for food\)](#), April 8, 2024; Martí Noticias, [Falta voluntad política en Cuba para atender a los ancianos desamparados, opina periodista \(There is a lack of political will in Cuba to care for the helpless elderly, says journalist\)](#), April 11, 2024; Cuido 60, Press Release No. 11, [Etnografía del aumento de personas mayores "buzos" en la ciudad de Cienfuegos \(Ethnography of the increase in the number of elderly people scavenging for food in the city of Cienfuegos\)](#), April 18, 2024.

<sup>295</sup> EFE, [Cubano, octogenario y sin corriente: el drama de los apagones para personas con movilidad reducida \(80-year-old Cuban without electricity: the dramatic impact of blackouts on persons with reduced mobility\)](#), October 18, 2024; ADN Cuba, [Organizaciones independientes alertan sobre crisis humanitaria en Cuba tras apagón general \(Independent organizations warn of humanitarian crisis in Cuba after general blackout\)](#), October 22, 2024; La Cadera de Eva, [Apagón en Cuba: la crisis energética afecta más a mujeres y adultos mayores \(Blackout in Cuba: energy crisis affects women and older adults the most\)](#), October 22, 2024; Cuido 60, [Press Release No. 16, Impacto de la crisis energética en las personas mayores \(Impact of the energy crisis on the elderly\)](#), October 31, 2024.

<sup>296</sup> Cuido 60, Press Release No. 15, [Inseguridad alimentaria y agravamiento de los servicios de alimentación del sistema de atención a la familia \(SAF\) \(Food insecurity and worsening food services in the family care system \(SAF\)\)](#), April 18, 2024.



networks of extremely precarious dwellings in which elderly people live alone.<sup>297</sup> In addition, heavy migration is reportedly having a serious impact on the disintegration of family nuclei and intergenerational care, since homes are being sold to pay for the migration expenses of the rest of the family group, leaving the elderly who do not migrate homeless.<sup>298</sup> In the same vein, the Deputy Director of Social Work at the Center for the Care of Homeless People in Havana publicly acknowledged that there has been an increase in the number of people living on the street in recent months<sup>299</sup>, most of whom are older people.<sup>300</sup>

162. The IACHR has highlighted the need for care facilities for the elderly to guarantee decent living conditions.<sup>301</sup> On this point, the Cuban Prime Minister noted in April 2024 that difficulties persist in the implementation of multisectoral policies and programs related to the care of "grandparents' homes, homes for the elderly and psycho-pedagogical medical centers". Problems reported in these establishments include poor food quality, non-compliance with established schedules, lack of recreational options, lack of hygiene, and deterioration of facilities.<sup>302</sup>

163. The Commission has also received information on gender violence and femicide involving women over 65 years of age, who are more vulnerable because they are more socially isolated and do not have the resources to end violent relationships. Likewise, the scant attention paid to this form of violence reportedly leads to those women not identifying themselves as victims and, therefore, not reporting their situation or asking for help. Civil society organizations have expressed concern about the few official statistics on gender-based violence against the elderly and the social and economic impact of this violence, which greatly impairs the stability of the dependents of the murdered women.<sup>303</sup>

164. The Commission also continued to receive information on the situation of elderly persons deprived of their liberty for political reasons. Félix Navarro, founder of the Pedro Luis Boitel Party for Democracy, now 71 years old, is serving his third sentence for political reasons.<sup>304</sup> According to available information, Navarro, a beneficiary of precautionary measures, is reportedly very thin and is not receiving the medications he needs to treat his diabetes.<sup>305</sup>

165. Finally, the IACHR has also taken cognizance of temporary deprivations of liberty involving elderly persons whose political opinions are contrary to the regime. Academic Alina Bárbara López Hernández was detained on April 18 and June 18 when she traveled to Havana to protest against acts of censorship. In the first case, she was detained for 7 hours, held incommunicado, and suffered physical violence that caused a sprain in her right shoulder.<sup>306</sup> In the second case, she was physically assaulted at the time of arrest and was

<sup>297</sup> CiberCuba, [Ancianos cubanos viven en la extrema pobreza en Holguín \(Elderly Cubans live in extreme poverty in Holguín\)](#), February 17, 2024.

<sup>298</sup> Martí Noticias, [Falta voluntad política en Cuba para atender a los ancianos desamparados, opina periodista \(Lack of political will in Cuba to care for neglected elderly, according to journalist\)](#), April 11, 2024; Voice of America, [Private enterprise begins to provide care for the elderly in Cuba](#), March 14, 2024.

<sup>299</sup> Martí Noticias, [Crece el número de cubanos que viven en la calle, reconocen las autoridades y la ciudadanía \(According to authorities and citizens, a growing number of Cubans are living on the streets\)](#), February 21, 2024; Cubanet, [Prensa oficial reconoce aumento de personas deambulantes en Cuba \(Official press acknowledges increase of homeless people in Cuba\)](#), February 20, 2024

<sup>300</sup> IACHR, [Public Hearing, Cuba: Rights of older people](#), November 11, 2024.

<sup>301</sup> IACHR, [Annual Report, Ch. IV.B. Cuba](#), 2023, par. 160.

<sup>302</sup> Prensa Latina, [Analiza primer ministro situación de hogares de ancianos en Cuba \(Prime Minister analyzes situation of nursing homes in Cuba\)](#), April 30, 2024; Martí Noticias, [Desatención en Hogares de Ancianos en Cuba: \(Neglect in Nursing Homes in Cuba:\) "Están sin comida, sin medicinas... están en cero" \("They're out of food, they're out of medicine...they're at zero."\)](#), May 10, 2024.

<sup>303</sup> IACHR, [Public Hearing, Cuba: Rights of older persons](#), November 11, 2024.

<sup>304</sup> IACHR, [Public Hearing, Cuba: Rights of older persons](#), November 11, 2024; Amnesty International, [Cuba: Amnistía Internacional nombra cuatro personas como presas de conciencia en medio de una nueva ola de represión estatal \(Amnesty International names four people as prisoners of conscience amid a new wave of state repression\)](#), October 23, 2024.

<sup>305</sup> Diario de Cuba, [El preso político cubano Félix Navarro sufre la reiterada falta de atención médica \(Cuban political prisoner Félix Navarro suffers from repeated lack of medical attention\)](#), July 5, 2024; Cubanet, [Preocupación por el estado de salud del preso político Félix Navarro: \(Concern for the health condition of political prisoner Félix Navarro:\) "Sigue muy delgado y enfermo" \("He is still very thin and sick."\)](#), January 11, 2024.

<sup>306</sup> Observatorio Cubano de Derechos Humanos, [OCDH denuncia el repunte de la represión en Cuba contra intelectuales, sindicalistas y periodistas independientes. \(OCDH denounces the increase in repression in Cuba against intellectuals, trade unionists, and independent journalists.\)](#), April 22, 2024; PEN International, [Cuba: The authorities must put an end to the harassment and arbitrary](#)



deprived of her liberty for 11 hours.<sup>307</sup> Similarly, in the framework of the celebration of its twenty-second anniversary, 18 people from the Opposition Movement for a New Republic were arrested by the National Revolutionary Police, among them 71-year-old Luis Jesús Gutiérrez Campos.<sup>308</sup>

166. Based on the above, the IACHR reiterates that older persons have the right to access a social security system that protects them against the consequences of old age that make it physically or mentally impossible for them to obtain the means of subsistence.<sup>309</sup> Thus, the right to food is a human right that has been linked to guaranteeing the preservation of the health of all people in the Americas.<sup>310</sup> The IACHR also highlights the importance of ensuring the active and full social participation and integration into the community of older persons<sup>311</sup>, without fear of reprisals regarding their personal liberty. In addition, the Commission notes that the Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas outlaw discrimination against the prison population on the basis of age or political opinion.<sup>312</sup>

### Persons with disabilities

167. With respect to persons with disabilities, the IACHR continues to observe with concern the obstacles faced by these persons in the exercise of their rights under conditions of equality and non-discrimination. It also highlights the serious situation of persons with disabilities deprived of their liberty for political reasons or as a result of exercising their right to defend human rights.<sup>313</sup>

168. During 2024, the Commission continued to register complaints of physical and psychological abuse against these individuals. In particular, the Commission learned of physical aggressions against Iliván Fuentes Fonseca, who has been a psychiatric patient since he was 12 years old, for protesting after the food his family had provided him was taken away from him.<sup>314</sup> Likewise, civil society organizations denounced the lack of medical care for people with disabilities who are deprived of their liberty for having participated in the protests of July 11, 2021.<sup>315</sup> According to available information, Ismael Rodríguez González, who has a diagnosis of intellectual disability, suicidal risk, and personality disorder, is not receiving the medications and medical attention he needs.<sup>316</sup> Similarly, Walnier Luis Aguilar Rivera, a beneficiary of precautionary measures

---

detention of writers and artists. May 9, 2024; Diario de Cuba, [Liberada después de siete horas, golpeada y sin cargos, la intelectual cubana Alina Bárbara López \(Released after seven hours, beaten, and without charges, Cuban intellectual Alina Bárbara López\)](#), April 19, 2024.

<sup>307</sup>PEN International, [Cuba: The arrest and harassment of Alina Bárbara López and Jenny Pantoja highlight the repression of critical voices](#), June 28, 2024; Cubanet, [Seguridad del Estado detiene a las profesoras Alina Bárbara López y Jenny Pantoja Torres \(State Security detains teachers Alina Bárbara López and Jenny Pantoja Torres\)](#), June 18, 2024.

<sup>308</sup>ADN Cuba, [Represión contra activistas del MONR en su 22 aniversario \(Repression against MONR activists on their 22nd anniversary\)](#), May 27, 2024; Diario de Cuba, [El régimen reprime a 18 miembros de una organización opositora cubana que cumple 22 años \(The regime represses 18 members of a 22-year-old Cuban opposition organization\)](#), May 27, 2024.

<sup>309</sup>American Declaration of the Rights and Duties of Man (ADRDM), Article XVI.

<sup>310</sup>ADRDM, Article XI.

<sup>311</sup>IACHR, [Human Rights of Older Persons and National Protection Systems in the Americas](#), OEA/Ser.L/V/II.doc.397/22, December 31, 2022, paras. 265–266.

<sup>312</sup>IACHR, [Human Rights of Older Persons and National Systems of Protection in the Americas](#): Approved by the Inter-American Commission on Human Rights, OEA/Ser.L/V/II.doc.397/22, December 31, 2022, par. 375 and conclusion six.

<sup>313</sup>According to information systematized by Justicia 11J, there are at least 15 persons with disabilities who are deprived of liberty for political reasons. Justicia 11J. Database of persons detained in connection with protests. Available at: <https://justicia11j.org/personas-detenido-as-en-relacion-con-protestas/> (accessed November 10, 2024).

<sup>314</sup>Red de Cultura Inclusiva de Cuba: Contribution Report of the Inclusive Culture Network to the 17th meeting of the Cuba Network of the Inter-American Commission on Human Rights, November 10, 2024. On file at the IACHR; Prisoners Defenders [@PrisonersDFNdrs], (May 7, 2024). Political prisoner Iliván Fuentes Fonseca was TORTURED with a brutal beating by agents at Boniato prison in Santiago de Cuba for protesting when the food his family brought him on a family visit was taken away [Tweet]. X. <https://twitter.com/PrisonersDFNdrs/status/1787909142125887781>.

<sup>315</sup>Diario de Cuba, [Cubalex denuncia en una campaña la falta de atención médica a presos políticos con enfermedades mentales \(Cubalex denounces in a campaign the lack of medical attention to political prisoners with mental illnesses\)](#), March 5, 2024; Centro de Documentación de Prisiones Cubanas, [Personas privadas de libertad con situaciones delicadas de salud reportadas durante el mes de abril de 2024 \(Persons deprived of liberty reportedly in poor health in April 2024\)](#), May 2024.

<sup>316</sup>Cubalex [@CubalexDDHH], (March 2, 2024) Queremos recordar la historia de Ismael Rodríguez González, prisionero del #11J cuya salud mental se ha deteriorado gravemente debido a la falta de atención médica en las prisiones cubanas [Tweet], (We would like to recall the story of Ismael Rodríguez González, prisoner of #11J whose mental health has seriously deteriorated due to the lack of medical care in Cuban prisons [Tweet]), X, <https://x.com/CubalexDDHH/status/1764017835469414743>; Diario de Cuba, [Padre e hijo](#)



who has an intellectual disability, is detained in a highly dangerous area, suffers mistreatment, and cannot access his medication.<sup>317</sup>

169. The Commission was also informed about the denial of medical treatment to Iran Almaguer Labrada, a member of the Christian Liberation Movement (MCL), who suffers from retinitis pigmentosa, which causes progressive loss of vision. Almaguer Labrada, who is a beneficiary of precautionary measures, has been subjected to persecution, intimidation, short-term detentions and threats of suspension of treatment in retaliation for his activism. In early 2020 this threat materialized, and since then he has not received medical attention. According to information provided by the civil society, this situation has caused the total loss of vision in his right eye and an almost total decrease in his left eye.<sup>318</sup>

170. Likewise, the Commission continues to observe that the organizations that assist persons with disabilities in the exercise of their rights are selective in their actions and abide by a political-ideological profile established in their Bylaws, which prevents persons with disabilities who do not share the ideology of the governing party from joining as associates. For example, the statute of the National Association of the Blind (ANCI) states that those who wish to join the association must "maintain moral and social conduct in accordance with the principles of socialist society".<sup>319</sup>

171. The IACHR reminds the Cuban State that, according to international standards on the rights of persons with disabilities, those persons are a priority group for protection and States have the role of primary guarantor of their human rights and inherent dignity, including the right to life, health, liberty, and personal integrity throughout the life cycle, and especially when they are in their care in a situation of deprivation of liberty. The IACHR stresses that States are responsible for protecting persons with disabilities against discrimination of any kind and for ensuring that they are not subjected to cruel, inhuman, and degrading treatment for any reason. In addition, they must ensure that they have equal access to the justice system and due process, with all the facilities required to ensure accessibility.

#### IV. RELATIONSHIP BETWEEN THE STATE AND OTHER STAKEHOLDERS

##### A. Situation of the Cuban State vis-à-vis the OAS and the IACHR

172. On January 31, 1962, the Government of Cuba was excluded from participation in the inter-American system by means of Resolution VI, adopted at the Eighth Meeting of Consultation of Ministers of Foreign Affairs, held in Punta del Este (Uruguay).<sup>320</sup> That resolution ceased to have effect on June 3, 2009, when the General Assembly of the Organization of American States, at its Thirty-Ninth Regular Session in San Pedro Sula, Honduras, determined by resolution AG/RES. 2438 (XXXIX-O/09) that "the participation of the Republic

---

[condenados por el 11J denuncian represión en la cárcel \(Father and son convicted of 11J denounce repression in prison\)](#), February 15, 2024.

<sup>317</sup>Martí Noticias, [Joven del 11J sin antecedentes penales y con discapacidad está encerrado con reos de gran criminalidad \(11J youth with no criminal record and a disability is locked up with high-crime inmates\)](#), June 12, 2024; Cubanet, ["Casi 40 días sin nada, pasando hambre": \("Almost 40 days with nothing, going hungry."\) Niegan visita familiar al preso político Walmier Aguilar \(Family visit denied to political prisoner Walmier Aguilar\)](#), May 14, 2024; CiberCuba, [Padre del preso político cubano Walmier Aguilar: \(Father of Cuban political prisoner Walmier Aguilar\): "La libertad en Cuba está de luto" \("Freedom in Cuba is in mourning"\)](#), February 12, 2024.

<sup>318</sup>Christian Liberation Movement, [Detenido Irán Almaguer Labrada, miembro del Movimiento Cristiano Liberación \(Arrested Iran Almaguer Labrada, member of the Christian Liberation Movement\)](#), January 19, 2024; Race and Equality, Information provided to the IACHR in connection with precautionary measure 1068-20 (Yandier García Labrada and Iran Almaguer Labrada), October 8, 2024, on file at the IACHR.

<sup>319</sup>Red de Cultura Inclusiva de Cuba, Contribution Report of the Inclusive Culture Network to the 17th meeting of the Cuba Network of the Inter-American Commission on Human Rights, November 10, 2024, on file at the IACHR.

<sup>320</sup>The text of resolution VI can be found in "Eighth Meeting of Consultation of the Ministers of Foreign Affairs to serve as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance, Punta del Este, Uruguay, January 22 to 31, 1962, Meeting Documents," Organization of American States, OEA/Ser.F/II.8, doc. 68, pp. 13-15.



of Cuba in the OAS will be the result of a process of dialogue initiated at the request of the Government of Cuba, and in accordance with the practices, purposes, and principles of the OAS.”<sup>321</sup>

173. As of the date of adoption of this report, the annulment of the 1962 resolution that excluded the Cuban Government from the inter-American system has not resulted in Cuba's reincorporation in the OAS. In 2018, for example, at the Eighth Summit of the Americas, Cuba sent a delegation and, despite walking out of the inaugural session prior to the address delivered by the Secretary General of the Organization, it announced that it would continue to “exercise [its] legitimate right to participate at a forum to which it should have been a party for a long time.” At the same event, Foreign Minister Bruno Rodríguez reiterated the position of the Cuban State with respect to what it views as the use of the OAS as an instrument of the geopolitical interests of United States.

174. The exclusion of the Cuban government by the OAS has not prevented the Commission from fulfilling its mandate to promote and protect human rights<sup>322</sup>; since it recognizes it as “legally responsible before the Inter-American Commission with respect to human rights”, since it is “party to the international instruments that were initially established in the American Hemisphere to protect human rights”, and because Resolution VI of the Eighth Meeting of Consultation “excluded the government of Cuba, and not the State, from participation in the Inter-American system”.<sup>323</sup>

175. The Commission recalls that the States that have not ratified the American Convention on Human Rights conferred on the Commission the power “to pay particular attention to the observance of the human rights referred to in Articles I, II, III, IV, XVIII, XXV, and XXVI of the American Declaration of the Rights and Duties of Man,” in accordance with Article 20(a) of the Statute of the IACHR.

176. Under this mandate, the Commission has prepared eight country reports and one thematic report, with the last country report dated 2020 and the thematic report dated 2023. Cuba has also been included in Chapter IV, or its equivalent, of the Annual Report in the years 1984-1985 to 1994, and continuously since 1996. In the wake of the regulatory amendments in 2013, Cuba's inclusion in the annual reports was based on the criteria set forth in article 59(6)(a.i) and (c) of the Rules of Procedure.

177. Over the past ten years, the IACHR has held an average of two public hearings per year with respect to Cuba. In 2024, the Commission held 5 hearings: Cuba: Human rights of persons participating in medical missions” and “Cuba: Right to freedom of association” (189th Session); “Cuba: Human rights violations in the context of institutional violence” and “Cuba: Human Rights of Persons Arbitrarily Deprived of Liberty for Political Reasons” (190th Session); and “Rights of the Elderly in Cuba” (191st Session).

178. Likewise, information has been requested from the State in accordance with the powers set forth in Article 18, paragraph d, of the Statute; and, in addition, individual petitions, cases, and precautionary measures continue to be received, processed, and examined.

179. With regard to precautionary measures, as of the date of preparation of this report, Cuba has 52 precautionary measures in force. Of these, 7 were granted in 2024. In 2024, the IACHR highlights the approval of Follow-up Resolution 27/24 regarding precautionary measure MC 484-11, whose beneficiary is José Daniel Ferrer García, who is deprived of his liberty. The Commission decided to issue this Follow-up Resolution, considering that State agents have been pursuing actions that intensify the beneficiary's risk

<sup>321</sup> The text of resolution AG/RES. 2438 (XXXIX-O/09) can be found in “Thirty-ninth Regular Session, San Pedro Sula, Honduras, June 2–4, 2009, Proceedings, Volume I,” Organization of American States, OEA/Ser.P/XXXIX-O.2, p. 12.

<sup>322</sup> During 2018, the IACHR issued two letters requesting information from the State and published two press releases: IACHR, Press Release R82/2018, [IACHR publishes merits report in case related to criminalization of political opinion and deliberation in Cuba](#) April 11, 2018 and IACHR, Press Release R152/2018, [The Office of the Special Rapporteur Expresses Concern over Criminal Convictions for desacato laws in Cuba](#), July 17, 2018.

<sup>323</sup> IACHR, [2002 Annual Report, Chapter IV, Human Rights Developments in the Region, Cuba](#), OEA/Ser.L/V/II.117 Doc. 1 rev. 1, March 7, 2003, paras. 3-7; [IACHR, Seventh Report on the Situation of Human Rights in Cuba](#), OEA/Ser.L/V/II.61, Doc.29 rev. 1, October 4, 1983, paras. 16-46.



situation, instead of mitigating it. In this regard, the Commission observed that, after the granting of the precautionary measure, the beneficiary was again deprived of liberty on July 11, 2021 and has been subjected to punishment cells, prolonged periods of incommunicado detention, physical and psychological torture, inadequate food, and lack of medical care.<sup>324</sup>

180. Although the Cuban government does not respond to the communications and decisions of the IACHR, civil society organizations report experiencing the cessation or decrease in intensity, sometimes temporarily, of the mistreatment, reprisals, harassment and/or aggressions to which they were subjected prior to the Commission's actions.

## B. U.S.-Cuba Relations

181. The U.S. economic embargo against Cuba, initiated more than 60 years ago, is based on a set of U.S. laws and regulations that prohibit or limit trade relations with the island, in particular: the Trading with the Enemy Act (1917), the Foreign Assistance Act (1961), the Cuban Democracy Act (1992), the Cuban Liberty and Democratic Solidarity Act, known as Helms-Burton (1996) and the Trade Sanctions and Trade Enhancement Act (2000).<sup>325</sup>

182. Over time, the intensity of the blockade has fluctuated between easing and adding restrictions. Since the announcement on December 17, 2014 of the reestablishment of relations between Cuba and the United States of America<sup>326</sup>, the Commission has continued to monitor the partial lifting of the economic blockade by the U.S. Congress.<sup>327</sup>

183. As of 2019, the United States Government reactivated some sanctions imposed on the Cuban Government.<sup>328</sup> In early 2020, the United States established restrictions on private flights to all airports in the country, with the exception of Havana's José Martí International Airport,<sup>329</sup> in addition to having previously restricted the sending of remittances to the island.<sup>330</sup> During 2021, the Commission observed that the U.S. government did not resume the policy of rapprochement of relations with Cuba.

184. In 2022, the IACHR took note of the relaxation of some restrictions. Thus, in May 2022, the U.S. government announced measures that seek to make Cuba policy more flexible and that represent a reversal of the decisions taken by former President Donald Trump. In particular, the State Department reported the reestablishment of commercial flights to several Cuban cities, which since August 2020 had only reached Havana; that the \$1,000 per quarter limit on remittances will be suspended; and that family reunification will be facilitated through the reestablishment of the *Cuban Family Reunification Parole (CFRP) Program*.<sup>331</sup>

185. In 2023, the IACHR took note of the new processes adopted by the Department of Homeland Security (DHS) targeting Cuban, Haitian, Nicaraguan, and Venezuelan individuals. According to these, Cuban individuals who have support in the United States (financial or other support person) and travel by air will be able to reside temporarily in the United States for two years and apply for employment authorization.<sup>332</sup> By the end of September 2024, more than 111,000 Cubans reportedly arrived under this program.<sup>333</sup> In August 2024,

<sup>324</sup> IACHR, [Resolution No. 27/24](#), MC 484-11 - José Daniel Ferrer, Cuba, May 6, 2024.

<sup>325</sup> U.S. Department of State, [Cuba Sanctions](#).

<sup>326</sup> The White House, Press Release, [Fact Sheet: Charting A New Course On Cuba](#), December 17, 2014.

<sup>327</sup> IACHR, Press Release No. 156/2014, [IACHR Welcomes Announcement to Re-establish Relations between the United States and Cuba](#), December 18, 2014.

<sup>328</sup> Congressional Research Service, ["Cuba: U.S. Policy in the 116th Congress"](#), May 14, 2020, p. 24.

<sup>329</sup> El Nuevo Herald, ["Estados Unidos elimina los vuelos chárteres a Cuba excepto a La Habana"](#) ("U.S. eliminates charter flights to Cuba except Havana"), January 10, 2020.

<sup>330</sup> U.S. State Department, ["U.S. restricts remittances and 'U-Turn' transactions to Cuba."](#), September 6, 2019.

<sup>331</sup> U.S. Department of State, [Biden Administration Measures to Support the Cuban People](#), May 16, 2022; BBC, [Cuba-EE. U.S.: Biden administration relaxes its policy toward the island and undoes measures adopted by Trump](#), May 17, 2022.

<sup>332</sup> U.S. Citizenship and Immigration Services, [DHS Implements New Processes for Cubans, Haitians and Nicaraguans and Eliminates Numerical Limit for Venezuelans](#), January 6, 2023.

<sup>333</sup> US Customs and Border Protection, [CBP Releases September 2024 Monthly Update](#), October 22, 2024.



the processing of Advance Travel Authorizations was briefly suspended to investigate possible sponsor-related irregularities and was then resumed with increased scrutiny of financial supporters.<sup>334</sup> Also, in early October 2024, it was reported that humanitarian parole will not be extended after two years, and that those who have not applied for legal status will have to leave the country at the end of their permit.<sup>335</sup>

186. As it has reiterated on several occasions, the IACHR calls for the lifting of the U.S. economic blockade of Cuba due to its impact on the Cuban population and their rights. On the other hand, it reiterates that the blockade does not exempt the Cuban State from complying with its international obligations, nor does it excuse it for the violations of the American Declaration.<sup>336</sup>

187. The blockade of Cuba has also been criticized by the United Nations on several occasions. Since 1992, the UN General Assembly has called on the United States to lift sanctions on Cuba, so far without success. In this regard, on October 30, 2024, for the thirty-second time, the General Assembly approved a new resolution calling for an end to the economic, commercial, and financial embargo imposed on Cuba. The resolution received 187 votes in favor, two against, those of the United States and Israel, and one abstention, that of Moldova.<sup>337</sup>

## V. CONCLUSIONS AND RECOMMENDATIONS

188. The IACHR notes with great concern that, in light of the information gathered in 2024, taking into account the recommendations made in its most recent country report and in chapters IV of previous annual reports, it does not observe an improvement in structural aspects, such as violations of the rights to personal liberty and integrity, arbitrary restrictions on the right to vote and to participate in government, freedom of expression and dissemination of thought. In addition, violations of due process guarantees, undue restrictions on the right of transit, among other anomalies, persist. In addition, the IACHR regrets the limited official information available and the State's historical distancing from this regional human rights body.

189. At the same time, the IACHR reiterates its interest in carrying out an on-site visit to Cuba, in order to initiate rapprochement and dialogue with the Cuban State, and thus provide technical support in human rights matters as required, in order to promote respect and guarantees for human rights on the island.

190. In light of the above, in compliance with its mandate, the Commission urges the State of Cuba:

### Representative democracy and political rights

1. To guarantee access to public information in the framework of electoral processes and to allow electoral observation in the country, ensuring an environment conducive to public scrutiny and transparency in such processes.
2. To eliminate the use of the Candidacy Commissions as tools of ideological control and guarantee that no opposition candidate is arbitrarily excluded from the electoral process.
3. To provide periodic reports on measures taken with respect to legislative changes for the institutionalization of representative democracy in the country and respect for human rights related to its exercise.
4. To release persons detained for political reasons or reasons of conscience, including activists, artists, and journalists prosecuted for their work or advocacy.

<sup>334</sup> Voice of America, [Suspension of travel permits for humanitarian parole applicants: what to know](#), August 9, 2024; CNN, [US to resume key immigration program for Cubans, Haitians, Nicaraguans and Venezuelans](#), August 29, 2024; US Citizenship and Immigration Services, [Processes for Cubans, Haitians, Nicaraguans and Venezuelans](#).

<sup>335</sup> El País, [Biden acaba con el 'parole' humanitario para medio millón de venezolanos, haitianos, cubanos y nicaragüenses \(Biden ends humanitarian parole for half a million Venezuelans, Haitians, Cubans and Nicaraguans\)](#), October 4, 2024; The Washington Post, [Biden administration won't renew parole for immigrants from four countries](#), October 4, 2024.

<sup>336</sup> IACHR, [The Situation of Human Rights in Cuba](#), OEA/Ser.L/V/II. Doc. 2, February 3, 2020, par. 49.

<sup>337</sup> United Nations, [General Assembly votes overwhelmingly against US Cuba embargo](#), October 30, 2024.



---

**Independence of public authorities, procedural guarantees, and judicial protection**

5. To ensure that judicial system operators have safeguards as soon as they are elected to enable them to carry out their work independently, impartially, in accordance with the law, and with respect for human rights. To this end, appointment and dismissal processes must be conducted on the basis of previously established legal requirements and without ideological conditioning.
6. To investigate alleged human rights violations, punish those responsible, and take measures to prevent impunity due to a lack of judicial independence.
7. To review and reform criminal legislation to avoid the use of broad criminal offenses to unduly restrict the rights of dissidents, activists or critics of state officialdom.
8. To prohibit illegal or arbitrary detentions, ensuring that deprivation of liberty is an exceptional measure and that all legal guarantees are respected, including the right to be immediately brought before a judge.
9. To adopt measures to ensure that lawyers can practice their profession without restrictions for political reasons and without threats or harassment.

**Human rights defenders**

10. To refrain from acts of harassment, threats, aggression, persecution, arbitrary detentions, and criminalization committed by State authorities, to the detriment of human rights defenders.
11. To provide an environment free of hostilities and with respect for fundamental freedoms for the defense of human rights. Accordingly, to refrain from actions that could impair opportunities to participate in society (espacio cívico abierto y participativo).
12. To avoid imposing arbitrary restrictions on the right to free movement of human rights defenders, allowing them to exercise their right to freedom of movement on Cuban territory.

**Persons deprived of liberty**

13. To develop a public registry of persons deprived of their liberty that is easily accessible and regularly updated. In particular, the registry must contain, at least, the following data: (i) number of persons detained in each place of deprivation of liberty, and installed capacity of each center; (ii) age; (iii) gender, sexual orientation, gender identity and expression; (iv) nationality, migratory status and ethnic-racial origin; (v) special risk situation, such as the existence of disability; (vi) family composition; (vii) procedural situation; (viii) sentence or measure applied and estimated date of release; (ix) causes of imprisonment; and (x) data on the court or tribunal that ordered and oversees the detention.
14. To ensure that persons deprived of liberty are treated with dignity. In particular, to ensure that persons held in prisons have access to the medical care that their particular health status requires and are provided with sufficient food of high nutritional value and safe drinking water. Likewise, to take measures to ensure that infrastructure conditions comply with sanitation and hygiene requirements.
15. To implement actions to prevent and combat all forms of torture or ill-treatment. To this end, to create an independent mechanism with broad powers to examine detention centers, hold private interviews with detainees, and receive complaints and initiate investigations into acts of torture or ill-treatment.

**Freedom of expression**

16. To guarantee the legal conditions needed for the full exercise of the right to freedom of expression, freedom of the press, freedom of peaceful assembly, and freedom of association, both online and offline. This includes making domestic regulation compatible with international human rights standards on the subject.



17. To ensure that all individuals and groups, including journalists, artists, human rights defenders, political opponents, among others, can exercise their right to freedom of expression, peaceful assembly, and association without fear of reprisals or criminalization.
18. To refrain from arbitrarily obstructing -even by indirect means- the journalistic activities of both the local press and international correspondents.
19. To immediately cease all forms of harassment, threats, intimidation, and censorship, such as subpoenas, interrogations, arbitrary detentions, and police intimidation, among others, against any person for causes related to the exercise of their freedom of expression, and freedom of association and assembly.
20. To respect, protect, and guarantee the right to social protest. In particular, to refrain from imposing requirements contrary to international human rights law, such as prior authorization; and to refrain from applying criminal sanctions against individuals solely for participating in public demonstrations.
21. To guarantee universal access to the Internet without restrictions, discrimination, blocking, or arbitrary interference. In particular, to avoid any kind of discrimination in the treatment of data and Internet traffic based on factors such as devices, content, author, origin and/or destination of the material, service or application, in accordance with the principle of net neutrality.
22. To adapt the internal legal framework, including the recently approved Law on Transparency and Access to Public Information, to abide by international standards on freedom of expression and access to information. In particular, to adhere to the guiding principles of maximum disclosure and good faith. The right of access to information includes the State's obligation to produce or collect information on human rights violations and judicial investigations into them.
23. To facilitate the operation of international observation mechanisms regarding the situation of the right to freedom of expression in Cuba, including providing all official information considered relevant.
24. To guarantee pluralism and diversity in the media and adopt measures to prevent the existence of public media monopolies. Likewise, to adopt the necessary measures to ensure that the State's media are subject to appropriate legislation and regulation.

### **Economic, Social, and Cultural Rights**

25. To guarantee economic, social, cultural and environmental rights without discrimination and under conditions of equality, paying special attention to vulnerable groups, such as people living in poverty and people deprived of their liberty.
26. To take concrete steps to ensure access to adequate food or the means to obtain it and to essential public services. The international community should foster cooperation in the supply of food, medicines, and basic commodities in Cuba.
27. To promote effective measures to ensure access to essential public services such as water and electricity and enhance the resilience of infrastructure in order to meet the vital needs of the population and promote their integral development, especially in a context of growing vulnerability to the effects of climate change.

### **People of African descent**

28. To generate updated and disaggregated data on the Afro-Cuban population, after first agreeing with grassroots and civil society organizations, through adequate and accessible communication channels, on the ethnic-racial self-identification questions to be used in surveys, censuses, and other statistical tools. To have specialized technical teams for data collection and analysis, and to train them in intercultural perspective, rights of Afro-descendants, and racial discrimination.



29. To ensure compliance with international standards on the use of force based on the principles of legality, proportionality, and absolute necessity, including a gender focus and the prevention of racial profiling. Therefore, to sensitize and train justice operators and officials of the criminal justice system and police bodies on the prohibition of racial profiling and other explicit or implicit discriminatory practices based on ethno-racial origin, color, or national origin.
30. To adopt measures to guarantee the effective enjoyment of the economic, social, cultural, and environmental rights of Afro-descendants, with an intersectional perspective. In particular to ensure access to education, health, work, drinking water, and a healthy environment.
31. To guarantee the effective participation of Afro-descendants in decision-making.

### **Women**

32. To ratify the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women ("Convention of Belém do Pará").
33. To adopt comprehensive legislation with an intersectional and gender-based approach to address gender-based violence in all its forms and facilitate the prevention, investigation, and punishment of gender-based violence against women, considering the particular risks faced by women activists, human rights defenders, and women deprived of liberty.
34. To establish specialized protection mechanisms for women who are victims of gender-based violence, including the creation of safe temporary shelters and emergency hotlines staffed with personnel trained in a gender perspective.

### **LGBTI persons**

35. To guarantee the right to life and integrity of LGBTI persons, fulfilling its obligation to act with due diligence to prevent, investigate, prosecute, punish, and redress human rights violations against them.
36. To collect and analyze data regarding the prevalence and nature of violence and bias-based discrimination against LGBTI people.
37. To refrain from carrying out, through its agents, acts of violence against LGBTI people and guarantee a legal framework that protects them from the actions of third parties.
38. To adopt protocols that guarantee the dignified treatment and safety of LGBTI persons deprived of liberty, following the inter-American standards on the matter, and to guarantee respect for the gender identity of persons identified as trans women by providing accommodation that suits their needs and avoiding contexts that may put them at risk.

### **People in a situation of human mobility**

39. To eliminate the provisions of the new Citizenship Law that could lead to arbitrary deprivation of nationality for political and/or ideological reasons.
40. To create an expeditious and public procedure to determine the grounds for imposing restrictions on freedom of movement between provinces or leaving the country, and ensure in all circumstances that the procedure does not entail any type of discrimination, including for political reasons. This policy should clearly explain the valid constitutional and legal grounds for labeling a person "regulated." In any case, there must be a procedure that avoids arbitrariness and is expeditious and impartial, so that citizens can denounce restrictions on leaving the country or on taking up residence in another part of Cuba and obtain a response in a reasonable time, before preparing their travel.
41. To remove travel restrictions imposed on individuals because of their activities as activists or for political reasons.
42. To refrain from impeding or creating legal or administrative obstacles for Cuban nationals to return to the country.



43. To adopt urgent and comprehensive measures to address the factors that lead its nationals to leave the country, including violations of basic human rights and fundamental freedoms.

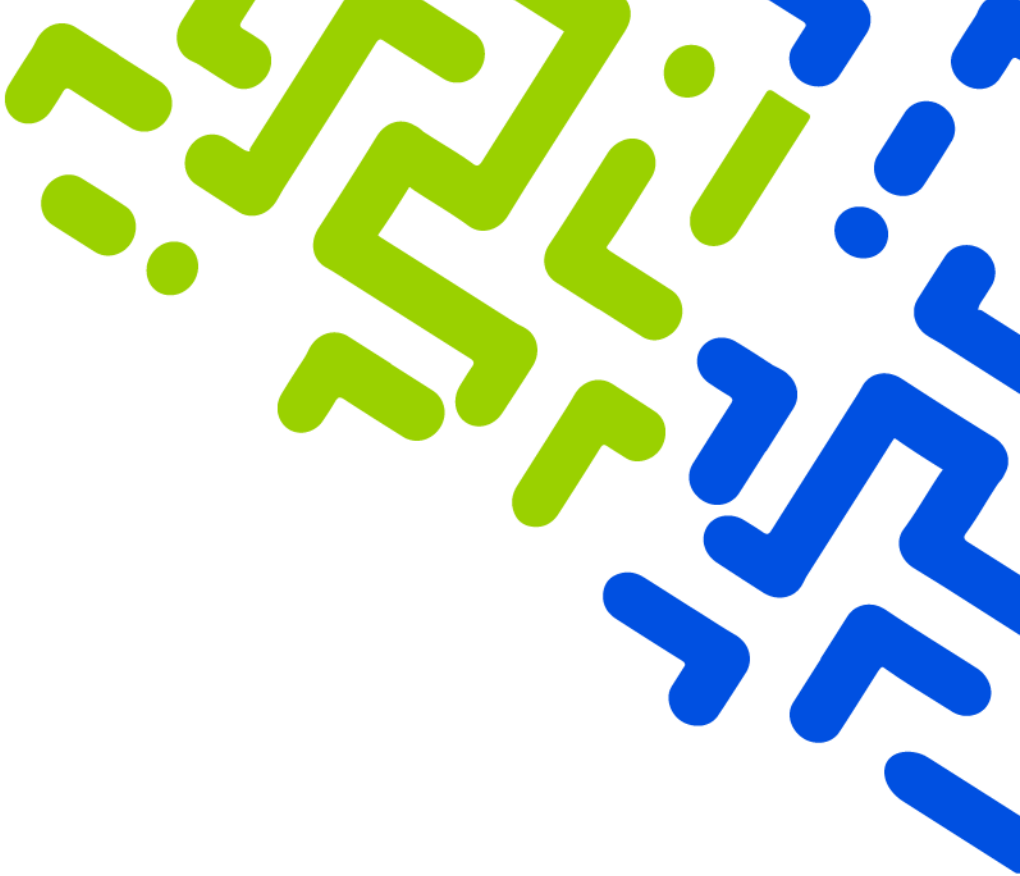
**Older persons**

44. To provide and disseminate disaggregated statistical information on the situation of food security, access to housing, access to the right to health, and gender violence against the elderly in Cuba.
45. To address the situation acknowledged by the State authorities in relation to the care of the elderly in residences and community homes.
46. To account for the reasons for the detention of the elderly and review the procedural situation of those who have not been granted access to alternative or substitute measures to the deprivation of liberty based on allegedly discriminatory criteria.

**Persons with disabilities**

47. To promote a reform of the penitentiary system to make it accessible and establish oversight, sanctions, and training of personnel in full respect for the human rights of persons deprived of liberty with disabilities, with a differential focus on women and elderly persons with disabilities.
48. To take measures to guarantee access to health services for all persons with disabilities, without discrimination for political, ideological, or any other reasons.
49. To develop public policies and programs that favor the exercise of the rights of persons with disabilities, including their right to organized and representative participation in organizations that assist persons with disabilities, regardless of their political position and ideology.





Nvb

Nicaragua



## **CHAPTER IV. B: NICARAGUA**

<b>I.</b>	<b>INTRODUCTION .....</b>	<b>697</b>
<b>II.</b>	<b>SITUATION OF HUMAN RIGHTS IN 2024 .....</b>	<b>705</b>
A.	Concentration and centralization of power .....	705
B.	Closure of civic space.....	708
C.	Criminalization .....	711
D.	Arbitrary deprivation of nationality, prohibition of return, and risk of statelessness .....	712
E.	Freedom of religion and religious persecution .....	714
F.	Persons deprived of liberty .....	716
G.	Situation of the indigenous and Afro-descendant peoples in the Caribbean Coast.....	718
<b>III.</b>	<b>ECONOMIC, SOCIAL, CULTURAL, AND ENVIRONMENTAL RIGHTS .....</b>	<b>720</b>
<b>IV.</b>	<b>SITUATION OF FREEDOM OF EXPRESSION .....</b>	<b>722</b>
A.	Attacks, threats, and intimidation against journalists and media outlets .....	723
B.	Laws restricting the right to freedom of expression.....	729
C.	Freedom of expression on the internet .....	732
<b>V.</b>	<b>CONCLUSIONS.....</b>	<b>735</b>
<b>VI.</b>	<b>RECOMMENDATIONS.....</b>	<b>736</b>



## CHAPTER IV. B

## NICARAGUA

## I. INTRODUCTION

1. In compliance with its conventional and regulatory mandate<sup>1</sup>, the Inter-American Commission on Human Rights (“the Commission”, “the Inter-American Commission” or “the IACHR”) has been following with special attention the human rights situation in Nicaragua in the context of the protracted breakdown of the constitutional and democratic order.

2. As documented by the IACHR, the social protests of April 2018 spontaneously exposed the social discontent that had built up over several years, in response to the institutional processes that gradually co-opted public institutions and led to a concentration of state power in the hands of the executive branch. These protests were initiated by the elderly and supported by youths and university students in response to proposed reforms to the Social Security Act.<sup>2</sup>

3. In the report *Gross Human Rights Violations in the Context of Social Protests in Nicaragua*, the IACHR found that the State’s response to this expression of social dissent was the arbitrary use of violence.<sup>3</sup> The Commission also noted that the magnitude of repression by the State, as well as the strategies deployed to deter demonstrations, evidenced the government’s intention to stifle social demands and regain control of public space.<sup>4</sup> According to the findings of the Interdisciplinary Group of Independent Experts for Nicaragua (GIEI-Nicaragua, by its Spanish acronym), in the context of repression by the State, Nicaragua conducted actions that could amount to crimes against humanity, such as murder, deprivation of liberty, rape, torture, and enforced disappearance.<sup>5</sup>

4. Since then, the Commission has documented various phases of repression by the State, which is still taking place through imposition of a police state to silence any opposition to the regime. In view of the worsening political, social, and human rights crisis, and the situation of structural impunity<sup>6</sup> for human rights

---

<sup>1</sup> The IACHR prepared this report by virtue of its competence and functions, as established in Article 18 of its Statute, and pursuant to Article 41 of the American Convention on Human Rights. On September 25, 1979, the State of Nicaragua ratified the American Convention on Human Rights. Despite Nicaragua having denounced the OAS Charter on November 18, 2021, the IACHR has ratified its jurisdiction over the country. See Press Release No. 312/21 “[The IACHR Stresses Its Competent Jurisdiction Concerning Nicaragua and laments Nicaragua’s Decision to Denounce the Charter of the OAS in a Context of Serious Human Rights Violations.](#)” Washington, D.C., November 20, 2021.

<sup>2</sup> IACHR, 2023 Annual Report, [Chapter IV.B Nicaragua](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, December 31, 2023, Original: Spanish, para. 3.

<sup>3</sup> IACHR, [Gross Human Rights Violations in the Context of Social Protests in Nicaragua](#) OAS/Ser.L/V/II Doc. 86, June 21, 2018, para. 2.

<sup>4</sup> The Commission revealed that state violence followed a common pattern, marked by: the excessive and arbitrary use of police force, including lethal force; the use of parapolice forces or shock groups with the acquiescence, tolerance and cooperation of state authorities; intimidation and threats against leaders of social movements; arbitrary arrests of young people and adolescents who were participating in protests; lack of diligence in opening investigations into the killings and bodily injuries taking place in this context; obstacles in accessing emergency medical care for the wounded, as a form of retaliation for their participation in protests; and the dissemination of propaganda and stigmatization campaigns, measures of direct and indirect censorship. IACHR, [Gross Human Rights Violations in the Context of Social Protests in Nicaragua](#) OAS/Ser.L/V/II Doc. 86, June 21, 2018, para. 2.

<sup>5</sup> This conclusion is based on the number of victims, the seriousness of the repressive actions, the existence of certain patterns of conduct that were carried out with State resources, according to a policy that was determined and supported by the State’s highest authorities. Also, the characteristics of State-sponsored violence in Nicaragua, demonstrate that there was a State decision to adopt a course of conduct which resulted in the commission of multiple criminal acts directed against protesters and political dissidents. GIEI-Nicaragua, [Report on the violent events that took place between April 18th and May 30th, 2018](#), p. 226.

<sup>6</sup> Impunity has been defined in inter-American jurisprudence as the total lack of investigation, prosecution, capture, trial and conviction of those responsible for violations of the rights protected by the American Convention, in view of the fact that the State has the



violations since 2018, the Commission has included Nicaragua in the Annual Report, Chapter IV.B, according to the grounds set forth in its Rules of Procedure.<sup>7</sup>

5. At the close of 2023, the Commission concluded that closure of civic and democratic spaces in Nicaragua constitutes one of the most serious cases in the region.<sup>8</sup> In particular, the Commission observed the radicalization of the repressive strategy to completely repress fundamental rights and freedoms that are part of civic space, through massive closures of civil society organizations, persecution of members of the Catholic Church, as well as criminalization, arbitrary deprivation of nationality, and banishment or forced expulsion as mechanisms of punishment or retaliation against dissident voices.<sup>9</sup>

6. In 2024, the Commission received information about new actions the purpose of which was to perpetuate the totalitarian regime by concentrating power in the President's family.<sup>10</sup> The new actions include the approval on November 22, 2024, of the amendments to the Political Constitution of Nicaragua that modify more than one hundred articles. The amendments establish a model of "direct democracy" that centralizes power in the presidency of the Republic, headed by a co-president and a [female] co-president.<sup>11</sup> The actions also include large-scale firings from public institutions and the de facto takeover of the judicial branch, replaced by the Mme. Vice-President's own persons of trust;<sup>12</sup> approval of new laws and reforms that seek to extend repression beyond the territory of the State, and intensifying repression during elections in the autonomous region of the Caribbean Coast, one of the last regions in the country where civic and democratic spaces have not yet been entirely suppressed.<sup>13</sup>

7. As discussed below, in 2024, the IACHR observed the persistence of serious and systematic human rights violations in Nicaragua. These human rights violations include arbitrary detentions, allegations of enforced disappearance, dire detention conditions, torture, arbitrary deprivation of nationality, prohibition of return, banishment, religious persecution, and severe restrictions on civic space, both in the physical and digital spheres. Further, this regime of repression extended beyond political opponents or their families, also reaching government sympathizers, state officials, and society in general, seeking to eliminate any space for the exercise of freedoms and autonomy of the population living in a climate of fear, surveillance, and persecution. (See *Infra*. II. Situation of Human Rights in 2024).

8. Furthermore, during the period under analysis, the IACHR took into account the reports and findings on Nicaragua by various monitoring mechanisms within the United Nations system. In 2024, the Group of Human Rights Experts on Nicaragua (GHREN) reported to the Human Rights Council that the Nicaraguan government continued to perpetrate systematic human rights violations to eliminate all critical voices and to dissuade, for the long term, any new organization and initiative for social mobilization.<sup>14</sup> The GHREN further concluded that these human rights violations would amount to crimes against humanity for persecution for

---

obligation to use all the legal means at its disposal to combat that situation, since impunity fosters chronic recidivism of human rights violations, and total defenselessness of victims and their relatives. IACHR Court, *Bámaca-Velásquez v. Guatemala*. Merits. Judgment of November 25, 2000. Series C No. 70, para. 211.

<sup>7</sup> IACHR, [2018 Annual Report, Chapter IV.B Nicaragua](#), OEA/Ser.L/V/II. Doc. 30, March 17, 2019; IACHR, [2019 Annual Report, Chapter IV.B Nicaragua](#), OEA/Ser.L/V/II. Doc. 9, February 24, 2020; IACHR, [2020 Annual Report, Chapter IV.B Nicaragua](#), OEA/Ser.L/V/II., March 30, 2021; IACHR, [2021 Annual Report, Chapter IV.B Nicaragua](#), OEA/Ser.L/V/II. Doc. 64 rev. 1, May 26, 2022; IACHR, [2022 Annual Report, Chapter IV.B Nicaragua](#), OEA/Ser.L/V/II., April 1, 2023; IACHR, [2023 Annual Report, Chapter IV.B Nicaragua](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, December 31, 2023.

<sup>8</sup> IACHR, [Closure of civic space in Nicaragua](#) OAS/Ser.L/V/II Doc. 212/23, September 23, 2023, para. 3.

<sup>9</sup> IACHR, [Closure of civic space in Nicaragua](#) OAS/Ser.L/V/II Doc. 212/23, September 23, 2023, para. 20.

<sup>10</sup> *Cfr.* Confidential. "[Tres desafíos para la transición democrática frente a la sucesión dinástica](#)", April 15, 2024; The Inter-American Dialogue, "Risk Mitigation Efforts for Radicalization and Dynastic Succession in Nicaragua," April 3, 2024; El Faro, "[Nicaragua: entre la sucesión dinástica y los 222](#)," February 14, 2024.

<sup>11</sup> *Cfr.* National Assembly of Nicaragua, Partial reform to the Political Constitution of Nicaragua, published in the Official Gazette No. 218, Managua, November 25, 2024.

<sup>12</sup> Human Rights Council, [Report of the Group of Human Rights Experts on Nicaragua](#), A/HRC/55/27 (Advance unedited version), February 28, 2024, para 22.

<sup>13</sup> United Nations (UN), Human Rights Council, [Human rights situation in Nicaragua. Report of the United Nations High Commissioner for Human Rights](#), A/HRC/57/20, Distr.: General, September 2, 2024, para. 10.

<sup>14</sup> UN, Human Rights Council, Statement by Jan Simon, Chair of the Group of Human Rights Experts on Nicaragua, [The situation of human rights that require the Council's attention](#), Report of the Group of Experts on Human Rights on Nicaragua, February 29, 2024.



political reasons, among others.<sup>15</sup> In 2024, the GHREN reported on the serious human rights violations systematically perpetrated against peasants,<sup>16</sup> indigenous persons and persons of African descent in the autonomous regions of the Caribbean Coast,<sup>17</sup> members of the Catholic Church and other Christian denominations in Nicaragua,<sup>18</sup> as well as against students, teachers, academic authorities and other university staff for violations of rights to education, academic freedom, and other fundamental rights.<sup>19</sup>

9. The United Nations High Commissioner for Human Rights (OHCHR) observed that the human rights situation in Nicaragua continued to seriously deteriorate.<sup>20</sup> According to the OHCHR, in 2024, the State progressively intensified persecution of opponents of the Government or those perceived as dissenting voices.<sup>21</sup> In addition, authorities continue to persecute any individual or organization that does not fall directly under their control of opponents of the Government, including human rights defenders, media outlets, non-governmental organizations and any other entity that advocates for social or political change without government oversight.<sup>22</sup>

10. After assessing the human rights situation in Nicaragua in 2024, the IACHR decided to include Nicaragua again in Chapter IV.B, because it deems that the situation falls under the grounds set forth in subparagraphs 6.a.i., 6.b. and 6.c. of Article 59 of its Rules of Procedure, which lay out the following criteria for the inclusion of a Member State in this Chapter:

(a) a serious breach of the core requirements and institutions of representative democracy mentioned in the Inter-American Democratic Charter, which are essential means of achieving human rights, including:<sup>23</sup>

i. there is discriminatory access to or abusive exercise of power that undermines or denies the Rule of Law, such as systematic infringement on the independence of the judiciary or lack of subordination of state institutions to the legally constituted civilian authority;

[...].

(b) the unlawful suspension, total or partial, of free exercise of the rights guaranteed in the American Declaration or the American Convention, by imposition of exceptional measures such as declaring a state of emergency, state of siege, suspension of constitutional guarantees, or exceptional security measures.<sup>24</sup>

<sup>15</sup> UN, Human Rights Council, Statement by Jan Simon, Chair of the Group of Human Rights Experts on Nicaragua, [The situation of human rights that require the Council's attention](#), Report of the Group of Experts on Human Rights on Nicaragua, February 29, 2024.

<sup>16</sup> UN, Human Rights Council, [Violaciones y abusos de los derechos humanos de las personas campesinas en Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.4, March 4, 2024.

<sup>17</sup> UN, Human Rights Council, [Violaciones y abusos de los derechos humanos de los Pueblos Indígenas y afrodescendientes de la Costa Caribe de Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024.

<sup>18</sup> UN, Human Rights Council, [Violaciones y abusos de los derechos humanos contra miembros de la Iglesia católica y otras denominaciones cristianas en Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.5, July 22, 2024.

<sup>19</sup> Human Rights Council, [Violaciones y abusos de los derechos humanos a la educación, la libertad académica y otros derechos fundamentales contra estudiantes, docentes, directivos académicos y otro personal universitario](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.6, November 6, 2024.

<sup>20</sup> UN, Human Rights Council, [Human rights situation in Nicaragua](#), Report of the United Nations High Commissioner for Human Rights, A/HRC/57/20, Distr.: General, September 2, 2024, para. 80.

<sup>21</sup> UN, Rights Council, [Human rights situation in Nicaragua](#), Report of the United Nations High Commissioner for Human Rights, A/HRC/57/20, Distr.: General, September 2, 2024, para. 4.

<sup>22</sup> UN, Rights Council, [Human rights situation in Nicaragua](#), Report of the United Nations High Commissioner for Human Rights, A/HRC/57/20, Distr.: General, September 2, 2024, para. 4.

<sup>23</sup> [IACHR Rules of Procedure](#), approved by the Commission at its 137<sup>th</sup> regular period of sessions, held from October 28 to November 13, 2009; and amended on September 2, 2011, and at its 147<sup>th</sup> regular period of sessions, held from March 8 to March 22, 2013, for entry into force on August 1, 2013. Article 59.6.a.

<sup>24</sup> [IACHR Rules of Procedure](#), approved by the Commission at its 137<sup>th</sup> regular period of sessions, held from October 28 to November 13, 2009; and amended on September 2, 2011, and at its 147<sup>th</sup> regular period of sessions, held from March 8 to March 22, 2013, for entry into force on August 1, 2013. Article 59.6.b.



(c) The State has committed or is committing massive, serious, and widespread violations of human rights guaranteed in the American Declaration, the American Convention, or the other applicable human rights instruments.<sup>25</sup>

11. Regarding the commission of serious and systematic human rights violations, in 2024, the IACHR noted the persistence of arbitrary detentions to repress any opposition to and criticism of the regime, as well a pattern of violations of access to justice, due process guarantees, and the right to a fair trial in a context of a complete lack of independence and impartiality of the justice system.<sup>26</sup> The IACHR also received alarming information on arrests carried out without judicial warrants, about which relatives were not informed of the whereabouts of the detainees.<sup>27</sup> According to the OHCHR, in many cases, these individuals were removed from the protection of the law for days or even months, amounting to enforced disappearance under international law.<sup>28</sup>

12. Furthermore, the IACHR observed the continuation of a repressive strategy aimed at dismantling civil society. Among other actions, the IACHR rejected the cancellation of the legal status of more than 1,500 civil society organizations and confiscation and illegitimate appropriation of their assets, as well as the approval of a legal reform that establishes a new model for the operation of organizations, called “*Alianzas de Asociación*” [Partnership Alliances], which restricts formation of new organizations and subjects the activities of the existing organizations to state control.<sup>29</sup> Since 2018, the government has cancelled the legal status of more than 5,000 of the total 7,227 registered organizations,<sup>30</sup> making it one of the most severe repressive regimes in the region.

13. The IACHR observed that restrictions persist against freedom of religion with prohibition of religious celebrations in public spaces, surveillance of celebrations of mass, and persecution of members of the Catholic Church through arbitrary detentions, criminalization, and even banishment.<sup>31</sup> In August 2024, twelve priests and two female church collaborators were arbitrarily detained. Since 2018, at least 46 priests and bishops have been detained, released, and expelled from the country.<sup>32</sup> The IACHR warned that these acts of repression and persecution have also extended to Protestant and evangelical religions. Most notably, the Ministry of the Interior cancelled the legal status of more than 60 evangelical churches or associations during 2024, including the Moravian Church, prominent on the Caribbean Coast.<sup>33</sup>

14. In 2024, the IACHR repudiated the arbitrary deprivation of Nicaraguan nationality of 135 individuals deemed to be political opponents of Daniel Ortega's regime, and described this measure as one of the most severe forms of repression employed by the regime, as it had profound consequences for these people

<sup>25</sup> [IACHR Rules of Procedure](#), approved by the Commission at its 137<sup>th</sup> regular period of sessions, held from October 28 to November 13, 2009; and amended on September 2, 2011, and at its 147<sup>th</sup> regular period of sessions, held from March 8 to March 22, 2013, for entry into force on August 1, 2013. Article 59.6.c.

<sup>26</sup> IACHR, Thematic hearing, “[Nicaragua: Arbitrary deprivation of liberty for political reasons](#),” 189<sup>th</sup> session, Washington, D.C., March 1, 2024; IACHR, Press Release No. 181/24, [Nicaragua: IACHR urges cessation of religious persecution and release of all persons arbitrarily detained](#), Washington, D.C., August 14, 2024; IACHR, Press Release No. 132/2024, [Nicaragua: IACHR urges to guarantee the life and integrity of arbitrarily detained persons and their immediate release](#), Washington, D.C., June 11, 2024.

<sup>27</sup> IACHR, Thematic hearing, “[Nicaragua: Arbitrary deprivation of liberty for political reasons](#),” 189<sup>th</sup> session, Washington, D.C., March 1, 2024.

<sup>28</sup> UN, Human Rights Council, [Human rights situation in Nicaragua. Report of the United Nations High Commissioner for Human Rights](#), A/HRC/57/20, Distr.: General, September 2, 2024, para. 32.

<sup>29</sup> IACHR, Press Release No. 189/24, [IACHR condemns massive closure of civil society and religious organizations in Nicaragua](#), Washington, D.C., August 22, 2024.

<sup>30</sup> *Cfr.* State of Nicaragua, Note MPN-OAS-0069-100LAR, Observations of the State of Nicaragua on the preliminary document titled “[Chapter IV. B - Annual Report of the Inter-American Commission on Human Rights](#),” December 19, 2019, p. 53.

<sup>31</sup> IACHR, Thematic hearing, “[Nicaragua: Indigenous peoples in the Northern Caribbean Coast Region and violations of the right to freedom of religion](#),” 190<sup>th</sup> period of sessions, July 11, 2024.

<sup>32</sup> IACHR, Press Release No. 181/24, [Nicaragua: IACHR urges cessation of religious persecution and release of all persons arbitrarily detained](#), Washington, D.C., August 14, 2024.

<sup>33</sup> Voice of America, “[Iglesia Morava víctima de persecución en Nicaragua](#),” July 25, 2024; La Prensa, “[Dictadura busca exterminar las expresiones religiosas: cancela la iglesia Morava de Nicaragua y otras 168 ONG](#),” August 29, 2024; Confidencial, “[Interior continúa con la ‘barrida’ de oenegés evangélicas y gremiales](#),” August 29, 2024.



and their families, leaving them in a situation of extreme vulnerability.<sup>34</sup> These individuals who remained arbitrarily detained under dire conditions were released from prison and expelled from the country on September 5, 2024. Days later, the State of Nicaragua announced the arbitrary deprivation of these individuals' Nicaraguan nationality and confiscation of their assets. Since 2023, at least 450 people deemed political opponents have had their Nicaraguan nationality deprived arbitrarily.<sup>35</sup>

15. In addition to the arbitrary deprivation of nationality, the Nicaraguan State continued to expel nationals and foreigners from the country and restrict entry into and exit from their own country. These measures were applied indiscriminately against anyone who was perceived to be outside the regime's control, including government sympathizers or officials. Between June 2023 and June 2024, OHCHR documented 62 cases of Nicaraguan nationals who were denied entry into their own country.<sup>36</sup> In some cases, persons who were arbitrarily prevented by the State from returning reported being in a situation akin to statelessness due to their inability to renew expired passports or gain access to other identity documents because they were outside the country and because the State refused to issue said documents. According to civil society organizations, between 2021 and 2024, more than 100 Nicaraguans reported considering themselves in a condition like statelessness.<sup>37</sup>

16. Regarding the situation of persons arbitrarily deprived of their liberty in Nicaragua, the IACHR received information regarding serious human rights violations and dire conditions of detention.<sup>38</sup> Women and indigenous detainees face harsher treatment on the basis of their gender and cultural identities.<sup>39</sup> Additionally, the testimonies from some of the 135 individuals released from prison and expelled to Guatemala on September 5, 2024, revealed the persistence of cruel, inhumane, or degrading treatment or punishment committed by the regime, including beatings and electric shocks, prolonged isolation, sleep deprivation, continuous interrogation, and restricted access to daylight.<sup>40</sup> According to the records of the Mechanism for the Recognition of Political Prisoners, as of September 25, 2024, at least 45 persons were still being arbitrarily deprived of their liberty.<sup>41</sup>

17. In 2024, the IACHR received information on the situation of violence that indigenous and Afro-descendant communities continue to face in the Caribbean Coast of Nicaragua, including murders, kidnappings, threats, sexual violence, and attacks by armed settlers seeking to dispossess them of their ancestral territories.<sup>42</sup> In March 2024, the IACHR condemned the holding of regional elections despite the proven absence of an independent electoral system, in a context of state repression and actions aimed at preventing the opposition from political participation.<sup>43</sup> The outcome was that the Sandinista National Liberation Front

---

<sup>34</sup> IACHR, Press Release No. 217/24, [IACHR condemns arbitrary revocation of nationality of 135 recently released prisoners in Nicaragua](#), Washington, D.C., September 13, 2024.

<sup>35</sup> IACHR, Press Release No. 217/24, [IACHR condemns arbitrary revocation of nationality of 135 recently released prisoners in Nicaragua](#), Washington, D.C., September 13, 2024.

<sup>36</sup> UN, Human Rights Council, [Human rights situation in Nicaragua. Report of the United Nations High Commissioner for Human Rights](#), A/HRC/57/20, Distr.: General, September 2, 2024, para. 55.

<sup>37</sup> Colectivo Nicaragua Nunca más, [Boletín 5. Libertad de Religión en Nicaragua](#), 2024.

<sup>38</sup> IACHR, Thematic hearing, ["Nicaragua: Arbitrary deprivation of liberty for political reasons,"](#) 189<sup>th</sup> session, Washington, D.C., March 1, 2024; Mechanism for the Recognition of Political Prisoners, ["Lista de personas presas políticas en Nicaragua,"](#) Press Release, July, 2024.

<sup>39</sup> IACHR, Thematic hearing, ["Nicaragua: Arbitrary deprivation of liberty for political reasons,"](#) 189<sup>th</sup> session, Washington, D.C., March 1, 2024.

<sup>40</sup> IACHR, Press Release No. 244/24, [IACHR condemns grave human rights violations against people deprived of their freedom in Nicaragua](#), Washington, D.C., October 9, 2024.

<sup>41</sup> Mechanism for the Recognition of Political Prisoners, ["Lista de personas presas políticas en Nicaragua,"](#) Press Release, September 25, 2024.

<sup>42</sup> IACHR, Thematic hearing, ["Nicaragua: Indigenous peoples in the Northern Caribbean Coast Region and violations of the right to freedom of religion,"](#) 190<sup>th</sup> period of sessions, July 11, 2024; IACHR, Press Release No. 121/24, ["IACHR concludes visit of the Special Follow-Up Mechanism for Nicaragua to Costa Rica,"](#) Washington, D.C., May 31, 2024.

<sup>43</sup> IACHR, Press Release No. 40/24, ["Nicaragua: IACHR warns international community about lack of conditions for free and fair elections in autonomous regions of the Caribbean Coast,"](#) Washington, D.C., February 23, 2024.



(FSLN) won every position,<sup>44</sup> further concentrating its power in that area of the country, to the detriment of the autonomy of the communities of the Caribbean Coast.

18. The IACHR, through the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA), received information on the persistence of serious and systematic violations of the economic, social, cultural, and environmental rights of the population with regard to violations of the right to social security of persons arbitrarily deprived of their nationality in Nicaragua, labor rights for those persons expelled from the country, academic freedom, among others (see *Infra*. IV Economic, social, cultural, and environmental rights).

19. The Commission and the Office of the Special Rapporteur for Freedom of Expression (RELE) noted with extreme concern the steady deterioration of the situation of freedom of expression, freedom of peaceful assembly, and freedom of association in Nicaragua. Documented information in 2024 shows the continuation of a pattern of persecution against journalists, human rights defenders, artists, opponents, and religious leaders for merely expressing their ideas and opinions, which is indicative of the intolerance towards any opinion that questions or contradicts the official narrative. As discussed below, these actions are part of a deliberate State strategy to silence critical voices, stifle dissent, and strengthen a state monopoly over information through various tactics that include manipulation of the criminal justice system, administrative and fiscal harassment, and strict control over the digital sphere (see *Infra*. IV. Situation of freedom of expression).

20. Based on the circumstances described, the Inter-American Commission deemed that the situation in Nicaragua also meets the criteria set forth in subparagraphs 6.d.i, 6.d.ii, 6.d.iii of Article 59 of its Rules of Procedure, which read as follows:

(a) The presence of other structural situations that seriously affect the use and enjoyment of fundamental rights recognized in the American Declaration, the American Convention or other applicable instruments. Factors to be considered shall include the following, among others:<sup>45</sup>

- i. serious institutional crises that infringe the enjoyment of human rights;
- ii. systematic noncompliance of the State with its obligation to combat impunity, attributable to a manifest lack of will;
- iii. serious omissions in the adoption of the necessary measures to make fundamental rights effective, or in complying with the decisions of the Commission and the Inter-American Court;

21. For Nicaragua's inclusion in this chapter, the IACHR took into consideration the persistent unwillingness of the Nicaraguan State to overcome the social, political, and human rights crisis impacting the country. Specifically, this is evidenced by the lack of comprehensive reform of Nicaragua's state institutions; its failure to comply with the recommendations of the IACHR and the Inter-American Court of Human Rights (I/A Court H.R.);<sup>46</sup> its withdrawal from the Organization of American States since November 18, 2023, as well as its failure to take actions to foster an inclusive, broad and effective dialogue to restore the Rule of Law and

<sup>44</sup> El 19 Digital, "[Consejo Supremo Electoral brinda informe preliminar de las Elecciones Victoriosas Caribe 2024](#)", March 3, 2024; Supreme Electoral College, "[Boletín Informativo N°10: Elecciones Victoriosas Caribe 2024](#)", March 11, 2024.

<sup>45</sup> IACHR Rules of Procedure, approved by the Commission at its 137<sup>th</sup> regular period of sessions, held from October 28 to November 13, 2009; and amended on September 2, 2011, and at its 147<sup>th</sup> regular period of sessions, held from March 8 to March 22, 2013, for entry into force on August 1, 2013. Article 59.6.d.

<sup>46</sup> The State has repeatedly stated its rejection of the I/A Court's orders and, after its last communication on April 11, 2022, it refused to respond to the Court's requirements. The Court declared Nicaragua in a state of permanent contempt. *Cf.* I/A Court H.R., [Matter of Juan Sebastián Chamorro et al. regarding Nicaragua](#). Provisional Measures. Order of the Inter-American Court of Human Rights of November 22, 2021 (Only in Spanish), and [Matter of Juan Sebastián Chamorro et al. regarding Nicaragua](#). Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of July 2, 2024 (Only in Spanish), para. 17.



human rights. In this regard, on June 29, 2024, the OAS General Assembly recognized that the democratic and human rights crisis in Nicaragua was affecting the stability and security of other countries in the region.<sup>47</sup>

22. Similarly, the IACHR took into consideration Nicaragua's persistent lack of cooperation with the human rights mechanisms within the United Nations system. According to the information gathered and prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) for the Universal Periodic Review of Nicaragua, six treaty bodies indicated that, since 2019, Nicaragua had ceased to cooperate and had neither submitted replies or participated in constructive dialogues with those treaty bodies, which include the Committee on the Rights of Persons with Disabilities,<sup>48</sup> the Committee on the Elimination of Discrimination against Women,<sup>49</sup> the Committee on the Elimination of Racial Discrimination,<sup>50</sup> the Human Rights Committee,<sup>51</sup> the Committee against Torture,<sup>52</sup> as well as the Committee on Economic, Social and Cultural Rights.<sup>53</sup> In 2022, the Human Rights Council expressed concern at Nicaragua's ongoing refusal to cooperate with international and regional human rights mechanisms, in particular the Office of the United Nations High Commissioner for Human Rights (OHCHR), including its regional office for Central America, and the special procedures of the Council, and recognized that its refusal continued to create a protection deficit in the country.<sup>54</sup> Further, the Group of Human Rights Experts on Nicaragua has also regretted the lack of cooperation from Nicaragua, in particular the lack of access to the country.<sup>55</sup> The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that Nicaragua had not submitted national reports to either the ninth or tenth consultations on the Convention against Discrimination in Education.<sup>56</sup>

23. Lastly, the IACHR evaluated the widespread situation of impunity<sup>57</sup> for serious human rights violations committed since 2018, in the context of concentration of power and undermining of the rule of law. As the IACHR has extensively documented, the violent and repressive state response against dissent and political opposition has resulted in the deaths of at least 355 persons; more than 2,000 persons arbitrarily detained since 2018; more than 2,000 persons injured during social protests; more than 450 persons deprived of their nationality; as well as the closure of more than 5,000 civil society organizations. Between 2018 and 2023, more than 250,000 persons had allegedly been forcibly displaced to other countries.<sup>58</sup>

<sup>47</sup> OAS, Resolution AG/RES. 3022 (LIV-O/24), [Follow up to the situation in Nicaragua, adopted at the first plenary session, held on June 27, 2024, Fifty-fourth regular session](#), OEA/Ser.P AG/doc.5871/24, Asunción, Paraguay, June 29, 2024.

<sup>48</sup> UN, Committee on the Rights of Persons with Disabilities, [Concluding observations on the combined initial and second and third periodic reports of Nicaragua](#), CRPD/C/NIC/CO/1-3, Distr.: General, April 23, 2024, paras. 2 and 3.

<sup>49</sup> Committee on the Elimination of Discrimination against Women, [Provisional concluding observations on the combined seventh to tenth periodic reports of Nicaragua](#), CEDAW/C/NIC/PCO/7-10, Distr.: General, November 14, 2023, para. 3.

<sup>50</sup> Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined fifteenth to twenty-first periodic reports of Nicaragua](#), CERD/C/NIC/CO/15-21, Distr.: General, December 22, 2023, paras. 6 and 7.

<sup>51</sup> Human Rights Committee, [Concluding observations on the fourth periodic report of Nicaragua](#), CCPR/C/NIC/CO/4, Distr.: General, November 30, 2022, para. 2.

<sup>52</sup> Committee against Torture, [Concluding observations on the second periodic report of Nicaragua](#), CAT/C/NIC/CO/2, December 7, 2022, para. 2.

<sup>53</sup> Committee on Economic, Social and Cultural Rights, [Concluding observations on the fifth periodic report of Nicaragua](#), E/C.12/NIC/CO/5, November 11, 2021, paras. 2 and 3.

<sup>54</sup> Human Rights Council, [Resolution 49/3. Promotion and protection of human rights in Nicaragua](#), adopted by the Human Rights Council on March 31, 2022, A/HRC/RES/49/3, Forty-ninth session, 28 February-1 April 2022, Distr.: General, April 7, 2022.

<sup>55</sup> Human Rights Council, Report of the Group of Human Rights Experts on Nicaragua, A/HRC/55/27, February 28, 2024, para. 4 and 5.

<sup>56</sup> UN, General Assembly, Human Rights Council, Nicaragua: Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights, Asamblea General, Consejo de Derechos Humanos, Working Group on the Universal Periodic Review, Forty-seventh session, A/HRC/WG.6/47/NIC/2, Geneva, November, 4-15, 2024.

<sup>57</sup> Impunity has been defined in inter-American jurisprudence as the total lack of investigation, prosecution, capture, trial and conviction of those responsible for violations of the rights protected by the American Convention, in view of the fact that the State has the obligation to use all the legal means at its disposal to combat that situation, since impunity fosters chronic recidivism of human rights violations, and total defenselessness of victims and their relatives. IACHR Court, [Bámaca-Velásquez v. Guatemala](#), Merits. Judgment of November 25, 2000. Series C No. 70, para. 211.

<sup>58</sup> According to the UNHCR, as of June 2022, more than 260,000 Nicaraguans had been forced to flee their country, including 191,875 to Costa Rica, 30,937 to Mexico, 21,556 to the United States of America, 8,124 to Guatemala, 6,774 to Spain, and 5,170 to Panama. UN High Commissioner for Refugees (UNHCR), International Protection Considerations with Regard to People Fleeing Nicaragua, HCR/PC/NIC/2023/01, January 2023, p. 32.



24. In accordance with Article 59.5 of the IACHR Rules of Procedure, this report was prepared using information from primary and secondary sources. Regarding the primary sources, the IACHR analyzed the testimonies received through MESENI; information available from cases, petitions, and precautionary and provisional measures; information presented at public hearings; and well as the information obtained and documented in the Commission's press releases and annual and thematic reports.

25. Regarding secondary sources, the report took into account the following: official acts of all levels and branches of government, including constitutional amendments, legislation, decrees, judicial decisions, official statements; findings of other international human rights bodies, including treaty bodies, Rapporteurs, working groups, the Human Rights Council and other United Nations bodies and specialized agencies; human rights reports issued by governments and regional bodies; reports by civil society organizations and information submitted by those organizations and by individuals; public information widely disseminated in the media; and relevant legal and academic research.

26. In 2024, the IACHR issued nine press releases<sup>59</sup> and held three public hearings on the human rights situation in Nicaragua.<sup>60</sup> Additionally, the Commission adopted 13 precautionary measure resolutions aimed at protecting persons whose rights were at serious and irreparable risk.<sup>61</sup> Taking into account the extremely serious and urgent situation of some of the beneficiaries, the IACHR submitted several requests for the extension and/or granting of provisional measures to the Inter-American Court of Human Rights,<sup>62</sup> which were granted.<sup>63</sup>

<sup>59</sup> IACHR, Press Release No. 18/24, [IACHR Welcomes Release from Prison of Bishop Rolando Álvarez and Other Priests But Rejects Their Expulsion from Nicaragua](#), Washington, D.C., January 18, 2024; Press Release No. 40/24, [Nicaragua: IACHR warns international community about lack of conditions for free and fair elections in autonomous regions of the Caribbean Coast](#), Washington, D.C., February 23, 2024; Press Release No. 121/24, [IACHR concludes visit of the Special Follow-Up Mechanism for Nicaragua to Costa Rica](#), Washington, D.C., May 31, 2024; Press Release No. 132/24, [Nicaragua: IACHR urges to guarantee the life and integrity of arbitrarily detained persons and their immediate release](#), Washington, D.C., June 11, 2024; Press Release No. 181/24, [Nicaragua: IACHR urges cessation of religious persecution and release of all persons arbitrarily detained](#), Washington, D.C., August 14, 2024; Press Release No. 189/24, [IACHR condemns massive closure of civil society and religious organizations in Nicaragua](#), Washington, D.C., August 22, 2024; Press Release No. 217/24, [IACHR condemns arbitrary revocation of nationality of 135 recently released prisoners in Nicaragua](#), Washington, D.C., September 13, 2024; and Press Release No. 244/24, [IACHR condemns grave human rights violations against people deprived of their freedom in Nicaragua](#), Washington, D.C., October 9, 2024.

<sup>60</sup> IACHR, Thematic hearing, "[Nicaragua: Arbitrary deprivation of liberty for political reasons](#)", 189<sup>th</sup> session, Washington, D.C., March 1, 2024; Thematic hearing, "[Nicaragua: Indigenous peoples in the Northern Caribbean Coast Region and violations of the right to freedom of religion](#)", 190<sup>th</sup> session, Washington, D.C., July 11, 2024; and Thematic Hearing, "[Nicaragua: International financial support and its impact on human rights](#)", 191<sup>st</sup> session, Washington, D.C., November 14, 2024.

<sup>61</sup> IACHR, Press Release No. 4/24, [IACHR Grants Precautionary Measures in Favor of Freddy Antonio Quezada in Nicaragua](#), Washington, D.C., January 2, 2024; Press Release No. 3/24, [IACHR Grants Precautionary Measures in Favor of Abdul Montoya Vivas and His Family in Nicaragua](#), Washington, D.C., January 2, 2024; Press Release No. 8/24, [IACHR Grants Precautionary Measures in Favor of Eight Individuals Who Are Deprived of Liberty in Nicaragua](#), Washington, D.C., January 4, 2024; Press Release No. 44/24, [IACHR Grants Precautionary Measures to Eddy Castillo Muñoz, Nelly López García, and Juan Carlos Baquedano in Nicaragua](#), Washington, D.C., March 2, 2024; Press Release No. 47/24, [IACHR Grants Precautionary Measures in Favor of Carlos Alberto Bojorge Martínez in Nicaragua](#), Washington, D.C., March 6, 2024; Press Release No. 78/24, [IACHR Grants Precautionary Measures in Favor of Walner Blandón and Other Members of the Puerta de la Montaña Church Leadership in Nicaragua](#), Washington, D.C., April 25, 2024; Press Release No. 127/24, [IACHR Grants Precautionary Measures to Walner Ruiz Rivera in Nicaragua](#), Washington, D.C., June 5, 2024; Press Release No. 142/24, [IACHR Grants Precautionary Measures in Favor of Nine Individuals Who Are Deprived of Liberty in Nicaragua](#), Washington, D.C., June 18, 2024; Press Release No. 177/24, [IACHR Grants Precautionary Measures in Favor of Three Individuals Who Are Deprived of Liberty in Nicaragua](#), Washington, D.C., August 6, 2024; Press Release No. 188/24, [IACHR Grants Precautionary Measures to Three Individuals Being Deprived of Their Freedom in Nicaragua](#), Washington, D.C., August 20, 2024; Press Release No. 243/24, [IACHR grants precautionary measures in favor of Eddie Moisés González Valdivia in Nicaragua](#), Washington, D.C., October 7, 2024; Press Release No. 263/24, [IACHR grants precautionary measures in favor of Gersom Antonio Zeledón and three other individuals in Nicaragua](#), Washington, D.C., October 25, 2024; and Press Release No. 270/24, [IACHR grants precautionary measures in favor of Steadman Fagot Muller in Nicaragua](#), Washington, D.C., October 30, 2024.

<sup>62</sup> IACHR, Press Release No. 241/24, [IACHR requests from Inter-American Court an extension of provisional measures in favor of four individuals who are deprived of liberty in Nicaragua](#), Washington, D.C., October 4, 2024; and Press Release No. 145/24, [IACHR Requests from Inter-American Court of Human Rights An Extension of Provisional Measures in Favor of 25 Individuals Who Are Deprived of Liberty in Nicaragua](#), Washington, D.C., June 20, 2024.

<sup>63</sup> Cfr. I/A Court H.R., [Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Extension of Provisional Measures \(Only in Spanish\)](#), Order of the Inter-American Court of Human Rights of July 2, 2024; [Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Extension of Provisional Measures. \(Only in Spanish\)](#), Order of the Inter-American Court of Human Rights of October 15, 2024.



27. On December 3, 2024, the Inter-American Commission on Human Rights approved this report. Subsequently, on January 24, 2025, the Commission sent the preliminary draft of the report to the Nicaraguan State in accordance with Articles 59.7 and 59.10 of the IACHR Rules of Procedure. Allowing a month for the receipt of observations from the State, which, however, did not present any information.

## II. SITUATION OF HUMAN RIGHTS IN 2024

28. As the IACHR has indicated, the principle of separation of powers that governs democratic states has been violated in Nicaragua. The various functions of the state are not conducted by independent bodies whose powers are balanced, but instead, all powers of the state are aligned with or directed by the executive branch, and therefore do not represent checks and balances that limit the exercise of power or prevent arbitrariness; on the contrary, they facilitate or consolidate it.<sup>64</sup> Below, the IACHR addresses the events of 2024 that demonstrate the democratic breakdown in the country has been perpetuated through measures that seek to strengthen the long-term concentration and centralization of power in the hands of the head of the executive branch.

### A. Concentration and centralization of power

29. In the context of severe undermining by the democratic State, during 2024 the IACHR observed a set of actions that aimed to perpetuate the totalitarian regime to concentrate power in the family of President Daniel Ortega in the run-up to the elections scheduled for 2026, specifically through measures that reinforce the repressive apparatus and the coopting of every state institution.<sup>65</sup>

30. On November 22, 2024, “the National Assembly approved the bill, Law on Partial Reform of the Political Constitutions of the Republic of Nicaragua, which modifies more than 100 articles of the constitutional text to modernize and update “the Revolutionary State to continue strengthening the fight against poverty and guaranteeing the new times of Security, Prosperity, and Peace with Well-being,”<sup>66</sup> as well as to reaffirm the nation’s “Independence, Sovereignty, and Self-determination.”<sup>67</sup>

31. Among the most worrisome changes to the Constitution, this reform established a model of “direct democracy” that centralizes power in the Presidency of the Republic, now headed by a Co-President and a [female] Co-President with six-year terms.<sup>68</sup> According to the IACHR, this model eliminates the principle of separation of powers, further subordinating the legislative, judicial, and electoral bodies to the control of the Executive. Additionally, it grants discretionary powers to the Executive Branch to remove public officials who fail to align with the “fundamental principles” of the Constitution.<sup>69</sup> Other concerning aspects of the amendments included a reduction in the composition and alteration of the functions of the Supreme Court of Justice, deepening its lack of independence, as well as modifications that expand the powers of the Executive to arbitrarily deprive Nicaraguans of their nationality and, at the same time, confiscate their assets.<sup>70</sup>

<sup>64</sup> IACHR, Nicaragua: [Concentration of Power and the Undermining of the Rule of Law](#), OAS/Ser.L/V/II Doc. 288, October 25, 2021, para. 174.

<sup>65</sup> According to analysis by the Inter-American Dialogue, since 2019, Daniel Ortega’s total control in Nicaragua is sustained by five pillars: international isolation, monopoly of force, state capture, criminalization of democracy and propaganda. In 2024, the strengthening of these pillars would point to a dynastic succession plan. Inter-American Dialogue, [State Capture in Nicaragua - The Case for International Pressure](#), April 2024; Inter-American Dialogue, [Risk Mitigation Efforts for Radicalization and Dynastic Succession in Nicaragua](#), April 3, 2024.

<sup>66</sup> National Assembly, [“Aprobamos en primera legislatura reforma parcial a nuestra Constitución Política”](#), November 22, 2024.

<sup>67</sup> National Assembly, [“Aprobamos en primera legislatura reforma parcial a nuestra Constitución Política”](#), November 22, 2024.

<sup>68</sup> IACHR, Comunicado de Prensa No. 295/24, [“Nicaragua: CIDH condena la aprobación de la reforma constitucional que elimina los contrapesos democráticos”](#), Washington, D.C., 27 de November de 2024.

<sup>69</sup> IACHR, Press Release No. 295/24, [“Nicaragua: IACHR condemns constitutional amendments that eliminates democratic checks and balances”](#), Washington, D.C., November 27, 2024.

<sup>70</sup> IACHR, Press Release No. 295/24, [“Nicaragua: IACHR condemns constitutional amendments that eliminates democratic checks and balances”](#), Washington, D.C., November 27, 2024.



32. According to the IACHR, these modifications contravene the fundamental principles of the rule of law, representative democracy, and separation of powers established in the Inter-American Democratic Charter, thus formalizing the absolute concentration of power in the Executive.<sup>71</sup> In the same vein, the Group of Human Rights Experts on Nicaragua stated that the bill grants the government of President Daniel Ortega “virtually unlimited power over the nation’s people.”<sup>72</sup>

33. Previously, on December 28, 2023, the National Assembly approved, as a matter of urgency, a bill to replace the Ministry of Governance with a Ministry of the Interior<sup>73</sup> to prevent, neutralize, and put an end to any activity aimed at destroying or undermining the constitutional order and institutions of the country, which were established by the Revolution.<sup>74</sup> According to available information, this Ministry operated in the 1980s to repress political opposition to the Sandinista Revolution, thus its creation had the intention of reinforcing repression and persecution.<sup>75</sup> For instance, among the Ministry of Interior’s responsibilities are the supervision and regulation of non-governmental organizations.<sup>76</sup> In this regard, President Ortega said that by “coming back to life”, “we once again have two great instruments with which we defeated the counterrevolution: the Army and the Ministry of the Interior.”<sup>77</sup>

34. Furthermore, the IACHR received information on massive firings within state institutions with the aim of placing and/or maintaining in public positions only persons loyal to the Vice President of the Republic, as well as imposing a climate of fear and anxiety in the public administration.<sup>78</sup> According to the information available, more than 2,000 persons have been dismissed since 2023, including more than 100 top-level officials,<sup>79</sup> such as, presidential advisors, ministers, deputy ministers, police commissioners, army officials, as well as 13 mayors and three acting deputy mayors.<sup>80</sup> In this regard, the Vice President stated that these actions are part of the “ordering, restructuring, and redesigning”<sup>81</sup> of institutions to “promote savings and efficiency in public spending and management.”<sup>82</sup>

35. Regarding the judiciary, the information available indicates that, since October 2023, more than 1,000 officials have been arbitrarily terminated, including judges and both the President and Vice President of the Supreme Court of Justice, the former also having been detained under house arrest.<sup>83</sup> According to the GHREN, these actions constituted a *de facto* takeover of the judicial branch to ensure total

<sup>71</sup> IACHR, Press Release No. 295/24, “[Nicaragua: IACHR condemns constitutional amendments that eliminates democratic checks and balances](#)”, Washington, D.C., November 27, 2024.

<sup>72</sup> UN, Human Rights Council, Press Release, “[Nicaragua: UN Group of Experts alarmed by far-reaching change to the Constitution](#),” November 25, 2024.

<sup>73</sup> National Assembly, “[Aprueban Ley del Ministerio del Interior que fortalece orden constitucional e institucional](#),” December 28, 2023.

<sup>74</sup> National Assembly, [Ley que establece las funciones y estructura del Ministerio del Interior, Ley N°. 1184](#), approved on December 28, 2023, published in the Official Gazette No. 237, December 29, 2023, Article 5.

<sup>75</sup> Divergentes, “[Ortega revive Ministerio del Interior para ‘eliminar planes’ de conspiración en contra de la dictadura](#),” December 28, 2023; Confidencial, “[MINT: Rosario Murillo manda, Rocha y Cañas ejecutan, y Francisco Díaz huérfano](#),” January 11, 2024.

<sup>76</sup> National Assembly, [Ley que establece las funciones y estructura del Ministerio del Interior, Ley N°. 1184](#), approved on December 28, 2023, published in the Official Gazette No. 237, December 29, 2023, Article 5.

<sup>77</sup> El 19 Digital, “[Acto de Conmemoración del 44 Aniversario de Fundación del Ministerio del Interior y el 49 Aniversario de la Gesta Heroica del Comando ‘Juan José Quezada’ – Palabras de Daniel](#),” December 27, 2023.

<sup>78</sup> Confidencial “[Zozobra y silencio de trabajadores públicos tras anuncio de ‘reestructuración’ estatal](#)”, 10 de agosto de 2024; Confidencial, “[Trabajadores públicos: ‘Sabemos que cualquiera puede irse en la barrida’](#)”, 21 de agosto de 2024; Divergentes, “[La unidad ejecutora de las barridas de empleados públicos que opera en la Contraloría](#)”, 3 de octubre de 2024; Divergentes, “[Entre la gran purga y la compactación](#)”, 4 de octubre de 2024.

<sup>79</sup> Divergentes, “[Entre la gran purga y la compactación](#),” October 4, 2024.

<sup>80</sup> Confidencial, “[Encubren ‘pasadas de cuentas’ con señalamientos de corrupción contra alcaldes](#),” October 18, 2024; Confidencial, “[Van 18 alcaldes y tres vicealcaldes destituidos en Nicaragua](#),” October 28, 2024.

<sup>81</sup> Government of Reconciliation and National Unity of Nicaragua, “[Gobierno de Reconciliación y Unidad Nacional evaluará programas para brindar mejor servicio al Pueblo nicaragüense](#),” August 2, 2024.

<sup>82</sup> Government of Reconciliation and National Unity of Nicaragua, “[Gobierno de Reconciliación y Unidad Nacional evaluará programas para brindar mejor servicio al Pueblo nicaragüense](#),” August 2, 2024.

<sup>83</sup> Divergentes, “Nueva sacudida en el Poder Judicial: magistrado Marvin Aguilar destituido como secretario político y bajo investigación,” February 21, 2024. Confidencial, “[Barrida en el Poder Judicial lleva más de 900 despedidos en toda Nicaragua](#),” November 11, 2023.



control by the Vice President of the Republic.<sup>84</sup> In July 2024, more than 50 individuals considered to be persons of trust of the Vice President were allegedly appointed as judges without any legal procedure and despite not having careers in the judiciary.<sup>85</sup> The Supreme Court of Justice, with 10 of its 16 seats remaining unfilled, continued to operate under the direct orders of the Executive.<sup>86</sup>

36. The IACHR has noted that Nicaragua has not had an impartial and independent justice system for several years. On the contrary, following the onset of the April 2018 crisis, the breakdown of the principle of separation of powers has paved the way for criminalization of persons identified as opponents of the regime, and for perpetrating impunity for human rights violations.<sup>87</sup> In this regard, the IACHR considers that the actions described further undermine the conditions necessary to guarantee access to justice and restoration of the checks and balances of a democratic State.

37. The IACHR also learned of the approval of a set of amendments to reinforce the legal framework imposed in 2018, which has been used to criminalize and persecute any form of opposition to the government. Specifically, amendments to laws such as Law No. 977, against money laundering, financing of terrorism, and the financing of proliferation of weapons of mass destruction; Law No. 976, of the financial Analysis Unit and Law No. 1042, on cybercrime, among others.<sup>88</sup>

38. On September 3, 2024, the National Assembly approved Law No. 1216, which reforms the Nicaraguan Penal Code.<sup>89</sup> Among other modifications, Article 16 of the Penal Code expanded the application of criminal laws to Nicaraguans or foreigners who have committed serious crimes outside the country, such as: money laundering, terrorism, financing of terrorism, organized crime, cybercrimes, crimes against public administration, among others.<sup>90</sup> Law No. 1216 also established criminal liability of juridical persons<sup>91</sup> and the penalties applicable to offenses committed by them, which include the confiscation of assets, both for natural and juridical persons, and forced dissolution.<sup>92</sup> According to the National Assembly, these reforms comply with the recommendations of the Financial Action Task Force (FATF) and the Financial Action Task Force of Latin America (GAFILAT), as well as those of multilateral international organizations and United Nations agencies committed to combating transnational. Thus, the State positions Nicaragua “as a model country and leader in the fight against international crime, given the emergence of transnational organized crime in the trafficking of virtual and digital forms of currency.”<sup>93</sup>

39. In turn, civil society organizations have pointed out that the amendments to the Penal Code allow the State’s control to reach across national borders, based on “transnational” repression and persecution

<sup>84</sup> Cfr. Human Rights Council, [Report of the Group of Human Rights Experts on Nicaragua](#), A/HRC/55/27, February 28, 2024, paras. 20-22.

<sup>85</sup> Nicaragua Investiga, “¿Quiénes son los 50 leales a Murillo nombrados como jueces en la CSJ?” June 5, 2024; Confidencial, “Después de la barrida en la CSI, nombran a más de 60 jueces sin carrera judicial,” July 8, 2024; 100% Noticias, “La Corte Suprema de Justicia está paralizada, es un adorno, la tienen muerta”, dice exmagistrado Rafael Solís,” May 25, 2024.

<sup>86</sup> Nicaragua Investiga, “¿Quiénes son los 50 leales a Murillo nombrados como jueces en la CSJ?” June 5, 2024; Confidencial, “Después de la barrida en la CSI, nombran a más de 60 jueces sin carrera judicial,” July 8, 2024; 100% Noticias, “La Corte Suprema de Justicia está paralizada, es un adorno, la tienen muerta”, dice exmagistrado Rafael Solís,” May 25, 2024.

<sup>87</sup> IACHR, [Annual Report 2018, Chapter IV.B Nicaragua](#), OEA/Ser.L/V/II. Doc. 30, March 17, 2019; para. 86 ff.; and [Annual Report 2023, Chapter IV.B Nicaragua](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, December 31, 2023, para. 32.

<sup>88</sup> IACHR, [Closure of civic space in Nicaragua](#), OEA/Ser.L/V/II. Doc. 212/23, adopted on September 23, 2023, para. 22.

<sup>89</sup> National Assembly, [Ley N°. 1216, Ley de Reforma a la Ley N°. 641, Código Penal](#), published in the Official Gazette No. 166, September 6, 2024.

<sup>90</sup> National Assembly, [Ley N°. 1216, Ley de Reforma a la Ley N°. 641, Código Penal](#), published in the Official Gazette No. 166, September 6, 2024, article 16.

<sup>91</sup> National Assembly, [Ley N°. 1216, Ley de Reforma a la Ley N°. 641, Código Penal](#), published in the Official Gazette No. 166, September 6, 2024, article 45.

<sup>92</sup> National Assembly, [Ley N°. 1216, Ley de Reforma a la Ley N°. 641, Código Penal](#), published in the Official Gazette No. 166, September 6, 2024, article 49.

<sup>93</sup> National Assembly, “[Aprueban reformas a la Ley contra el Lavado de Dinero y Financiamiento al Terrorismo](#),” September 3, 2024; National Assembly, “[Reformas al Código Procesal Penal agilizan persecución y judicialización contra la delincuencia nacional y transnacional](#),” September 10, 2024.



of persons identified as political opponents in exile, and their families.<sup>94</sup> These organizations also indicated that, in practice, the inclusion of forfeiture as a serious penalty against individuals or legal entities legalizes the forfeiture of assets conducted by the State since 2018 against organizations, universities, forcibly dissolved churches, and political opponents and their families, the value of which is \$250 million.<sup>95</sup>

40. In this context, on September 10, 2024, the National Assembly also amended Law No. 1042 on Cybercrimes extending its scope of application to crimes committed outside the nation's territory,<sup>96</sup> escalating the persecution of journalists, communicators, human rights defenders and activists who are abroad.<sup>97</sup> That same day, September 10, the National Assembly amended the Code of Criminal Procedure enabling the National Police to request information from information technology or telephone service providers without a court order,<sup>98</sup> expanding the regime's surveillance and control capacity to penalize any criticism or dissent in the digital sphere (see *Infra*. IV.B. Laws restricting freedom of expression).

41. In its report *Closure of Civic Space in Nicaragua*, the IACHR expressed its concern about the implementation of certain laws that, based on the alleged compliance with international recommendations on the fight against organized crime, have been deployed to consolidate the regime power concentration in the Executive branch, criminalize political opponents, and dismantle organized civil society, affecting the exercise of freedom of expression, to peaceful assembly and of association.<sup>99</sup> In this context, the IACHR is concerned that this set of approved reforms is intended to perpetuate executive control, expand repression against dissenting voices, and ultimately restrict the possibility of any process for rebuilding democracy in the run-up to the presidential elections scheduled for 2026. The IACHR urges repeal of laws limiting civic space, and measures to restore the principles of separation of powers and rule of law, particularly as a necessary condition for the holding of the next presidential elections.

## B. Closure of civic space

42. According to the IACHR, the closure of civic and democratic spaces in Nicaragua is one of the most serious scenarios in the region.<sup>100</sup> Since 2018, Nicaragua has been a police state, characterized by the executive branch directing control, surveillance, and repression through state security institutions and para-state groups, against anyone considered to be its opposition.<sup>101</sup> At present, there are no conditions for civil society to participate freely and safely in social and political life.<sup>102</sup>

43. In 2024, the IACHR observed that restrictions of civic and democratic spaces increased with the announcement of the forced dissolution of any civil society organizations still operating in the country, even including those with ties to segments of the population or groups that sympathize with the Sandinista National Liberation Front; the sustained prohibition of social protest, as well as the measures adopted to suppress any area of civic, social, and religious participation, in both the physical and digital spheres.

44. According to MESENI records, in 2024, a total of 1,600 non-governmental organizations had their legal status canceled, in most cases this action was accompanied by the confiscation and illegitimate

<sup>94</sup> AP News, "[Nicaragua reforma su Código Penal para permitir juicios y confiscación de bienes extraterritoriales](#)," September 3, 2024; DW, "[Nicaragua juzgará actos contra el gobierno desde el exterior](#)," September 3, 2024; El País, "[Ortega y Murillo agrandan los colmillos de su 'ley mordaza' para controlar las redes sociales en Nicaragua](#)," September 12, 2024.

<sup>95</sup> Observatorio Pro Transparencia y Anticorrupción (OPTA), La Punta del Iceberg de la nueva piñata Ortega-Murillo: más de 250 millones de dólares en Confiscaciones Ilegales, 2024, p. 28.

<sup>96</sup> El 19 Digital, "[Asamblea Nacional aprueba reformas a Ley Especial de Ciberdelitos](#)," September 11, 2024; National Assembly, [Ley N.º 1219, Ley de Reformas y Adiciones a la Ley N.º 1042, "Ley Especial de Ciberdelitos"](#), adopted on September 11, 2024.

<sup>97</sup> Article 19 MX-CA, "[Nicaragua refuerza entramado legal en contra de voces críticas y periodistas independientes](#)," September 13, 2024.

<sup>98</sup> National Assembly, [Ley N.º 1218, Ley de Reformas y Adiciones a la Ley N.º 406, Código Procesal Penal de la República de Nicaragua](#), published in the Official Gazette No. 170, September 12, 2024, Article 230.

<sup>99</sup> IACHR, [Closure of civic space in Nicaragua](#), OEA/Ser.L/V/II. Doc. 212/23, September 23, 2023, para. 22.

<sup>100</sup> IACHR, [Closure of civic space in Nicaragua](#), OEA/Ser.L/V/II. Doc. 212/23, September 23, 2023, para. 3.

<sup>101</sup> IACHR, [Annual Report 2022, Chapter IV.B Nicaragua](#), OEA/Ser.L/V/II., April 1, 2023, para. 11; and [Closure of civic space in Nicaragua](#), OEA/Ser.L/V/II. Doc. 212/23, September 23, 2023, para. 20.

<sup>102</sup> IACHR, [Closure of civic space in Nicaragua](#), OEA/Ser.L/V/II. Doc. 212/23, September 23, 2023, para. 229.



appropriation of their assets. At least 700 of these organizations are religious, with 500 or so affiliated with evangelical congregations. Additionally, 56 associations deemed loyal to the current government and historically known as FSLN-party groups were closed.<sup>103</sup> According to available information, most cancellations of these organizations were conducted on a massive scale, without due process, through ministerial agreements issued by the Ministry of the Interior. For instance, on August 19, 2024, the Ministry of the Interior canceled the legal status of 1,500 organizations, by way of Agreement No. 38-2024-OSFL, on the purported grounds that these organizations had failed to submit financial statements.<sup>104</sup> The ministerial agreement further ordered the transfer of the organizations' real and personal property to the Attorney General's office.<sup>105</sup>

45. The Commission reiterates that the involuntary dissolution of an association through cancellation of its legal status constitutes one of the most severe forms of restriction on freedom of association, and therefore these limitations should be used only when other less restrictive measures are insufficient, and should be governed by the principles of proportionality and necessity.<sup>106</sup> For instance, dissolution should not be the measure used for "minor" administrative sanctions. In this regard, Principle 12 of the *Inter-American Declaration of Principles on the Creation, Operation, Financing, and Dissolution of Non-Profit Civil Entities* recognizes that forced dissolution, as a legal sanction, is an exceptional measure for the most serious cases involving a threat to a legitimate interest recognized in international human rights instruments.<sup>107</sup>

46. Since 2018, the Commission has noted the cancellation of the legal status of more than 5,000 organizations in Nicaragua out of a total of 7,227 registered organizations in the country.<sup>108</sup> This massive closure has severely limited the ability of civil society actors to actively participate in political, social, cultural, and religious life, or in activities that promote and defend human rights.

47. At the same time, the IACHR warned about other measures that would not only hinder the creation and operation of new organizations but also consolidate the Executive's control over civil society in the long term. On August 22, 2024, the National Assembly approved a series of amendments to Law No. 115, to establish a new model for the operation of non-governmental organizations, called "*Alianzas de Asociación*."<sup>109</sup> This model requires non-profit organizations to implement and develop their activities, projects, and programs in collaboration with state institutions, and only with prior approval of the Ministry of the Interior or the Ministry of Foreign Affairs, in the case of organizations identified as foreign agents.<sup>110</sup>

48. The IACHR recalls that the protection afforded to freedom of association is not limited only to establishment of the organization, but rather endures for the entire life of the association.<sup>111</sup> In this regard, in addition to facilitating registration of an organization, freedom of association includes the right to "set into motion their internal structure, activities and action programme, without any intervention by the public

<sup>103</sup> Confidencial, "[Borran a más de 90 grupos del sandinismo histórico en dos años](#)," October 3, 2024.

<sup>104</sup> Ministry of the Interior, [Acuerdo Ministerial N° 38-2024-OSFL](#), adopted on August 16, 2024, published in the Official Gazette N° 152, August 19, 2024.

<sup>105</sup> Ministry of the Interior, [Acuerdo Ministerial N° 38-2024-OSFL](#), adopted on August 16, 2024, published in the Official Gazette N° 152, August 19, 2024.

<sup>106</sup> IACHR, [Closure of civic space in Nicaragua](#), OEA/Ser.L/V/II. Doc. 212/23, September 23, 2023, para. 174.

<sup>107</sup> OAS, [Inter-American Declaration of Principles on the Creation, Operation, Financing, and Dissolution of Nonprofit Civil Entities](#), CJI/RES. 282 (CII-O/23) corr.1, March 9, 2023, Principle 12.

<sup>108</sup> Cfr. State of Nicaragua, Note MPN-OAS-0069-100LAR, Observations of the State of Nicaragua on the preliminary document titled "Chapter IV. B - Annual Report of the Inter-American Commission on Human Rights," December 19, 2019, p. 53.

<sup>109</sup> National Assembly, [Ley N° 1212. Ley de Reformas y Adiciones a la Ley N° 1115. Ley General de Regulación y Control de Organismos sin Fines de Lucro; Ley N° 1040. Ley de Regulación de Agentes Extranjeros; y de Reformas y Derogaciones a la Ley N° 822. Ley de Concertación T](#), published in the Official Gazette No. 155, August 22, 2024, Article 4; in addition, on September 13, 2024, the regulations to implement these reforms were approved. Presidential Decree No. 13-2024, [Reglamento Especial para la Regulación de las Alianzas de Asociación y las Alianzas de Agentes Extranjeros](#), adopted on September 11, 2024, published in the Official Gazette No. 171, September 13, 2024.

<sup>110</sup> National Assembly, [Ley N° 1212. Ley de Reformas y Adiciones a la Ley N° 1115. Ley General de Regulación y Control de Organismos sin Fines de Lucro; Ley N° 1040. Ley de Regulación de Agentes Extranjeros; y de Reformas y Derogaciones a la Ley N° 822. Ley de Concertación T](#), published in the Official Gazette No. 155, August 22, 2024, Article 4.

<sup>111</sup> IACHR, [Closure of civic space in Nicaragua](#), OEA/Ser.L/V/II. Doc. 212/23, September 23, 2023, para. 174.



authorities that could limit or impair the exercise of the respective right.”<sup>112</sup> Furthermore, Principle 6 of the *Inter-American Declaration of Principles on the Creation, Operation, Financing, and Dissolution of Non-Profit Civil Entities* recognizes that nonprofit civil society entities may pursue broad mission functions, with no restrictions, other than those permissible under international human rights treaties, or illegal or arbitrary interference.<sup>113</sup>

49. Lastly, as noted by the IACHR, the escalation of repression against civil society has resulted in dozens of human rights defenders being forced to work in exile owing to relocation of their organization’s structure, the creation of new entities, or individuals acting on their own behalf. The organizations that remain in the country, even after having their legal status revoked, work clandestinely, in a climate of fear of criminalization, persecution, and self-censorship.

50. In this regard, in the first half of 2024, the Mesoamerican Initiative of Women Human Rights Defenders documented a total of 1,534 assaults against 121 women defenders and 6 organizations, representing an increase of almost double the number of assaults reported for the same period in 2023.<sup>114</sup> Additionally, the organization documented an upward trending number of digital attacks against women defenders who have been banished or live in exile and continue their activities, using social media to denounce the situation. Specific patterns include spreading fake news, challenging or questioning women defenders’ leadership, professionalism or ethics, ridiculing women defenders and their activities, and verbal and psychological violence. Gender discrimination was identified in 58% of the documented digital attacks.<sup>115</sup>

51. The IACHR notes that these actions are additional evidence of the repressive policy to completely control civic and democratic spaces in Nicaragua, facilitated by subordinating all branches of government to the Executive, with no checks and balances in place.

52. By virtue of the general obligation to provide guarantees recognized in the ACHR, States are obligated to conduct positive actions that create environments that are favorable to and safe for civil society, which also includes measures to suppress scenarios that are hostile or dangerous to protection of human rights.<sup>116</sup> This includes the obligation of States to prevent and protect civil society actors from violence, threats, and attacks in retaliation for their work, to ensure accountability by conducting independent, timely, and effective investigations into all alleged acts of violence that occur within their jurisdiction, and to ensure access to justice, truth, and reparations for victims and their families.<sup>117</sup>

53. In this context, the IACHR recalls that the participation of civil society in all its diversity, in both physical and digital environments, is a crucial element for strengthening democracy and the rule of law. Particularly, freedom of association is an appropriate way for people to participate and act collectively in all matters that interest or affect them. Combined with the rights of assembly and freedom of expression, these

<sup>112</sup> IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 175.

<sup>113</sup> OAS, [Inter-American Declaration of Principles on the Creation, Operation, Financing, and Dissolution of Nonprofit Civil Entities](#), CJI/RES. 282 (CII-O/23) corr.1, March 9, 2023, Principle 6.

<sup>114</sup> According to the report, these aggressions include surveillance and harassment against women defenders and activists who were released from prison, digital patrolling, forced displacements and new patterns of migration repression. There have also been collective attacks, that is, attacks directed simultaneously against a group of women defenders, such as online smear and stigmatization campaigns, as well as the continuation of cruel, inhuman and degrading treatment of women political prisoners. IM-Defensoras, [“Nicaragua keeps on hurting us,”](#) September 2024.

<sup>115</sup> According to the report, verbal violence, misogynistic expressions and hate messages based on women defenders’ sexuality, sexual orientation, physical appearance and age were identified (“fat clown”, “old mustachioed woman”, “coup-leading bitch”, “slut”, “dyke”, “sham of a woman”, “sex changed”) [“Nicaragua keeps on hurting us. Preliminary data on attacks against women defenders. 1 January-19 July, 2024,”](#) September, 2024.

<sup>116</sup> IACHR, [Closure of civic space in Nicaragua](#), OEA/Ser.L/V/II. Doc. 212/23, September 23, 2023, para. 54; also Cfr. CIDH, [Criminalization of Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 49/15, December 31, 2015, para. 285, recommendation 7; See: [Joint declaration on protecting and supporting civil society at-risk](#), The United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), the Special Rapporteur on Human Rights Defenders and focal point for reprisals in Africa of the African Commission on Human and Peoples’ Rights (ACHPR), and the OSCE Office for Democratic Institutions and Human Rights (ODIHR), 2021.

<sup>117</sup> IACHR, [Closure of civic space in Nicaragua](#), OEA/Ser.L/V/II. Doc. 212/23, September 23, 2023, para. 55.



constitute a democratic vehicle for the collective expression of peaceful dissent and criticism of the government. In the case of Nicaragua, they are essential for demanding a return of democracy.<sup>118</sup>

### C. Criminalization

54. In 2024, the IACHR noted the persistence of arbitrary detentions and the use of deprivation of liberty to maintain a climate of fear among the population, in a context of a lack of independence of the justice system that allows for manipulation of criminal law to criminalize anyone who exercises or attempts to exercise their rights and freedoms that are part of the civic space.

55. At the hearing “*Arbitrary deprivation of liberty for political reasons*,” civil society organizations informed the IACHR about the ongoing practice of arbitrary detentions and other patterns of repression, such as withholding information on the whereabouts of detained persons and their status. In these cases, the arrests have been carried out without a court order, and detained persons have been moved without formal charges being lodged, and without their families or legal defense being notified. As they reported, legal remedies such as habeas corpus were rejected outright by the courts, having no effect.<sup>119</sup> According to the OHCHR, in many of these cases, detainees were deprived of protection of the law for days or even months, which under international law is the equivalent of enforced disappearance.<sup>120</sup>

56. In this regard, on July 2, 2024, the Inter-American Court granted provisional measures in favor of Freddy Antonio Quezada, detained on November 29, 2023, and Carlos Alberto Bojorge Martínez, detained on January 1, 2024, considering the serious risk to their lives after being missing for several months, until they were released on September 5, 2024.<sup>121</sup> In October, the IACHR granted precautionary measures in favor of five persons, considering the risk to their lives and personal integrity and having received no official information on their whereabouts or situation. These include: Lesbia del Socorro Gutiérrez, administrator of the Caritas Association of Matagalpa, detained on August 10, 2024; Eveling Carolina Matus, detained on July 25, 2024; Gersom Zeledón Mott, detained on March 5, 2024; Carmen Sáenz, member of the Diocese of Matagalpa<sup>122</sup>; as well as Steadman Fagot Muller, 71 years old, Miskito indigenous leader, detained on September 14, 2024.<sup>123</sup> As of the closing date of this report, Mr. Brooklyn Rivera, YATAMA indigenous leader and beneficiary of provisional measures, was also still missing.

57. Additionally, the IACHR was informed about continuous roadblocks to legal representation, the impossibility of accessing court files and conviction rulings. In addition, hearings for arbitrarily detained persons were held by videoconference, which limited the possibility of contact with a lawyer.<sup>124</sup> Another pattern reported and documented by the IACHR between 2019 and 2020, was that individuals were charged with common crimes, such as drug trafficking, aggravated robbery or sexual crimes, to conceal politically motivated prosecutions.<sup>125</sup>

58. The IACHR recalls that immediate judicial oversight helps prevent arbitrary or unlawful detention, since it is incumbent on the judge to guarantee the rights of the detainee, authorize adoption of

<sup>118</sup> IACHR, [Closure of civic space in Nicaragua](#), OEA/Ser.L/V/II. Doc. 212/23, September 23, 2023, para. 54 and 233.

<sup>119</sup> IACHR, Thematic hearing, “[Nicaragua: Arbitrary deprivation of liberty for political reasons](#)”, 189<sup>th</sup> session, Washington, D.C., March 1, 2024.

<sup>120</sup> UN, Human Rights Council, [Human rights situation in Nicaragua. Report of the United Nations High Commissioner for Human Rights](#), A/HRC/57/20, Distr.: General, September 2, 2024, para. 32.

<sup>121</sup> Cfr. I/A Court H.R., [Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Extension of Provisional Measures](#), Order of the Inter-American Court of Human Rights, July 2, 2024.

<sup>122</sup> IACHR, Press Release No. 263/24, “[IACHR grants precautionary measures in favor of Gersom Antonio Zeledón and three other individuals in Nicaragua](#),” Washington, D.C., October 25, 2024; Press Release No. 270/24, “[IACHR grants precautionary measures in favor of Steadman Fagot Muller in Nicaragua](#),” Washington, D.C., October 30, 2024.

<sup>123</sup> IACHR, Press Release No. 270/24, “[IACHR grants precautionary measures in favor of Steadman Fagot Muller in Nicaragua](#),” Washington, D.C., October 30, 2024.

<sup>124</sup> IACHR, Thematic hearing, “[Nicaragua: Arbitrary deprivation of liberty for political reasons](#)”, 189<sup>th</sup> session, Washington, D.C., March 1, 2024.

<sup>125</sup> IACHR, [Persons deprived of liberty in Nicaragua in connection with the Human Rights Crisis that began on April 18, 2018](#), OEA/Ser.L/V/II. Doc. 287, October 5, 2020, para. 222.



precautionary or coercive measures when strictly necessary, and ensure that the accused is treated in a manner consistent with the presumption of innocence.<sup>126</sup> Under the American Convention, States have the obligation to immediately inform detainees, their families, and their legal counsel of the reasons for their detention. The State must also inform the location of detention. This is “a mechanism to avoid illegal or arbitrary detentions from the very moment of arrest and, at the same time, ensures the individual’s right to defense.”<sup>127</sup>

59. The IACHR urges that persecution of people deemed political opponents cease, and, especially, that all persons arbitrarily detained in the context of the crisis that began in 2018 be immediately released.

#### **D. Arbitrary deprivation of nationality, prohibition of return, and risk of statelessness**

60. In 2024, the IACHR received information and documented new incidents of arbitrary deprivation of Nicaraguan nationality, as well as reports of expulsion from the country and arbitrary restrictions on leaving or returning to Nicaragua. These actions resulted in serious violations of the human rights of the affected persons and profound consequences for their families, perpetuating a climate of fear and persecution against all [Nicaraguan citizens] living outside its borders.

61. On September 10, 2024, the Supreme Court of Justice (CSJ) reported on the judicial resolution adopted by the Criminal Chamber One of the Court of Appeals, Managua jurisdiction, which ordered revocation of the nationality of 135 individuals “convicted of criminal acts that threatened the Sovereignty, Independence, and Self-Determination of the Nicaraguan People, by inciting and promoting violence, hatred, terrorism, and economic destabilization, altering the peace, security, and constitutional order.”<sup>128</sup> The resolution also provided for “the confiscation of all the assets of the convicted persons, in order to respond for the severe material and immaterial damages that their criminal activities caused to the population and to the country, thus providing effective justice to the victims of these crimes.”<sup>129</sup>

62. The IACHR notes that this decision was announced days after this group of persons was released from prison and banished to Guatemala. In this regard, the Commission repudiated the decision of the CSJ and reaffirmed that nationality is a fundamental right and is irrevocable, and therefore its arbitrary deprivation, especially as a sanction imposed for political reasons, contravenes the norms of international law recognized in the American Convention on Human Rights and the Convention on the Reduction of Statelessness.<sup>130</sup>

63. Since 2023, at least 450 persons identified as political opponents have been arbitrarily deprived of Nicaraguan nationality.<sup>131</sup> In this regard, the IACHR has been informed that, in addition to being deprived of their status as Nicaraguan nationals, some of the affected persons are in a situation of “legal non-existence” or “civil death” based on the annulment of their civil identity records, birth certificates, academic records and, in general, the loss of their civil, political, social, and property rights, as well as the forfeiture of their assets and pensions. These persons have also reported that the cancellation of their records could affect

---

<sup>126</sup> I/A Court H.R., [Case of the Gómez-Paquiyaui Brothers v. Peru](#), Merits, Reparations and Costs, Judgment of July 8, 2004, Series C No. 110, para. 96; [Case of Maritza Urrutia v. Guatemala](#), Merits, Reparations and Costs, Judgment of November 27, 2003, Series C No. 103, para. 66, and [Case of Bulacio v. Argentina](#), Merits, Reparations and Costs, Judgment of September 18, 2003, Series C No. 100, para. 129.

<sup>127</sup> IACHR, Annual Report 2015, Chapter IV.A. Use of Force, para. 122.

<sup>128</sup> 19 digital, “[CSJ informa sobre resolución judicial ordenando la pérdida de la nacionalidad nicaragüense a 135 personas](#),” Press Release, September 10, 2024.

<sup>129</sup> 19 digital, “[CSJ informa sobre resolución judicial ordenando la pérdida de la nacionalidad nicaragüense a 135 personas](#),” Press Release, September 10, 2024.

<sup>130</sup> IACHR, Press Release No. 217/24, [IACHR condemns arbitrary revocation of nationality of 135 recently released prisoners in Nicaragua](#), Washington, D.C., September 13, 2024.

<sup>131</sup> IACHR, Press Release No. 217/24, [IACHR condemns arbitrary revocation of nationality of 135 recently released prisoners in Nicaragua](#), Washington, D.C., September 13, 2024.



the identity rights of their children under the age of 18, being that the non-existence of the parents could have the legal effect of rendering the children “without parents.”<sup>132</sup>

64. At the hearing “Nicaragua: Arbitrary deprivation of liberty for political reasons,” civil society organizations reported that at least 36 elderly persons deprived of nationality have been affected, by removal of their records from the Nicaraguan Social Security Institute (INSS) and forfeiture of their pensions, and now find themselves in a situation of greater vulnerability, given the intersection of factors such as age and gender.<sup>133</sup> These organizations highlight the specific case of human rights defender Vilma Núñez de Escorcia, a beneficiary of provisional measures granted by the I/A Court H.R., who is in a situation of extreme defenselessness, within Nicaraguan territory in a condition of “in situ” statelessness, under police siege and without access to effective appeals against the arbitrary exercise of public power.<sup>134</sup>

65. Furthermore, in 2024, an arbitrary policy continues to be in place regarding the freedom to leave the country, through arbitrary passport retention and refusal to issue of documents, as a mechanism to prevent individuals from leaving the country. These measures equally affect political opponents or their families and government sympathizers, civil servants, and the population in general, imposing a climate of total control. Between June 2023 and June 2024, the OHCHR recorded 62 cases of Nicaraguan nationals, including 33 women and 29 men.<sup>135</sup> Further, Nicaraguan nationals have reported patterns of repression to prevent them from returning to Nicaragua. In some cases, these persons reported finding themselves in a situation akin to statelessness, facing the impossibility of renewing expired passports or obtaining other identity documents because they are outside the country and because of the State's refusal to issue such documentation.<sup>136</sup> According to civil society organizations, between 2021 and 2024, more than 100 Nicaraguans reported being in a situation akin to statelessness.<sup>137</sup>

66. In 2024, the United Nations Group of Human Rights Experts on Nicaragua concluded that, from April 2018 to February 2024, a widespread and systematic attack has been organized, directed against a segment of the population that includes people expelled from the country.<sup>138</sup> In this regard, the GHREN indicated that it has reasonable grounds to believe that the expulsions of Nicaraguans and foreigners who

<sup>132</sup> International Federation for Human Rights (FIDH), “[Exile and Civil Death. Serious impacts of arbitrary deprivation of nationality on individuals defending human rights and opposing the dictatorship in Nicaragua](#),” December 18, 2023.

<sup>133</sup> IACHR, Thematic hearing, “[Nicaragua: Arbitrary deprivation of liberty for political reasons](#)”, 189<sup>th</sup> session, Washington, D.C., March 1, 2024.

<sup>134</sup> International Federation for Human Rights (FIDH), “[Exile and Civil Death. Serious impacts of arbitrary deprivation of nationality on individuals defending human rights and opposing the dictatorship in Nicaragua](#),” December 18, 2023.

<sup>135</sup> United Nations (UN), Human Rights Council, [Human rights situation in Nicaragua. Report of the United Nations High Commissioner for Human Rights](#), A/HRC/57/20, Distr.: General, September 2, 2024, para. 55.

<sup>136</sup> In this regard, in the first half of 2024, the Mesoamerican Initiative of Women Human Rights Defenders recorded 16 cases of migration repression against women human rights defenders and members of their families. Among the patterns registered in these cases is “de facto banishment”, which consists of denying a women defender and/or her family member entry into the country; coercive mechanisms and threats to make the defender decide not to enter the country for fear of reprisals against her or her family; as well as the expulsion of a woman defender by migration authorities. The report also highlights as another relevant form of attack the non-renewal of their identity documents, “which places them in a de facto situation of civil death and forces them to stay in their homes isolated, at times without being able to work.” IM-Defensoras, “[Nicaragua keeps on hurting us. Preliminary data on attacks against women defenders. 1 January-19 July 2024](#),” September, 2024.

<sup>137</sup> Colectivo Nicaragua Nunca más, [Boletín 5. Libertad de Religión en Nicaragua](#), 2024.

<sup>138</sup> In the Report, [the GHREN] documented that, since 2022, 263 Nicaraguan persons have been expelled from Nicaragua: 1 person expelled by land to Honduras on April 14, 2022; 222 persons expelled by plane to the United States on February 9, 2023; 4 persons expelled by plane to the United States on March 25, 2023; 12 priests expelled by plane to the Vatican on October 19, 2023; 2 women expelled on a plane to Mexico on November 24, 2023; 2 men expelled on a plane to Mexico on January 7, 2024; 19 religious persons expelled on a plane to the Vatican on January 13, 2024; and 1 priest expelled on January 19, 2024. The Group also documented the expulsion by land of 21 foreign nationals who were legally in Nicaragua at the time of their expulsion: 1 music producer on 12 April 2022; 18 nuns of the Order of Mother Teresa of Calcutta on 7 July 2022; 1 priest on 4 April 2023; and 1 journalist on 8 August 2023. UN, Human Rights Council, [Violations of the human rights to freedom of movement and nationality](#), Group of Human Rights Experts on Nicaragua, A/HRC/55/CRP.3, February 29, 2024, para. 187.



oppose or are perceived as opponents are related to this widespread and systematic attack and constitute the crimes of deportation and persecution, which are tantamount to a crime against humanity.<sup>139</sup>

67. The GHREN further concluded that the serious and systematic violations of the rights to nationality and freedom of movement in Nicaragua constitute another mechanism to “persecute and silence any person who is seen as a critical or opposing voice of the Government, real or perceived, and thus guarantee its stay in power.”<sup>140</sup> These violations have also led to multiple additional human rights violations that are impossible to quantify, including violations of the rights to recognition as a person before the law, to participate in public affairs, to work, to social security, and other economic and social rights.<sup>141</sup>

68. The IACHR has recognized that nationality is an irrevocable right of all persons, and arbitrary deprivation of it, especially as a punishment or sanction for political reasons, is contrary to international human rights law. In this regard, it urges Nicaragua to guarantee full access to and enjoyment of the right to nationality in accordance with its international obligations, to cease arbitrary expulsions of nationals and foreigners, and to guarantee the right of its nationals to return to the country.

69. Lastly, the IACHR recalls that, pursuant to its *Resolution No. 2/23 on the right to nationality, prohibition of arbitrary deprivation of nationality, and statelessness*, States must extend recognized rights of stateless persons to those individuals who have no possibility of returning to their country of nationality due to a legal and/or practical impediment that is attributable to the authorities of said State.<sup>142</sup> In the case of persons who are in a situation similar to that of stateless persons and who cannot return to their countries of nationality, the IACHR encourages States to consider authorizing temporary residence to those individuals, for humanitarian reasons. Likewise, the States must consider issuance of a special travel document for foreigners who cannot obtain a valid travel document from the authorities of their country of nationality.<sup>143</sup>

## **E. Freedom of religion and religious persecution**

70. In 2024, the Inter-American Commission observed the persistence of acts of repression and persecution against members of the Catholic Church, which extended to other religious denominations, tightening restrictions against freedom of religion in Nicaragua.

71. At the hearing “*Indigenous peoples in the Northern Caribbean Coast Region and violations of the right to freedom of religion*,” civil society organizations reported that the prohibition of Catholic processions or celebrations in public spaces is still in effect, as is surveillance of religious services and homilies and sermons by priests, which severely limits the expression of Catholic worship and practices. They also reported that members of the Catholic Church continue to be subjected to harassment, siege, intimidation, monitoring, surveillance, physical attacks, arbitrary detentions, and even the banishment.<sup>144</sup>

72. Among other events, on January 14, 2024, the IACHR learned of the release from prison and transfer to the Vatican of two bishops, 15 priests and two seminarians of the Catholic Church. Among them, Monsignor Rolando Álvarez Lagos, beneficiary of provisional measures granted by the Inter-American Court, who was arbitrarily deprived of his liberty in August 2022, and was sentenced to 26 years in prison in 2023,

<sup>139</sup> UN, Human Rights Council, [Violations of the human rights to freedom of movement and nationality](#), Group of Human Rights Experts on Nicaragua, A/HRC/55/CRP.3, February 29, 2024, para. 180 ff.

<sup>140</sup> UN, Human Rights Council, [Violations of the human rights to freedom of movement and nationality](#), Group of Human Rights Experts on Nicaragua, A/HRC/55/CRP.3, February 29, 2024, para. 74.

<sup>141</sup> UN, Human Rights Council, [Violations of the human rights to freedom of movement and nationality](#), Group of Human Rights Experts on Nicaragua, A/HRC/55/CRP.3, February 29, 2024, para. 74.

<sup>142</sup> *Cfr.* IACHR, [Resolution on the right to nationality, prohibition of arbitrary deprivation of nationality and statelessness](#), Resolution No. 2/23, adopted by the IACHR on December 4, 2023, Principle 50.

<sup>143</sup> *Cfr.* IACHR, [Resolution on the right to nationality, prohibition of arbitrary deprivation of nationality and statelessness](#), Resolution No. 2/23, adopted by the IACHR on December 4, 2023, Principle 51.

<sup>144</sup> IACHR, Thematic hearing, “[Nicaragua: Indigenous peoples in the Northern Caribbean Coast Region and violations of the right to freedom of religion](#),” 190<sup>th</sup> period of sessions, July 11, 2024.



without a trial or due process of law.<sup>145</sup> Since the beginning of the crisis, in 2018, this Monsignor was considered one of the most critical voices speaking about the deteriorating situation and serious human rights violations in Nicaragua. He also played a leading role in the mediation efforts by the Nicaraguan Bishops' Conference during the talks that followed social protests, and he constantly demanded the release of all political prisoners.<sup>146</sup>

73. Between August 1 and 10, 2024, the IACHR received information on the deployment of operations and raids conducted by the national police in various curial houses and properties of the Catholic Church. As a result, twelve priests and at least two other church collaborators were detained, most of them linked to the Dioceses of Matagalpa or Estelí. On August 8, seven of these priests were expelled from the country and transferred to the Vatican State.<sup>147</sup> In total, since 2018, at least 46 priests and bishops have been detained, released from prison and expelled from the country.<sup>148</sup>

74. The IACHR warned that these acts of repression and persecution also extended to evangelical denominations. In April 2024, the IACHR granted precautionary measures in favor of ten people from the "Puerta de la Montaña" church ministry, who were deprived of their liberty and placed under dire conditions of detention<sup>149</sup> until their release from prison and banishment in September. Likewise, during 2024, the State canceled the legal status of more than 60 evangelical churches or associations; on August 29, the legal status of the Moravian Church, one of the predominant religions in the Caribbean Coast, was also canceled.<sup>150</sup> In total, 311 evangelical associations have been dissolved since 2019.<sup>151</sup>

75. In 2024, the GHREN published a report on systematic and widespread violations and abuses of international human rights law committed against members of the Catholic Church and other Christian denominations, documented between 2018 and March 2024.<sup>152</sup> According to the GHREN, the documented violations and abuses are part of a policy to suppress all current or potential forms of criticism or autonomous social mobilization capacity against the government that could generate a change in the status quo in Nicaragua and that are considered a threat to the control exercised by the Executive branch.<sup>153</sup> In that regard, the United Nations High Commissioner for Human Rights noted that the events of 2024 are a "disturbing symbol of the ruling party's efforts to consolidate its control across all spheres of society and to crackdown on any independent voice."<sup>154</sup>

76. Article 12 of the American Convention on Human Rights (ACHR) recognizes the right of all persons to freedom of conscience and of religion, which entails "freedom to profess or disseminate one's religion or beliefs, either individually or together with others, in public or in private."<sup>155</sup> It further provides that

<sup>145</sup> *Cfr.* I/A Court H.R., [Matter of Monsignor Rolando José Álvarez Lagos regarding Nicaragua](#). Adoption of Provisional Measures. Order of the Inter-American Court of Human Rights of June 27, 2023. (Only in Spanish)

<sup>146</sup> IACHR, Press Release No. 18/24, [IACHR Welcomes Release from Prison of Bishop Rolando Álvarez and Other Priests But Rejects Their Expulsion from Nicaragua](#), Washington, D.C., January 18, 2024.

<sup>147</sup> Aica, [La persecución a la Iglesia no cesa en Nicaragua: detienen a otros dos sacerdotes](#), August 12, 2024; Confidencial, ["Nueve sacerdotes detenidos en diez días en Nicaragua"](#), August 7, 2024.

<sup>148</sup> IACHR, Press Release No. 181/24, [Nicaragua: IACHR urges cessation of religious persecution and release of all persons arbitrarily detained](#), Washington, D.C., August 14, 2024.

<sup>149</sup> IACHR, Press Release No. [IACHR Grants Precautionary Measures in Favor of Walner Blandón and Other Members of the Puerta de la Montaña Church Leadership in Nicaragua](#), Washington, D.C., April 25, 2024.

<sup>150</sup> Voz de América, ["Iglesia Morava víctima de persecución en Nicaragua"](#), July 25, 2024; La Prensa, ["Dictadura busca exterminar las expresiones religiosas: cancela la Iglesia Morava de Nicaragua y otras 168 ONG"](#), August 29, 2024; Confidencial, ["Interior continúa con la 'barrida' de oenegés evangélicas y gremiales"](#), August 29, 2024.

<sup>151</sup> UN, Office of the High Commissioner for Human Rights (OHCHR), Oral update on promotion and protection of human rights in Nicaragua, June 20, 2024.

<sup>152</sup> UN, Human Rights Council, [Violaciones y abusos de los derechos humanos contra miembros de la Iglesia católica y otras denominaciones cristianas en Nicaragua](#), Group of Human Rights Experts on Nicaragua, A/HRC/55/CRP.5, July 22, 2024, para. 2.

<sup>153</sup> UN, Human Rights Council, [Violaciones y abusos de los derechos humanos contra miembros de la Iglesia católica y otras denominaciones cristianas en Nicaragua](#), Group of Human Rights Experts on Nicaragua, A/HRC/55/CRP.5, July 22, 2024, para. 343.

<sup>154</sup> Office of the High Commissioner for Human Rights (OHCHR), ["High Commissioner presents updates on human rights in Colombia, Guatemala, Honduras, Nicaragua, Cyprus and Sri Lanka"](#), 55<sup>th</sup> session of the Human Rights Council, March 1, 2024.

<sup>155</sup> American Convention on Human Rights, Article 12.1.



“freedom to manifest one's religion and beliefs may be subject only to the limitations prescribed by law that are necessary to protect public safety, order, health, or morals, or the rights or freedoms of others.”<sup>156</sup>

77. The Commission has pointed out that the exercise of freedom of religion depends on the existence of an inclusive, free, and pluralistic environment in which different religious expressions coexist and contribute to the cultural and social enrichment of a community. In other words, an open and plural civic space is an essential element to guarantee that people have the freedom to profess, manifest, and practice their religion or beliefs without discrimination.<sup>157</sup> Regarding the relationship between the right to freedom of expression and freedom of religion, the IACHR has even recognized that religious speech enjoys a “special level of protection because it expresses an integral element of personal identity and dignity”.

78. Further, the Commission warns that the *de facto* prohibition of Catholic processions and celebrations in public spaces since 2018, as well as the restrictions on religious celebrations through surveillance, siege, and harassment, the persecution of priests, the cancellation of the legal status of congregations, among other acts, would constitute an affectation of the collective dimension of the right to religious freedom recognized in Article 12 of the ACHR, by hindering and preventing the Nicaraguan population from freely manifesting their Catholic faith.<sup>158</sup>

79. Likewise, the IACHR notes with concern that the cancellation of the legal status of congregations and associations in charge of schools and study centers since 2018, and the arbitrary confiscation of their assets, affects the rights of parents and their children to access religious education in accordance with their own convictions, in keeping with Article 12.4 of the ACHR. Among other cases, in 2024, the IACHR became aware of the confiscation of the *Escuela Casa Nazareth* belonging to the Congregation of Our Lady of Charity of the Good Shepherd,<sup>159</sup> as well as the school *Colegio Madre Divino Pastor* administered by the religious congregation *Madre Divino Pastor* in Diriamba.<sup>160</sup>

## F. Persons deprived of liberty

80. In 2024, the IACHR received information and testimonies about the persistence of deplorable detention conditions, which resulted in the granting of precautionary measures to protect more than 40 persons detained in a situation of heightened risk to their lives and personal integrity.<sup>161</sup> Following the release

<sup>156</sup> American Convention on Human Rights, Article 12.3.

<sup>157</sup> IACHR, [Closure of civic space in Nicaragua](#), OEA/Ser.L/V/II. Doc. 212/23, September 23, 2023, para. 127.

<sup>158</sup> In the same regard, in 2024, the GHREN concluded that “Nicaraguan security forces and authorities, as well as individuals, pro-government armed groups and Sandinista mobs, acting with the connivance of the State” had committed systematic and widespread violations of the right to freedom of religion. It noted that “the repeated assaults against temples, images, symbols, processions and other forms of religious celebrations constitute arbitrary restrictions on the religious freedom of Catholic and other Christian faithful and religious, who were unable to freely manifest their faith and had places and objects, essential for their worship, be affected. UN Human Rights Council, Violations and abuses of human rights against members of the Catholic Church and other Christian denominations in Nicaragua, Group of Experts on Human Rights in Nicaragua, A/HRC/55/CRP.5, 22 July 2024, paras. 133-135.

<sup>159</sup> Radio Veritas, [“71 años de servicio de Casa Nazareth en Managua se acaba con toma de colegio por la dictadura.”](#) August 26, 2024.

<sup>160</sup> Onda Local, [“Dictadura despoja a monjas Capuchinas de colegio con casi 100 años de historia.”](#) August 23, 2024.

<sup>161</sup> IACHR, Press Release No. 243/24, [IACHR grants precautionary measures in favor of Eddie Moisés González Valdivia in Nicaragua](#), Washington, D.C., October 7, 2024; Press Release No. 188/24, [IACHR Grants Precautionary Measures to Three Individuals Being Deprived of Their Freedom in Nicaragua](#), Washington, D.C., August 20, 2024; Press Release No. 177/24, [IACHR Grants Precautionary Measures in Favor of Three Individuals Who Are Deprived of Liberty in Nicaragua](#), Washington, D.C., August 6, 2024; Press Release No. 145/24, [IACHR Requests from Inter-American Court of Human Rights An Extension of Provisional Measures in Favor of 25 Individuals Who Are Deprived of Liberty in Nicaragua](#), Washington, D.C., June 20, 2024; Press Release No. 142/24, [IACHR Grants Precautionary Measures in Favor of Nine Individuals Who Are Deprived of Liberty in Nicaragua](#), Washington, D.C., June 18, 2024; Press Release No. 127/24, [IACHR Grants Precautionary Measures to Walner Ruiz Rivera in Nicaragua](#), Washington, D.C., June 5, 2024; Press Release No. 78/24, [IACHR Grants Precautionary Measures in Favor of Walner Blandón and Other Members of the Puerta de la Montaña Church Leadership in Nicaragua](#), Washington, D.C., April 25, 2024; Press Release No. 47/24, [IACHR Grants Precautionary Measures in Favor of Carlos Alberto Bojorge Martínez in Nicaragua](#), Washington, D.C., March 6, 2024; Press Release No. 44/24, [IACHR Grants Precautionary Measures to Eddy Castillo Muñoz, Nelly López García, and Juan Carlos Baquedano in Nicaragua](#), Washington, D.C., March 2, 2024; Press Release No. 8/24, [IACHR Grants Precautionary Measures in Favor of Eight Individuals Who Are Deprived of Liberty in Nicaragua](#),



from prison and expulsion from the country of 135 people on September 5, 2024, the Mechanism for the Recognition of Political Prisoners in Nicaragua reported that at least 46 people still remained arbitrarily detained in the country in the context of the crisis that began in 2018.<sup>162</sup>

81. At the hearing “Arbitrary deprivation of liberty for political reasons in Nicaragua,” civil society organizations reported on the dire conditions of detention because of unsanitary cells, lack of access to drinking water, insufficient and poor-quality food, negligent medical care and lack of access to medicines, as well as restrictions on the reception of parcels and family visits, particularly in “*La Modelo*” prison. They also reported torture and ill-treatment by prison authorities, including sexual violence, as well as the pattern of concealment of information on the whereabouts and situation of detainees.<sup>163</sup>

82. In September 2024, testimonies collected by the Special Follow-up Mechanism for Nicaragua (MESENI) regarding those individuals who were released from prison and expelled to Guatemala confirmed a systematic pattern of torture and cruel treatment of persons considered to be political prisoners, through beatings and electric shocks, prolonged isolation, sleep deprivation, interrogations, and limited access to sunlight.<sup>164</sup>

83. Regarding women deprived of their liberty, in 2024, the United Nations Committee on the Elimination of Discrimination against Women expressed concern about gender-based violence, solitary confinement, and poor conditions of detention, including overcrowding, inappropriate prison infrastructures for women and their children, and lack of access to clean drinking water, hygiene products, and adequate health care. In addition, the CEDAW notes with concern the degrading treatment of lesbian, bisexual, and transgender women in detention due to the disregard for their specific needs.<sup>165</sup> These conditions are aggravated in the case of women identified as political prisoners, as has been widely documented by the IACHR.

84. Also concerning is the situation of 24 older persons who are being arbitrarily detained, some of them suffering from chronic diseases such as hypertension, diabetes, Parkinson’s, allergies, and other severe illnesses that place their lives and integrity at even greater risk due to the precarious conditions of detention and the lack of medical care.<sup>166</sup> In addition to not receiving adequate medical treatment, detainees do not receive a diet suitable to their health condition, leading to further deterioration of their health.<sup>167</sup>

85. The Commission urges the Nicaraguan authorities to guarantee dignified treatment and access to adequate medical care, sufficient nutritious food, and healthy conditions of detention for all persons in their custody. The IACHR emphasizes that providing adequate medical care to persons deprived of liberty is an obligation that directly stems from the State’s duty to guarantee the right to humane treatment set forth in Articles 1.1 and 5 of the American Convention, and Article I of the American Declaration.<sup>168</sup>

86. Similarly, the IACHR recalls that the State’s obligation to respect physical integrity, not to engage in cruel and inhumane treatment, and to respect the inherent dignity of human beings, includes ensuring access to adequate medical care for persons deprived of liberty. Additionally, given that incarceration of women takes on a dimension of its own that results in particular violations of their rights based on gender

Washington, D.C., January 4, 2024; Press Release No. 4/24, [IACHR Grants Precautionary Measures in Favor of Freddy Antonio Quezada in Nicaragua](#), Washington, D.C., January 2, 2024; Press Release No. 3/24, [IACHR Grants Precautionary Measures in Favor of Abdul Montoya Vivas and His Family in Nicaragua](#), Washington, D.C., January 2, 2024.

<sup>162</sup> Mechanism for the Recognition of Political Prisoners, “[Lista de personas presas políticas en Nicaragua](#),” Press Release, September 25, 2024.

<sup>163</sup> IACHR, Thematic hearing, “[Nicaragua: Arbitrary deprivation of liberty for political reasons](#)”, 189<sup>th</sup> session, Washington, D.C., March 1, 2024.

<sup>164</sup> IACHR, Press Release No. 244/24, [IACHR condemns grave human rights violations against people deprived of their freedom in Nicaragua](#), Washington, D.C., October 9, 2024.

<sup>165</sup> UN, Committee on the Elimination of Discrimination against Women, [Concluding observations on the combined seventh to tenth periodic reports of Nicaragua\\*](#), CEDAW/C/NIC/CO/7-10, February 14, 2024, para. 47.

<sup>166</sup> Mechanism for the Recognition of Political Prisoners, [Lista personas presas políticas de Nicaragua](#), Press Release, June 2024.

<sup>167</sup> UN, Human Rights Council, Report of the United Nations High Commissioner for Human Rights, [Human rights situation in Nicaragua](#), A/HRC/57/20, September 2, 2024, para. 49.

<sup>168</sup> IACHR, 2022 Annual Report. [Chapter IV.B Nicaragua](#), OEA/Ser.L/V/II. Doc. 50 rev. 1, April 1, 2023, para. 102.



and intersectionality with other factors such as age, the IACHR urges the State to adopt with due diligence all necessary and comprehensive measures to ensure that their full rights are effectively respected and guaranteed.

87. Based on the foregoing, the IACHR reiterates its call on the State of Nicaragua to guarantee the right to life and to humane treatment of all persons in its custody, as well as to comply with the precautionary and provisional measures granted by the IACHR and the I/A Court H.R., respectively. In this regard, it reiterates its call to immediately release all persons arbitrarily deprived of their liberty in the context of the crisis that began on April 18, 2018.

## **G. Situation of the indigenous and Afro-descendant peoples in the Caribbean Coast**

88. Throughout 2024, the IACHR received information about the intensification of a repressive strategy deployed in the Caribbean Coast [autonomous regions] in the context of regional elections held in March to renew the positions of 90 authorities. The goal was to convey a message of control and fear against indigenous and Afro-descendant movements and to limit their participation.

89. In this regard, in February 2024, the IACHR warned of the absence of conditions for holding free, fair, and competitive elections, given the closure of civic spaces, state repression, police sieges, and militarization in the territories of the Caribbean Coast. Among other events, since 2023, the IACHR documented the closure and confiscation of the headquarters of the indigenous community radio stations Yapti Tasba Bila Baikra Bilwi and Waspam; the cancellation of the legal status of the indigenous party Yapti Tasba Masraka Nanih Asla Takanka (YATAMA) and the seizure of its regional facilities; the detention of the deputy of the National Assembly and president of the YATAMA party, Brooklyn Rivera, as well as the legal representative and alternate deputy of YATAMA, Nancy Elizabeth Henríquez; both beneficiaries of provisional measures by the Inter-American Court.<sup>169</sup>

90. On March 3, 2024, the Nicaraguan observatory *Urnas Abiertas* noted that these elections displayed serious irregularities such as vote-buying in exchange for gifts or favors and promises of participation in welfare programs; massive get-out-the-vote efforts, which included voting by nonresidents of the autonomous regions, among other things.<sup>170</sup> In addition, for the first time since 1990, no indigenous or Afro-descendant party headed an electoral ballot.<sup>171</sup> Finally, on March 4, 2024, the Supreme Electoral Council reported that the Sandinista National Liberation Front (FSLN) won 88,95% of the votes and all elected positions.<sup>172</sup>

91. The IACHR emphasized that the regional elections in Nicaragua were the result of historical demands and the struggle for recognition of the autonomy of indigenous peoples and Afro-descendant communities in Nicaragua, leading to the approval of the “Statute of Autonomy of the Atlantic Coast Regions” (Law No. 28) and other national laws. In this regard, the IACHR noted that the absence of conditions for holding free elections in 2024 was a significant setback to the rights to self-determination of indigenous and Afro-descendant communities.<sup>173</sup>

92. According to the OHCHR, these results led the Executive to further tighten its improper control over the autonomous regions of the Caribbean Coast, the only remaining regions where independent political

---

<sup>169</sup> Cfr. IACHR, Press Release No. 40/24, “[Nicaragua: IACHR warns international community about lack of conditions for free and fair elections in autonomous regions of the Caribbean Coast](#),” Washington, D.C., February 23, 2024.

<sup>170</sup> Urnas Abiertas, “[Informe de Elecciones Regionales](#),” 2024, page 6.

<sup>171</sup> Urnas Abiertas, “[Informe de Elecciones Regionales](#),” 2024, page 6.

<sup>172</sup> El 19 Digital, “[Nicaragua: Frente Sandinista gana con el 88.95% de votos en las Elecciones Victoriosas Caribe 2024](#),” March 4, 2024.

<sup>173</sup> Cfr. IACHR, Press Release No. 40/24, “[Nicaragua: IACHR warns international community about lack of conditions for free and fair elections in autonomous regions of the Caribbean Coast](#),” Washington, D.C., February 23, 2024.



activity in public spaces had not yet been completely suppressed.<sup>174</sup> Further, civil society organizations noted that the total control of the autonomous regional governments and councils would increase the Executive's decision-making power over the use of natural resources and other political, social, and cultural aspects of those communities.<sup>175</sup>

93. The IACHR also received information on the persistent situation of violence faced by indigenous and Afro-descendant peoples due to incidents of murder, kidnapping, threats, sexual violence, and attack by armed settlers seeking to deprive them of their ancestral lands. The impunity of these acts, framed in a historical context of marginalization, exclusion, and increasing violence since 2018, have subjected the communities to forced migration.

94. At the hearing "*Indigenous peoples in the Northern Caribbean Coast region and violations of the right to freedom of religion*," civil society organizations reported that, "since 2015, systematic attacks against indigenous peoples, especially the Miskitu and Mayangna communities of the Northern Caribbean Coast, have increased exponentially." As indicated, in the first half of 2024, there were 643 documented cases of violations of the rights of indigenous peoples, 682 victims in all, due to the burning of homes, threats, kidnappings, and attacks. Additionally, in 2024, four murders of indigenous people were recorded, for a total of 75 documented deaths since 2013. The organizations emphasized that 78% of the cases are related to attacks that occurred in communities for which precautionary measures had been granted by the Commission and the Inter-American Court of Human Rights.<sup>176</sup>

95. The upsurge in violence against indigenous communities resulted in the criminalization of leaders and defenders of the land, especially in the Mayangna Sauni As and Wangki Li Aubra territories. In the first half of 2024, indigenous organizations registered 37 cases of the government charging forest rangers with crimes.<sup>177</sup> According to available information, at least 11 traditional leaders and forest rangers of the Mayangna people have been convicted and remain in detention, four of which have been granted precautionary measures by the Inter-American system.<sup>178</sup> On August 15, 2024, the Commission learned of the arrest of Steadman Fagoth by the Nicaraguan Army, the day after he publicly denounced the invasion and destruction of indigenous land on the Caribbean Coast.<sup>179</sup>

96. The IACHR also received information about violations of due process and their specific effects on indigenous persons detained, because of trials held outside the jurisdiction of the Caribbean Coast, private hearings with no access to relatives or counsel of choice, and the refusal to hand over copies of the conviction rulings.<sup>180</sup> According to testimonies received by the MESENI, indigenous persons deprived of liberty suffer inhumane treatment in prisons and find themselves in conditions more dire than other persons identified as political prisoners. Of particular concern is the concealment of the whereabouts and health conditions of Mr. Brooklyn Rivera, leader of YATAMA, previously mentioned in this report.

---

<sup>174</sup> UN, Human Rights Council, Report of the United Nations High Commissioner for Human Rights, [Human rights situation in Nicaragua](#), A/HRC/57/20, September 2, 2024, para. 10.

<sup>175</sup> Urnas Abiertas, "[Informe de Elecciones Regionales](#)," 2024, page 6.

<sup>176</sup> IACHR, Thematic hearing, [Nicaragua: Indigenous peoples in the Northern Caribbean Coast Region and violations of the right to freedom of religion](#), 190<sup>th</sup> Period of Sessions, Washington, D.C., July 16, 2024.

<sup>177</sup> IACHR, Thematic hearing, [Nicaragua: Indigenous peoples in the Northern Caribbean Coast Region and violations of the right to freedom of religion](#), 190<sup>th</sup> Period of Sessions, Washington, D.C., July 16, 2024.

<sup>178</sup> IACHR, Thematic hearing, [Nicaragua: Indigenous peoples in the Northern Caribbean Coast Region and violations of the right to freedom of religion](#), 190<sup>th</sup> Period of Sessions, Washington, D.C., July 16, 2024.

<sup>179</sup> IACHR, Press Release No. 270/24, [IACHR grants precautionary measures in favor of Steadman Fagot Muller in Nicaragua](#), Washington, D.C., October 30, 2024.

<sup>180</sup> IACHR, Thematic hearing, [Nicaragua: Indigenous peoples in the Northern Caribbean Coast Region and violations of the right to freedom of religion](#), 190<sup>th</sup> Period of Sessions, Washington, D.C., July 16, 2024.



97. Regarding the right to communal property, in 2024, the IACHR learned that mining concessions had been granted on indigenous lands without a consultation process that adheres to international standards.<sup>181</sup>

98. On March 1, 2024, various United Nations mandates expressed their concern about alleged violations of the rights of indigenous peoples and Afro-descendant communities, including the rights to land, territory, and resources, prior, free, and informed consultation and consent, due to the implementation of the “Bio-CLIMA” reforestation project, financed by the Green Climate Fund (GCF), the Central American Bank for Economic Integration (CABEI) and the Global Environment Facility (GEF).<sup>182</sup> On March 7, 2024, the Green Climate Fund terminated the project due to non-compliance with its policies and procedures on socio-environmental safeguards.<sup>183</sup>

99. Lastly, in 2024, the United Nations Committee on the Elimination of Discrimination against Women expressed its concern about the multiple forms of discrimination faced by indigenous and Afro-descendant women in Nicaragua. It highlighted the higher vulnerability and impunity of gender-based violence, including sexual violence, murder, internal displacement, forced eviction, and an alarming situation regarding Wilú indigenous women in the Bosawás reserve and in the Mayangna Sauni territory. It also highlighted the lack of progress in land demarcation and the issuance of land titles, which impact the livelihoods of indigenous women.<sup>184</sup>

100. The IACHR urges the State of Nicaragua to cease repression against indigenous and Afro-descendant communities. In addition, it reiterates its call to the State to adopt urgent and differentiated measures aimed at protecting the territories and natural resources, and that these be developed in consultation and coordination with them. In particular, the IACHR urges compliance with the precautionary measures granted under the Inter-American system of human rights.

### III. ECONOMIC, SOCIAL, CULTURAL, AND ENVIRONMENTAL RIGHTS

101. Through the Office of the Special Rapporteur on Economic, Social, Cultural, and Environmental Rights (REDESCA), the IACHR received information on the persistence of serious and systematic violations of the economic, social, cultural, and environmental rights (ESCER) of the population.

102. First, the IACHR is concerned about the situations of people expelled from the country and arbitrarily deprived of their liberty, since they find themselves in situations of extreme vulnerability, deprived of fundamental rights essential to guarantee their dignity, well-being, and personal development. Documented violations include the loss of the rights to access social benefits, to legally exercise a profession, or to access quality education because of the elimination of professional or academic records.

103. Additionally, in 2024, the United Nations Group of Human Rights Experts on Nicaragua identified three types of violations of social security rights of persons arbitrarily deprived of their nationality in Nicaragua. First, there are cases of elderly retirees whose pensions were confiscated; secondly, there are persons of retirement age with weeks of contributions who are unable to apply for their pension due to deprivation of their nationality; and lastly, there are people who had been contributing to the Nicaraguan

<sup>181</sup> According to public information, in April 2024, the regime granted a concession of 36,610 hectares for 25 years in the municipalities of Siuna and Mulukukú, in the North Caribbean Coast Autonomous Region (RACCN for its Spanish acronym). The concession was awarded to the company Nicaragua Xinxin Linze Minera Group, S.A., for the exploitation of metallic and non-metallic minerals in the zone called Nuevo Bijagual. Confidencial, “[Ortega entrega gigantesca concesión minera a empresa china en el Caribe Norte](#),” April 23, 2024; Infobae, “[El Gobierno de Nicaragua otorga concesión minera a empresa china en Región Autónoma](#),” April 22, 2024.

<sup>182</sup> UN, Working Group of Expert on People of African Descent, Working Group on the issue of human rights and transnational corporations and other business enterprises, Special Rapporteur on the human right to a clean, health and sustainable environment, and Special Rapporteur on the rights of Indigenous Peoples, Communication Ref.: AL NIC 1/2024, March 1, 2024.

<sup>183</sup> Green Climate Fund (GCF), “[Update on FP146: Bio-CLIMA Integrated climate action to reduce deforestation and strengthen resilience in BOSAWÁS and Rio San Juan Biospheres](#),” March 7, 2024.

<sup>184</sup> UN, Committee on the Elimination of Discrimination against Women, [Concluding observations on the combined seventh to tenth periodic reports of Nicaragua](#), CEDAW/C/NIC/CO/7-10, February 14, 2024, para. 45(c).



Institute of Social Security, not yet of retirement age, who lost both their contributions and the number of contribution weeks.<sup>185</sup>

104. Regarding labor rights guarantees for persons expelled from the country, the IACHR learned of the decision of the National Council for Judicial Administration and Career within the Supreme Court of Justice, to permanently suspended the licenses of exiled lawyers and notaries public who, after being deprived of their nationality, are considered “foreigners” by the government and do not have the legal capacity to practice their profession in the country.<sup>186</sup>

105. The IACHR notes that deprivation of nationality and exile have forced victims to rebuild their lives away from their families, facing extreme vulnerability with little or no support from host countries. This situation is especially serious for people in vulnerable situations, such as children whose mental health is compromised by not being able to see their banished parents, as well as people with chronic illnesses and older adults who require medical care and adequate psychological support.<sup>187</sup>

106. The lack of support networks and legal uncertainty in their new surroundings heighten their vulnerability, hindering their integration with and access to essential services. REDESCA has pointed out that it is the responsibility of the States to adopt effective measures to guarantee protection of the ESCER of the entire population under their jurisdiction, regardless of their migratory status. This includes implementing inclusive policies that promote equity and social justice, as well as strengthening human rights protection mechanisms to prevent abuses and ensure access to essential resources and services.

107. Additionally, the IACHR and REDESCA noted with concern that the university sector is in a critical situation, marked by severe restriction of academic freedom. In particular, the IACHR found constant harassment and intimidation of student groups opposed to the government, creating an atmosphere of fear that undermines participation and the free exercise of their rights. Additionally, academic authorities and faculty who denounce abuses and indoctrination by the government are persecuted in retaliation for their efforts to promote critical thinking and freedom of thought.<sup>188</sup> This situation not only significantly compromises the educational development of present and future generations but also violates the fundamental principles of university autonomy and the right to quality education.

108. During 2024, the Commission rejected the closure of more than 1,600 civil society and religious organizations in Nicaragua, many of which engaged in social and education issues. Most of these closures resulted in confiscation and illegitimate appropriation of assets.<sup>189</sup> Furthermore, the legal status of the *Universidad de Ciencias de la Salud y Energías Renovables* (UCSER) was canceled due to alleged non-compliance with regulatory laws.<sup>190</sup> According to the conclusions and recommendations of the Group of Human Rights Experts, “[t]here are no longer any autonomous institutions in the university sector of Nicaragua. The authorities have suppressed any organized movements and critical voices from university students and faculty members.”<sup>191</sup>

109. The IACHR learned of two amendments to Law No. 89 “Law on the Autonomy of Higher Education Institutions.” The first reform grants broad powers to the National Council of Universities (CNU by its Spanish acronym) over decisions made in higher education institutions, such as in budgetary matters. In

<sup>185</sup> UN, Human Rights Council, [Violations of the human rights to freedom of movement and nationality](#), Group of Human Rights Experts on Nicaragua, A/HRC/55/CRP.3, February 29, 2024, para 161.

<sup>186</sup> Confidential, [“Justicia suspende de “forma definitiva” a 25 abogados desnacionalizados por Ortega,”](#) May 11, 2023.

<sup>187</sup> UN, Human Rights Council, [Human rights situation in Nicaragua. Report of the United Nations High Commissioner for Human Rights](#), A/HRC/57/20, Distr.: General, September 2, 2024, para. 56.

<sup>188</sup> Confidential, [“Aulas de Nicaragua se quedan sin maestros: “Todos los días hay renunciias,”](#) July 6, 2024.

<sup>189</sup> IACHR, Press Release No. 189/24, [IACHR condemns massive closure of civil society and religious organizations in Nicaragua](#), August 22, 2024; Press Release No. 217/24, [IACHR condemns arbitrary revocation of nationality of 135 recently released prisoners in Nicaragua](#), September 13, 2024.

<sup>190</sup> Ministry of the Interior, [Acuerdo Ministerial No. 08-2024-OSFL](#), published in the Official Gazette N° 30, February 16, 2024.

<sup>191</sup> UN, General Assembly, Human Rights Council, [Report of the Group of Human Rights Experts on Nicaragua](#), A/HRC/55/27, February 28, 2024, para. 111



this regard, insufficient budget allocations to higher education in Nicaragua is a matter of concern, given that the CNU saw its 2024 budget reduced by 56%.<sup>192</sup> The second reform is tied to the Nicaraguan government's decision to impose on public universities and technical education centers the obligation to pay for public services, such as water and electricity, thus altering fundamental spending and operational-related aspects of educational institutions.<sup>193</sup> In this regard, by transferring costs to universities, the reform not only compromises their financial stability, but also significantly undermines their autonomy, limiting their ability to operate independently and to adapt to the academic needs of their communities.

110. Regarding the Nicaraguan public health system, REDESCA received information that shows marked deterioration since 2018, caused by massive dismissals, the exodus of specialists, and health personnel being trained by non-academic faculty.<sup>194</sup> Additionally, there are still situations in which health personnel are being controlled and surveilled by both pro-government unions and Ministry of Health officials, in deteriorating working conditions, with salaries being lower than the cost of a basic food basket, incentives being removed, and exploitative labor conditions.<sup>195</sup>

111. Regarding the guarantee of the indigenous peoples' ESCER, during the IACHR's 190<sup>th</sup> period of sessions, the petitioning organizations denounced the increase in violence against the Miskitu and Mayangna communities on the Northern Caribbean Coast of Nicaragua due to increased mining activity by public and private mining companies. The organizations highlighted the ways these large and small-scale activities have affected the lives of these communities, limiting their access to economic, social, cultural, and environmental rights.<sup>196</sup> The organizations also pointed to the out-of-control increase in the number of mining concessions the State has granted to foreign companies in indigenous territories without a prior consultation process. In areas such as Mayangna Sauni As, mining concessions encompass 41% of the territory. They also indicated that the State has allowed the expansion of large-scale farming of cattle and crops, in many cases oil palm monoculture. Additionally, forestry and mining companies with government ties have been promoted, resulting in environmental degradation and paving the way for colonization of indigenous territories.

112. In the context of the global climate emergency, the Commission and REDESCA express their concern over information that reveals a loss of 650,000 hectares of primary rainforest in Nicaragua, equivalent to 36% of its total tree coverage loss over the same period. The total area of primary rainforest in Nicaragua decreased by 32% during this time.<sup>197</sup> The IACHR and REDESCA recall the State's duty to "consult and seek the consent of persons whose rights could be violated by programmes and projects that involve a risk of significant environmental damage. Such programmes and projects include those aimed at mitigating greenhouse gases and adapting to the impacts of climate change."<sup>198</sup>

#### IV. SITUATION OF FREEDOM OF EXPRESSION

113. The Inter-American Commission and its Office of the Special Rapporteur for Freedom of Expression (SRFOE) observed with extreme concern the steady deterioration of the situation of freedom of

<sup>192</sup> Aula Abierta, [Boletín Informativo](#), June, 2024.

<sup>193</sup> 100% Noticias, "[Universidades estatales de Nicaragua pagarán servicios públicos, tras reforma a Ley de Educación Superior](#)," September 25, 2024.

<sup>194</sup> Centro de Asistencia Legal Interamericano en Derechos Humanos (CALIDH), Report on the situation of human rights in Nicaragua: January-July 2024, August 2024, para. 104.

<sup>195</sup> Centro de Asistencia Legal Interamericano en Derechos Humanos (CALIDH), Report on the situation of human rights in Nicaragua: January-July 2024, August 2024, paras. 105-114.

<sup>196</sup> IACHR, Thematic hearing, "[Nicaragua: Indigenous peoples in the Northern Caribbean Coast Region and violations of the right to freedom of religion](#)," 190<sup>th</sup> period of sessions, July 16, 2024.

<sup>197</sup> In this regard, in June 2021, the GCF, Independent Redress Mechanism (IRM) received complaints alleging, among others, the lack of adequate consultation with indigenous and Afro-descendant communities, and non-compliance with accredited standards by both the accredited entity (Central American Bank for Economic Integration) and the executing entity (the Nicaraguan State). In its decision, the GCF Secretariat decided to work together with the entities to develop a clear strategy to bring the project to an orderly and responsible conclusion that includes informing all stakeholders on the ground and managing the expectations of those who would have been beneficiaries had the project been implemented. Global Forest Watch, [Forest Change](#), last accessed on October 15, 2024.

<sup>198</sup> IACHR-REDESCA, [Resolution 3/2021](#), Climate Emergency: Scope of Inter-American Human Rights Obligations, adopted by the IACHR on December 31, 2021, para. 13.



expression, peaceful assembly, and association in Nicaragua. The information documented during 2024 shows a pattern of continued persecution of journalists, human rights defenders, artists, opponents, and religious leaders for merely expressing their ideas and opinions, which is indicative of the intolerance towards any opinion that questions or contradicts the State's narrative.

114. These actions are part of a deliberate state strategy to silence critical voices, stifle dissent, and consolidate a state information monopoly, conducted through various mechanisms that include manipulation of the criminal justice system, administrative and fiscal harassment, and strict control over the digital sphere. This, together with a regulatory framework that restricts fundamental freedoms, has institutionalized a system of censorship that is incompatible with the basic pillars of a democratic society.

115. The comprehensive and sustained deployment of abusive institutions has contributed to the progressive closure of civic and democratic spaces where self-censorship is prevalent, as has been widely documented by the IACHR. Citizens in general refrain from expressing opinions or participating in debates on matters of public interest for fear of retaliation. With more than 270 journalists exiled from the country in the last six years, organizations that defend journalism and freedom of expression report that the government continues to “purge” the country's political system and that the “siege of freedom of the press and expression continues to escalate.”<sup>199</sup>

#### **A. Attacks, threats, and intimidation against journalists and media outlets**

116. The Inter-American Commission and the Office of the Special Rapporteur for Freedom of Expression continued to monitor the serious situation for journalism in Nicaragua, characterized by a pattern of repression that affects multiple aspects of the right to freedom of expression. In 2024, persistent and intensifying practices have been documented, including: (i) arbitrary arrests and criminalization; (ii) expulsions and arbitrary deprivation of nationality; (iii) closure and confiscation of media outlets; iv) police surveillance and harassment; (v) threats on social media; (vi) use of stigmatizing and violent discourse from the highest levels of state power; (vii) widespread self-censorship, which mainly affects journalists and sources on the ground; and, (viii) an intensive official propaganda campaign.

117. Journalists who attempt to report on matters of public interest face imminent risk of arrest. Against this backdrop, the Commission is concerned about the case of journalist Fabiola Tercero Castro, who was reported missing on July 12, 2024. At the time of this report, more than 100 days have passed without authorities providing any information on her whereabouts.<sup>200</sup> According to available information, seven police officers raided her Managua home without a warrant, confiscating electronic equipment and work-related materials. It was reported that the journalist had previously been subjected to repressive measures such as house arrest and the obligation to report daily to a police station.<sup>201</sup>

118. Civil society organizations have labeled this case an enforced disappearance and have demanded clear information about her situation and respect for her physical integrity.<sup>202</sup> The Inter-American Commission and its Office of the Special Rapporteur urge the State of Nicaragua to adopt urgent measures to locate her, protect her physical integrity, and cease these repressive practices, in accordance with applicable standards and recommendations under international law.

---

<sup>199</sup> Confidencial, [El “cerco” de la libertad de prensa se cierra en Nicaragua, advierte la SIP](#), October 18, 2024; Voice of America, SIP: [“El cerco sobre el periodismo libre se va cerrando día a día en Nicaragua”](#), July 13, 2021.

<sup>200</sup> Volcánicas, [Nicaragua: la periodista Fabiola Tercero Castro sigue desaparecida](#), August 13, 2024; Reporteros sin Fronteras (RSF), [Nicaragua sigue atacando al periodismo: ¿dónde está Fabiola Tercero?](#), 18 de septiembre de 2024.

<sup>201</sup> Reporters without Borders (RSF), [Journalist disappears amid Ortega's siege of what is left of independent journalism in Nicaragua](#), July 29, 2024; Article 66, [“¿Dónde está la periodista Fabiola Tercero? El Estado la ha desaparecido”, denuncia Calidh](#), July 20, 2024.

<sup>202</sup> Article 19, [Se cumplen 17 días de la desaparición forzada de la periodista y activista nicaragüense Fabiola Tercero](#), July 30, 2024; RSF, [Journalist disappears amid Ortega's siege of what is left of independent journalism in Nicaragua](#), July 29, 2024; 100% Noticias, [PCIN demanda respeto a la integridad de periodista Fabiola Tercero en caso que esté detenida](#), July 21, 2024.



119. Another reported detention was that of journalist Orlando Chávez Esquivel, director of the news program “El Metropolitano” at *La Consentida* radio station in the city of León. According to available information, Chávez was arrested by police on May 19, 2024, following a raid at his home where his siblings, Obed and Merary Chávez, were also arrested on charges of obstruction. Reports indicate that the operation was in retaliation for his participation in presenting the book “*Los Brujos y sus prodigios*.” Orlando Chávez was allegedly interrogated and released days later.<sup>203</sup>

120. The IACHR and RELE also followed up on the situations of the politically imprisoned journalists Víctor Ticay Ruiz and Sergio Catarino Castiblanco Hernández. Ticay, a correspondent for *Canal 10*, was arrested on April 6, 2023, after covering a religious procession that is prohibited in Nicaragua.<sup>204</sup> According to information documented by the IACHR, while detained he was tortured by state agents with electric shocks to his feet, and was interrogated repeatedly in the early hours of the morning, in addition to beatings and death threats.<sup>205</sup> Ticay was sentenced to eight years in prison for the crime of spreading fake news.<sup>206</sup>

121. Further, Sergio Catarino Castiblanco Hernández, teacher, journalist, broadcaster, and member of political groups, was arrested along with his wife, Jacqueline Rodríguez Herrera, on April 22 and 23, 2023, respectively, and sentenced to eight years in prison for the crimes of conspiracy to undermine national integrity and spreading fake news.<sup>207</sup> According to information provided to the IACHR, Sergio Catarino was allegedly assaulted by state agents, leaving him in constant pain; he was also diagnosed with diabetes, neuralgia and fluid retention in his lower limbs.<sup>208</sup> Despite these health problems, he reportedly has not received adequate medical care.<sup>209</sup>

122. In 2024, the IACHR granted precautionary measures, and the I/A Court H.R. issued provisional measures in favor of both, recognizing that they were in a serious and urgent situation that threatened their rights to life, to humane treatment, and to health due to the dire conditions of detention they faced.<sup>210</sup> As part of the release of 135 political prisoners on September 5, 2024, Víctor Ticay Ruiz and Sergio Catarino Castiblanco Hernández were released from prison and sent to Guatemala.<sup>211</sup> This release was part of a humanitarian agreement brokered by the U.S. government.<sup>212</sup>

123. The IACHR and RELE recall that the detention of journalists for the legitimate exercise of their profession constitutes a restriction incompatible with the right to freedom of expression. This type of intimidating action not only violates the right of these individuals to express and impart ideas, opinions, and information, but also violates the rights of citizens and societies as a whole to receive and seek information and ideas of any nature.<sup>213</sup> As the Inter-American Court has held, “journalism can only be exercised freely when

<sup>203</sup> Nicaragua Actual, [Tras intenso interrogatorio son liberados un periodista y un escritor en León](#), May 23, 2024.

<sup>204</sup> Committee to Protect Journalists (CPJ), [Journalist Víctor Ticay arrested over coverage of Easter ceremony in Nicaragua](#), April 7, 2023.

<sup>205</sup> IACHR, [Resolution 89/2023](#), Precautionary Measure No. 1022-23 and 1025-23, Kevin Emilio Castillo Prado et al. regarding Nicaragua, December 30, 2023, paras. 20-22.

<sup>206</sup> Confidential, [Periodista Víctor Ticay condenado a 8 años de prisión](#), 17 de agosto de 2023; Artículo 19, Office for Mexico and Central America, [Nicaragua: La condena de 8 años contra el periodista Víctor Ticay se suma a la lista de violaciones a los derechos humanos](#), August 18, 2023.

<sup>207</sup> La Prensa, [Preso político en el quinto aniversario de protestas de abril cumple 215 días privado de libertad](#), November 23, 2023.

<sup>208</sup> IACHR, [Resolution 89/2023](#), Precautionary Measure No. 1022-23 and 1025-23, Kevin Emilio Castillo Prado et al. regarding Nicaragua, December 30, 2023, paras. 24-27.

<sup>209</sup> 100% Noticias, [Preso político Sergio Castiblanco enfermo y sin medicinas en la cárcel La Modelo](#), February 10, 2024.

<sup>210</sup> Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of July 2, 2024; IACHR, [Resolution 89/2023](#), Precautionary Measure No. 1022-23 and 1025-23, Kevin Emilio Castillo Prado et al. regarding Nicaragua, December 30, 2023.

<sup>211</sup> Nicaragua Investiga, [Esta es la lista parcial de los presos políticos liberados y enviados a Guatemala](#), September 5, 2024.

<sup>212</sup> El País, [United States announces the release of 135 Nicaraguan political prisoners](#), September 5, 2024; The New York Times, [Nicaragua releases 135 political prisoners on humanitarian grounds](#), September 5, 2024.

<sup>213</sup> I/A Court H.R., Case of Vélez Restrepo and family v. Colombia. Preliminary Objection, Merits, Reparations, and Costs. Judgment of September 3, 2012. Series C No. 248, paras. 142-149; IACHR, Special Rapporteurship for Freedom of Expression, [Special study on the status of investigations into murder of journalists during the 1995-2005 period for reasons that may be related to their work in journalism](#), OEA/Ser.L/V/II.131 Doc. 35, March 8, 2008, para. 67.



those who carry out this work are not victims of threats or physical, mental, or moral attacks or other acts of harassment.”<sup>214</sup>

124. Further, the IACHR and RELE also learned of the detention and subsequent expulsion from the country of journalist Nohelia González Valdivia, on July 9, 2024.<sup>215</sup> Police agents reportedly arrived at her home in Veracruz at 6:00 a.m. and forcibly transferred her to the Augusto C. Sandino international airport to be expelled. Initially it was reported that her destination was Panama, however, it was later confirmed that she was expelled to the United States.<sup>216</sup> With almost 28 years of experience as head of information at the newspaper *La Prensa*, Nohelia González had opted to retire from active journalism to avoid persecution by the regime, after having also worked at the now closed *Canal Católico* (Catholic channel of Nicaragua), where she had collaborated closely with Monsignor Rolando Álvarez in the interview program “*Pueblo de Dios*” (People of God).<sup>217</sup> This program addressed the country’s political crisis, the role of the Church, and other socio-political issues, criticizing government actions. According to civil society reports, her connection to Monsignor Alvarez and her coverage of these issues may have been one of the reasons she was persecuted.<sup>218</sup>

125. The IACHR and RELE also express their concern about government actions aimed at dismantling the ecosystem of independent media and civil society organizations associated with freedom of expression in Nicaragua.<sup>219</sup> Since 2018, the Office of the Special Rapporteur has observed a systematic attempt by the government to put pressure on and interfere with news reporting by the media, with the aim of directing information policy.<sup>220</sup> In its previous annual reports, this Office warned about the consolidation of a duopoly over Nicaragua’s communications media, which controls the majority of television and radio media. In practice, “most of the audiovisual media is under the political control of the presidential family or of a businessman related to the government.”<sup>221</sup>

126. Those who still engage in independent journalism in Nicaragua have been forced to radically modify their approach to news reporting or engage in self-censorship due to the risk of retaliation and criminalization.<sup>222</sup> In a scenario of massive closure of media outlets and non-governmental entities, confiscations, and fiscal and administrative harassment by institutions such as the General Revenue Directorate (DGI), the Nicaraguan Social Security Institute (INSS) and the Ministry of the Interior, many media outlets have opted to completely alter their programming towards a non-news content – mainly music, entertainment or religious content – in order to protect their collaborators.<sup>223</sup>

127. In this context, in 2024, *Radio Maria*, a radio station that operated for over 40 years, was reportedly closed down after the Ministry of the Interior canceled its legal status on July 9.<sup>224</sup> The measure, announced through a ministerial agreement published in the official gazette *La Gaceta*, is based on an alleged “breach of obligations,” including the failure to submit financial statements and the expiration of the term of its

<sup>214</sup> I/A Court H.R., *Case of Vélez Restrepo and family v. Colombia*, Preliminary Objection, Merits, Reparations, and Costs. Judgment of September 3, 2012. Series C No. 248, para. 209.

<sup>215</sup> 100% Noticias, *Detienen a periodista Nohelia González en Nicaragua*, July 9, 2024; Fuentes Confiables, *Incertidumbre por paradero de periodista Nohelia González*, July 10, 2024.

<sup>216</sup> Nicaragua Investiga, *Régimen destierra a periodista Nohelia González*, July 9, 2024.

<sup>217</sup> Despacho 505, *La periodista Nohelia González fue detenida y expulsada a Estados Unidos, confirma su hermano*, July 10, 2024.

<sup>218</sup> The Coalition for Women in Journalism (CFWIJ), *Nicaragua: Regime Expels Nohelia González from the Country*, July 10, 2024.

<sup>219</sup> Artículo 66, *Nicaragua ha sufrido un total “desmantelamiento de la prensa independiente”, denuncia SIP*, April 20, 2024.

<sup>220</sup> IACHR, Annual Report 2018, Volume II, *Annual Report of the Office of the Special Rapporteur for Freedom of Expression*, OEA/SER.L/V/II Doc. 30, March 17, 2019, para. 770.

<sup>221</sup> IACHR, Annual Report 2018, Volume II, *Annual Report of the Office of the Special Rapporteur for Freedom of Expression*, OEA/SER.L/V/II Doc. 30, March 17, 2019, para. 768.

<sup>222</sup> Fundación por la Libertad de Prensa y Democracia (FLED), *Represión y problemas financieros forjan el camino hacia el abandono de la práctica periodística en Nicaragua*, January-March, 2024.

<sup>223</sup> Onda Local, *Periodismo independiente en Nicaragua continúa viviendo su peor momento*, April 10, 2024; Fundación por la Libertad de Prensa y Democracia (FLED), *Represión y problemas financieros forjan el camino hacia el abandono de la práctica periodística en Nicaragua*, January-March, 2024; Deutsche Welle (DW), *Nicaragua sin ONG: réquiem para la sociedad civil*, February 17, 2023; Despacho 505, *“Los nicaragüenses estamos con las manos atadas”, alerta el Cosep*, October 8, 2020.

<sup>224</sup> Reuters, *Nicaragua shuts Catholic radio formerly run by prominent critic*, July 9, 2024.



Board of Directors.<sup>225</sup> The Nicaraguan Ministry of Governance canceled the legal status of *Radio María* along with that of 11 other non-governmental organizations.<sup>226</sup> A few months earlier, the station reported that its bank accounts had been blocked and frozen “without justification” and that its broadcasting schedules had been restricted.<sup>227</sup> The station’s assets were subsequently transferred to the State.<sup>228</sup>

128. Likewise, according to public information, *Radio Mujer* and *Radio Cepad* are at risk of closure following the cancellation of the legal status of their parent organizations by the Ministry of the Interior in August 2024.<sup>229</sup> Both outlets could face confiscation of assets by the Attorney General’s Office, following the documented trend in prior cases where non-profit organizations were canceled by the State.<sup>230</sup>

129. The IACHR and the Rapporteurship also documented the cancellation of the legal status of the Nicaraguan Association of Parliamentary Journalists (ANPP) on August 19 and, subsequently, on August 22, of the Nicaraguan Chamber of Radio Broadcasters (CANIRA).<sup>231</sup> According to information received by the Office of the Special Rapporteur, the Association of Parliamentary Journalists played a fundamental role in the training and specialization of journalists who provided coverage of the National Assembly, where they tracked the legislative cycle and the work of parliamentary committees.<sup>232</sup> CANIRA sought to promote the growth and strengthening of radio broadcast and production services and the defense of free competition and fundamental freedoms in the sector.<sup>233</sup>

130. These conditions have led to the current predominance of musical, religious, and pro-government radio stations, while the few remaining independent radio stations have been forced to self-censor.<sup>234</sup> RELE notes that, in departments such as Granada, stations such as *Radio Volcán* (102.9 FM), *Bahía Azul* (96.5 FM) and *La Gran Sultana* (107.7 FM) have limited their coverage to news of events and social services, avoiding any content critical of the authorities.<sup>235</sup> This Office is concerned that several radio station owners have been pressured to sell their media outlets to religious associations, as has been the case with *Radio Bethel* and *Radio Restauración*, a trend also observed in the department of Masaya.<sup>236</sup>

131. According to what the IACHR and RELE have been able to document, media outlet closures have left at least nine departments within the country without journalism and independent media: Carazo, Chontales, Jinotega, Madriz, Nueva Segovia, Granada, both the Northern and Southern Caribbean Coast regions, and most recently León.<sup>237</sup> The Rapporteurship finds that the concentration of media outlets in state-owned or pro-government hands, together with the elimination of independent voices, has created a monopoly of official news in those regions, or what this Office calls “zones of media silence.”<sup>238</sup> This has a particularly serious impact

<sup>225</sup> Voice of America, [Gobierno nicaragüense cancela Radio María, perteneciente a la Iglesia católica](#), July 9, 2024.

<sup>226</sup> 100% Noticias, [Cancelan personería a Radio María junto a 12 ONG más en Nicaragua](#), July 9, 2024.

<sup>227</sup> Confidencial, [Banco de la Producción bloquea dos cuentas a Radio María Nicaragua](#), April 11, 2024.

<sup>228</sup> Confidencial, [Ministerio del Interior cancela a Radio María y otras 12 oenegés](#), July 9, 2024.

<sup>229</sup> La Prensa, [Dos emisoras en riesgo de cierre por cancelación de personería jurídica](#), August 22, 2024.

<sup>230</sup> La Prensa, [Dos emisoras en riesgo de cierre por cancelación de personería jurídica](#), August 22, 2024.

<sup>231</sup> Confidencial, [Eliminan Amcham, UNAG, y otras 149 cámaras y asociaciones empresariales en Nicaragua](#), August 22, 2024.

<sup>232</sup> Fundación por la Libertad de Expresión y Democracia (FLED), [Libertad de prensa cada vez más cercada debido a la escalada represiva del gobierno nicaragüense](#), September 3, 2024.

<sup>233</sup> Fundación por la Libertad de Expresión y Democracia (FLED), [Libertad de prensa cada vez más cercada debido a la escalada represiva del gobierno nicaragüense](#), September 3, 2024.

<sup>234</sup> Onda Local, [Mapa de radios en Nicaragua: Musicales, religiosas y oficialistas](#), August 15, 2024.

<sup>235</sup> Fundación por la Libertad de Expresión y Democracia (FLED), [Nicaragua: amenazas de cárcel y censura no se limita a periodistas independientes: los oficialistas también están en la mira](#), April-June, 2024.

<sup>236</sup> Fundación por la Libertad de Expresión y Democracia (FLED), [Nicaragua: amenazas de cárcel y censura no se limita a periodistas independientes: los oficialistas también están en la mira](#), April-June, 2024.

<sup>237</sup> Nicaragua Investiga, [Mayoría de zonas geográficas de Nicaragua no cuentan con periodistas independientes](#), October 7, 2024; La Prensa, [Nueve departamentos en Nicaragua se quedan sin periodistas independientes, según informe](#), October 7, 2024.

<sup>238</sup> IACHR, Annual Report 2023, [Chapter IV.B Nicaragua](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, December 31, 2023, para. 99; IACHR, Special Rapporteur for Freedom of Expression, [The SRFOE urges the State of Nicaragua to cease repressive actions against journalists](#), Press Release No. 168/24, July 23, 2024.



in regions distant from the capital since, in these territories where internet access is limited or practically non-existent, radio has historically been the main source of information for the communities.<sup>239</sup>

132. The cancellation of media and closure of civil society organizations are part of a repressive strategy of the Government to consolidate a regime of concentration of power.<sup>240</sup> The IACHR and RELE are of the view that this is the most illustrative and drastic pattern of attacks on pluralism, and on the State's intention to completely shut down civic and democratic spaces in Nicaragua.<sup>241</sup>

133. In view of the foregoing, the IACHR and its Rapporteurship emphasize that ownership and control of the media by monopolies or oligopolies are violations of freedom of expression, as they threaten democracy by restricting the plurality and diversity which ensure the full exercise of the right to information. Without plurality of voices and opinions, the media cannot fulfill their contributory role in democracy, given that "[p]luralism is a thus a basic general rule of [...] media policy."<sup>242</sup>

134. They also warn that these acts of administrative and financial harassment constitute forms of indirect censorship, prohibited by international human rights law. According to Principle No. 13 of the Declaration of Principles on Freedom of Expression: "[t]he exercise of power and the use of public funds by the state, the granting of customs duty privileges, the arbitrary and discriminatory placement of official advertising and government loans; the concession of radio and television broadcast frequencies, among others, with the intent to put pressure on and punish or reward and provide privileges to social communicators and communications media because of the opinions they express threaten freedom of expression, and must be explicitly prohibited by law. The means of communication have the right to carry out their role in an independent manner. Direct or indirect pressures exerted upon journalists or other social communicators to stifle the dissemination of information are incompatible with freedom of expression<sup>243</sup>."

135. Therefore, they reiterate to the State of Nicaragua its duty to ensure respect for the independence of the media and to refrain from imposing prior censorship by any State body, as well as any type of prior conditioning that could imply censorship of the information content.

136. In addition to the above, the Commission and its Rapporteurship note the persistence of official discourse that identifies journalists and the media as adversaries of the State and domestic enemies seeking to carry out a "coup d'état," labels used to justify judicial persecution and expulsion from the country of any person critical of the administration.<sup>244</sup> In 2024, Vice President and government spokesperson Rosario Murillo, on several occasions, called journalists and opponents "stateless fools," "enemies of peace," "enemies of humanity," "traitors," "terrorists," "brainless," "false slanderers," "not-yet-buried criminals of history," and "pure scum," among others things.<sup>245</sup> This Office expresses its concern over the explicit threats made by the Vice President against journalists, human rights defenders, and opposition members in exile, warning that she will not "hesitate" to take action against those who "dare touch our soil" and return to Nicaragua, referring to those who have been exiled.<sup>246</sup>

137. This type of discourse from the highest levels of public power, not only incites animosity, violence and hostility toward the press, but also legitimizes the government's repressive tactics, creating an

<sup>239</sup> Voice of America, [¿Qué pasa en el Occidente de Nicaragua tras el cierre masivo de estaciones de radio?](#), August 18, 2022.

<sup>240</sup> IACHR, Annual Report 2023, [Chapter IV.B Nicaragua](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, December 31, 2023, para. 18.

<sup>241</sup> IACHR, [Closure of civic space in Nicaragua](#) OAS/Ser.L/V/II Doc. 212/23, approved on September 23, 2023, para. 70.

<sup>242</sup> IACHR, [Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2004](#), Chapter V: Indirect Violations of Freedom of Expression: The Impact of the Concentration of Media Ownership, OEA/Ser.L/V/II.122 Doc. 5 rev. 1, February 23, 2005, para. 33.

<sup>243</sup> IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

<sup>244</sup> Swissinfo, [Ortega dice que hace cinco años derrotaron el intento de «golpe de Estado»](#), April 16, 2023.

<sup>245</sup> 100% Noticias, [Rosario Murillo carga otra vez contra opositores, los tilda de «mentecatos apátridas»](#), July 3, 2024; Fuentes Confiables, [Vocera del régimen continúa destilando odio contra opositores](#), April 19, 2024; 100% Noticias, [Rosario Murillo amenaza a quienes «se atreven a tocar nuestro suelo sagrado»](#), July 18, 2024.

<sup>246</sup> La Prensa, [Rosario Murillo lanza advertencia a opositores desterrados: «Que se atreven a tocar nuestro suelo»](#), July 18, 2024; Nicaragua Actual, [Rosario Murillo amenaza a opositores: «menos que se atreven a tocar nuestro suelo sagrado»](#), July 18, 2024.



environment where the exercise of freedom of expression is threatened. For the IACHR and RELE, the stigmatizing and violent discourse of the authorities against critics has resulted in a climate of fear that has almost completely inhibited the exercise of freedom of expression and has undermined the practice of journalism in the country.

138. The Commission and its RELE call attention to the impact that these repressive strategies have had on training new journalists. In this regard, reports indicate that the country's universities have stopped training communications professionals, given that journalism is currently perceived as a "career prone to criminalization" and a high-risk activity.<sup>247</sup> According to civil society reports, the few institutions that still offer training have become centers of agitation, indoctrination, and propaganda in favor of the governing party, with a curriculum that is far removed from journalistic principles, values, and ethics.<sup>248</sup> Given this scenario, there are those who propose building partnerships between Nicaraguan media in exile and universities in neighboring countries to train new journalists.<sup>249</sup>

139. The lack of educational institutions to train new communicators not only affects the right to academic freedom but also contributes to perpetuating the information siege imposed by the State in Nicaragua.<sup>250</sup> In this regard, the Commission and its Office of the Special Rapporteur urge the States of the region and the international community to support initiatives that ensure the continuity of journalism training for Nicaraguans.

140. Attacks on freedom of expression have also extended to international media correspondents. Several journalists and photojournalists from media outlets such as *El País*, and the AFP, Reuters and EFE agencies have been forced to leave the country due to government harassment. In 2024, RELE learned of the case of photojournalist Oswaldo Rivas, of the *Agence France-Presse* (AFP), who had to leave the country in June 2024 after police agents raided his home.<sup>251</sup> According to the information received, Rivas was alerted while covering an event that he was "surrounded" by the authorities, that there were vehicles outside his house, and that he would probably be arrested, so he decided not to return home. The next day, he was informed that police patrols had entered his home and were taking his belongings, from computers and televisions to bicycles and a pick-up truck.<sup>252</sup> Given this situation, Rivas remained in hiding for several days before leaving the country through unmarked border crossings, finally arriving in the United States, where he has requested political asylum.<sup>253</sup> In previous years, there had been reports that international media had been blocked, especially during the 2021 electoral process.<sup>254</sup>

141. Finally, the Commission and its RELE emphasize that the repression of fundamental freedoms and the hostile climate directed against the independent press has led to a historic exodus of journalists. According to available information, between April 2018 and June 2024, at least 278 journalists and communicators have reportedly fled Nicaragua in search of protection.<sup>255</sup> In this regard, civil society reports that "there are almost no independent journalists left" in the country and an exiled press is now a "permanent condition."<sup>256</sup>

142. The IACHR and its Office of the Special Rapporteur are particularly concerned that transnational repression and fear of reprisals against family members who remain in Nicaragua have led to

<sup>247</sup> Nicaragua Investiga, [Un país que se queda sin periodistas y unos periodistas que se quedan sin país](#), May 12, 2024.

<sup>248</sup> Fundación por la Libertad de Prensa y Democracia (FLED), [Represión y problemas financieros forjan el camino hacia el abandono de la práctica periodística en Nicaragua](#), January-March, 2024.

<sup>249</sup> Nicaragua Investiga, [Un país que se queda sin periodistas y unos periodistas que se quedan sin país](#), May 12, 2024.

<sup>250</sup> IACHR, [Inter-American Principles on Academic Freedom and University Autonomy](#), December, 2021.

<sup>251</sup> Swissinfo, [El «cerco» de la libertad de prensa se sigue cerrando en Nicaragua](#), warns the IAPA, October 18, 2024; Confidencial, [Fotoperiodista Oswaldo Rivas: La Policía se «robó» mi casa y vehículos que no eran míos](#), July 26, 2024.

<sup>252</sup> Voice of America, [Represión a periodistas en Nicaragua alcanza a corresponsales de prensa extranjera](#), August 5, 2024.

<sup>253</sup> La Prensa, [Fotorreportero de AFP obligado al exilio para evitar ser detenido por dictadura](#), July 26, 2024.

<sup>254</sup> Confidencial, [Ortega niega a la prensa extranjera entrar al país a cubrir las elecciones](#), November 3, 2021.

<sup>255</sup> Deutsche Welle (DW), [Unos 278 periodistas huyeron de Nicaragua en seis años](#), October 8, 2024.

<sup>256</sup> Infobae, [Uno de los últimos periodistas dejó Nicaragua: «Trabajé tres años mudándome y usando seudónimos hasta que me tuve que ir»](#), July 21, 2024.



self-censorship continuing even in exile.<sup>257</sup> Likewise, independent media operating from outside the country have had to significantly reduce their operations due to challenges accessing collaborative resources, maintaining secure contact with sources within Nicaragua, and accessing information about what is happening on the ground.<sup>258</sup> This situation has led some journalists in exile to temporarily pause their work or leave the profession altogether.<sup>259</sup>

143. RELE emphasizes that the set of tactics used by the Government to silence independent and critical voices contravene the State's international obligations to respect and ensure the right to freedom of expression and freedom of the press. The Rapporteurship urges the State to immediately cease persecution of journalists and media outlets, and to adopt urgent measures to ensure the full exercise of freedom of expression in the country. It also calls on the States of the region and the international community to support initiatives that ensure the continuity of independent Nicaraguan journalism and the training of new professionals.

## B. Laws restricting the right to freedom of expression

144. In the last five years, the IACHR and RELE have been documenting a pattern of criminalization of statements regarding matters of public interest using laws that directly restrict freedom of expression, peaceful assembly and association, and seek to make an example of the situation at hand in Nicaraguan society.<sup>260</sup> In particular, the approval of Law No. 1042 “Special Cybercrimes Act” in October 2020 has allowed the Government of Nicaragua to arbitrarily exercise control over information and expressions on the internet.<sup>261</sup> Since then, the authorities have used the law to censor journalists, media outlets, human rights defenders, artists, students and religious leaders, generating a climate of fear of reprisals that has led many people to opt for anonymity on social media.<sup>262</sup>

145. In this context, the Commission and its RELE note with concern a series of amendments to this law, approved as a matter of urgency by the National Assembly on September 11, 2024.<sup>263</sup> Among the amendments is the expansion of Article 1 to explicitly include “the use of social media and mobile applications”, thus expanding State control over the dissemination of ideas and opinions in the digital space.<sup>264</sup> Additionally, Article 2 extends application of the law beyond the national territory, to “material or intellectual authors, aiders and abettors, accomplices, or any person who facilitates or encourages the commission of enumerated crimes,” whether committed within or outside the national territory.<sup>265</sup>

146. Further, prison sentences were increased for crimes related to dissemination of information on social media. Article 30 increases the penalties for “publishing or disseminating false or misleading information” from two to four years to three to five years of imprisonment.<sup>266</sup> It also raises penalties to up to ten years of imprisonment when publications allegedly “incite discrimination, hatred, and violence” or

<sup>257</sup> Information sent by civil society organizations in the context of a public hearing before the IACHR on the exile of journalists at its 190<sup>th</sup> period of sessions, April and June, 2024.

<sup>258</sup> Infobae, [Nicaragua se va quedando sin periodismo: medios y cronistas no logran sobrevivir en el exilio](#), August 17, 2024; International Symposium on Online Journalism (ISOJ), [Exile, prison and death: Challenges for journalists in Nicaragua topic of discussion at Ibero-American Colloquium](#), April 14, 2024.

<sup>259</sup> Infobae, [Nicaragua se va quedando sin periodismo: medios y cronistas no logran sobrevivir en el exilio](#), August 17, 2024.

<sup>260</sup> IACHR, [2023 Annual Report, Chapter IV.B Nicaragua](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, December 31, 2023, para. 5; IACHR, [2022 Annual Report, Chapter IV.B Nicaragua](#), OEA/Ser.L/V/II., April 1, 2023, paras. 46-48 and 52; IACHR, [2021 Annual Report, Chapter IV.B Nicaragua](#), OEA/Ser.L/V/II. Doc. 64 rev. 1, May 26, 2022, paras. 4, 13 and 55; ; IACHR, [2020 Annual Report, Chapter IV.B Nicaragua](#), OEA/Ser.L/V/II., March 30, 2021, para. 27.

<sup>261</sup> IACHR, [The IACHR and its Office of the Special Rapporteur for Freedom of Expression express concern about new legal threats to freedom of expression and indirect measures against the media and journalists in Nicaragua](#), Press Release No. R246/20, October 7, 2020.

<sup>262</sup> IACHR, [2023 Annual Report, Chapter IV.B Nicaragua](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, December 31, 2023, para. 112; Special Rapporteurship for Freedom of Expression, [Joint statement by the OHCHR for Central America and the IACHR's SRFOE on Journalist's Day in Nicaragua](#), Press Release R47/21, March 2, 2021.

<sup>263</sup> Gobierno de Nicaragua, [La Gaceta No. 170](#), 12 de septiembre de 2024; Asamblea Nacional de Nicaragua, [Aprobada reformas y adiciones a la Ley Especial de Ciberdelitos y Acuerdos de Créditos con Belarús](#), 11 de septiembre de 2024.

<sup>264</sup> Government of Nicaragua, [La Gaceta No. 170](#), Law 1.219, Article 1, September 12, 2024.

<sup>265</sup> Government of Nicaragua, [La Gaceta No. 170](#), Law 1.219, Article 2, September 12, 2024.

<sup>266</sup> Government of Nicaragua, [La Gaceta No. 170](#), Law 1.219, Article 30, September 12, 2024.



“jeopardize economic and social stability, public order, sovereign security, or public health.”<sup>267</sup> These penalties may be increased by up to two thirds for those who “organize, finance, carry out, collaborate and/or facilitate the creation or mass dissemination” of such information.<sup>268</sup>

147. In the opinion of the Commission and its Special Rapporteurship, the Law on Cybercrime expands the State’s law enforcement apparatus to punish legitimate expression, in contravention of international standards on the matter.<sup>269</sup> As noted above, “when a state’s law enforcement apparatus seeks the criminal punishment of statements on [*sic*] regarding matters of public interest, the legitimacy of the criminal penalty is weakened, either because there is no pressing social interest to justify it, or because it becomes a disproportionate response, or it constitutes an indirect restriction.”<sup>270</sup>

148. The application of criminal law in these cases, as a tool to silence public debate and punish criticism, contravenes the fundamental principles of international human rights law. Any limitations on freedom of expression must meet certain requirements to avoid arbitrary controls on speech: it must be precise, pursue a legitimate aim, and be necessary and proportional to achieve that aim.<sup>271</sup> Further, it must be subjected to strict scrutiny, particularly when it affects specially protected speech such as that related to matters of public interest or criticism of public officials.<sup>272</sup>

149. In addition to the above, a series of amendments to the Code of Criminal Procedure were approved almost simultaneously, on September 10, 2024, through Law No. 1218.<sup>273</sup> In particular, the IACHR and the Rapporteurship note their concern about Article 230, which gives the National Police broad surveillance and investigation powers without prior judicial oversight. These powers include the ability to: (a) require and access information from computer service providers; (b) extract information from electronic and computer systems; (c) conduct searches, raids, and seizures; d) obtain sensitive data from telephone companies on users’ communications, such as data about telephone line account holders, call records, text and voice messages, geolocation, location of transmitting and receiving antennas, subscriber identity module (SIM) number, internet protocol (IP) addresses, international mobile equipment identifiers (IMEI) and user data across all devices.<sup>274</sup>

150. The Commission and its Office of the Special Rapporteur recall that any interference with the right to privacy must strictly abide by the principle of legality, that is, it must be specifically authorized by a law that is precise and that clearly establishes the scope of circumstances and conditions under which authorities may implement such measures.<sup>275</sup> In this case, the breadth of the powers granted to the National Police allows excessive discretion to access personal data and private communications. Moreover, it does not specify the circumstances that would justify such interference, nor does it establish temporal or material limits for its exercise.

151. Further, although the law establishes that these measures must be subject to review by the judiciary within three business days, the absence of prior judicial oversight eliminates an essential safeguard against abuse of power. As noted by the UN Special Rapporteur on the promotion and protection of the right to

<sup>267</sup> Government of Nicaragua, [La Gaceta No. 170](#), Law 1.219, Article 30, September 12, 2024.

<sup>268</sup> Government of Nicaragua, [La Gaceta No. 170](#), Law 1.219, Article 30, September 12, 2024.

<sup>269</sup> IACHR, Annual Report 1994, [Chapter V: Report on the Compatibility of “Desacato” Laws with the American Convention on Human Rights](#), OEA/Ser. L/V/II.88, doc. 9 rev., February 17, 1995.

<sup>270</sup> IACHR, [Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2004](#), Chapter IV: Report on Access to Information in the Hemisphere: Access to Information and Economic Development, OEA/Ser.L/V/II.122, Doc. 5 rev. 1, February 23, 2005, para. 18.

<sup>271</sup> IACHR, Office of the Special Rapporteur for Freedom of Expression, [The Inter-American Legal Framework regarding the Right to Freedom of Expression](#), OEA/Ser.L/V/II CIDH/RELE/INF. 2/09, December 30, 2009, para. 221.

<sup>272</sup> I/A Court H.R., Case of Álvarez Ramos v. Venezuela. Preliminary Objection, Merits, Reparations, and Costs. Judgment of August 30, 2019, Series C No. 380, para. 104.

<sup>273</sup> Government of Nicaragua, [La Gaceta No. 170](#), Law No. 1218, September 12, 2024.

<sup>274</sup> Government of Nicaragua, [La Gaceta No. 170](#), Law No. 1218, September 12, 2024.

<sup>275</sup> I/A Court H.R., Case of Escher et al. v. Brazil, Preliminary Objection, Merits, Reparations, and Costs. Judgment of July 6, 2009, Series C No. 200, para. 116; and Case of Tristán Donoso v. Panama, Preliminary Objection, Merits, Reparations, and Costs. Judgment of January 27, 2009, Series C No. 193, para. 56.



freedom of opinion and expression, measures involving interference with the privacy of individuals must be subject to authorization by an independent and impartial judicial body, granted in accordance with due process of law, and with all appropriate limitations on time, manner, place, and scope.<sup>276</sup> In this regard, the Commission and RELE emphasize that the three business day period established by law is inadequate as control mechanism, given that during that time frame authorities might have already accessed, collected, and processed the data in an irreversible manner.

152. Another aspect of concern is the risk that such extraordinary police powers could pose to the confidentiality of journalistic sources, a fundamental component of freedom of the press, enshrined in Principle 8 of the IACHR Declaration of Principles on Freedom of Expression.<sup>277</sup> The Commission and RELE warn that the possibility of authorities gaining access to communications records, notes, files, and other information on journalists, without prior judicial oversight, can have an intimidating effect on sources.

153. The Commission and RELE call attention to Article 211, which empowers the Director General of the National Police and the Attorney General to “seize, restrain or freeze assets, securities, certificates of deposit, documents and bank accounts” and to suspend financial operations without prior judicial order.<sup>278</sup> This provision, combined with the possibility of executing the measures without notifying the person under investigation, could be used to economically suffocate independent media and civil society organizations.

154. Lastly, they call attention to the approved bill [to modify] the Law on General Convergent Telecommunications.<sup>279</sup> In its explanatory statement, the Executive argued that this law needs to be updated because it is totally anachronistic and obsolete and its “extreme longevity” cannot keep pace with rapid technological advances.<sup>280</sup> According to the Legislative Assembly, this law “establishes a modern regulatory framework adapted to the technological advances in the field, in order to guarantee families efficient access to the internet, telephone, radio and other services associated with information technologies.”<sup>281</sup>

155. The Commission and RELE note that this bill would grant additional control and oversight powers to the Nicaraguan Regulatory Entity of Telecommunications and Postal Services (TELCOR).<sup>282</sup> According to Article 110 of the bill would compel telecommunications operators to “provide all the information required, including georeferenced and statistical data” to the regulator, without establishing adequate safeguards for the protection of personal data.<sup>283</sup>

156. Additionally, Article 20 establishes a prior authorization regime for assignment or transfer of public telecommunications and audiovisual communications services licenses, granting broad powers to TELCOR to authorize the transfer of licenses and the rights conferred therein.<sup>284</sup> The bill would also seek to impose a licensing system for local channel operators and creators of audiovisual content over the internet, as provided in Articles 5 and 16.<sup>285</sup>

157. The Commission and its Rapporteurship find it problematic that the proposed bill lacks clear parameters for the granting or revoking licenses and, due to its broad language and the discretion granted to TELCOR, could be used to hinder the transfer of licenses to independent or critical media. It is of particular

<sup>276</sup> UN, [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Surveillance and human rights](#), A/HRC/41/35, May 28, 2019, para. 50.

<sup>277</sup> IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.

<sup>278</sup> Government of Nicaragua, [La Gaceta No. 170](#), Law No. 1218, September 12, 2024.

<sup>279</sup> Government of Nicaragua, [Ley No. 1223 de Telecomunicaciones Convergentes](#), October 31, 2024.

<sup>280</sup> Government of Nicaragua, [Iniciativa de Ley de Telecomunicaciones Convergentes](#), March 5, 2024.

<sup>281</sup> National Assembly of Nicaragua, [We approve the General Law on Convergent Telecommunications](#), October 31, 2024.

<sup>282</sup> 100 % Noticias, [Ley de telecomunicaciones convergentes: Más control, vigilancia de datos personales de usuarios y censura](#), March 12, 2024.

<sup>283</sup> Government of Nicaragua, [Ley No. 1223 de Telecomunicaciones Convergentes](#), October 31, 2024.

<sup>284</sup> Government of Nicaragua, [Ley No. 1223 de Telecomunicaciones Convergentes](#), October 31, 2024.

<sup>285</sup> Government of Nicaragua, [Ley No. 1223 de Telecomunicaciones Convergentes](#), October 31, 2024.



concern that the law could be used to prevent the transmission of content from independent media operating from exile, currently reaching the country over the internet.

158. Furthermore, they consider it important to highlight that this entity has been used by the executive branch as an instrument for exerting control over independent media. In recent years, TELCOR has intensified the arbitrary use of its regulatory powers to cancel licenses and close media outlets critical of the government.<sup>286</sup> In this context, the IACHR and its RELE warn that the proposed bill to modify the Law on General Convergent Telecommunications would significantly expand these control capacities.

159. The Commission and its Office of the Special Rapporteur maintain that these laws, as a whole, comprise a legal framework that institutionalizes censorship and transnational persecution of critical voices, and allows for an environment where violations of freedom of expression are legitimized under the premise of public safety. Further, they deepen a state of fear and self-censorship, which not only affects the media and journalists, but also has a paralyzing effect on various sectors of Nicaraguan civil society.<sup>287</sup>

160. In view of the foregoing, the IACHR and RELE urge the State of Nicaragua to immediately repeal the Special Cybercrimes Act and the amendments to the Code of Criminal Procedure, as they are manifestly incompatible with international standards on the right to freedom of expression. They also urge the State to refrain from passing new telecommunications legislation that could be used to unduly restrict the flow of information and hinder the operation of independent media.

161. Furthermore, they reiterate that the State must immediately cease the use of criminal law as a mechanism of intimidation and reprisal against journalists, human rights defenders and dissident voices, and urge the adoption of all necessary measures to ensure that individuals can exercise their right to freedom of expression without fear of being criminalized and harassed, an indispensable condition for the reestablishment of the rule of law in Nicaragua.

### C. Freedom of expression on the internet

162. The Inter-American Commission and its Office of the Special Rapporteur note that during 2024, surveillance and control over the digital sphere has intensified in Nicaragua.<sup>288</sup> The information gathered shows that the State, coordinated from the highest levels of government, continues to use legal and technological tools to restrict public debate on the internet, criminalize critical expressions, and promote propaganda operations, disinformation, and manipulation of information.<sup>289</sup>

163. In this regard, the IACHR and RELE take note of investigations by independent media and civil society organizations that reveal the existence of “digital mobs” or “troll farms” in various public institutions, including the Nicaraguan Post Office, the Office of the Mayor of Managua, the Youth Institute (Injuve) and the offices of the Supreme Court of Justice.<sup>290</sup> These operations are allegedly dedicated to producing and disseminating pro-government content and attacking opponents on digital platforms such as TikTok, Instagram, Facebook, and X (formerly Twitter).<sup>291</sup> Further, they point out that the Nicaraguan government has a network of at least 13 Telegram channels dedicated to the dissemination of government propaganda and attacks against people deemed to be opponents.<sup>292</sup> Analysis of 162,580 messages posted between 2018 and

<sup>286</sup> Voice of America, [Telcor: El arma que utiliza Ortega para cerrar medios de comunicación](#), August 17, 2022.

<sup>287</sup> Artículo 19 Office for Mexico and Central America, [Nicaragua refuerza entramado legal en contra de voces críticas y periodistas independientes](#), September 13, 2024; El País, [Nicaragua tightens control of social media to censor dissent](#), September 12, 2024.

<sup>288</sup> Freedom House, Freedom on the Net 2024, [Nicaragua Country Report](#), 2024.

<sup>289</sup> Connectas, [Propaganda, noticias falsas y manipulación tras la “verdad”, de Ortega y Murillo](#), December 6, 2023; Cazadores de Fake News, [Cuentas Lázaro del régimen nicaragüense reviven tras la suspensión de Meta](#), August 4, 2023; University of Oxford, Reuters Institute, [“Los periodistas no deberíamos desviarnos hacia el activismo sino preservar nuestra autonomía para fiscalizar al poder”](#), February 28, 2023; Freedom House, Freedom on the Net 2024, [Nicaragua Country Report](#), 2024.

<sup>290</sup> Connectas, [Propaganda, noticias falsas y manipulación tras la “verdad”, de Ortega y Murillo](#), December 6, 2023.

<sup>291</sup> Connectas, [Propaganda, noticias falsas y manipulación tras la “verdad”, de Ortega y Murillo](#), December 6, 2023.

<sup>292</sup> Connectas, [Propaganda, noticias falsas y manipulación tras la “verdad”, de Ortega y Murillo](#), December 6, 2023.



2023 reveals a coordinated pattern of disinformation and stigmatization against human rights defenders, journalists, religious leaders, and political opponents.<sup>293</sup>

164. The Commission and RELE emphasize that, in recent years, the State has strengthened its control capacity over the digital sphere through various legislative amendments. As noted above, the proposed bill to modify the Law on General Convergent Telecommunications, introduced by the executive branch in March 2024, and the amendments to the Special Cybercrimes Act could serve as the legal basis for greater control over speech in the digital sphere and to criminalize legitimate expressions. The IACHR and its Rapporteurship note with concern that this regulatory framework has an intimidating effect that has led to widespread self-censorship among citizens.<sup>294</sup>

165. Regarding the foregoing, several cases have been documented that illustrate the seriousness of persecution in the digital sphere. On November 29, 2023, writer, sociologist, and former lecturer Freddy Quezada was arrested for criticizing on social media the manner in which authorities showed Bishop Rolando Álvarez in prison and for “liking” a post related to Miss Universe Sheynnis Palacios.<sup>295</sup> Since 2018, Freddy Quezada had publicly criticized the government’s management multiple times, especially through social media, where he has expressed his critical opinions and remarks about the situation in the country.<sup>296</sup> In this context, Quezada was subjected to a judicial process without due process guarantees, conducted through a video call, without meaningful access to a fair trial, and was convicted for allegedly committing the crime of “incitement to hatred.”<sup>297</sup> In December 2023, The Commission granted precautionary measures in favor of Freddy Quezada, in the belief that he faced a serious, urgent risk of suffering irreparable harm to his rights in Nicaragua.<sup>298</sup> In September, he was expelled from the country along with another 134 political prisoners, including journalists Victor Ticay and Sergio Catarino Castiblanco.<sup>299</sup>

166. Along the same lines, information was received about the case of content creator Cristóbal Geovanny López Acevedo, known as “Tropi Gamer,” who was arrested on November 22, 2023 after a live broadcast where he celebrated the victory of Miss Nicaragua Sheynnis Palacios and defended her against criticism from pro-government media.<sup>300</sup> López Acevedo was allegedly tried for various crimes, including child pornography, drug trafficking, and organized crime, where the evidence against him included videos downloaded from the internet and testimonies of police officers. According to public reports, he was transferred to the maximum-security area of “La Modelo” prison, where he spent nine months in solitary confinement in a cell measuring three meters by two meters, with no ventilation.<sup>301</sup> López Acevedo was released from prison and expelled from the country in the same way as Freddy Quezada.<sup>302</sup>

167. These cases are part of a series of repressive acts targeting any expression of support for Miss Universe, including artistic and cultural expressions, as evidenced by the case of two artists who were prevented by the authorities from making a mural in her honor in the city of Estelí, and were even arrested for

<sup>293</sup> Connectas, [Propaganda, noticias falsas y manipulación tras la “verdad” de Ortega y Murillo](#), December 6, 2023.

<sup>294</sup> Voces del Sur, [Libertad de Prensa en Nicaragua sin respiro: Ortega no deja de atacar](#), April 10, 2023; RFI, [En Nicaragua hay un gran temor de denunciar las agresiones contra periodistas](#), July 12, 2024.

<sup>295</sup> Confidencial, [Detienen al exprofesor de la UNAN-Managua, Freddy Quezada](#), November 30, 2023; Despacho 505, [Freddy Quezada el intelectual desaparecido por el régimen por ridiculizar “la pasarela de los presos políticos”](#), July 25, 2024.

<sup>296</sup> IACHR, [Resolution 82/2023](#), Precautionary Measure No. 1091-23, Freddy Antonio Quezada regarding Nicaragua, December 27, 2023, para. 14.

<sup>297</sup> Divergentes, [El filósofo juzgado vía Zoom: profesor Freddy Quezada declarado culpable por “incitación al odio”](#), February 22, 2024; Confidencial, [Juicios “virtuales” aíslan más a los presos políticos en Nicaragua](#), July 4, 2024.

<sup>298</sup> IACHR, [Resolution 82/2023](#), Precautionary Measure No. 1091-23, Freddy Antonio Quezada regarding Nicaragua, December 27, 2023.

<sup>299</sup> Pen Internacional, [Nicaragua: Writer and academic Freddy Quezada released and forced into exile along with 134 political prisoners, including journalists and artists](#), September 13, 2024.

<sup>300</sup> Confidencial, [¿Quién es el ‘tiktok’ preso en Nicaragua por defender a Miss Universo 2023?](#), November 24, 2023; Infobae, [Las absurdas razones que Daniel Ortega usa para encarcelar a los ciudadanos en Nicaragua](#), September 28, 2024.

<sup>301</sup> Divergentes, [Tiktok “Tropi Gamer”, el nuevo sandinista arrepentido: “Me arrestaron por apoyar a Sheynnis Palacios”](#), September 8, 2024.

<sup>302</sup> Confidencial, [“Tropi Gamer”, el tiktok desterrado “por defender a Sheynnis Palacios” en Nicaragua](#), September 7, 2024.



it.<sup>303</sup> The Commission and the Rapporteurship find that the criminalization of such basic acts of expression on social media, such as “liking” a post or making critical remarks, is a testament to the level of control and censorship that currently exists in the digital sphere in Nicaragua.<sup>304</sup>

168. In this regard, the Commission and the Rapporteurship note that the internet is no longer a medium for the free exercise of the right to express oneself in Nicaragua. Far from being an alternative platform to share opinions and information as was the case in previous years, social media has become a space under surveillance and control by the State, where any critical expression or even interaction can result in criminal action against its author.

169. Against this backdrop, individuals find themselves forced to resort to anonymity or to directly refrain from expressing opinions on social media for fear of criminal reprisals. The Commission and RELE are concerned that this climate of fear has created an inhibiting effect that impacts not only journalists and human rights defenders, but also society in general, seriously hindering public debate on issues of public interest. In this regard, a 2023 Digital Rights report documented that, since 2021, many journalists have stopped attaching bylines to their articles due to concerns for their own safety and that of their families and opting to carry out their journalistic work anonymously.

170. Some media outlets have sought alternative ways to circumvent these restrictions. The IACHR takes note of initiatives such as the campaign launched by the media outlets *100% Noticias* and *Despacho 505* to promote the use of virtual private networks (VPNs) among their audiences. However, even these digital protection measures are insufficient given the risk of criminalization faced by individuals who attempt to speak out publicly, particularly in a context where the slightest interaction with content deemed contrary to the official narrative can have serious legal implications.

171. The Commission and its Office of the Special Rapporteur emphasize that the use of cybercrime legislation to criminalize political criticism and dissent contravenes human rights standards, given that any measure that could affect the exercise of freedom of expression on the internet must be established by law, pursue a legitimate aim, and be necessary to accomplish such aim.<sup>305</sup> They also emphasize that public policy and internet regulations seek to preserve and promote “the open, distributed, and interconnected nature of the internet.”<sup>306</sup>

172. In its report *“Freedom of Expression and the Internet,”* RELE stated that “maximizing the number and diversity of voices able to participate in the public debate is both a means and an end of the democratic process. In this sense, robust guarantees of the exercise of freedom of expression through the Internet are currently a condition for opening the public sphere. It is up to the State to preserve ideal internet conditions for promoting and maintaining informational pluralism. This means ensuring that changes are not made to the Internet that result in a reduction of the number of voices and amount of content available. Public policies on these subjects should protect the multidirectional nature of the Internet and promote platforms that allow for the search for and circulation of information and ideas of all kinds, without regard to borders.”<sup>307</sup>

173. Furthermore, the IACHR and its Rapporteurship recall that, according to Principle 5 of the IACHR Declaration of Principles on Freedom of Expression, “[p]rior censorship, direct or indirect interference in or pressure exerted upon any expression, opinion or information transmitted through any means of oral,

<sup>303</sup> La Prensa, [Impiden a artistas pintar mural en homenaje a Miss Universo, Sheynnis Palacios, en Estelí](#), November 21, 2023; BBC, [“Pasé 9 meses en una cárcel de Nicaragua por celebrar el triunfo de Miss Universo y ahora me han desterrado y quitado la nacionalidad”](#), September 13, 2024.

<sup>304</sup> Freedom House, *Freedom on the Net 2024*, [Nicaragua Country Report](#), 2024.

<sup>305</sup> IACHR, Office of the Special Rapporteur for Freedom of Expression, [Freedom of expression and the internet](#), OEA/Ser.L/V/II, CIDH/RELE/INF. 11/13, December 31, 2013, para. 122.

<sup>306</sup> IACHR, Office of the Special Rapporteur for Freedom of Expression, [Freedom of expression and the internet](#), OEA/Ser.L/V/II, CIDH/RELE/INF. 11/13, December 31, 2013, para. 13; Organisation for Economic Co-operation and Development (OECD), *Recommendations of the Council on Principles for Internet Policy Making*, December 13, 2011, Principle 2.

<sup>307</sup> IACHR, Office of the Special Rapporteur for Freedom of Expression, [Freedom of expression and the internet](#), OEA/Ser.L/V/II, CIDH/RELE/INF. 11/13, December 31, 2013, paras. 18-19.



written, artistic, visual, or electronic communication must be prohibited by law. Restrictions to the free circulation of ideas and opinions, as well as the arbitrary imposition of information and the imposition of obstacles to the free flow of information violate the right to freedom of expression.”<sup>308</sup>

174. Considering the foregoing, the IACHR and RELE urge the State of Nicaragua to cease criminal prosecution of persons exercising their right to freedom of expression on the Internet and to repeal or modify regulations that allow for criminalization of legitimate online expression. Lastly, they call attention to the urgent need to ensure a pluralistic and diverse digital environment, which are of utmost importance in those areas of the country where access to alternative sources of information is already severely limited by closures of traditional media.

## V. CONCLUSIONS

175. In 2024, the IACHR observed the persistence of repression and the instrumentalization of the entire state apparatus with the long-term goal of suppressing any space for pluralism, expression, practice of faith, dissent, and democratic participation. This has been achieved through the approval of new laws that are contrary to international human rights law and through criminalization of the population, in an effort to maintain a regime of total concentration of power in the Executive in the run-up to the elections scheduled for 2026.

176. In particular, the IACHR found that the repressive regime in place in the country extended beyond political opponents or their families, but also to government sympathizers or officials and to the population in general. Primarily, through arbitrary detentions, dismissals or expulsions, restrictions on entering and leaving the country, among other measures, seeking to impose the subjugation of Nicaraguan society under a climate of fear, surveillance and persecution.

177. The IACHR warned that the closure of civic and democratic spaces in Nicaragua remains one of the most serious scenarios in the region. In 2024, the number of closed organizations amounted to more than 5,000 out of a total of 7,200 registered before 2018, representing the almost total dismantling of organized civil society. At the same time, the amendments approved in this area eliminated any possibility of autonomy in the creation of new organizations. Additionally, the systematic repression against the Catholic Church, which extended to other religious denominations, reveals the regime’s intention to eliminate any space for thought or expression outside its control.

178. In 2024, the IACHR observed the persistence of serious and systematic human rights violations, such as arbitrary detentions and allegations of enforced disappearance. Additionally, it documented new cases of arbitrary deprivation of nationality and banishment as mechanisms of repression and silencing of people abroad, placing them in a situation of extreme vulnerability and civil death. These repressive practices, typical of authoritarian regimes, are contrary to international human rights law.

179. In 2024, the Executive consolidated its absolute control of the autonomous regions of the Caribbean Coast, by way of reported actions of electoral fraud, repression, and violence, to the detriment of the free self-determination of indigenous and Afro-descendant communities. This would increase the risk to the cultural survival of these communities by facilitating the dispossession of their territories, forced displacement, and impunity. At the same time, the detention of indigenous people and leaders for their work in defense of their land, territory, and collective rights, or for opposing the government, would have a chilling effect on the population of the Atlantic Coast region.

180. The IACHR reaffirms its competent jurisdiction over the State of Nicaragua and will continue to exercise its monitoring mandates through MESENI, which includes following up on compliance with the recommendations issued by its various mechanisms, analyzing and processing cases and petitions, supervising

---

<sup>308</sup> IACHR, [Declaration of Principles on Freedom of Expression](#), 2000.



recommendations issued in its reports on merits, and active analysis and oversight of compliance with the precautionary measures in force.

## VI. RECOMMENDATIONS

181. Based on the foregoing analysis, the Inter-American Commission renews its call for the State to comply with and implement the recommendations issued in the Final Report of its working visit to the country, the recommendations issued by the Interdisciplinary Group of Independent Experts (GIEI), and the recommendations issued under Chapter IV.B of the annual reports published since 2018, all of which are still pending compliance. These include:

### General recommendations

1. Adopt the necessary measures to overcome the human rights crisis by reestablishing democratic institutions, the full validity of the Rule of Law and fundamental freedoms, including freedom of expression.
2. Promote and sustain an effective, legitimate and inclusive dialogue with civil society. To this end, the State must foster the necessary conditions for building trust among the population by ceasing repression, the recognition of the facts that occurred and complying with its international obligations in matters of truth, justice and reparation.
3. Release all people that have been arbitrarily detained in the context of the crisis that began in 2018.
4. Restore nationality to all Nicaraguan persons affected by the arbitrary deprivation of their nationality since 2018.
5. Initiate processes that promote truth, justice and reparations for the victims of the serious crisis that the country is experiencing.
6. End impunity for human rights violations since the beginning of the crisis in 2018.

### Civic and democratic space

7. Overrule all decrees and acts of authority related to the cancellation of the legal status of civil society organizations that have been approved without guaranteeing due process of law. Where applicable, give back all the confiscated assets and premises to the members of these organizations, in the same conditions in which they were at the time of the search of the organizations' facilities.
8. Immediately cease all judicial persecution, repression, stigmatization, attacks, threats, and intimidation against civil society actors on and offline, including journalists, human rights defenders, activists, artists, members of the academia, political opponents and members of religious communities and the Catholic Church.
9. Cease persecution against the Catholic Church, arbitrary arrests, confiscations, and all acts that curtail freedom of religion for the population.
10. Lift obstacles to the legitimate exercise of the right to protest, in particular, through the elimination of the requirement of prior authorization for holding demonstrations and the express establishment of a general presumption in favor of the exercise of the right of assembly and freedom of expression.



**Persons deprived of liberty**

11. Effectively comply with the precautionary measures granted by the Inter-American Commission and the provisional measures of the Inter-American Court in favor of persons deprived of liberty.
12. Guarantee due process of law for detained persons. In particular, immediately inform the detainees, their family members and representatives of the grounds and reasons for the detention. Likewise, the right to a fair trial must be ensured, so that defendants have regular contact with their legal representatives and are involved in the preparation for their respective hearings. In addition, it is essential for legal representatives to have unrestricted access to the detainees.
13. Guarantee the dignified treatment of persons in the custody of the State pursuant to international standards. In particular, ensure that they receive medical attention in line with their specific health conditions, are given sufficient food with high nutritional value, and are housed in good sanitary conditions.
14. Create the necessary conditions to ensure effective contact between persons deprived of their liberty with their families, by implementing an adequate, regular and predictable visitation schedule. In that regard, visits must be held with the frequency stipulated in the Penitentiary Regulations and take place in a decent manner and in conditions that are in no way degrading to the persons deprived of liberty. The State must also guarantee the delivery of medicines, food and personal hygiene items.
15. Use the solitary confinement in maximum security centers on an exceptional basis and following an individualized risk assessment and implement it for the shortest amount of time possible and as a last resort. Solitary confinement orders must be authorized by a competent authority and must be subject to independent review.
16. Adopt all necessary and comprehensive measures for the rights of women detainees to be effectively respected and guaranteed, so that they do not suffer from discrimination and are protected against any form of violence that may arise because of their gender.

**Indigenous and Afro-descendant communities**

17. Guarantee the right of indigenous and Afro-descendant peoples to territory as the first step to safeguard their basic rights. In particular, guarantee the complete and effective demarcation, titling and clearance of their territories in accordance with international standards and the recommendations issued by the bodies of the inter-American system.
18. Adopt all legislative measures to ensure the effective exercise of the right to prior, free and informed consultation and consent of the indigenous communities, pursuant to international standards, particularly regarding development projects or for the exploitation of natural resources that could affect their rights.
19. Guarantee the right of indigenous and Afro-descendant communities and their defenders to a life without violence, in the face of threats, attacks and other acts of intimidation by third parties or companies in their territories.



20. Adopt measures to guarantee the right of indigenous and Afro-descendant peoples to exercise self-determination in a practical and effective manner, in accordance with international standards.
21. Effectively comply with the precautionary measures granted by the Inter-American Commission and the provisional measures of the Inter-American Court in connection with indigenous and Afro-descendant communities of the Caribbean coast. This entails facilitating 710 and guaranteeing the participation of the representatives of the beneficiary communities and their defenders in the enforcement of said measures.

### **Economic, Social, Cultural, and Environmental Rights**

22. Restore the property rights over the retirement and pension accounts of persons who have been affected by the arbitrary confiscation of these accounts. The State must guarantee that these persons can access and make use of their funds, by ensuring their registration and inclusion in INSS records.
23. Comply with the terms of the provisional measures requested by the Commission to the InterAmerican Court to guarantee medical care and adequate nutrition to persons deprived of liberty at different detention facilities in the country.
24. Stop all acts of harassment and persecution against any civil society organization that engages in activities aimed at guaranteeing the respect for ESCERs, such as health, education and labor rights, especially those targeting persons in vulnerable situations.
25. The State must also cease all acts of persecution against the staff and faculty of higher education establishments. In that same regard, it must guarantee the right to academic freedom at all schools of all levels, avoiding any attempt to indoctrinate and fostering educational environments that are participatory, inclusive and diverse.
26. Guarantee access to participation, information and justice in environmental-related matters, so that civil society organizations engaging in environmental defense are able to carry out their activities without any type of intimidation by the State, taking into consideration inter-American standards, Resolution 3/2021 by the Commission and the REDESCA, and the provisions of the Escazú Agreement to which the State is a party.
27. Refrain from harassing and persecuting public officials who do not belong to the incumbent party, respecting their fundamental freedoms and the right to work in safe and dignified conditions.

### **Freedom of Expression**

28. Immediately cease all judicial persecution, repression, stigmatization, attacks, threats and intimidation against individuals and groups who exercise their right to freedom of expression, both on and offline, including journalists, human rights defenders, activists, artists, members of the academia, political opponents and members of religious communities.
29. Provide full judicial guarantees to persons subjected to criminal proceedings for reasons related to the exercise of their right to freedom of expression. Likewise, guarantee the rights to life and humane treatment of persons deprived of liberty who face criminal proceedings, with due respect for the dignity inherent to human beings, pursuant to international human rights standards.



30. Fully, exhaustively and impartially investigate reports of human rights violations of persons deprived of their liberty for reasons related to the exercise of their right to freedom of expression.
31. Refrain from enforcing the law and using the resources and powers of the State in an arbitrary, selective and exemplary manner, and from engaging in abusive government practices to hinder or restrict the exercise of the rights to freedom of expression, freedom of peaceful assembly and freedom of association. In particular, cease any kind of pressure against journalists and the media, especially pressure aimed at punishing and silencing those who investigate and report on matters of public interest.
32. Refrain from exerting pressure on or interfering with the media and cable operators, both in terms of news content and editorial policy, as well as operation.
33. Refrain from retaliating against persons who file complaints or report information on matters of public interest, especially those associated with the human rights crisis in Nicaragua.
34. Refrain from arbitrarily hindering - even by indirect means - journalistic activities, including those of the local press and international correspondents. In particular, restore the Powers of operation of the international press in Nicaragua, as applicable, wherever they have been arbitrarily restricted.
35. Guarantee the right of access to public information, observing the guiding principles of maximum disclosure and good faith. In particular, guarantee the right of the citizenry to access State information related to allegations of human rights violations and to judicial investigations into such violations.
36. Bring domestic legislation into line with international human rights standards. In particular, repeal all laws that are contrary to the principles and standards on freedom of expression, peaceful assembly and association, including the Special Cybercrimes Act, the Law on Foreign Agents, the Law of Defense of the Rights of the People to Independence, Sovereignty and Self-Determination for Peace, and the Law on Regulation and Control of Non-Profit Organizations.
37. Refrain from taking measures that impede Nicaraguans' entry into or departure from the country for reasons related to the exercise of the right to freedom of expression, such as the withholding of passports or the denial of any type of migration documentation.
38. Facilitate the operation of international observation mechanisms with respect to the situation of the right to freedom of expression in Nicaragua, which includes providing all official information that is deemed relevant.





Nb

Venezuela



---

**CHAPTER IV.B: VENEZUELA**

<b>I.</b>	<b>INTRODUCTION .....</b>	<b>741</b>
<b>II.</b>	<b>PRESENCE OF REGULATORY ELEMENTS FAVORING INCLUSION .....</b>	<b>742</b>
<b>III.</b>	<b>SERIOUS IMPACT ON DEMOCRATIC ORDER AND POLITICAL RIGHTS .....</b>	<b>744</b>
A.	Stage I: political persecution during the pre-electoral period .....	744
1.	Administrative ineligibility of opposition persons .....	745
2.	Obstacles to the registration of opposing candidacies .....	746
3.	Discriminatory obstacles to voting abroad .....	746
4.	Withdrawal of international electoral observation missions .....	747
5.	Arbitrary arrests and intimidation of opponents or perceived opponents prior to the July 28 election .....	747
B.	Stage II: informative opacity and electoral manipulation .....	749
1.	July 28 presidential election, announcement of election results by the CNE and electoral fraud allegations .....	750
2.	Opposition strategy in view of a possible electoral fraud .....	751
3.	Legal remedies filed following the results controversy .....	752
C.	Stage III: State terrorism practices .....	753
1.	Arbitrary use of force and loss of human lives .....	754
2.	Arbitrary arrests in the context of protests .....	755
3.	Passport cancellations and other acts of harassment .....	757
D.	Situation of the freedom of expression .....	758
1.	Criminalization of journalists and use of criminal law for silencing purposes .....	758
2.	Harassment and aggressions against the press and obstructions to press coverage .....	763
3.	Attacks, raids and closure of communication media .....	765
4.	Discrimination and persecution of critical and dissident voices .....	768



5.	Closure of civic space and restrictive legislative initiatives .....	769
6.	Restrictions on freedom of expression on the Internet .....	769
7.	Academic freedom and repression of the educational community.....	771

#### **IV. STRUCTURAL SITUATIONS WITH SERIOUS IMPACT ON THE ENJOYMENT AND EXERCISE OF HUMAN RIGHTS ..... 772**

A.	Challenges in the access and enjoyment of the rights to health, water, food and education .....	773
B.	Labor precariousness and hostile environment for the defense of labor and union rights .....	774
C.	Climate emergency and environmental protection .....	775
D.	Companies and Human Rights: mining exploitation and impacts on communities.....	775
E.	Groups in a situation of historical discrimination.....	776
1.	Children and adolescents.....	776
2.	Women.....	776
3.	Human rights defenders.....	778
4.	Lesbian, gay, bisexual, trans and intersex persons (LGBTI).....	781
5.	Elders .....	782
6.	Persons deprived of liberty.....	782
7.	Persons in human mobility .....	784
8.	Indigenous peoples .....	785
9.	Persons of African descent.....	786

#### **V. CONCLUSION AND RECOMMENDATIONS ..... 787**

Lesbian, gay, bisexual, trans and intersex persons (LGBTI) .....	791
Elders	791
Persons of African descent.....	792
Indigenous peoples .....	792
1. Chapter IV-A contains considerations that pose a risk to women and ignore the integral needs of women.....	793



---

2.	Inadequate approach to contraceptive method approval and use.....	796
3.	Inaccuracies in relation to the rights of LGTBI persons.....	797

<b>REASONED VOTE OF COMMISSIONER CARLOS BERNAL PULIDO REGARDING CHAPTER IV.B-VENEZUELA OF THE 2024 ANNUAL REPORT.....</b>	<b>793</b>
---	------------



## CHAPTER IV.B

### VENEZUELA<sup>1</sup>

#### I. INTRODUCTION

1. In compliance with its conventional and statutory mandate, the Inter-American Commission on Human Rights (the Commission, the Inter-American Commission, or the IACHR) has followed the human rights situation in Venezuela with special attention. Since 2005, the State has been included in Chapter IV.B of the annual report due to the severe human rights situation in the country and the complete erosion of democracy and the rule of law.

2. In 2024, serious and systematic human rights violations were recorded. Before, during and after the July 28 presidential election, the regime implemented a coordinated repressive strategy, in three stages, to illegitimately perpetuate itself in power. Within the framework of this strategy, State terrorism practices were implemented with the purpose of preventing the political participation of the opposition, hindering the development of a free, fair, competitive and transparent electoral contest, and sowing terror among the citizens.<sup>2</sup> These facts could only be performed, without any control, due to the co-optation of the different branches of government in the last two decades.

3. The first stage took place during the pre-electoral period and was aimed at preventing the political participation of the opposition, which constituted a violation of their right to equal opportunity to run and campaign without arbitrary or discriminatory restrictions. The State resorted to the power of institutions such as the Office of the Comptroller General of the Bolivarian Republic of Venezuela, the Supreme Court of Justice (SCJ) and the security forces to carry out arbitrary arrests of opposition, human rights defenders and social leaders under vague accusations. In addition, acts of harassment, persecution and disqualification were registered against opposition persons or perceived as such, as well as the withdrawal of international electoral observation missions. On the other hand, the National Telecommunications Commission (CONATEL) imposed severe restrictions to freedom of the press, while the National Electoral Council (CNE) established obstacles which denied the right to vote abroad, affecting nearly 5 million Venezuelans.

4. The second stage took place on July 28, during the presidential election. The government implemented a strategy aimed at manipulating the results to proclaim Nicolás Maduro as the winner without any kind of transparency. For this purpose, the CNE halted the transmission of data under the pretext of an alleged cyber-attack. Likewise, it suspended the audits of the electoral process and refused to publish the voting records supporting the announced results. Anticipating an electoral fraud, the opposition compiled more than 80% of the digitalized tally sheets at national level, with the purpose of ensuring transparency and credibility of the results of the contest. The totalization of the votes contained in these tally sheets would award the victory to the opposition candidate Edmundo Gonzalez Urrutia, with 67% of the votes.

5. The perception of fraud among citizens triggered close to 300 spontaneous protests, led mainly by young men living in poverty. In response, the regime implemented a third stage of systematic repression, increasing terror as a tool of social control. The authorities mobilized civilian shock groups against

---

<sup>1</sup> Chapter not approved by Commissioner Carlos Bernal Pulido, with a partial reasoned vote. The partial reasoned vote is found at the end of this chapter.

<sup>2</sup> The UN High Commissioner for Human Rights expressed a similar concern, noting in its August 13, 2024 oral update that “arbitrary detentions and disproportionate use of force fuel the climate of fear”. In this regard, see: Office of the United Nations High Commissioner for Human Rights, Venezuela: Continued arbitrary detentions and disproportionate use of force fuel climate of fear, warns Türk, August 13, 2024. Available at: <https://www.ohchr.org/es/press-releases/2024/08/venezuela-ongoing-arbitrary-detentions-disproportionate-use-force-fuelling>.



the demonstrations and launched “Operation Tun Tun,” referring to the characteristic sound of agents knocking on doors before making arrests. This operation resulted in at least 25 murders, dozens of brief forced disappearances, some 2,000 arbitrary detentions - including children and adolescents - torture, cruel, inhuman and degrading treatment, and serious violations of fair trial guarantees and freedom of expression. In addition, the authorities employed tactics such as mass arrests, searches without warrants, the marking of opposition homes, raids in popular neighborhoods, and the abrupt cancellation of passports.

6. The political and human rights crisis in Venezuela is the result of the total co-optation of state institutions by a regime that seeks above all to maintain itself illegitimately in office. The control of institutions designed to promote and protect human rights and democracy, along with large-scale corruption for the collection of licit and illicit rents, have been instrumental in guaranteeing the impunity of the security forces.<sup>3</sup> These actions have not only compromised governance, but have also significantly affected the enjoyment of human rights, especially among historically discriminated groups such as indigenous peoples, Afro-descendants, women, LGBTI people, children and adolescents, the elderly, as well as those living in poverty and extreme poverty.

7. This report is divided into five chapters. Following the introduction, the second chapter presents the elements that justify the inclusion of Venezuela in Chapter IV.B of the IACHR Annual Report 2024. Chapter three documents the serious impact on the democratic order and political rights in the context of the presidential election, including the repressive response of the State and the situation of freedom of expression. Given the co-optation of State institutions and the neglect of public policies, the fourth chapter presents the persistent challenges to the enjoyment of economic, social, cultural and environmental rights (ESCR). This section also develops the situation of groups that have historically suffered structural discrimination. The last chapter outlines a conclusion and a series of recommendations for the respect and guarantee of human rights in Venezuela.

8. The Inter-American Commission stresses that the Venezuelan case clearly illustrates the intrinsic relationship between human rights, democracy and the rule of law. These three elements form a triad in which each is defined, complements and takes on meaning in conjunction with the others. The collapse of this triad, caused by the co-optation of public powers by the Executive Branch, facilitated the establishment of a *de facto* regime.

## II. PRESENCE OF REGULATORY ELEMENTS FAVORING INCLUSION

9. After reviewing the human rights situation in Venezuela, the Commission decided to include this country in this chapter, in accordance with Article 59, paragraphs 6.a.i, 6.a.ii, 6.d.i and 6.d.iii of the Rules of Procedure, which establishes the following criteria:

a. A serious violation of the fundamental elements and institutions of representative democracy provided for in the Inter-American Democratic Charter, which are essential means for the realization of human rights, *inter alia*:

i. should there be discriminatory access or an abusive exercise of power which undermines or contradicts the rule of law, such as the systematic infringement of the independence of the judiciary or the lack of subordination of State institutions to the legally constituted civilian authority;

---

<sup>3</sup> The democratic institutionalism in the country is not guided by the separation and balance of public powers, as set forth in the Inter-American Democratic Charter. The Executive Branch concentrates public power after having co-opted institutions such as the Supreme Court of Justice, the National Assembly, the National Electoral Council, the Public Ministry and the Ombudsman's Office. The term of the National Assembly elected in 2015, considered by this Commission as the last institution of national public power vested with democratic legitimacy, ended in 2020. In this regard, see: IACHR, Annual Report 2021, Chapter IV.B - Venezuela, June 2, 2022. Likewise, see the Inter-American Democratic Charter, approved by the OAS Member States during a Special Session of the General Assembly held on September 11, 2001 in Lima, Peru.



- ii. if an alteration of the constitutional order that seriously affects the democratic order has taken place [...].
- d. The presence of other structural situations that seriously and gravely affect the enjoyment of the fundamental rights enshrined in the American Declaration, the American Convention or other applicable human rights instruments. Among other factors to be assessed, the following shall be included:
  - i. serious institutional crises which infringe on the enjoyment of human rights;
  - iii. serious omissions in the adoption of provisions necessary to give effect to fundamental rights or to comply with the decisions of the Inter-American Commission and the Inter-American Court [...]

10. With regard to Article 59, paragraphs 6.a.i and 6.d.i, the IACHR reiterates that the Executive Branch has managed to co-opt the various branches of government. Indeed, the various institutions of public power operate as appendices of the government and systematically adopt decisions detrimental to the rule of law, the separation of powers and political participation. All of this, in clear violation of the Inter-American Democratic Charter and other applicable instruments.

11. In 2024, the SCJ adopted decisions ratifying the administrative disqualifications of the main opposition candidates. Additionally, it validated the electoral results announced by the National Electoral Council (CNE), despite the fact that said institution failed to publish the voting records or the electoral results disaggregated by states or municipalities. On its part, the CNE hindered the registration of opposition candidacies and the registration of Venezuelan citizens abroad, which prevented millions of people from exercising their right to vote.

12. Aside from political participation, the subordination of institutions to the Executive Branch had two major consequences in 2024. First, no suitable measures were taken to combat impunity for violations that occurred in previous years, especially during the 2014 and 2017 protests. In this regard, it should be noted that the severity, systematic mode and impunity of such violations led the Office of the Prosecutor of the International Criminal Court (ICC) to initiate an investigation for the alleged commission of crimes against humanity, an unprecedented event in the Western hemisphere.

13. Second, the National Assembly did not adopt reforms to reestablish the separation and independence of public powers or strengthen citizen oversight. On the contrary, it discussed and adopted laws that restrict civic space and criminalize the work of human rights defenders. Such is the case of the “Law for the control, regularization, performance and financing of non-governmental and related organizations”, adopted on August 15.

14. As for Article 59, paragraph 6.a.ii, the Inter-American Commission notes that the manner in which the presidential election of July 28 was conducted constituted an alteration of the constitutional order. Although the IACHR is not a body with competence to certify elections, the circumstances that preceded and surrounded the election show that Venezuelan citizens were not able to exercise their political rights under conditions of equality.<sup>4</sup> As a result of this situation, the announcement of the CNE, proclaiming the reelection of Nicolás Maduro, cannot be considered to hold democratic legitimacy.

---

<sup>4</sup> Political rights are enshrined in various international human rights instruments, such as the American Declaration on the Rights and Duties of Man, Article XX; the American Convention on Human Rights, Article 23; and the International Covenant on Civil and Political Rights, Article 25. The Inter-American Court of Human Rights (IACHR) has held that “the effective exercise of political rights constitutes an end in itself and, at the same time, a fundamental means for democratic societies to guarantee the other human rights provided for in the Convention. Political rights have both an individual and a collective dimension, since they protect individuals who



15. With regard to section 6.d.iii of the Rules of Procedure, the IACHR observes that structural situations persist which severely limit the enjoyment of human rights, especially with regard to economic, social, cultural and environmental rights (ESCR). Since 2015, more than 7.7 million people have migrated in a forced manner, in what constitutes the largest displacement in the region and one of the largest in the world. This migratory movement responds to a survival strategy to safeguard rights such as life, humane treatment, health and food. All of this is a consequence of the severe human rights situation in Venezuela.

16. Pursuant to Article 59.5 of the IACHR Rules of Procedure, the preparation of this report is based on primary and secondary sources of information. Regarding the primary sources, the IACHR analyzed the testimonies received through the Special Follow-up Mechanism for Venezuela (MESEVE), the information available in the cases, petitions and precautionary and provisional measures, the information provided at the public hearings, as well as that recorded in the Commission's press releases, annual and thematic reports.

17. With regard to secondary sources, the report took into account: official acts of the State at all levels and in any of its branches, including constitutional amendments, legislation, decrees, judicial decisions, official announcements; findings of other international human rights bodies, including treaty bodies, Rapporteurs, working groups, the Human Rights Council and other United Nations bodies and specialized agencies; human rights reports of governments and regional bodies; reports of civil society organizations and information submitted by the latter and by individuals; public information widely disseminated in the media; and relevant legal and academic research.

18. The IACHR adopted this report on December 16, 2024. On January 24, 2025, the Commission sent the State of Venezuela a copy of the preliminary draft of this report in accordance with Articles 59.7 and 59.10 of its Rules of Procedure with a period of one month to receive its observations. The State did not submit observations.

### III. SERIOUS IMPACT ON DEMOCRATIC ORDER AND POLITICAL RIGHTS

19. This chapter analyzes the regime's instrumentalization of State institutions to illegitimately maintain itself in office, as well as the practices employed to persecute the opposition and prevent its political participation on equal terms. To this end, below, the regime's strategy will be analyzed in three separate stages. The first corresponds to the pre-electoral period, that is, from January 1 to July 27. The second stage refers to the events of July 28, the day of the presidential election. The third stage comprises the regime's repressive response to the allegations of electoral fraud and the broad social protests against it.

#### A. Stage I: political persecution during the pre-electoral period

20. In the pre-electoral period, the government not only used the machinery of the State to favor the campaign of Nicolás Maduro, but also to hinder and prevent the political participation of the opposition. During this stage, there were: administrative disqualifications of opposition persons; obstacles to the registration of opposition candidacies; discriminatory impediments to the exercise of the vote abroad; the withdrawal of international electoral observation missions; as well as arbitrary detentions and intimidation of opposition persons or those perceived as such.

---

participate in public affairs as well as candidates and their electors. In general terms, these rights imply: i) to take part in the conduct of public affairs, directly or through freely chosen representatives; ii) to vote and to be elected in genuine and periodic elections, by universal and equal suffrage and by secret ballot, guaranteeing the free expression of the will of the electors; and iii) to have access, on general terms of equality, to public service in one's own country.



## 1. Administrative ineligibility of opposition persons

21. At least since 2021, the government and the opposition have held negotiations for the establishment of democratic guarantees and the settlement of the crisis.<sup>5</sup> Several countries of the international community have supported these efforts, especially because of the need to provide transparency and confidence to the presidential elections. Finally, on October 17, 2023, the Venezuelan government and the opposition signed the “Partial Agreement on the Promotion of Political Rights and Electoral Guarantees for all Venezuelans” (Barbados Agreement), which established the commitment to hold peaceful presidential elections with international observation.<sup>6</sup>

22. Point 1 of the Barbados Agreement provides: “1) The parties recognize and respect the right of each political actor to select its candidate for the presidential elections, freely and pursuant to its internal mechanisms, in accordance with the provisions of the Constitution of the Bolivarian Republic of Venezuela and the law.”<sup>7</sup> Despite the provisions of point 1, on January 26, the Supreme Court of Justice (SCJ) issued a series of decisions aimed at reviewing the disqualifications imposed by the Office of the Comptroller General of the Nation against opposition leaders.

23. In said decisions, the SCJ decided to maintain the ban on Henrique Capriles Radonski and María Corina Machado (who won the opposition primary elections) from holding elected office and to temporarily waive the disqualifications of Leocenis García, Richard Mardo, Pablo Pérez, Zulay Medina, Daniel Ceballos and Rosa Brandonisio de Scarano.<sup>8</sup> In the case of Henrique Capriles Radonski, the ratification of his disqualification was based on alleged administrative irregularities during his term as governor of the state of Miranda between 2011 and 2013. The SCJ argued that the request for review filed by Capriles did not meet the established requirements, thus maintaining the prohibition to hold public office.<sup>9</sup>

24. For her part, María Corina Machado was disqualified for alleged violations to administrative and fiscal regulations and for her support to international sanctions against Venezuela. Specifically, the authorities accused her of participating in a corruption scheme orchestrated by Juan Guaidó, which allegedly led to the “criminal blockade” of Venezuela and the diversion of national assets abroad.<sup>10</sup> The SCJ declared Machado's request for amparo injunction inadmissible and confirmed the disqualification that prevented her from running for public office for 15 years.<sup>11</sup>

25. These type of disqualifications are not new in Venezuela. In 2021, within the context of the elections of regional and municipal authorities, the CNE rejected 27 candidacies due to disqualifications imposed by the Office of the Comptroller General of the Republic. Said decision had a disproportionate impact on dissident political parties of the government, as is the case of the Communist Party of Venezuela, with 15

---

<sup>5</sup> IACHR, Press Release No. 217/21, IACHR calls for a serious, broad and inclusive dialogue for the urgent reconstruction of democratic institutions in Venezuela, August 23, 2021.

<sup>6</sup> Point 1, Partial Agreement on the promotion of political rights and electoral guarantees for all Venezuelans. Signed on October 17, 2023 by the government of Maduro and the Unitary Platform in Bridgetown, Barbados.

<sup>7</sup> Point 1, Partial Agreement on the promotion of political rights and electoral guarantees for all Venezuelans. Signed on October 17, 2023 by the government of Maduro and the Unitary Platform in Bridgetown, Barbados.

<sup>8</sup> IACHR, Press Release No. 25/24, Venezuela: IACHR condemns political disqualifications of opposition leaders, January 31, 2024.

<sup>9</sup> Justice and Peace Center (Cepaz), Persecution of people involved in politics is on the rise in Venezuela, available at <https://cepaz.org/en-venezuela-arrecia-la-persecucion-contrapersonas-vinculadas-a-la-politica/>, March 22, 2024.

<sup>10</sup> Infobae, Chavista Electoral Justice formalized the disqualification of María Corina Machado for the July presidential elections, March 11, 2024. Available at: <https://www.infobae.com/venezuela/2024/03/11/la-justicia-electoral-chavista-formaliza-la-inhabilitacion-de-maria-corina-machado-para-las-presidenciales-de-julio/>.

<sup>11</sup> El Estímulo, SCJ ratifies disqualification of María Corina Machado and Henrique Capriles, available at <https://elestimulo.com/politica/2024-01-26/SCJ-anula-inhabilitacion-de-leocenis-garcia-y-richard-mardo-mas-anuncios/>, January 26, 2024.



disqualifications, and the opposition parties gathered in the Democratic Unity Table (MUD), which received at least three disqualifications.<sup>12</sup>

26. The IACHR recalls that the State of Venezuela was internationally condemned in the López Mendoza case for this type of sanctions. In this regard, it reiterates that, in accordance with the American Convention on Human Rights (ACHR), no administrative body may restrict the political rights to elect and be elected through sanctions of disqualification or removal. According to Article 23.2 of the ACHR, in order to consolidate and protect a democratic order respectful of human rights, this type of sanction may only be imposed through conviction by a competent judge, within the course of criminal proceedings.<sup>13</sup>

## 2. Obstacles to the registration of opposing candidacies

27. From March 21 to March 26, opposition leaders reported to the public and the CNE that they could not access the automated system for nominations due to technical problems. When the deadline for the registration of candidacies arrived on March 26, the aspiring opposition candidate, Corina Yoris, could not formalize her registration on behalf of the Democratic Unity Table (MUD) due to the persistence of such problems.<sup>14</sup> Finally, the persons who were able to register as candidates were: Nicolás Maduro, for the United Socialist Party of Venezuela; Edmundo González Urrutia, for the Democratic Unity Table; Benjamin Rausseo, for the National Democratic Confederation; Luis Eduardo Martínez, for the Democratic Action Party; Enrique Márquez, for the Centrados Party; Claudio Fermín, for the Solutions for Venezuela Party; Daniel Ceballos, for the Arepa Digital Party; Antonio Ecarri, for the Alianza Lápiz Party; José Brito, for the Primero Venezuela Party; and Javier Bertucci, for the El Cambio Party.<sup>15</sup>

28. The Inter-American Commission stresses that these technical problems prevented the registration of the main candidates opposing the regime<sup>16</sup>, whereas the pro-government candidates, as well as the low-profile opposition candidates, had no obstacle whatsoever to register. This circumstance suggests a discriminatory treatment in the access to the public function and an arbitrary affectation to the electoral offer of the citizenship.<sup>17</sup>

## 3. Discriminatory obstacles to voting abroad

29. In June 2024, the IACHR recorded impediments for Venezuelan persons abroad to register in the electoral registry due to their migratory status. The Venezuelan Constitution provides that all persons who have reached 18 years of age and are not disqualified are eligible to vote. Meanwhile, Venezuelan consulates, following instructions of the National Electoral Council (CNE), began to demand a resident visa as the only valid proof for registration in the electoral registry,<sup>18</sup> This requirement ignored the fact that millions of Venezuelans have a non-regularized migratory status, or a status different from that of a resident visa, such as: the Temporary Protection Permit (Colombia); the Temporary Permanent Residence Permit (Peru); the Temporary Residence Visa for Venezuelan Citizens (Ecuador), and the Temporary Residence (Chile).<sup>19</sup>

<sup>12</sup> IACHR, Press Release No. 085/22, Venezuela must guarantee political rights to all persons in accordance with Inter-American standards, April 22, 2022.

<sup>13</sup> IHR Court. Case of López Mendoza Vs. Venezuela. Merits, Reparations and Costs. Judgment of September 1, 2011 C No. 233.

<sup>14</sup> IACHR, Press Release No. 067/24, IACHR: the State of Venezuela must ensure the political participation of the opposition in the presidential elections, without arbitrariness, April 5, 2024.

<sup>15</sup> El País, Who are the 10 candidates for the presidency of Venezuela, July 27, 2024. Available at: <https://elpais.com/america/2024-07-27/quienes-son-los-10-candidatos-a-la-presidencia-de-venezuela.html>

<sup>16</sup> See para. 23.

<sup>17</sup> IACHR, Press Release No. 067/24, IACHR: the State of Venezuela must ensure the political participation of the opposition in the presidential elections, without arbitrariness, April 5, 2024.

<sup>18</sup> IACHR, Press Release No. 141/24, IACHR: Venezuela must guarantee the right to vote for Venezuelan nationals residing abroad, regardless of their immigration status, June 18, 2024.

<sup>19</sup> IACHR, Press Release No. 141/24, IACHR: Venezuela must guarantee the right to vote for Venezuelan nationals residing abroad, regardless of their immigration status, June 18, 2024.



30. Due to the severe human rights crisis in Venezuela, at least 7.7 million people have forcibly left the country since 2015 to safeguard their lives and the lives of their families.<sup>20</sup> Although it is not known exactly how many of these people are over 18 years of age, civil society organizations estimate that around 5.5 million Venezuelans were eligible to vote.<sup>21</sup> As a consequence, a significant number of potential voters abroad had their right to political participation affected by not being able to register in the electoral registry.<sup>22</sup>

31. The American Declaration, the American Convention and the Inter-American Democratic Charter provide that the participation of citizens in decisions related to their own development is a right, a responsibility, and a necessary condition for the full and effective exercise of democracy. For this reason, requiring millions of people abroad to present a resident visa in order to register to vote is arbitrary and seriously affects the integrity of the presidential election<sup>23</sup>.

#### **4. Withdrawal of international electoral observation missions**

32. On May 29, 2024, the Venezuelan regime revoked the invitation to the European Union to observe the development of the presidential election. This announcement was made by the President of the National Electoral Council, Elvis Amoroso<sup>24</sup>. The decision to withdraw the invitation to the European Union Electoral Observation Mission represents a clear disregard for point 4 of the Barbados Agreement.<sup>25</sup> For the Inter-American Commission, this fact corroborated the lack of commitment to what had been agreed, as well as the reluctance to international scrutiny in electoral matters.

#### **5. Arbitrary arrests and intimidation of opponents or perceived opponents prior to the July 28 election**

33. In the months leading up to the 2024 elections, the Venezuelan government intensified repression against individuals in the opposition or perceived as such, using security forces to silence critical voices and neutralize electoral campaigns. This pattern included arbitrary arrests and harassment of at least 50 opponents, as well as human rights defenders and social leaders. The actions evidence a pattern of persecution against Vente Venezuela, the campaign unit of María Corina Machado, who supported the candidate Edmundo González Urrutia. The arrests were conducted in different locations and without due process, and involved different state security forces, as well as unidentified individuals. These acts reflected an effort to control the political landscape and dismantle the organizational capacity and expression of the opposition in Venezuela.<sup>26</sup>

34. In general, arbitrary detentions prior to the July 28 election took place in public spaces, homes, workplaces and at the airport. The main perpetrators were the Bolivarian National Intelligence Service (SEBIN), the General Directorate of Military Counterintelligence (DGCIM), and the Bolivarian National Police (PNB), through the Directorate of Strategic and Tactical Actions (DAET). In some cases, unidentified persons in

<sup>20</sup> IACHR, Thematic Report, Refugees and migrants from Venezuela, July 20, 2023. Available at: <https://www.oas.org/es/IACHR/isForm/?File=/es/IACHR/prensa/comunicados/2023/260.asp>.

<sup>21</sup> El País, Only 1% of Venezuelans abroad can vote in presidential elections, July 27, 2024. Available at: <https://elpais.com/america/2024-07-27/solo-el-1-de-los-venezolanos-en-el-exterior-puede-votar-en-las-elecciones-presidenciales.html>.

<sup>22</sup> IACHR, Press Release No. 141/24, [IACHR: Venezuela must guarantee the right to vote for Venezuelan nationals residing abroad, regardless of their immigration status](#), June 18, 2024.

<sup>23</sup> IACHR, Press Release No. 141/24, [IACHR: Venezuela must guarantee the right to vote for Venezuelan nationals residing abroad, regardless of their immigration status](#), June 18, 2024.

<sup>24</sup> France 24, Venezuela withdraws invitation to European Union to observe presidential elections, May 29, 2024.

<sup>25</sup> Point 4, Partial agreement on the promotion of political rights and electoral guarantees for all Venezuelans.

<sup>26</sup> IACHR, Press Release No. 159/24, [IACHR: Venezuela must end political persecution and guarantee free elections](#), July 8, 2024.



unmarked vans or motorcycles were also involved. In several of the arrests, State agents took people out of their vehicles while pointing guns at them and then placed them in official vehicles.<sup>27</sup>

35. It should be noted that, during the pre-electoral period, repression was not only directed against opponents, but also against human rights defenders and journalists. One of the most emblematic cases was that of Rocío San Miguel, who was detained while trying to board a flight at Maiquetia International Airport. As reported to this Commission, her whereabouts remained unknown for more than 48 hours, which constituted a short-term forced disappearance. Afterwards, the defender was accused of treason, terrorism and conspiracy. Several of Rocío San Miguel's family members were also detained, including her daughter Miranda Díaz San Miguel, her brothers Miguel Ángel San Miguel Sosa and Alberto San Miguel, her daughter's father Víctor Díaz Paruta, as well as the defender's ex-husband Alejandro González.<sup>28</sup> Rocío San Miguel is beneficiary of precautionary measures by IACHR.<sup>29</sup>

36. In the case of members of Vente Venezuela, the arbitrary detentions of 2024 began on January 23, when Luis Camacaro, Juan Freitas and Guillermo López, coordinators in the states of Trujillo, Yaracuy and Vargas, were arrested simultaneously by officials of the Bolivarian National Intelligence Service (SEBIN). These arrests were carried out without warrants and without informing their families of their whereabouts, resulting in brief reports of forced disappearance and lack of due process.<sup>30</sup> This operation, conducted in a coordinated manner in different states, reflects the planned strategy of the security services to intimidate the opposition.

37. On March 8, 2024, Emil Brandt Ulloa, director of María Corina Machado's campaign staff in Barinas, was also arrested by SEBIN under charges of "conspiracy, association, gender (physical) violence and insulting an official". His arrest took place just days after a visit of Machado to the region, suggesting a clear intention to intimidate those supporting his candidacy.<sup>31</sup> Shortly thereafter, on March 20, Henry Alviárez and Dignora Hernández, both members of the organization and campaign team of Vente Venezuela, were arrested in Caracas under charges of conspiring against President Maduro and seeking to destabilize the country.<sup>32</sup>

38. Arrests continued in April and June, affecting both social leaders and campaign members. On April 28, Víctor Castillo, head of the Comando con Venezuela, together with Ámbar Márquez and Óscar Castañeda, Machado's supporters, were arrested after the opposition leader's visit to the municipality of Santa Rosalía, in the region of Portuguesa<sup>33</sup>. On June 14, Julian Iriarte, a member of the Comando con Venezuela in Vargas state, was arrested under charges of incitement to hatred and association to commit crimes<sup>34</sup>. Gabriel González, journalist and member of the national communications team of Vente Venezuela, was arrested on

<sup>27</sup> International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Unprecedented Repression in Venezuela Plunges the Nation into a Serious Human Rights Crisis, Says UN Fact-Finding Mission, September 17, 2024, paras. 106; 111 and 112.

<sup>28</sup> Access to Justice - The Venezuelan Observatory for Justice, Chronology of the Rocío San Miguel case, available at <https://accesoalajusticia.org/cronologia-del-caso-de-rocio-san-miguel/>, on September 23, 2024.

<sup>29</sup> IACHR, Injunction, MC 349/11, January 18, 2012.

<sup>30</sup> List of political prisoners provided to the IACHR on November 10, 2024.

<sup>31</sup> El País, The Venezuelan secret service arrests one of María Corina Machado's campaign coordinators, available at <https://elpais.com/america/2024-03-09/el-servicio-secreto-de-venezuela-detiene-a-uno-de-los-coordinadores-de-campana-de-maria-corina-machado.html>, March 9, 2024.

<sup>32</sup> CNN Venezuela, Two close collaborators of María Corina Machado arrested in Venezuela, available at <https://cnnespanol.cnn.com/2024/03/20/venezuela-maria-corina-machado-captura-colaboradores-orix>, March 20, 2024. See also: El Universal, Attorney General announced the arrests of Henry Alviarez and Dignora Hernández for alleged plans of violence, available at <https://www.eluniversal.com/sucesos/177586/fiscal-general-confirmando-las-detenciones-de-henry-alviarez-y-dignora-hernandez-por-supuestos-planes>, March 20, 2024.

<sup>33</sup> DW, Anti-Chavistas denounce "arbitrary" detention of activists, accessible at <https://www.dw.com/es/antichavistas-denuncian-detención-arbitraria-de-activistas/a-68943837>, March 29, 2024.

<sup>34</sup> Tarek William Saab (@TarekWilliamSaab), X (June 19, 2024, 3:10 PM), available at [https://x.com/TarekWilliamSaab/status/1803505551843672449?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etfw%7Ctweetembed%7Ctwtterm%5E1803505551843672449%7Ctwtgr%5Ebf63173da02c1eb0cd704efc40558f1eef92a360%7Ctwtcon%5Es1\\_c10&ref\\_url=https%3A%2F%2Fpublish.twitter.com%2F%3Furl%3Dhttps%3A%2F%2Ftwitter.com%2FTarekWilliamSaab%2Fstatus%2F1803505551843672449](https://x.com/TarekWilliamSaab/status/1803505551843672449?ref_src=twsrc%5Etfw%7Ctwcamp%5Etfw%7Ctweetembed%7Ctwtterm%5E1803505551843672449%7Ctwtgr%5Ebf63173da02c1eb0cd704efc40558f1eef92a360%7Ctwtcon%5Es1_c10&ref_url=https%3A%2F%2Fpublish.twitter.com%2F%3Furl%3Dhttps%3A%2F%2Ftwitter.com%2FTarekWilliamSaab%2Fstatus%2F1803505551843672449).



June 17 in Caracas, indicating a persecution also aimed at controlling public speech and silencing critical voices.<sup>35</sup>

39. In July 2024, the leaders of the Vente Venezuela party in Guanare, Portuguesa state, Mary Rodríguez and Mayra Montilla, were detained by Venezuelan state security forces. In the early morning of July 14, their homes in the El Progreso neighborhood were raided without a warrant by officials of the DGCIM, the Bolivarian National Police (PNB), the State Police and the Bolivarian National Guard (GNB). Subsequently, the Public Ministry charged them with conspiracy, association to commit a criminal offense and obstruction of public roads, crimes which could carry sentences of up to 30 years' imprisonment.<sup>36</sup>

40. In addition to the above, the opposition complained that at least ten commercial premises used for meetings of opposition campaigns were closed, while several opposition delegations were repeatedly detained in roadblocks. Also, opposition leaders denounced the lack of spaces in public radio and television for non-government candidates<sup>37</sup>. A prominent case occurred in June, when a restaurant in Corozopando, Guárico State, was closed after the visit of opposition leader María Corina Machado<sup>38</sup>. Likewise, the following month, the restaurant Asados Taguanes, located in the state of Cojedes, was also closed by the National Integrated Customs and Tax Administration Service (SENIAT) after the visit of the opposition candidate Edmundo González and his family<sup>39</sup>.

41. The arbitrary arrests of opposition leaders or those perceived as such, as well as human rights defenders and social leaders prior to the election, evidenced a systematic pattern of political persecution in the country. The government's actions sought to silence critical voices, dismantle organized opposition and maintain absolute control over the political and social landscape. The omission of judicial proceedings, the secrecy surrounding the situation of detained persons and the intimidation of their families, in particular, underline a deliberate, planned and coordinated character of different institutions.

42. Added to the above are the threats issued by the highest authorities of the State in the event of an eventual defeat. Indeed, on July 17, during a campaign rally, Nicolás Maduro warned of a "bloodbath and a civil war in the country" should the opposition attain an electoral victory.<sup>40</sup>

43. In conclusion, the Inter-American Commission highlights the implementation of a systematic pattern of political persecution and repression in Venezuela in the months leading up to the 2024 elections. The arbitrary arrests of opposition leaders, human rights defenders, and opposition supporters, along with the use of state security forces to silence critics and hinder political activities, constitute an abuse of power. These actions undermine basic principles of the rule of law and democracy, and violate the civil and political rights of Venezuelan citizens.

## **B. Stage II: informative opacity and electoral manipulation**

44. The second stage of the electoral process was characterized by the lack of transparency in relation to electoral information and the denial of access to public information by the electoral authorities. In

<sup>35</sup> Amnesty International, Gabriel González: In Venezuela there are journalists in arbitrary detention, accessible at, accessible at <https://www.amnistia.org/en/news/2024/09/27314/gabriel-gonzalez-en-venezuela-hay-periodistas-en-detencion-arbitraria>, September 13, 2024.

<sup>36</sup> El Pitazo, Portuguesa | Officials arrest two leaders of Vente Venezuela and raid their homes, accessible at <https://elpitazo.net/los-llanos/portuguesa-funcionarios-detienen-a-dos-lideresas-de-vente-venezuela-y-allanaron-sus-casas/>, July 14, 2024.

<sup>37</sup> IACHR, Press Release No. 159/24, [IACHR: Venezuela must end political persecution and guarantee free elections](#), July 8, 2024.

<sup>38</sup> Infobae, In its eagerness to sabotage the pace of the opposition campaign, the Maduro regime attacks the businesses of poor merchants, available at [https://www.infobae.com/venezuela/2024/06/04/en-su-afan-por-sabotear-el-paso-de-la-campana-opositora-el-regimen-de-maduro-ataca-los-negocios-de-comerciantes-pobres/?utm\\_source=chatgpt.com](https://www.infobae.com/venezuela/2024/06/04/en-su-afan-por-sabotear-el-paso-de-la-campana-opositora-el-regimen-de-maduro-ataca-los-negocios-de-comerciantes-pobres/?utm_source=chatgpt.com), June 4, 2024.

<sup>39</sup> Infobae, Maduro's regime closed another commercial establishment where the opposition leader Edmundo Gonzalez was attended, available at [https://www.infobae.com/venezuela/2024/07/09/el-regimen-de-maduro-clausuro-otro-establecimiento-comercial-que-fue-visitado-por-el-opositor-edmundo-gonzalez/?utm\\_source=chatgpt.com](https://www.infobae.com/venezuela/2024/07/09/el-regimen-de-maduro-clausuro-otro-establecimiento-comercial-que-fue-visitado-por-el-opositor-edmundo-gonzalez/?utm_source=chatgpt.com), July 8, 2024.

<sup>40</sup> CNN en español, Maduro warned of "bloodbath" in Venezuela if he does not win elections, July 17, 2024.



addition, the instrumentalization of the Judiciary and the Electoral Power was observed to prevent the results announced by the National Electoral Council (CNE) from being challenged through legal remedies. This set of factors, added to the censorship actions against the media and critical voices after the presidential elections, contributed to the consolidation of an information siege that favored the official narrative on the electoral results. This section addresses three key aspects: the July 28 presidential election, the opposition's claim of possible electoral fraud, and the legal remedies filed in response to the controversy over the results.

### **1. July 28 presidential election, announcement of election results by the CNE and electoral fraud allegations**

45. The presidential election was held on July 28. According to the “UN Panel of Experts for the Venezuelan Presidential Election of July 28”, the day of the electoral contest took place in a predominantly peaceful environment and with a good logistical organization. The CNE reported a turnout of 59.97% of the total electoral roll, i.e. 45.74% more than during the 2018 presidential election.<sup>41</sup> The Inter-American Commission notes the broad participation of citizens despite the regime's efforts to dismantle the opposition and prevent the main opposition candidate, María Corina Machado, from running as a candidate.

46. Venezuela has an electronic voting system that issues two physical proofs of support: an official record that gathers the votes from each voting table; and a voucher that each person who actually voted receives. According to the United Nations/Carter Center panel,<sup>42</sup> institutions with a presence on the ground during the election, such a system is secure and reliable.<sup>43</sup> In the words of The Carter Center: “The electronic voting system is excellent.”<sup>44</sup>

47. In this context, the IACHR received reports of restrictions on the verification of results in several voting centers, as well as the denial of access to candidate Gonzalez's witnesses at the CNE headquarters. In addition, although initially the electronic transmission of results functioned normally, it was suddenly suspended without clear explanation in the hours following the closing of the polling stations.<sup>45</sup>

48. For his part, the President of the CNE, Elvis Amoroso, announced on television that there was a “terrorist cyber-attack” which had affected the transmission of votes. According to the UN Mission, the CNE itself cancelled three audits that could have determined the veracity of the alleged cyber-attack.<sup>46</sup> The Attorney General of the Nation, Tarek William Saab, announced that the cyber-attack was executed from North Macedonia and was aimed at altering the results of the election. However, Saab clarified that the results had not been altered but slowed down, and held Lester Toledo, Leopoldo López and María Corina Machado responsible for the fact.<sup>47</sup> In response to these statements, North Macedonia informed that the Venezuelan authorities had neither requested nor provided information on the facts in order to exercise the corresponding controls.<sup>48</sup>

49. On July 28, near midnight, Elvis Amoroso, without the presence of the other CNE rectors, announced that President Nicolás Maduro had won the election with 5,150,092 votes, that is, 51.2% of the total votes; followed by Edmundo González, with 4,445,978 votes, equivalent to 44.2%. Amoroso stated that these results reflected the votes transmitted from 80% of the voting tables and that they were irreversible, although mathematically they could be reversed with the non-transmitted votes. Subsequently, on August 2, the CNE confirmed, with the supposedly transmitted results of 96.97% of the polling stations, that President Maduro

<sup>41</sup> UN Panel of Experts for Venezuela's Presidential Election of July 28, Preliminary Report, August 9, 2024.

<sup>42</sup> Carter Center, Carter Center Statement on the Venezuelan Election, July 30, 2024.

<sup>43</sup> UN Panel of Experts for Venezuela's July 28<sup>th</sup> Presidential Election, Preliminary Report, August 9, 2024.

<sup>44</sup> Address by Jennie K. Lincon, Senior Advisor to The Carter Center, Permanent Council of the Organization of American States, October 2, 2024.

<sup>45</sup> Espacio Público, [Every legitimate election must be transparent](#), July 30, 2024.

<sup>46</sup> UN Panel of Experts for Venezuela's Presidential Election of July 28, Preliminary Report, August 9, 2024.

<sup>47</sup> NTN 24, Fiscal Saab opens investigation of María Corina Machado for alleged computer attack from North Macedonia, July 29, 2024.

<sup>48</sup> El Diario, North Macedonia asked Venezuela for proof of alleged electoral attack, July 30, 2024.



had won the election with 51.95% (6,408,844 votes), while Edmundo Gonzalez obtained 43.18% (5,326,104 votes).<sup>49</sup>

50. The announcements made by the CNE were not supported by infographics or data broken down by polling station, city or state, as required by Venezuelan electoral regulations<sup>50</sup>. Following the announcement of the results by the president of the CNE, access to the CNE website was restricted, and according to technical analysis, the page is not accessible from some networks or outside Venezuela<sup>51</sup>. As of the date of this report, the CNE has still not published the voting tally sheets, nor allowed their scrutiny by table, despite the fact that they are in the custody of the State.

51. The UN Panel concluded that “the CNE’s results management process did not comply with the basic measures of transparency and integrity that are essential for credible elections. It did not follow national legal and regulatory provisions, and not all stipulated deadlines were met. In the Panel’s experience, the announcement of an election result without publication of its details or delivery of tabulated results to candidates is unprecedented in contemporary democratic elections. This had a negative impact on the confidence in the result announced by the CNE among a large portion of the Venezuelan electorate.”<sup>52</sup>

52. The Carter Center concluded that the July 28 presidential election “did not comply with international parameters and standards of electoral integrity and cannot be considered democratic (...) The fact that the electoral authority had failed to announce results broken down per polling station constitutes a serious violation of electoral principles.”<sup>53</sup>

## 2. Opposition strategy in view of a possible electoral fraud

53. On the day of the election, the opposition in Venezuela collected 83.5% of the tally sheets nationwide, claiming their authenticity because they had the corresponding seals, signatures and security codes. The totalization of these tally sheets shows that Edmundo Gonzalez Urrutia won the election<sup>54</sup>. In addition, the opposition compiled and centralized the tally sheets in an independent and verifiable database (“resultadosconvzla.com”) of the actual results obtained at each polling station<sup>55</sup>. When comparing these data with the official results, the opposition pointed out inconsistencies and possible manipulations that might be evidence of electoral fraud.

54. This strategy allowed the opposition to present to the Venezuelan citizenry and the international community concrete evidence questioning the legitimacy of the process, strengthening its allegations of possible fraud and reinforcing the call for an impartial review of the results.

55. In the days following the election, the “resultadosconvzla.com” portal was blocked. In addition, as announced by the Attorney General, those responsible for the publication and maintenance of said portal are being criminally investigated for the crimes of usurpation of functions, falsification of public documents, incitement to disobedience of laws, computer crimes, association and conspiracy<sup>56</sup>. The IACHR and its Special Rapporteurship warned that the information contained therein is of great public interest and requires enhanced protection, given its relevance for transparency and accountability.<sup>57</sup>

56. The announcement of the results without the publication of the supporting tally sheets, together with the reluctance to allow audits to verify the veracity of the alleged cyber-attack, generated distrust

<sup>49</sup> UN Panel of Experts for Venezuela’s Presidential Election of July 28, Preliminary Report, August 9, 2024.

<sup>50</sup> UN Panel of Experts for Venezuela’s Presidential Election of July 28, Preliminary Report, August 9, 2024.

<sup>51</sup> Espacio Público, Every legitimate election must be transparent, July 30, 2024.

<sup>52</sup> UN Panel of Experts for Venezuela’s Presidential Election of July 28, Preliminary Report, August 9, 2024.

<sup>53</sup> Carter Center, Carter Center Statement on the Venezuelan Election, July 30, 2024.

<sup>54</sup> IACHR, Press Release 184/24, IACHR and RELE condemn state terrorism practices in Venezuela, August 15, 2024.

<sup>55</sup> Results Con VZLA, 2024 Presidential Election Results, access at <https://resultadosconvzla.com>, August 5, 2024.

<sup>56</sup> Espacio Público, August: censorship and post-election repression, September 5, 2024.

<sup>57</sup> IACHR, Press Release No. 184/24, IACHR and RELE condemn practices of state terrorism in Venezuela, August 15, 2024.



among the citizenry in the results announced by the CNE and gave rise to numerous complaints of electoral fraud at the national and international level. The Inter-American Commission timely called to ensure the protection of electoral information through the publication of the totality of the voting records; to allow its independent scrutiny and to respect the popular will expressed in the vote, pursuant to human rights standards.<sup>58</sup>

### 3. Legal remedies filed following the results controversy

57. In view of the electoral opacity and the serious allegations of electoral fraud raised by the opposition, the international missions invited to the field and the international community, on July 31 Nicolás Maduro filed a contentious electoral appeal before the Supreme Court of Justice (SCJ).<sup>59</sup> On August 22, 2024, the Electoral Chamber published in social networks only the resolute part of the decision on said appeal, validating the announcement of the National Electoral Council (CNE).<sup>60</sup> Likewise, it held that the decision was final and, therefore, not subject to appeal. The IACHR notes that, as of the date of preparation of this report, the SCJ has not published the grounds for the decision, which constitutes a serious omission in its duty to give reasons for its judgments.

58. Contrary to the SCJ's announcement on social networks, civil society organizations argued that the ruling is subject to a review remedy.<sup>61</sup> In fact, two such appeals were filed before the Constitutional Chamber: one by former candidate Enrique Márquez and another by former presidential candidate, Antonio Ecarri. Both appeals were rejected by the Constitutional Chamber of the SCJ.<sup>62</sup>

59. Civil society organizations denounced several irregularities related to the contentious electoral appeal filed by Nicolás Maduro and the decision of the SCJ. In the first place, they questioned the nature of the remedy. The CNE defines the contentious electoral remedy as “a brief, summary and effective means to challenge the acts, actions and omissions of the National Electoral Council (CNE) and to reestablish the subjective legal situations injured by it, in relation to the constitution, operation and cancellation of organizations with political purposes”. This implies that the recourse is intended to challenge, not to certify, an action of the CNE.<sup>63</sup>

60. Secondly, questions were raised regarding the procedural legitimacy of the appeal filed. After having been declared the winner, Nicolás Maduro did not have procedural legitimacy to file the remedy, and therefore, it should not have been admitted. Such legitimacy would have corresponded to any party that considered that the CNE's actions affected its rights. In addition to the foregoing, Nicolás Maduro filed the contentious electoral appeal together with his attorney Reinaldo Muñoz, who has been proposed as candidate for Attorney General of the Republic. For this reason, he should not have acted as legal representative of the President of the Republic or of a presidential candidate in this context.<sup>64</sup>

61. Third, civil society organizations claim that the SCJ would have assumed electoral functions by declaring Nicolás Maduro as President before the CNE completed the process of totalization, awarding and proclamation of the winner. According to the regulations, the law grants up to 30 consecutive days, counted from the day following the election, to publish the totality of the itemized results and to perform the corresponding audits. However, the SCJ certified the victory of Nicolás Maduro with partial results, before the CNE complied with this mandate.<sup>65</sup>

<sup>58</sup> IACHR, Press Release 184/24, [IACHR and RELE condemn state terrorism practices in Venezuela](#), August 15, 2024.

<sup>59</sup> CNN en español, Maduro files an appeal before the Supreme Court of Justice for certification of the results, July 31, 2024.

<sup>60</sup> Access to Justice, Six observations to the contentious electoral remedy before the SCJ on the July 28 elections, August 8, 2024.

<sup>61</sup> Access to Justice, Six observations to the contentious electoral remedy before the SCJ on the July 28 elections, August 8, 2024.

<sup>62</sup> Access to Justice, SC declares *res judicata* to reject review of SE ruling validating Maduro's electoral victory, October 14, 2024.

<sup>63</sup> Access to Justice, Six observations to the contentious electoral remedy before the SCJ on the July 28 elections, August 8, 2024.

<sup>64</sup> Access to Justice, Six observations to the contentious electoral remedy before the SCJ on the July 28 elections, August 8, 2024.

<sup>65</sup> Access to Justice, Six observations to the contentious electoral remedy before the SCJ on the July 28 elections, August 8, 2024.



### C. Stage III: State terrorism practices

62. The third stage documented human rights violations and State terrorism practices aimed at instilling fear and repressing social protests in order to consolidate the regime's power, following allegations of electoral fraud. In this section, the following repressive patterns are developed: arbitrary use of force and loss of human lives; arbitrary detentions in the context of manifestations; cancellation of passports and other acts of harassment.

63. Serious allegations of irregularities and electoral fraud led to nearly 300 massive and spontaneous protests throughout the country that mobilized different social sectors, particularly in low-income neighborhoods. In response, the regime implemented state terrorism practices to instill terror in the population, defuse the protests and silence the non-conformist citizens. Among the main perpetrators are the state security forces and non-state armed groups aligned with the government, known as “colectivos” (collectives),<sup>66</sup> that are legally incorporated in the “People's System of Protection for Peace.”<sup>67</sup>

64. The repression reflected patterns already observed by the IACHR in the 2014 and 2017 protests, such as the arbitrary use of force, resulting in loss of life and injuries; arbitrary detentions and short-term forced disappearances; judicial persecution and harassment against persons perceived as opponents and electoral observers; censorship and restrictions on the freedoms of expression, association and peaceful assembly. Additionally, new and serious repressive patterns aimed at intimidation were observed, such as the abrupt and arbitrary cancellation of passports of human rights defenders and journalists, as well as their families. The purpose of this was to prevent them from leaving the country, in serious violation of their right to freedom of movement.<sup>68</sup>

65. A distinctive feature of this repressive peak is that the highest authorities of the regime and the security forces contributed to fuel the climate of terror with their statements and publications in social networks. As previously noted, on July 17, during a proselytizing act, Nicolás Maduro warned of a “bloodbath and a civil war in the country” if the opposition were to achieve an electoral victory.<sup>69</sup> On August 5, also in a public act, President Nicolás Maduro made reference to “Operation Tun Tun” (Operation Knock-Knock), whose name refers to the knocking on the doors of the residences of people suspected of having participated in the protests, by security forces, for their location and detention. In this context, the President sang a traditional Christmas melody with the lyrics “no seas llorón, vas pa' Tocarón” (Don't be a cry-baby, you're going to Tocarón), in reference to a penitentiary center located in the state of Aragua.<sup>70</sup>

66. On August 7, then Deputy Diosdado Cabello, who would later be appointed Minister of the Interior, said during a television program that, within the context of “Operation Tun Tun,”<sup>71</sup> journalists who published information on the electoral controversy would be arrested. On August 8, the DGCIM published on its social networks a video referring to said operation.<sup>72</sup>

67. Generally, in autocratic regimes such as Venezuela's, the process of adopting security measures does not follow pre-established procedures, nor is it communicated through official channels, but rather by direct messages from high-level authorities through interviews or announcements on social networks, among others. The IACHR considers that the threats made by the highest authorities, together with the serious, systematic and widespread human rights violations registered after the election, evidence the

<sup>66</sup> IACHR, Press Release 184/24, [IACHR and RELE condemn state terrorism practices in Venezuela](#), August 15, 2024.

<sup>67</sup> See articles 1 and 4.2 of Decree Number 1,471 of November 19, 2014.

<sup>68</sup> IACHR, Press Release 184/24, [IACHR and RELE condemn state terrorism practices in Venezuela](#), August 15, 2024.

<sup>69</sup> CNN en español, Maduro warned of “bloodbath” in Venezuela if he does not win elections, July 17, 2024.

<sup>70</sup> International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, para. 649.

<sup>71</sup> International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, para. 603.

<sup>72</sup> Although the international media reported on the magnitude of “Operation Tun Tun”, the Inter-American Commission does not have sufficient evidence to determine whether the entire State repression was part of a specific operation, according to the official narrative of the highest authorities, or whether different security operations were coordinated.



intention to instill terror among citizens through the articulation of the different powers of the State and the use of public resources.<sup>73</sup>

68. In various judgments of the Inter-American system, it has been concluded that States engage in terrorist practices when they execute policies of human rights violations, making a perverse use of state resources to generate fear in the population, especially in political opponents.<sup>74</sup> Historically, in the region, these practices have been carried out directly by States or by non-State groups with the acquiescence, tolerance or collaboration of States<sup>75</sup>; including forced disappearances and extrajudicial executions.<sup>76</sup> These practices enjoy impunity, since there is no recourse for protection, due to the fact that the control agencies respond to the regime and are part of the repressive strategy of the State. Taking into account these elements of analysis, it is reaffirmed that the practices of the Venezuelan State during 2024 crossed the necessary threshold to be qualified as State terrorism practices.

### 1. Arbitrary use of force and loss of human lives

69. Between July 28 and July 30, there were serious allegations of abuse of public force against the protests. The violence resulted in the deaths of at least 25 people, all men between the ages of 15 and 56.<sup>77</sup> The names of the deceased persons registered by the IACHR, mostly as a consequence of the arbitrary use of force by the State or paramilitary groups are: Isaías Jacob Fuenmayor González (15); Ángel David Mora Masculino (17); Jeison Gabriel España Guillén Masculino (18); Anthony Enrique Cañizales Gareta (19); Luis Eduardo Roberto Hernández (19); Jhon Alejandro Graterol Mendoza (19); Anthony David Moya Mantia (20); Jesús Gregorio Tovar Perdomo (21); Dorian Rair Rondón (22); Jeison Javier Bracho Martínez (22); Olinger Johan Montaña López (23) Euris Junior José Mendoza Royé (24) José Antonio Torrents Blanca; and (26) Aníbal José Romero Salazar; Carlos Oscar Porras (26); Gustavo Rojas (29); Walter Páez Lucena (29); Rancés Daniel Yzarra Bolívar (30) Gabriel Ramos (33); Víctor Alfonzo Bustos (34); Yorgenis Emiliano Leyva Méndez (35); Andrés Alfonso Ramírez Castillo (36); Julio Valerio García (40); Edgar Alexander Aristeguieta (42); and Jesús Ramón Medina Perdomo (56).<sup>78</sup>

70. According to public information, 10 of the deaths were attributed to state forces. Of these, eight were military forces and two were police. Six of the deaths could be attributed to the “colectivos”, which act with the consent, tolerance or acquiescence of the State, and are even legally incorporated in the “People’s System of Protection for Peace.”<sup>79</sup> Two of the cases could be attributed to mixed actions between state forces and non-state groups. In the other cases, there is no information on the profile of the alleged perpetrators.<sup>80</sup>

71. With regard to the causes of death, the documentary and testimonial information leads to the conclusion that all the victims were killed by firearms: seven were shot in the neck, five in the thorax, four in the head, three in the back, two in the abdomen, and three in other parts of the body<sup>81</sup>. The trajectory of the projectiles leads to the conclusion that the weapons were fired with intent to kill.

<sup>73</sup> IACHR, Press Release 184/24, [IACHR and RELE condemn state terrorism practices in Venezuela](#), August 15, 2024.

<sup>74</sup> IHR Court. Case of Goiburú and others Vs. Paraguay. Merits, Reparations and Costs. Judgment of September 22, 2006. Series C No. 153, para. 66.

<sup>75</sup> IACHR, [Report on Terrorism and Human Rights](#), OAS/Ser.L/V/II.116 Doc. 5 rev. 1 corr., October 22, 2002, para. 17. a); IHR Court. Case of Goiburú and others Vs. Paraguay. Merits, Reparations and Costs. Judgment of September 22, 2006. Series C No. 153, para. 66 and Case of Gelman Vs. Uruguay. Merits and Reparations. Judgment of February 24, 2011. Series C No. 221, para. 99.

<sup>76</sup> IACHR, [Report on Terrorism and Human Rights](#), OAS/Ser.L/V/II.116 Doc. 5 rev. 1 corr., October 22, 2002, para. 17. a)

<sup>77</sup> International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, para. 547.

<sup>78</sup> International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, para. 532.

<sup>79</sup> See Articles 1 and 4.2 of Decree No. 1,471 of November 19, 2014.

<sup>80</sup> IACHR, Press Release 184/24, [IACHR and RELE condemn state terrorism practices in Venezuela](#), August 15, 2024.

<sup>81</sup> International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, para. 534.



72. In periods of high conflict in previous years, such as those of 2014 or 2017, the protests were led by middle class and upper middle class people, and took place, mostly, in central avenues or commercial or affluent neighborhoods. The protests registered on July 28, 29 and 30 took place mainly in low-income neighborhoods and were led by young men living in poverty.<sup>82</sup> Information documented by the International Independent Mission shows that several of the people who died during these days worked as laborers, motorcycle taxi drivers, barbers and small merchants.<sup>83</sup> On the other hand, the eight fatal incidents in Caracas occurred in outlying parishes such as El Valle, Sucre, San Juan, Antímano and Macarao.<sup>84</sup> This change in the profile of place and protesters could suggest that the regime has lost support in social bases where it traditionally had support.

73. On August 19, Tarek William Saab, Attorney General of the Nation, announced during an interview that María Corina Machado and Edmundo González Urrutia would be summoned “at any moment”, as they could be “held responsible as intellectual authors of all these events”, referring to the deaths of July 28, 29 and 30. On August 21, Saab reported that all the deaths were attributable to “instrumentalized criminal groups, wrongly called ‘comanditos’”, and added that the Public Ministry had no reports on excessive use of force.<sup>85</sup> At the 57<sup>th</sup> session of the United Nations Human Rights Council, the Venezuelan ambassador held that the fascist right wing was responsible for the deaths.<sup>86</sup>

74. The IACHR has been able to verify that the State's response was characterized by the excessive and disproportionate use of force, in many cases, including lethal force by the “collective” groups, legally incorporated in the “People’s System of Protection for Peace.”<sup>87</sup> This could be cross-checked with the information received through public hearings, meetings with social organizations and individual testimonies. In this regard, the Commission reiterates that the protocols on the use of public force must respond to the criteria of legality, necessity and proportionality. In complex scenarios, the actions of the authorities should not be indiscriminate, but should be able to identify the violent actors and to distinguish them from those exercising the legitimate right to protest.

75. By the date of preparation of this report, the authorities have not published information on the context in which the deaths occurred, the progress in the investigations or the evidence that would allow holding opposition leaders responsible for the events. The lack of a diligent investigation of these events corroborates the lack of independence of the Public Ministry, as well as the instrumentalization of the collective groups.

## 2. Arbitrary arrests in the context of protests

76. After the first protests on July 28, the regime launched a series of neighborhood raids to massively and indiscriminately arrest people. Although most of the arrests took place during the manifestations at the assembly points, there were also arrests of people who were not participating in the events and in isolated places.<sup>88</sup>

77. Between July 28 and August 24, civil society organizations recorded 1,542 arrests, including women and adolescents, as well as people with disabilities, indigenous people, as well as journalists and press

<sup>82</sup> IACHR, Press Release 184/24, [IACHR and RELE condemn state terrorism practices in Venezuela](#), August 15, 2024.

<sup>83</sup> International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, para. 534.

<sup>84</sup> International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, para. 542.

<sup>85</sup> International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, paras. 551 and 552.

<sup>86</sup> 57<sup>th</sup> session of the United Nations Human Rights Council, interactive dialogue, September 19, 2024.

<sup>87</sup> See articles 1 and 4.2 of Decree Number 1,471 of November 19, 2014.

<sup>88</sup> Cocuyo Effect, “Defenselessness, vulnerability and silence: women detained in post-election protests,” August 17, 2024. Available at: <https://efectococuyo.com/lahumanidad/indefension-vulnerabilidad-y-silencio-las-mujeres-detenido-en-las-protestasposelectorales/>.



workers.<sup>89</sup> The Commission notes that, in an unusual development, the number documented by the social organizations was lower than that announced by President Nicolás Maduro, who said on August 6 that the number of people detained had risen to 2,229.<sup>90</sup>

78. In this context, President Maduro made public statements prejudging and stigmatizing the protesters. Among these are: “with the capacity of response and reaction of the civic-military-police union we resolved, with the Constitution and in peace, the fascist outbreak”; or “this time there will be no pardon, this time what there will be is Tocarón”, referring to a prison in Aragua State.<sup>91</sup>

79. Testimonies gathered by this Commission, as well as by the Independent International Mission, show that all of the arrests occurred without arrest warrants and without informing family members of the place of detention. Many of the detentions were perpetrated following anonymous complaints through applications such as *VenApp*. This application, created by the government to report failures in public services, was enabled to denounce people suspected of participating in the protests.<sup>92</sup>

80. The detention of children and adolescents in the context of demonstrations is extremely worrying. According to information provided by the organization Foro Penal (Criminal Forum), after the presidential elections in Venezuela, at least 158 adolescents were arbitrarily and indiscriminately detained. At the time of writing this report, six adolescents, i.e., persons under 18 years of age, continue to be deprived of their liberty.

81. As revealed by the civil society, in many cases, the adolescents were pre-classified by the authorities as terrorists and deprived of liberty in the same cells as adults; and in some cases without separation by gender. In addition, all these persons were imposed an official public defender, denying them the possibility of having a trusted attorney, and several of them were presented virtually before courts on terrorism matters, without the presence of their relatives, guardians or responsible adults.<sup>93</sup>

82. The IACHR condemns cruel, inhuman and degrading treatment of adolescents deprived of their liberty. Such is the case of a pregnant teenager who was subjected to gender-based violence while in State custody. Agents insinuated to her that they would make her have an abortion so that she would not have terrorist children.<sup>94</sup> In addition, she was forced to perform physical exercises and to place herself in uncomfortable and humiliating positions. There is also a recorded case of a child on the autism spectrum who continues to be deprived of liberty without seeing his family or receiving medical attention. Another case of particular concern is that of a child who reported having been beaten while in detention and who, as a result, suffered facial paralysis.<sup>95</sup>

83. The mothers of several of the adolescents deprived of their liberty have denounced that the authorities are allegedly using torture and ill-treatment to force the adolescents to confess to crimes they did not commit. According to testimonies gathered, State agents have beaten them to force them to record videos declaring that they participated in the demonstrations in exchange for money. They also reported that their

---

<sup>89</sup> Foro Penal (Criminal Forum), “Political Prisoners in Venezuela”. Available at: <https://foropenal.com/foro-penalbalance-de-presospoliticos-en-venezuela-al-26-de-agosto-2024/>.

<sup>90</sup> International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, para. 580.

<sup>91</sup> Access to Justice, Summary proceedings without the right to defense or information for those arrested in the protests, August 13, 2024.

<sup>92</sup> International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, para. 557.

<sup>93</sup> IACHR, Press Release No. 212/24, [IACHR condemns arbitrary detentions of children and adolescents in Venezuela in the post-electoral context](#), September 12, 2024.

<sup>94</sup> Universidad de los Andes Women’s Commission, “Maduro’s Regime Ignores Gender Approach in Detaining and Imprisoning Women after Presidential Elections,” August 21, 2024; Debate, “We’re going to make you have an abortion so you don’t have terrorist children: Maduro’s Government Threatens Pregnant Woman,” August 18, 2024; La Patilla, “There is a young pregnant woman: They report that at least 10 teenagers are detained in Mérida after protests”, August 5, 2024.

<sup>95</sup> IACHR, Press Release No. 212/24, [IACHR condemns arbitrary detentions of children and adolescents in Venezuela in the post-electoral context](#), September 12, 2024.



children were threatened with disproportionate sentences if they refused to admit their participation in violent acts. Some mothers have publicly expressed their helplessness over calls for their children to be removed from detention centers. The media have documented that several of the youths show severe depression and traces of beatings; that they are confined in cells with latrines overflowing with sewage and are forced to perform their physiological needs in public.<sup>96</sup>

84. On this matter, the IACHR recalls that, in accordance with the State's international obligations, all procedural acts resulting from torture and cruel treatment, or any type of coercion capable of breaking a person's will, must be annulled.<sup>97</sup>

85. In general, the people arrested following serious allegations of electoral fraud, including political leaders such as María Oropesa,<sup>98</sup> Williams Dávila,<sup>99</sup> Freddy Superlano<sup>100</sup> and Biagio Pilieri,<sup>101</sup> are being subjected to criminal proceedings for ambiguously and broadly worded offenses which, in addition to having excessively high penalties, conflict with the exercise of freedom of expression and seek to generate a paralyzing effect due to fear of prosecution. The charges brought by the Public Ministry include the crimes of incitement to hatred, terrorism, conspiracy, treason, association to commit crimes, resistance to authority, obstruction of streets or roads and disobedience of the laws.

86. In the criminal proceedings that followed the arrests, numerous human rights violations were reported, particularly of fair trial guarantees. These violations include the imposition of public defenders, thus denying access to a reliable technical defense; and the violation of the right to be tried by a natural judge in the case of adolescents who are brought before courts with anti-terrorism jurisdiction.<sup>102</sup> Likewise, civil society organizations reported other violations, such as the refusal to provide interpretation in the case of indigenous persons deprived of liberty, and the absence of reasonable accommodations for persons with disabilities in criminal proceedings and in prisons.<sup>103</sup>

### 3. Passport cancellations and other acts of harassment

87. In the context of the post-electoral repression, new and old patterns of repression were observed. Among the new patterns are the abrupt, arbitrary, and unmotivated cancellation of passports. At least 40 human rights defenders, social leaders, journalists, and their families have been victims of this practice aimed at limiting freedom of movement and instilling terror. In some cases, passports were confiscated by the authorities at the Simón Bolívar International Airport in Maiquetía while people were trying to travel abroad. In other cases, people found out about the cancellation of their passports by consulting the web page of the Administrative Service of Identification, Migration and Foreigners (SAIME).<sup>104</sup> Another unusual pattern observed was the persecution of poll watchers and election observers. According to press reports, at least five of these persons have had to move to Colombia due to death threats.<sup>105</sup> The Commission considers that these patterns respond to a retaliation for the activity of defense and promotion of human rights and democracy.

<sup>96</sup> BBC, "My son spends the day crying and gives his food to other prisoners because he no longer wants to eat": the testimony of the mother of one of the more than 100 teenagers detained after the elections in Venezuela, August 30, 2024.

<sup>97</sup> IHR Court. Case of Cabrera García and Montiel Flores Vs. Mexico. Preliminary Exception, Merits, Reparations and Costs. Judgment of November 26, 2010. Series C No. 22, para. 166.

<sup>98</sup> IACHR, Press Release No. 178/24, [IACHR grants precautionary measures to María Andreina Oropesa Camacho, disappeared in Venezuela](#), August 10, 20092024.

<sup>99</sup> IACHR, Press Release No. 183/24, [IACHR follows up and modifies precautionary measures regarding Williams Dávila in Venezuela](#), August 14, 2024.

<sup>100</sup> IACHR, Press Release No. 193/24, [IACHR grants precautionary measures to political leader Freddy Superlano in Venezuela](#), August 26, 2024.

<sup>101</sup> IACHR, Press Release No. 209/24, [IACHR grants precautionary measures to Biagio Pilieri and his son, members of the Convergencia party, in Venezuela](#), September 7, 2024.

<sup>102</sup> Access to Justice, Summary proceedings without the right to defense or information for those arrested in the protests, August 13, 2024.

<sup>103</sup> IACHR, Press Release 184/24, [IACHR and RELE condemn state terrorism practices in Venezuela](#), August 15, 2024.

<sup>104</sup> IACHR, Press Release 184/24, [IACHR and RELE condemn state terrorism practices in Venezuela](#), August 15, 2024.

<sup>105</sup> The New York Times, Observadores electorales venezolanos son obligados a exiliarse en Colombia, September 10, 2024.



88. On the other hand, in the context of the post-electoral repression, old intimidating practices were registered, such as the marking of houses of opponents or those perceived as such with an “X”.<sup>106</sup> In 2020, the Inter-American Commission also documented the marking of houses with the legend “furia bolivariana” (Bolivarian fury).<sup>107</sup>

89. In the context of political persecution, several opposition leaders sought protection in the residence of the Argentine ambassador in Caracas. Among them are Pedro Urruchurtu, international affairs coordinator; Claudia Mancero, communications coordinator; Omar Gonzalez, political secretary; Magalli Meda, strategic planning coordinator; and Humberto Villalobos, electoral coordinator. On September 6, the official residence of the Embassy of Argentina in Caracas (under the custody of the Brazilian State since August 1)<sup>108</sup> was harassed by State agents. At least 20 armed public officials intervened at the site and proceeded to cut off the electricity supply and suspend the entry of food for at least 24 hours.<sup>109</sup> A similar situation occurred on November 24. State security agents closed streets and surrounded the residence of the Argentine ambassador in Caracas in an act of intimidation.<sup>110</sup>

#### **D. Situation of the freedom of expression**

90. The IACHR and its Office of the Special Rapporteur for Freedom of Expression (RELE) continued to document severe restrictions on freedom of expression in Venezuela, especially in matters critical of the government. The practice of journalism faces significant obstacles due to fear of violence, harassment and the possible criminalization of reporting. Human rights organizations are also affected by legislative reforms that threaten their funding and independence. The application of criminal legislation, including anti-terrorism laws, continues to be applied for alleged purposes of silencing dissident or critical voices.

91. In 2024, the IACHR and its Special Rapporteurship have warned about the persecution and repression of opponents, political leaders, electoral witnesses, activists, human rights defenders, journalists and the media, in the context of the July 28 presidential elections. In addition to this, there are reports of a lack of state transparency, especially in electoral matters, as well as the expansion of “zones of silence”, where journalistic coverage of issues of public interest is practically non-existent. These factors constitute an adverse environment for the exercise of fundamental rights in the country, especially affecting freedom of expression, freedom of association, peaceful assembly and political participation.

#### **1. Criminalization of journalists and use of criminal law for silencing purposes**

92. In 2024, the activation of judicial processes and criminal sanctions against journalists in Venezuela was documented, especially in the electoral context. Arrests and criminal proceedings were reportedly conducted under the “Law Against Hate”, without judicial guarantees and with severe restrictions on the right to defense. Common charges include terrorism, incitement to hatred, public instigation, illegal association, disturbance of public order and obstruction of the public roads, with allegations of manipulation of evidence by the authorities. In addition, difficulties have been reported for the families of detained journalists, such as lack of information on their whereabouts, excessive requirements for visits and extortion by officials. Families of journalists accused of terrorism face obstacles to travel to the Caracas metropolitan area, where the specialized courts are located.<sup>111</sup>

<sup>106</sup> International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report, of September 9 to 11, 2024, summary.

<sup>107</sup> IACHR, 2020 Annual Report, April 16, 2021.

<sup>108</sup> Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic, Press Release: Departure of the Argentine Embassy staff in Venezuela, August 1, 2024.

<sup>109</sup> IACHR, Press Release No 215/24, Venezuela: IACHR condemns exile of Edmundo Gonzalez and harassment of Argentine embassy residence, September 13, 2024.

<sup>110</sup> DW, Argentina denounces new “siege” of its embassy in Caracas, November 23, 2024.

<sup>111</sup> Rapporteurship for Freedom of Expression (RELE), Press Release No. 190/24, RELE alerts international community on arbitrary detention of journalists and criminalization of dissent in Venezuela, August 23, 2024.



93. In the first months of the year, the Attorney General reportedly issued arrest warrants against journalist Sebastiana Barráez, lawyer and human rights defender Tamara Suju, the president of Venezuelans Persecuted in Political Exile (Veppex), José Antonio Colina, and *youtubers* Wender Villalobos and Norbey Marín, who were accused of serious crimes<sup>112</sup>. In particular, Barráez, Suju, Colina, Villalobos, Marín and Mario Carratú Molina were allegedly charged with “attempted intentional homicide,” “terrorism” and “association”. These charges were related to the “white armband case”, which allegedly sought to perpetrate terrorist acts, including the kidnapping of the governor of Táchira, and the assassination of the President of the Republic.<sup>113</sup> Sebastiana Barráez, a journalist, denied the link made by the Attorney General's Office through her social networks.

94. For their part, the National College of Journalists (CNP) and various civil society organizations have described the criminalization of journalist María Sebastiana Barráez Pérez as a serious attack on freedom of expression and due process.<sup>114</sup> They have also warned the international community about the Venezuelan state's attempts to silence communicators, especially during an election year.<sup>115</sup>

95. In addition, the Attorney General reportedly ordered the arrest of Voz Media journalist Orlando Avendaño on charges of “incitement” to hatred.<sup>116</sup> The Prosecutor's Office claimed that the journalist subverted the order with a publication on X (Twitter).<sup>117</sup> According to public reports, agents of the Bolivarian National Intelligence Service (SEBIN) raided his home in Valencia and confiscated electronic equipment.<sup>118</sup> In this regard, journalist Avendaño denied having called for insurrection and denied receiving funds from a political organization, stressing that “the only thing I have done, as a journalist, is to exercise my freedom of expression.”<sup>119</sup> Subsequent to these events, the President allegedly harassed and threatened journalist Avendaño on television after a publication on his social network X (formerly *Twitter*) about women who harassed opposition leader María Corina Machado.<sup>120</sup>

96. On March 31, journalist and youtuber Óscar Alejandro Pérez was arrested at the National Airport of Maiquetía.<sup>121</sup> After his arrest, his relatives reported that he was accused of activities related to “terrorism”. Public reports state that the journalist was taken to the Anti-Terrorism Division of the Scientific, Penal and Criminal Investigations Corps (CICPC) in Caracas and released the following day.<sup>122</sup>

97. During the last year, reports were also received regarding the detention of journalist Carlos Julio Rojas on April 15. According to public reports, while he was with his wife, unknown individuals kidnapped

<sup>112</sup> Espacio Público, Prosecutor's Office orders arrest of journalist Sebastiana Barráez, defender Tamara Suju and others, January 22, 2024.

<sup>113</sup> Espacio Público, Prosecutor's Office orders arrest of journalist Sebastiana Barráez, defender Tamara Suju and others, January 22, 2024.

<sup>114</sup> Radio noticias Venezuela, National College of Journalists supported Sebastiana Barráez, February 1, 2024.

<sup>115</sup> Reporte Ya, [ReporteYa], (February 1, 2024), The CNP warned the international community that the Venezuelan government is trying to silence the country's communicators, especially in this election year, X, <https://x.com/reporteya/status/1753035060712738905?s=48&t=058FybLgNCirdwkhUkjOkw>.

<sup>116</sup> Voz, Maduro's government falsely accuses Orlando Avendaño, a Voz Media journalist, of “inciting hatred” and calling for rebellion, April 1, 2024; Infobae, Persecution in Venezuela: Maduro's government investigates journalist Orlando Avendaño, who rejected the accusations, April 2, 2024.

<sup>117</sup> Voz, Maduro's government falsely accuses Orlando Avendaño, a Voz Media journalist, of “inciting hatred” and calling for rebellion, April 1, 2024; Infobae, Persecution in Venezuela: Maduro's government investigates journalist Orlando Avendaño, who rejected the accusations, April 2, 2024.

<sup>118</sup> Voz, International community leaders condemn the Maduro dictatorship's persecution of Orlando Avendaño, a well-known Venezuelan journalist critical of Chavismo, April 1, 2024; Cocuyo Effect, NGO: Investigation against Orlando Avendaño is an act of harassment, April 3, 2024.

<sup>119</sup> Avendaño, O., [OrlvndoA], (April 1, 2024), The only thing I have done, as a journalist, is to exercise my freedom of expression. That is not a crime, X, <https://x.com/OrlvndoA/status/1774917112588386689>.

<sup>120</sup> Espacio Público, [espaciopublico], (July 16, 2024), Nicolás Maduro once again harassed and threatened journalist Orlando Avendaño during a television broadcast, X, <https://x.com/espaciopublico/status/1813333723888209971>.

<sup>121</sup> Espacio Público, Content creator Oscar Alejandro Perez is arrested in Maiquetia Airport, April 1, 2024.

<sup>122</sup> Infobae, Imprisoned journalists or with arrest warrants and media under threat: repression against the press grows in Venezuela, April 7, 2024.



him in a van without license plates.<sup>123</sup> The IACHR and the Office of the Special Rapporteur recorded that the journalist had an arrest warrant for his participation as an alleged instigator and logistical operator in an assassination attempt against the President.<sup>124</sup> The Attorney General published a photograph of Rojas handcuffed between two armed men, charging him with terrorism.<sup>125</sup>

98. On April 12, journalist Yuyser González, of NoticiasDigital, was reportedly approached by alleged officers of the Bolivarian National Police (PNB) who tried to apprehend him at the entrance of a shopping mall in Barinas<sup>126</sup>. According to public reports, after a struggle, a bystander recorded the incident and shared it on social networks, thus avoiding arrest.<sup>127</sup>

99. On May 7, 2024, the Attorney General of the Republic accused Venezuelan media and journalists of being part of an alleged extortive media structure led by former Minister Tareck El Aissami. According to the prosecutor, this structure was dedicated to “spread dirty war and discredit campaigns against the State authorities.”<sup>128</sup> In addition, he mentioned that El Aissami maintained a relationship with the *Armando.Info* portal, directed by Roberto Deniz and Ewald Scharfenberg.<sup>129</sup> The prosecutor's accusations add a video in which Samark López, an imprisoned businessman accused of corruption, was pointing out to the journalists of the website.<sup>130</sup>

100. In the first half of August, following the July 28 elections, the arrest of at least nine journalists was documented, four of whom were charged with terrorism offenses.<sup>131</sup> Among them is photojournalist Yousner Alvarado, accused of terrorism. According to information provided to this Commission and to RELE, he is currently being held incommunicado in Detachment 33 of the Bolivarian National Guard (GNB), without access to private defense.<sup>132</sup> Paúl León, a cameraman for VPI TV, was also arrested under charges of incitement to violence and disturbing the public order, and is being held incommunicado at the Valera Police Station 2.0;<sup>133</sup> Deisy Peña, a photographer for the Carrizal mayor's office, was reportedly arrested without a warrant after covering a peaceful protest and is being held in a module of the Bolivarian National Police (PNB) in Los Teques;<sup>134</sup> and José Gregorio Carnero, journalist and broadcaster, who were reportedly arrested on charges of conspiracy and subversive activities.<sup>135</sup>

<sup>123</sup>Espacio Público, [@espaciopublico], (April 15, 2024), Two men dressed in black, hooded and on board a van without license plates, took - by force - activist and journalist Carlos Julio Rojas, X, <https://x.com/espaciopublico/status/1780051098922868919>; National Union of Press Workers of Venezuela. (SNTVP), [@sntpvenezuela], (April 15, 2024) Hooded men dressed in black took away journalist and community activist Carlos Julio Rojas this #15Apr night, X, <https://x.com/sntpvenezuela/status/1780045720738795958>; Provea, [@Provea], (April 15, 2024), 2 men in black kidnap community activist and journalist, Carlos Julio Rojas, on Monday 15 in Caracas, according to his relatives, X, <https://x.com/Provea/status/1780044290472743423>.

<sup>124</sup>Saab, T.W., [@TarekWilliamSaab], (April 15, 2024), the Public Ministry @MinpublicoVEN #informs #today of the arrest of Carlos Julio Rojas, X, <https://x.com/TarekWilliamSaab/status/1780075541804065271?t=lvCxoI0a4Ehk7wr2gTDdpw&s=19>; Runrun.es, Five crimes were charged against journalist Carlos Julio Rojas, April, 2024.

<sup>125</sup>Infobae, New attack against the press in Venezuela: one journalist was arrested and another struggled with those who tried to take him away, April 16, 2024.

<sup>126</sup>Press and Society Institute (IPYS), Alleged PNB officers tried to arrest journalist Yuyser González, April 15, 2024.

<sup>127</sup>Infobae, New attack against the press in Venezuela: one journalist was arrested and another struggled with those who tried to take him away, April 16, 2024.

<sup>128</sup>El Nacional, Saab links Venezuelan journalists to El Aissami: « They conducted discrediting campaigns against the State », May 7, 2024.

<sup>129</sup>Public Ministry of the Bolivarian Republic of Venezuela, [@MinpublicoVEN], (May 7, 2024), Tarek William Saab: Also refers that El Aissami had a relationship with the ArmandoInfo portal, run by Roberto Deniz and Ewald Scharfenberg, X, <https://x.com/MinpublicoVEN/status/1787899980641931629?t=pMQWCgoAkmc-hXwhZmKQ2g&s=08>; Armando.Info, To the public opinion, May 7, 2024.

<sup>130</sup>Foundation for Freedom of the Press (FLIP), Venezuelan Public Ministry criminalizes the investigative work of journalists of Armando.Info, May 9, 2024; Ntn24, “A bad joke”: ArmandoInfo’ journalists deny links to Tareck El Aissami, May 8, 2024.

<sup>131</sup>Reporters Without Borders (RSF), Venezuela: RSF registers 70 attacks on press freedom in 15 days, August 13, 2024.

<sup>132</sup>RSF, Venezuela: RSF registers 70 attacks on press freedom in 15 days, August 13, 2024.

<sup>133</sup>El Pitazo, Cameraman Paúl León to go on trial after being arrested during post-election coverage, October 23, 2024.

<sup>134</sup>RSF, Venezuela: RSF registers 70 attacks on press freedom in 15 days, August 13, 2024; Cocuyo Effect, Prosecutor’s Office confirms terrorism charges against reporter Deisy Peña, October 23, 2024.

<sup>135</sup>DW, SNTVP: 4 journalists charged with “terrorism” in Venezuela, August 8, 2024.



101. Likewise, the Voluntad Popular party reported the detention and possible forced disappearance of Roland Oswaldo Carreño Gutiérrez.<sup>136</sup> According to reports, on August 2, 2024, in the afternoon in the city of Caracas, he was allegedly deprived of his liberty by state agents affiliated with the SEBIN.<sup>137</sup> On August 3 and 4, 2024, attempts were reportedly made to file a *habeas corpus* petition for forced disappearance and a complaint with the Public Ministry to initiate an investigation.<sup>138</sup> However, both the judicial bodies and the investigative agencies reportedly refused to receive them.<sup>139</sup> Likewise, relatives and lawyers allegedly went to the different offices of the General Directorate of Military Counterintelligence (DGCIM) and the SEBIN, who have held not having the journalist in their custody.<sup>140</sup> In this context, the IACHR granted precautionary measures for journalist Carreño Gutiérrez and urged the State to adopt the necessary measures to protect the rights to life and personal integrity of the communicator.<sup>141</sup>

102. The detention of journalist Ana Carolina Guaita Barreto, correspondent for the digital newspaper *La Patilla*, was also reported. According to the information obtained by the IACHR and its Special Rapporteur, on August 20, 2024, the journalist was allegedly deprived of her liberty in an arbitrary manner by supposed agents of the security forces.<sup>142</sup> It was claimed that the deprivation of liberty occurred as she was leaving her home, in the parking area of her building.<sup>143</sup> In said place, she was reportedly cornered by officials who did not identify themselves and was detained for allegedly failing to observe constitutional and conventional procedures.<sup>144</sup> According to her family, the journalist was presumed to be at the headquarters of the Directorate of Security of the La Guaira Governor's Office, where she was held until August 21 under conditions of isolation.<sup>145</sup>

103. On August 22, 2024, journalist Ana Carolina Guaita Barreto was reportedly taken by SEBIN agents to an unknown location, and since then there has been no news as to her whereabouts or place of detention.<sup>146</sup> In addition, her parents are reported to be hiding for fear of being detained.<sup>147</sup> In view of these facts, the IACHR granted precautionary measures in favor of Guaita and requested the State of Venezuela to adopt the necessary measures to protect her rights to life and humane treatment, as well as to report on her custody status and the circumstances of her detention.<sup>148</sup>

<sup>136</sup> Espacio Público, August: post-election censorship and repression, September 5, 2024.

<sup>137</sup> IACHR, Judgment 50/2024, Precautionary Measures No. 883-24, Case of Roland Oswaldo Carreño Gutiérrez with regard to Venezuela, August 17, 2024, para. 4.

<sup>138</sup> IACHR, Judgment 50/2024, Precautionary Measures No. 883-24, Case of Roland Oswaldo Carreño Gutiérrez with regard to Venezuela, August 17, 2024, para. 5.

<sup>139</sup> IACHR, Judgment 50/2024, Precautionary Measures No. 883-24, Case of Roland Oswaldo Carreño Gutiérrez with regard to Venezuela, August 17, 2024, para. 5.

<sup>140</sup> IACHR, Judgment 50/2024, Precautionary Measures No. 883-24, Case of Roland Oswaldo Carreño Gutiérrez with regard to Venezuela, August 17, 2024, para. 5.

<sup>141</sup> IACHR, Press Release No. 186/24, IACHR grants precautionary measures to journalist Roland Oswaldo Carreño Gutiérrez in Venezuela, August 17, 2024.

<sup>142</sup> IACHR, Judgment 58/2024, Precautionary Measures No. 907-24, Subject of Ana Carolina Guaita Barreto regarding Venezuela, August 27, 2024, para. 4.

<sup>143</sup> IACHR, Judgment 58/2024, Precautionary Measures No. 907-24, Subject of Ana Carolina Guaita Barreto regarding Venezuela, August 27, 2024, para. 4.

<sup>144</sup> IACHR, Judgment 58/2024, Precautionary Measures No. 907-24, Subject of Ana Carolina Guaita Barreto regarding Venezuela, August 27, 2024, para. 4.

<sup>145</sup> Villegas, V., [@Vladi\_VillegasP], (August 22, 2024), Relatives of journalist Ana Carolina Guaita Barreto report that she is being held at the headquarters of the Security Directorate of the Governor's Office of La Guaira, X, [https://x.com/Vladi\\_VillegasP/status/1826600742712737841?t=g5rRPxf3KRnYfWC\\_TwI5yA&s=09](https://x.com/Vladi_VillegasP/status/1826600742712737841?t=g5rRPxf3KRnYfWC_TwI5yA&s=09).

<sup>146</sup> IACHR, Judgment 58/2024, Precautionary Measures No. 907-24, Subject of Ana Carolina Guaita Barreto regarding Venezuela, August 27, 2024, para. 5.

<sup>147</sup> IACHR, Judgment 58/2024, Precautionary Measures No. 907-24, Subject of Ana Carolina Guaita Barreto regarding Venezuela, August 27, 2024, para. 5.

<sup>148</sup> IACHR, Press Release No. 196/24, IACHR grants precautionary measures to journalist Ana Carolina Guaita in Venezuela, August 27, 2024.



104. On August 16, the editor of the website *La Sapa del Orinoco*, Gilberto Reina, was detained at his residence in Ciudad Bolívar, Bolívar State. According to public reports, Reina's detention occurred hours after he posted a video on Instagram about a protest regarding the results announced by the CNE on July 29.<sup>149</sup>

105. According to public information, on August 17, members of the Bolivarian National Guard (GNB) assaulted and attempted to detain journalist David Marcano from the newspaper *El Periodiquito* while he was covering a protest in the Bicentenario Plaza of Maracay, Aragua State.<sup>150</sup> On the other hand, the National College of Journalists (CNP) denounced the arbitrary detention of journalist Víctor Ugas following a confrontation with content creator Emmanuel Marcano.<sup>151</sup> Ugas was reportedly presented before the courts on August 18, under the charge of the crime of "incitement to hatred."<sup>152</sup> In addition, on August 25, members of the Bolivarian National Police (PNB) reportedly detained journalist Carmela Longo in Caracas. According to the National Union of Press Workers (SNTP), her son was also arrested, and their electronic equipment was confiscated.<sup>153</sup> Longo was reportedly transferred to the Directorate of Criminal Investigations (DIP) and released on August 26 after a hearing, where she was charged with terrorism and incitement to hatred. She is currently required to appear periodically before a judicial authority, with a prohibition of leaving the country and of commenting on her case.<sup>154</sup>

106. Likewise, reports have been received regarding the detention of journalist Nelin Escalante since October 25, after he was approached by members of the General Directorate of Military Counterintelligence (DGCIM) at the Líder Shopping Center in Caracas.<sup>155</sup> According to claims from the National College of Journalists, Escalante was subsequently transferred to the DGCIM headquarters in Boleíta.<sup>156</sup> The IACHR and its Rapporteurship were informed that the journalist was released on October 31 after being held in detention for six days.<sup>157</sup>

107. As of the closing date of this report, the IACHR and the Special Rapporteurship have documented the detention of at least 12 journalists following the elections on July 28. At the same time, the Commission and the RELE express special concern over the death of broadcaster and activist of the Voluntad Popular party, Edwin Santos, which occurred on October 25.<sup>158</sup>

108. As already noted by the IACHR and the Special Rapporteurship for Freedom of Expression, the detention of journalists represents one of the main tactics used by the government to intimidate them or as retaliation for the exercise of their work; and such detentions often occur without a judicial order or legal basis.<sup>159</sup> In this way, it is emphasized that journalism is the primary and main manifestation of freedom of

<sup>149</sup> El Carabobeño, *Editor of the digital weekly La Sapa del Orinoco arrested*, August 17, 2024.

<sup>150</sup> Espacio Público, *August: censorship and post-election repression*, September 5, 2024.

<sup>151</sup> Espacio Público, *August: censorship and post-election repression*, September 5, 2024.

<sup>152</sup> Espacio Público, *August: censorship and post-election repression*, September 5, 2024.

<sup>153</sup> Espacio Público, *August: censorship and post-election repression*, September 5, 2024.

<sup>154</sup> Espacio Público, *August: censorship and post-election repression*, September 5, 2024.

<sup>155</sup> Cocuyo Effect, [*@EfectoCocuyo*], (October 26, 2024), *@cnpven* denounced that the whereabouts of journalist Nelin Escalante, who was approached by Dgcim officials, are unknown., X, <https://x.com/EfectoCocuyo/status/1850260938085036472?t=FXbA8I93OoG9aPZEpnXwIQ&s=19>.

<sup>156</sup> VPItv, [*@VPITV*], (October 26, 2024), The National College of Journalists (*@cnpven*) denounced the arbitrary detention of the journalist Nelin Escalante, X, [https://elinformadorve.com/29/10/2024/venezuela/colegio-nacional-de-periodistas-exige-fe-de-vida-del-periodista-nelin-escalante/#google\\_vignette](https://elinformadorve.com/29/10/2024/venezuela/colegio-nacional-de-periodistas-exige-fe-de-vida-del-periodista-nelin-escalante/#google_vignette); SNTp, [*@sntpvenezuela*], (October 30, 2024), Moisés Gutiérrez, lawyer of the Human Rights Coalition *@Coalicion\_ddhh*, reported that it has been 120 hours since the disappearance of journalist Nelin Escalante, X, <https://x.com/sntpvenezuela/status/1851674638679408706?t=EZgtEriV8iOjKTZEjK5HA&s=08>; National College of Journalists (CNP), [*@cnpven*], (October 29, 2024), It has been more than 96 hours without news about Nelin Escalante, relatives and lawyers have not been able to see him despite having gone to the DGCIM to know the status of his situation, X, <https://x.com/cnpven/status/1851323890867241092?t=kmlbWfCUJZEtgBVuontUaQ&s=08>.

<sup>157</sup> Infobae, *Nicolás Maduro's current government released the journalist after being missing for six days*, November 1, 2024; Noticias de aquí, *Journalist Nelin Escalante was released and is now with his family*, November 1, 2024; Ntn24, "We are fine": Venezuelan journalist Nelin Escalante appears after being interrogated for several days at DGCIM, November 1, 2024.

<sup>158</sup> Espacio Público, [*@espaciopublico*], (October 25, 2024), Edwin Santos, broadcaster and activist of the Voluntad Popular party, was found dead on Friday, October 25, X, <https://x.com/espaciopublico/status/1849889475570102746>.

<sup>159</sup> IACHR, Annual Report 2022, *Report of the Office of the Special Rapporteur for Freedom of Expression*, OAS/Ser.L/V/II Doc. 50, March 6, 2023, paras. 1367, 1377; IACHR, Annual Report 2023, *Report of the Office of the Special Rapporteur for Freedom of Expression*, OAS/Ser.L/V/II Doc. 386, December 6, 2023, paras. 1615, 1618, 1624, 1625.



expression, as it is journalists and media outlets that keep society informed about matters of public interest and contribute to the existence of a broad, robust, and plural public debate.<sup>160</sup> For this reason, states have the obligation to create the conditions for journalists to perform their duty freely, independently, and safely.<sup>161</sup>

## 2. Harassment and aggressions against the press and obstructions to press coverage

109. According to public information, national and foreign journalists face a climate of hostility and repression characterized by threats, physical assaults, censorship and restrictions on access to information.<sup>162</sup> Thus, for example, on February 15, René Herrera, a journalist from *Revista del Tuy*, reported that workers from the State Railways Institute prevented his coverage at the Libertador Simón Bolívar station (La Rinconada) by denying him access to verify reports of irregularities; and that he was searched by officials of the Bolivarian National Police.<sup>163</sup>

110. Likewise, Luis López, a journalist from the regional media outlet La Verdad de Vargas, reported on January 24 about the presence of police officers near his home in the Carlos Soublette parish, Vargas state. In a video released on social media, López expressed his concern and stated that he was doing his job and that he has "nothing to hide."<sup>164</sup> Additionally, he reported that SEBIN officials took photographs of his house from a motorcycle and a truck.<sup>165</sup>

111. On January 17, officials from state security agencies reportedly forced Gerson Cuevas, a journalist from the YouTube channel *Televisora Cultural Barinesa*, and Neptalí Querales, a photojournalist from the newspaper *La Noticia de Barinas*, to hand over their phones. According to public reports, they had deleted the audiovisual content related to a police operation at the headquarters of the National Federation of Trade Unions and Colleges of Education Workers of Venezuela (Fenatev), where Professor Víctor Venegas was detained.<sup>166</sup>

112. During the electoral day of July 28, 2024, civil society organizations documented at least 15 cases and 16 complaints of violations of the right to freedom of expression. In particular, they recorded instances where journalists were denied access to polling stations despite having accreditation from the National Electoral Council (CNE).<sup>167</sup> Among the affected individuals were nine journalists, four media outlets, two private individuals, two photojournalists, and one cameraman.<sup>168</sup>

113. After the July 28 elections, the IACHR and its Special Rapporteurship warned about the escalation of repression against journalists and media in Venezuela. The main aggressions against the press included: raids, media closures, confiscation of equipment, cancellation of passports, deportation of international journalists, unjustified dismissals, threats and censorship, which has generated a climate of fear among media professionals, who have been forced to restrict their informative activity.<sup>169</sup> At the local level, the Commission and the Office of the Special Rapporteur received reports of threats of criminalization by mayors,

<sup>160</sup> IHR Court, Advisory Opinion OC-5/85 of November 13, 1985. "Compulsory registration of journalists (Arts. 13 and 29 American Convention on Human Rights), para. 71; IACHR, [Background and Interpretation of the Declaration of Principles](#).

<sup>161</sup> IACHR, Special Rapporteurship for Freedom of Expression, [Inter-American legal framework on the right to freedom of expression](#), OAS/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 8 and para. 165 and following.

<sup>162</sup> RSF, [Venezuela: RSF registers 70 attacks on press freedom in 15 days](#), August 13, 2024.

<sup>163</sup> Espacio Público, [General situation of the right to freedom of expression and information, January-April 2024](#), May 3, 2024.

<sup>164</sup> Espacio Público, [General situation of the right to freedom of expression and information, January-April 2024](#), May 3, 2024.

<sup>165</sup> Espacio Público, [General situation of the right to freedom of expression and information, January-April 2024](#), May 3, 2024.

<sup>166</sup> IPYS, [State security forces deleted information content of two journalists in Barinas](#), January 24, 2024.

<sup>167</sup> Espacio Público, [Partial Report, July 28: coverage in polling stations forbidden](#), July 28, 2024.

<sup>168</sup> Espacio Público, [Partial Report, July 28: coverage in polling stations forbidden](#), July 28, 2024.

<sup>169</sup> Special Rapporteurship for Freedom of Expression (RELE), Press Release No. 190/24, [RELE alerts international community on arbitrary detention of journalists and criminalization of dissent in Venezuela](#), August 23, 2024.



governors and “collectives”.<sup>170</sup> There have also been reports of the circulation of pamphlets and lists containing personal information of journalists and members of polling stations to facilitate their detention.<sup>171</sup>

114. In particular, in 2024 a concerning pattern was observed in the detention and expulsion of international correspondents in Venezuela, as well as the prohibition of their entry into the country. Such was the case of Colombian journalists Carolina Trinidad and Vanessa de la Torre, of *Radio Caracol*, on July 28, who were reportedly deported from the Maiquetía airport.<sup>172</sup>

115. On August 1, Chilean journalists Iván Núñez and José Luis Tapia were reportedly detained and held incommunicado at the military post of Chururú (Barinas) after entering the country from Cúcuta, Colombia.<sup>173</sup> Similar events occurred on August 2 with Spanish journalist Álvaro Nieto, director of *The Objective*, who was reportedly expelled after a two-hour interrogation<sup>174</sup> and on August 3, Ecuadorian journalist Dayana Krays.<sup>175</sup> Likewise, there were reports of the arrest and expulsion of Italian journalist Marco Bariletti.<sup>176</sup>

116. There were also reports of the deportation of Argentine journalist Jorge Pizarro. The Association of Argentine Journalistic Entities (ADEPA) strongly rejected his detention and possible deportation.<sup>177</sup> Italian journalist Barbara Schiavulli claimed that a group of international reporters were denied visas two days before their trip, preventing them from covering the presidential elections.<sup>178</sup>

117. The Commission and RELE were informed about the detention and expulsion of the reporter of the Spanish media *Ok Diario*, Cake Minuesa, during the July 28 elections. Minuesa, who allegedly described the result announced by the CNE as “fraud”, was arrested by officials of the Directorate of Military Counterintelligence (DGCIM). According to *Ok Diario*, he was transferred to Bogotá on July 29 to be deported to Spain. According to public reports, the journalist was released after the efforts of the Spanish Foreign Ministry and the Spanish Embassy in Caracas.<sup>179</sup>

118. In the post-electoral period, the dismissal of at least 100 workers of the public channel *Venezolana de Televisión* was also reported, after the review of their status and content in the instant messaging application WhatsApp, which contained messages against the government. According to publicly available information, the human resources office of the channel would be monitoring the workers' publications.<sup>180</sup>

119. In this regard, it is recalled that intimidation and threats against social communicators severely restrict freedom of expression, and that it is the State's duty to prevent and investigate these events.<sup>181</sup> The Commission and its Special Rapporteurship have held that attacks against journalists and the media are aimed at silencing them, thus not only violating the individual right of reporters to express and disseminate

<sup>170</sup> Special Rapporteurship for Freedom of Expression (RELE), Press Release No. 190/24, RELE alerts international community on arbitrary detention of journalists and criminalization of dissent in Venezuela, August 23, 2024.

<sup>171</sup> Special Rapporteurship for Freedom of Expression (RELE), Press Release No. 190/24, RELE alerts international community on arbitrary detention of journalists and criminalization of dissent in Venezuela, August 23, 2024.

<sup>172</sup> RSF, Venezuela: RSF registers 70 attacks on press freedom in 15 days, August 13, 2024.

<sup>173</sup> RSF, Venezuela: RSF registers 70 attacks on press freedom in 15 days, August 13, 2024.

<sup>174</sup> RSF, Venezuela: RSF registers 70 attacks on press freedom in 15 days, August 13, 2024.

<sup>175</sup> RSF, Venezuela: RSF registers 70 attacks on press freedom in 15 days, August 13, 2024.

<sup>176</sup> Espacio Público, August: censorship and post-election repression, September 5, 2024.

<sup>177</sup> Association of Argentine Journalistic Entities (ADEPA), [@Adepargentina], (July 25, 2024), We strongly condemn the detention and possible deportation of journalist Jorge Pizarro, X, [https://x.com/Adepargentina/status/1816479261236101274?t=ZDd8iiq8xvMsTaK9-c0\\_Bw&s=08](https://x.com/Adepargentina/status/1816479261236101274?t=ZDd8iiq8xvMsTaK9-c0_Bw&s=08); Espacio Público, [@espaciopublico], (July 25, 2024), The Venezuelan government denied entry into the country to Argentinean journalist, Jorge Pizarro, X, <https://x.com/espaciopublico/status/1816463273677423012>.

<sup>178</sup> Espacio Público, [@espaciopublico], (July 23, 2024), Italian journalist Barbara Schiavulli (@schiavulli) claimed that a group of international reporters will not be allowed to come to Venezuela to cover the presidential elections, X, <https://x.com/espaciopublico/status/1815760022183260360>.

<sup>179</sup> Espacio Público, Protests #29J: arrests and attacks on the press, July 29, 2024.

<sup>180</sup> Espacio Público, August: censorship and post-election repression, September 5, 2024.

<sup>181</sup> IACHR, Declaration of Principles on Freedom of Expression, 2000.



their ideas, opinions and information, but also affecting the right of a society to freely access information.<sup>182</sup> An independent and critical press is a fundamental element for the validity of the other freedoms that make up the democratic system and the rule of law.<sup>183</sup>

120. In addition, there are reports of stigmatizing statements against journalists and independent media. Public officials, both at the national and local levels, frequently brand them as “coup perpetrators”, “accomplices” and “financed terrorists”.<sup>184</sup> Thus, for example, on March 25, the President criticized the news agencies EFE (Spain), AFP (France) and AP (USA) for not covering any of the more than 10 candidates nominated. In this regard, he held “the agencies of the West, the United States, Europe and the right wing have no morals. They cover up the reality of Venezuela”.<sup>185</sup> Likewise, he allegedly disqualified other news agencies such as CNN en Español, accusing it of trying to “smear the electoral process”.<sup>186</sup> According to public reports, these statements reflect recurring behavior during his campaign.<sup>187</sup>

121. The IACHR and its Rapporteurship for Freedom of Expression reaffirm that public authorities are required to maintain a narrative conducive to public deliberation and freedom of expression. In this sense, they have the duty to refrain from making stigmatizing or intentionally false statements that may increase the risk of attacks on journalists’ lives and integrity, inherent to the profession.<sup>188</sup> International human rights standards require that authorities treat journalists in interviews and press conferences with respect and fairness. The Inter-American human rights system understands that stigmatizing statements by public officials may constitute an indirect restriction on the right to freedom of expression.<sup>189</sup>

### 3. Attacks, raids and closure of communication media

122. By the end of 2023, civil society organizations documented the closure of at least 408 media companies in Venezuela during the last 20 years, as a result of a prolonged process of restriction of information spaces and the practice of journalism in the country.<sup>190</sup> According to public reports, radio stations have been the most affected, with 285 stations closed in the last two decades, representing 71% of the total number of media outlets shut down.<sup>191</sup>

123. The NGO Espacio Público has noted the scarcity of information in regions such as Falcón, where 36 radio stations operate, of which 29 only broadcast music and content aligned with the government.<sup>192</sup>

<sup>182</sup> IACHR, Background and Interpretation of the Declaration of Principles; IACHR, Special Rapporteurship for Freedom of Expression, Violence against journalists and media workers: Inter-American standards and national practices on prevention, protection and prosecution, OAS/Ser.L/V/II. IACHR/RELE/INF. 12/13., December 31, 2013.

<sup>183</sup> IACHR, Background and Interpretation of the Declaration of Principles; IACHR, Annual Report 2023, Report of the Office of the Special Rapporteur for Freedom of Expression, OAS/Ser.L/V/II Doc. 386, December 6, 2023, para. 1613.

<sup>184</sup> Special Rapporteurship for Freedom of Expression (RELE), Press Release No. 190/24, RELE alerts international community on arbitrary detention of journalists and criminalization of dissent in Venezuela, August 23, 2024.

<sup>185</sup> Espacio Público, General situation of the right to freedom of expression and information, January-April 2024, May 3, 2024.

<sup>186</sup> Espacio Público, [@espaciopublico], (July 20, 2024), Nicolás Maduro once again verbally harassed the international news agencies CNN en español, EFE, AFP and AP, calling them “trash” and accusing them of “wanting to smear the electoral process” in Venezuela, X, <https://x.com/espaciopublico/status/1814637101738029524>.

<sup>187</sup> SNTF, [@sntpvenezuela], (2 July 2, 2024), Nicolás Maduro once again lashes out at international agencies

@AFPespanol, @EFEnoticias and @AP\_Noticias, as well as against the channel@CNNEE, by branding them as “hired assassins of lies”. This is a reiterated behavior during the president’s campaign, X, <https://x.com/sntpvenezuela/status/1815492367459213707>.

<sup>188</sup> United Nations Special Rapporteur (ONU) on the Protection and Promotion of Freedom of Opinion and Expression; Representative of the Organization for Security and Cooperation in Europe (OSCE) on Freedom of the Media; the Special Rapporteur on Freedom of Expression of the Organization of American States (OAS); Special Rapporteur on Freedom of Expression and Access to Information of the African Commission on Human and Peoples’ Rights (ACHPR), Joint Statement 2021 on Political Leaders, Public Officials, and Freedom of Expression, October 20, 2021.

<sup>189</sup> IHR Court. Case of Ríos and others Vs. Venezuela. Preliminary Exceptions, Merits, Reparations and Costs. Judgment of January 28, 2009. Series C No. 194, para. 139.

<sup>190</sup> Voz de América, Venezuela: More than 400 communication media closed in two decades, January 8, 2024.

<sup>191</sup> Voz de América, Venezuela: More than 400 communication media closed in two decades, January 8, 2024.

<sup>192</sup> Voz de América, Venezuela: More than 400 communication media closed in two decades, January 8, 2024.



It has also documented that 13 states lack independent media after these closures, including Amazonas, Apure, Aragua, Barinas, Cojedes, Delta Amacuro, Falcón, Guárico, Mérida, Monagas, Portuguesa, Sucre and Trujillo.<sup>193</sup>

124. Between January and April 2024, the IACHR and the Office of the Special Rapporteur were informed of the closure of at least 13 radio stations in the states of Apure, Bolívar, Carabobo, Distrito Capital, Lara, Portuguesa, Trujillo and Zulia.<sup>194</sup> According to public information, these closures are part of a government policy aimed at limiting the dissemination of opinions and information.

125. On January 23, 2024, *Radio Hispana 89.5 FM* in San Felipe, Yaracuy, was reportedly vandalized by unknown groups that painted “Furia Bolivariana 2024”. This act was repeated in stores and opposition parties.<sup>195</sup>

126. The IACHR and its Special Rapporteurship learned that on February 2, the National Telecommunications Commission (Conatel) reportedly closed the radio station *Onda 100.9 FM* in Valencia, Carabobo. According to the SNTP, the station had been previously inspected in 2023.<sup>196</sup> On the other hand, on February 23, Conatel reportedly ordered to shut down the transmitters of *Senda 96.1 FM*, *Mágica 93.3 FM* and *Clásicos 93.9 FM* in Ciudad Ojeda, Zulia.<sup>197</sup>

127. For its part, on March 8, 2024, Conatel officials, accompanied by military personnel, reportedly shut down the radio station *Bendición Stereo 93.9 FM* in Upata, Bolívar state, arguing that the station “shone too brightly”. According to the administrative order, it was found that the station did not have a license or concession for the use of the radio electric spectrum.<sup>198</sup>

128. On the other hand, *Ecos del Paramo 100.3 FM*, a radio station located in Tuñame, Trujillo state, reportedly ceased operations on February 27 by order of Governor Omar Marquez. According to public information, state officials and police officers took away the station's equipment, arguing that it was operating in a clandestine manner and without Conatel's permission.<sup>199</sup>

129. Likewise, on March 4, the Spanish-language *Deutsche Welle (DW)* news channel was removed from the SimpleTV cable network in Venezuela, upon the publication of a video that addresses corruption in Latin America, including Venezuela.<sup>200</sup> It was reported that the channel, which was tuned to 770, displayed a “not found” message and was also removed from Supercable and NetUno.<sup>201</sup>

130. Subsequently, accusations were made by the Minister of Communication, Freddy Nández, who criticized *DW* for “covering up the genocide in Gaza”, “lying”, “defaming” and “spreading hatred” towards

<sup>193</sup> Voz de América, Venezuela: More than 400 communication media closed in two decades, January 8, 2024.

<sup>194</sup> Espacio Público, General situation of the right to freedom of expression and information, January-April 2024, May 3, 2024.

<sup>195</sup> SNTP, [@sntpvenezuela], (23 de January 2024), The premises of Radio Hispana 89.5 FM in #SanFelipe, #Yaracuy state, awoke vandalized by the action of unknown groups that scratched its walls with the phrase “Furia Bolivariana 2024”, X, <https://x.com/sntpvenezuela/status/1749928253387579502>; Abc, Venezuelan press union denounces vandalization of media and trade union headquarters, January 23, 2023; El Diario, Venezuelan press union claims vandalization of media and trade union headquarters, January 24, 2024.

<sup>196</sup> Espacio Público, February: intimidation and censorship increase, March 4, 2024.

<sup>197</sup> Espacio Público, General situation of the right to freedom of expression and information, January-April 2024, May 3, 2024; CNP Caracas, [@CNPCaracas], February 24, 2024, This #23Feb in #CiudadOjeda radio stations Mágica 93.3 FM, Senda 96.1 FM and Clásicos 93.9 FM were closed by order of #Conatel. Less media, less news and more censorship, X, <https://x.com/CNPCaracas/status/1761394900573049187?t=VYHe58KG22EpdvzYs-Ig1A&s=19>.

<sup>198</sup> Espacio Público, General situation of the right to freedom of expression and information, January-April 2024, May 3, 2024.

<sup>199</sup> Espacio Público, Governor of Trujillo State ordered the closure of Ecos del Paramo 100.3 FM, February 28, 2024; Espacio Público, February: intimidation and censorship increases, March 4, 2024.

<sup>200</sup> SNTP, [@sntpvenezuela], (March 4, 2024), This #4Feb, the @DW\_espanol signal was removed from @Simpletvve's feed, X, <https://x.com/sntpvenezuela/status/1764839651385184585>; CNP Caracas, [@CNPCaracas], (March 4, 2024), #Today they removed @DW\_espanol. channel from @Simpletvve after the Minister of Communication accused them of spreading hate, X, <https://x.com/CNPCaracas/status/1764845539168792956>.

<sup>201</sup> Albertonews, SNTP after DW's signal removal in Venezuela: « This would be the second time it has been removed from the cable companies upon instructions from the government», March 4, 2024.



Venezuela.<sup>202</sup> The President, in his program “Con Maduro +”, described *DW* as “half Nazi”.<sup>203</sup> The SNTP held that this is the second time that *DW*’s signal has been withdrawn by the government, the first being in April 2019.<sup>204</sup>

131. Since March 4, some Internet companies in Venezuela have reportedly blocked access to the news portal *El Político*. The Observatorio de Internet VE sin Filtro confirmed the blocking, in which CANTV and the private companies Movistar, Digitel, Inter and NetUno are allegedly involved.<sup>205</sup>

132. On April 12, 2024, *Radio Cristal 610 AM* in Barquisimeto, Lara State and *Reconciliación 93.5 FM* in Quíbor were shut down.<sup>206</sup> On April 5, Conatel closed *Excelente 107.9 FM* in Upata, Bolívar state, where equipment was taken.<sup>207</sup> On the other hand, the digital media *Última Hora*, in Portuguesa, reportedly ceased operations due to threats from the pro-government governor Primitivo Cedeño, and in order to “safeguard the physical integrity of its journalists and workers”.

133. It was also reported that the main Internet operators in Venezuela have blocked access to *The Wall Street Journal*’s website after the publication on August 1 of an opinion article by opposition leader María Corina Machado, in which she questioned the results of the presidential elections.<sup>208</sup>

134. Likewise, reports were received stating that the mayor of Boconó, Alejandro García, had suggested the local media to avoid publishing critical content, accusing the radio station *Boconesa 107.3 FM* of being a “coup plotter and accomplice” in an attack on the Dalla Acosta High School on July 28.<sup>209</sup> In addition, the governor of Trujillo, Gerardo Márquez, reportedly threatened the media that they would be “visited” by “Operation Tun Tun”, referring to the visit of state security agencies.<sup>210</sup> Also the coordinator of Conatel in Monagas state, Rosalva Teresen, informed the Monagas media of the prohibition to broadcast news that “infringe elements classified as violence”, warning of possible fines or the withdrawal of concessions.<sup>211</sup>

135. In view of the aforementioned facts, the Commission and its Special Rapporteurship recall that direct or indirect pressures aimed at silencing the informative work of social communicators are incompatible with the right to freedom of expression. According to Principle 13 of the Declaration of Principles on Freedom of Expression of the IACHR, “the use of State power and the resources of the public treasury; the granting of tariff privileges; the arbitrary and discriminatory allocation of official advertising and official credits; the granting of radio and television frequencies, among others, with the aim of pressuring and punishing or rewarding and privileging social communicators and the media according to their informative lines, violates freedom of expression and should be expressly prohibited by law”. The IACHR and RELE stress that the allocation of radio and television frequencies must consider democratic criteria that guarantee equal opportunities, diversity and pluralism.<sup>212</sup>

<sup>202</sup> Talcual, *DW removed from SimpleTV and other services after criticism by Freddy Nãñez*, March 4, 2024; Albertonews, *Venezuela removes German channel DW from cableras after report on the Los Soles Cartel (Details)*, March 4, 2024; Infobae, [Censorship in Venezuela: Maduro’s dictatorship removed German channel DW from subscription TV programming](#), March 4, 2024; Prensa Latina, [Minister accuses German media of hate campaign against Venezuela \(+Post\)](#), March 4, 2024.

<sup>203</sup> Albertonews, [SNTP after DW’s signal removal in Venezuela: « This would be the second time it has been removed from the cable companies upon instructions from the government»](#), March 4, 2024.

<sup>204</sup> Albertonews, [SNTP after DW’s signal removal in Venezuela: « This would be the second time it has been removed from the cable companies upon instructions from the government»](#), March 4, 2024.

<sup>205</sup> Espacio Público, *Internet operators block El Político news portal*, March 6, 2024.

<sup>206</sup> Infobae, [New attack against the press in Venezuela: one journalist was arrested and another struggled with those who tried to take him away](#), April 16, 2024.

<sup>207</sup> Infobae, [New attack against the press in Venezuela: one journalist was arrested and another struggled with those who tried to take him away](#), April 16, 2024.

<sup>208</sup> Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

<sup>209</sup> Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

<sup>210</sup> Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

<sup>211</sup> Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

<sup>212</sup> IACHR, Special Rapporteurship for Freedom of Expression, [Freedom of expression standards for free and inclusive broadcasting](#), OAS/Ser.L/V/II IACHR/RELE/INF. 3/09, December 30, 2009, para. 58.



#### 4. Discrimination and persecution of critical and dissident voices

136. The Commission and its Office of the Special Rapporteur have documented various repressive practices and acts of violence against activists, human rights defenders, opposition leaders, and electoral witnesses. For example, on February 2, 2024, officials of the Criminal Investigation Service of the state of Zulia reportedly arrested *influencer* Marcos Caraballo for wearing “indecent clothing” during a photo session in front of the Basilica of La Chinita. Nerio Antonio Bello, supplier of the costume, was also reportedly arrested as a result of complaints in social networks and pressure from religious sectors.<sup>213</sup>

137. Likewise, LGBTIQ+ activist Yendri Velásquez was detained on August 3 at the International Airport of Maiquetía, La Guaira, while attempting to travel to Switzerland to participate in the UN Committee against Racial Discrimination. According to publicly available information, he was informed at the airport that his passport had been annulled, and was subjected to forced disappearance before being released that night in Caracas.<sup>214</sup> In addition, reports from civil society organizations warn of discriminatory messages from state officials in national media such as *Globovisión* and *Venezolana de Televisión*, which are leading to harassment and persecution of LGBTIQ+ people and human rights defenders.<sup>215</sup>

138. On February 9, lawyer and activist Rocío del Carmen San Miguel Sosa was detained at the Simón Bolívar International Airport when she attempted to travel with her daughter.<sup>216</sup> The Public Ministry confirmed her detention on the basis of an arrest warrant for allegedly being linked to the “White armband” conspiracy, the purpose of which was to attempt an attack on the life of the president and other officials.<sup>217</sup>

139. According to public reports, during 2024, it became known of the arbitrary detention of citizens who shared or disseminated critical information about the government. Such was the case of Jesús Alexander Suárez, when on August 1 he was arrested in Puerto Cabello by the SEBIN after publishing a video on TikTok mentioning the President of the Republic and the Minister of Interior Relations, Justice and Peace. According to public reports, after his arrest he was recorded “confessing” under duress. The video was posted on the Instagram account of Colonel Alexander Granko Arteaga.<sup>218</sup>

140. That same day, a 43-year-old woman was reportedly arrested in Ocumare del Tuy for writing “freedom” on the street with flour from the CLAP program.<sup>219</sup> According to reports, she was accused of “incitement to hatred”. In Anzoátegui, Jesús Manuel Martínez was reportedly arrested by the regional police for disseminating content of “promotion and incitement to hatred”.<sup>220</sup> Likewise, it was reported that Iris Rincón was arrested in Maracaibo for criticizing the President of the Republic and the CLAP program on TikTok. Rincón was accused of “instigation to hatred”. According to reports, the GNB commander shared a video where she apologizes and assures that she was paid to record it.<sup>221</sup> A similar episode occurred with the lawyer and coordinator of Vente Venezuela in Portuguesa, María Oropeza, who was allegedly arbitrarily detained after publishing a critical video about the persecution of opponents.<sup>222</sup>

<sup>213</sup> Espacio Público, [General situation of the right to freedom of expression and information, January-April 2024](#), May 3, 2024.

<sup>214</sup> Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

<sup>215</sup> Espacio Público, [February: intimidation and censorship increases](#), March 4, 2024.

<sup>216</sup> Aula Abierta, [Detention of professor and human rights advocate Rocío San Miguel also violates academic freedom and democracy](#), February 13, 2024.

<sup>217</sup> CNN en español, President of the Venezuelan NGO Control Ciudadano, Rocío San Miguel, detained, February 11, 2024; Aula Abierta, [Detention of professor and human rights advocate Rocío San Miguel also violates academic freedom and democracy](#), February 13, 2024.

<sup>218</sup> Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

<sup>219</sup> Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

<sup>220</sup> Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

<sup>221</sup> Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

<sup>222</sup> Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.



## 5. Closure of civic space and restrictive legislative initiatives.

141. On April 2, 2024, Executive Vice President Delcy Rodríguez presented a bill for a Law against Fascism, Neo-Fascism and Similar Expressions, which had already received approval in first discussion by the National Assembly<sup>223</sup>. Rodríguez informed through his account on X (formerly *Twitter*) that the President of the Republic has decided to establish a High Commission of State against Fascism and Neofascism, in charge of presenting a bill to the National Assembly.<sup>224</sup> According to civil society organizations, in a context of increasing political repression and violations of freedom of expression, this law would be added to a series of regulations that seek to restrict civic space and silence critical sectors, in line with the previous Anti-Hate Law.<sup>225</sup>

142. As far as the Commission and the Office of the Special Rapporteur were able to learn, Article 4 of the bill defines characteristic features of “fascism” as racism, chauvinism, classism, moral conservatism, neoliberalism, misogyny and any phobia “against human beings and their right to non-discrimination and diversity”. In addition, “neo-fascism and similar expressions” would be understood to include any ideological stance which reproduces, in whole or in part, the principles and methods of fascism.

143. Article 11, on the “Prohibition of fascist messages”, would establish a list of forbidden acts related to the apology and promotion of fascism. Paragraph 3 prohibits messages that “denigrate democracy, its institutions and republican values”, creating a wide margin of discretion that can restrict freedom of expression and silence criticism of the government. On the other hand, numeral 5 prohibits expressions that “exalt or make apology of principles and methods of fascism”.<sup>226</sup> On this matter, civil society organizations have expressed their concern, since its ambiguous wording may allow arbitrary interpretations and discretionary use by the authorities.<sup>227</sup>

144. According to reports from civil society organizations, the Law against Fascism would impose severe restrictions on freedom of expression and the right of association. In particular, it would oblige the media to “guarantee spaces free of fascist messages”, allowing Conatel to impose administrative sanctions, such as excessive fines and revocation of concessions, as well as penalties of up to 12 years in prison for those who promote fascism and allows for the dissolution of organizations that promote or praise fascism.<sup>228</sup>

145. This law would have as one of its aims to disqualify those who allegedly promote fascist behavior, which could affect their right to participate in politics and parliamentary immunity. In addition, it would contemplate fines for those who finance organizations that incur in actions contrary to the regulations, which could imply an “undue interference by the State in matters of international cooperation in violation of the principle of autonomy as a guarantee of free association”.<sup>229</sup> On August 12, the President of the National Assembly, Jorge Rodríguez, announced the suspension of the parliamentary recess to approve these laws.<sup>230</sup>

## 6. Restrictions on freedom of expression on the Internet

146. Cases of violations to freedom of expression on the Internet have increased during 2024. In particular, in March of this year, massive service failures were recorded in several regions of the country, allegedly caused by failures in the electricity supply, with special incidence in the states of Nueva Esparta, Lara,

<sup>223</sup> Provea, [Venezuela in front of the mirror of fascism: human rights perspectives on the bill “Law against fascism, neo-fascism and similar expressions”](#) | Peace Laboratory, April 4, 2024.

<sup>224</sup> Provea, [Venezuela in front of the mirror of fascism: human rights perspectives on the bill “Law against fascism, neo-fascism and similar expressions”](#) | Peace Laboratory, April 4, 2024.

<sup>225</sup> Espacio Público, [Law against hate and fascism, two sides of the same coin](#), April 15, 2024.

<sup>226</sup> Cepaz, [UN Special Rapporteurs request Venezuela to review and reconsider anti-fascism bill](#), October 8, 2024.

<sup>227</sup> Provea, [Venezuela in front of the mirror of fascism: human rights perspectives on the bill “Law against fascism, neo-fascism and similar expressions”](#) | Peace Laboratory, April 4, 2024.

<sup>228</sup> Espacio Público, [Law against hate and fascism, two sides of the same coin](#), April 15, 2024; Cepaz, [UN Special Rapporteurs request Venezuela to review and reconsider anti-fascism bill](#), October 8, 2024.

<sup>229</sup> Espacio Público, [Law against hate and fascism, two sides of the same coin](#), April 15, 2024;

<sup>230</sup> Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.



Sucre, Trujillo, Táchira and Barinas and Carabobo, Falcón, Lara and Zulia.<sup>231</sup> On March 14, a new failure in Táchira led to a reduction of connectivity to 91% nationwide, but in that state, the connection was reduced by half.<sup>232</sup>

147. In addition, the government reportedly used the blocking of digital portals as a strategy to silence the independent press and non-governmental organizations.<sup>233</sup> In particular, on July 22, the main operators reportedly blocked the domain *vesinfiltro.com*. On that day, six news sites, including *Tal Cual*, *El Estímulo*, *Analítica* and *Runrun.es*, as well as the organizations Medianálisis and the platform *Ve Sin Filtro*, were blocked by internet suppliers Cantv, Movistar, Digitel, Inter and NetUno.<sup>234</sup>

148. On July 17, state-owned *Cantv* reportedly implemented a DNS block on the website of the organization Espacio Público, according to *Ve Sin Filtro*.<sup>235</sup> Likewise, civil society organizations register around 62 sites that have been blocked by Conatel, including verification platforms such as the *Venezuelan Fake News Observatory*, *EsPaja* and *Cazadores de Fake News*, prior to the July 28 elections.<sup>236</sup>

149. Following the presidential elections, the government has intensified repression in the digital sphere, using technology to profile, monitor and intimidate opponents and critical voices.<sup>237</sup> Blocking of websites, social networks and instant messaging platforms has been documented, as well as the use of applications that encourage citizens to inform on each other. In particular, the *VenApp* application, originally intended for the management of public services, has been reconfigured with functions to inform on individuals to the government under labels such as “suspicious” activities, “fascist guarimba”, “disinformation” and “public disorder”.<sup>238</sup> According to available information, the *VenApp* application has been disabled in the Apple Store and Google Play stores, preventing its download on iOS and Android devices in Venezuela.<sup>239</sup> In that context, the IACHR and its RELE have received information on random street detentions for the inspection of content on mobile devices, as well as the use of video surveillance and patrolling drones.<sup>240</sup>

150. According to public reports, state security forces are reportedly actively monitoring social networks and asking supporters to report dissident activities, which has led to arrests and warrantless raids.<sup>241</sup> Those detained are reportedly being denied access to a fair trial and are being sent to “re-education centers”. This is reportedly part of “Operation Tun Tun”, which uses platforms such as Instagram, Telegram and X (formerly *Twitter*) to reveal names, photos and addresses of dissidents and opponents, including activists, journalists and electoral witnesses.<sup>242</sup> In addition, government leaders would use their social networks and state-run media to expose and intimidate.<sup>243</sup>

151. On August 5, the President of the Republic announced his intention to regulate or block TikTok, Instagram and X (formerly *Twitter*), accusing these platforms of promoting “hate and fascism”. Two days later, it became known that he initiated a criminal investigation against those responsible for the page

<sup>231</sup> Infobae, [Imprisoned journalists or with arrest warrants and media under threat: repression against the press grows in Venezuela](#), April 7, 2024.

<sup>232</sup> Infobae, [Imprisoned journalists or with arrest warrants and media under threat: repression against the press grows in Venezuela](#), April 7, 2024.

<sup>233</sup> Ntn24, [“We are on the verge of an ‘information blackout’ in Venezuela for July 28”: Secretary of the National Union of Press Workers](#), July 23, 2024.

<sup>234</sup> IPYS, [Web site blockages persist during the election campaign](#), July 24, 2024.

<sup>235</sup> IPYS, [Web site blockages persist during the election campaign](#), July 24, 2024.

<sup>236</sup> ProBox Digital Observatory, [TerrorOnNetworks: Maduro’s digital strategy to repress critical voices](#), August 25, 2024; Access Now, [Open letter on technology-enabled political violence in Venezuela](#), August 5, 2024.

<sup>237</sup> IACHR, Press Release No. 184/24, [IACHR and RELE condemn practices of state terrorism in Venezuela](#), August 15, 2024.

<sup>238</sup> IACHR, Press Release No. 184/24, [IACHR and RELE condemn practices of state terrorism in Venezuela](#), August 15, 2024.

<sup>239</sup> El Diario, [The VenApp application was disabled for iOS and Android: the details](#), July 31, 2024; Tal Cual, [EsPaja | Was VenApp removed from Google Play Store and Apple App Store in Venezuela?](#), August 1, 2024.

<sup>240</sup> Access Now, [Open letter on technology-enabled political violence in Venezuela](#), August 5, 2024; IACHR, Press Release No. 184/24, [IACHR and RELE condemn practices of state terrorism in Venezuela](#), August 15, 2024.

<sup>241</sup> Access Now, [Open letter on technology-enabled political violence in Venezuela](#), August 5, 2024.

<sup>242</sup> Access Now, [Open letter on technology-enabled political violence in Venezuela](#), August 5, 2024.

<sup>243</sup> Access Now, [Open letter on technology-enabled political violence in Venezuela](#), August 5, 2024.



resultadosconvzla.com and ordered the suspension of the social network X for 10 days, as well as blocking the messaging application Signal and insisting that citizens uninstall WhatsApp.<sup>244</sup>

152. On August 9, the government also reportedly blocked the website Reddit and warned television networks of sanctions if they covered protests. According to public reports, the state-owned *CANTV* blocked Microsoft domains, affecting access to Microsoft Teams and other services. There were also reports of blockages in the *CANTV* network to Binance and Mercado Libre portals and applications, among others.<sup>245</sup>

153. On August 14, the Internet connection in the country reportedly dropped to 81% of its capacity, especially affecting the states of Trujillo, Barinas and Portuguesa.<sup>246</sup> As far as the Commission and its Special Rapporteurship were able to determine, on August 31 there was a massive blackout that affected at least 20 states, causing an immediate drop in the connection to the Internet.<sup>247</sup>

154. The IACHR and its RELE recall that, as part of their positive obligation to promote and facilitate the enjoyment of human rights, States must take all measures within their power to ensure that all persons have effective access to the Internet. Furthermore, the obligation to respect implies that authorities should refrain from interfering with access to the internet and digital communication platforms, unless the restriction is in full compliance with the requirements set forth in the applicable human rights instruments.<sup>248</sup>

## 7. Academic freedom and repression of the educational community

155. Criminalization, persecution, threats, harassment and arbitrary detentions of members of the educational community and human rights defenders, motivated by political reasons, continue to be recurrent practices being reported by Venezuelan civil society organizations.<sup>249</sup> In particular, between January and November 2024, the organization Aula Abierta registered a total of 180 protests by members of the university community. Of these, 125 took place in universities in the center of the country, 28 in Los Andes, 6 in the East and 21 in the West. Of the documented protests, 89 were in person and 91 took place in digital spaces.<sup>250</sup> The main demands were a worthy salary and the defense of university autonomy, with 15 protests in defense of the financial autonomy of universities and 24 protests related to the defense of democracy and human rights.<sup>251</sup>

156. As for arbitrary detentions of members of the university community in the exercise of freedom of expression and academic freedom, the organization Aula Abierta documented, between June 2021 and March 2024, at least two cases of detention of professors and ten of students. Between 2014 and 2024, more than 410 arbitrary detentions have been recorded, as well as nine extrajudicial executions and four forced disappearances of members of the university community.<sup>252</sup>

157. On the other hand, the IACHR and its Office of the Special Rapporteur observe that during the post-electoral context, repressive practices against members of the educational community have intensified. They have received reports of multiple cases of arbitrary detentions, forced disappearances, threats and stigmatization, as well as acts of vandalism in academic facilities. In particular, between July 28 and September 30, 2024, Aula Abierta documented 51 incidents of reprisals against members of the university community, including 12 professors detained for their participation in post-election protests, 22 students deprived of liberty, 31 cases of harassment, and 71 students expelled from the Universidad Nacional Experimental de la

<sup>244</sup> Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

<sup>245</sup> Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

<sup>246</sup> Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

<sup>247</sup> Espacio Público, [August: censorship and post-election repression](#), September 5, 2024.

<sup>248</sup> Information submitted by Aula Abierta, File of the Office of the Special Rapporteur, May 31, 2024.

<sup>249</sup> El Espectador, [John Álvarez, the student who spent four months in prison, was released in Venezuela, December 23, 2024](#); Aula Abierta, [Detention of professor and human rights defender Roció San Miguel also violates academic freedom and democracy](#), February 13, 2024.

<sup>250</sup> Information submitted by Aula Abierta, Special Rapporteurship File, December 18, 2024.

<sup>251</sup> Information submitted by Aula Abierta, Special Rapporteurship File, December 18, 2024.

<sup>252</sup> Information submitted by Aula Abierta, File of the Office of the Special Rapporteur, May 31, 2024.



Seguridad (UNES).<sup>253</sup> There were also acts such as the cancellation of a teacher's passport and 18 student protests demanding improvements in university services.

158. Likewise, on July 28, 2024, irregularities were reported at the National Experimental Security University (UNES) in Caracas, where students were pressured to vote for Nicolás Maduro under threat of reprisals. At least 25 students who refused to vote for the president are still missing, and their relatives have complained about the lack of official information on their whereabouts.<sup>254</sup> Likewise, on August 1, 2024, an attack on the Gustavo Leal Library of the Central University of Venezuela (UCV) was reported following a critical statement made by the university regarding the elections.<sup>255</sup> In addition, armed groups linked to the government reportedly intercepted students and teachers, threatening and accusing members of the educational community of being “terrorists”.

#### IV. STRUCTURAL SITUATIONS WITH SERIOUS IMPACT ON THE ENJOYMENT AND EXERCISE OF HUMAN RIGHTS

159. This chapter analyzes how the political crisis in Venezuela, caused by the co-optation of state institutions, the collapse of public services and the use of corruption, undermined the State's capacity to guarantee and enjoy human rights. This had a special impact on groups in situations of vulnerability and historical discrimination, such as indigenous peoples, Afro-descendants, women, LGBTI people, children, adolescents and people living in poverty.

160. A large portion of the Venezuelan population continues to face a complex, severe and multidimensional humanitarian crisis, characterized by high rates of poverty, inequality and food insecurity, as well as by the collapse of the health system and the impact on various economic, social, cultural and environmental rights. In this context, despite reports of an improvement in the country's economic situation - with GDP growth projections of 4% by 2024 - it has been noted that this recovery has not translated into a substantial improvement in conditions for the population. According to reports, multiple regions of the country would remain mired in an economic depression and a severe crisis of public services, with an income poverty rate affecting 85% of the population.<sup>256</sup>

161. According to the UN Special Rapporteur on the Right to Food, 82% of the population lives in conditions of poverty and 53% in extreme poverty, with insufficient income to access a basic food basket.<sup>257</sup> According to the results of the National Survey of Living Conditions 2023, conducted by the Universidad Católica Andrés Bello, 51.9% of the population lives in multidimensional poverty.<sup>258</sup>

162. Along the same lines, high levels of economic inequality persist, which continue to place the country at historical highs and as one of the most unequal countries in Latin America. As a result, despite the decrease in the Gini in 2023 -from 60.3 to 51.2,<sup>259</sup> the difference in average *per capita* income is almost 35 times (\$10 versus \$347.2).<sup>260</sup> In this context, the Commission and REDESCA note that the high levels of inflation, 30.4%, between January and September 2024<sup>261</sup> continues to reduce the purchasing power of households and, thereby, their life standard.

<sup>253</sup> Aula Abierta, Executive summary: Violations of academic freedom and university autonomy in Latin America, October 2024. Information received by REDESCA-IACHR.

<sup>254</sup> Aula Abierta, Retaliation against university students in presidential elections in Venezuela between July 28 and 30, 2024, July 30, 2024.

<sup>255</sup> Aula Abierta, UN: Venezuelan university students detained after July 28 election suffer serious human rights violations, October 30, 2024.

<sup>256</sup> El País, Venezuela experiences economic recovery in times of electoral uncertainty, July 19, 2024.

<sup>257</sup> United Nations, press release, Venezuela: UN expert calls for human rights, not charity, to end hunger and malnutrition, February 14, 2024.

<sup>258</sup> Universidad Católica Andrés Bello, National Survey of Life Conditions 2023, March 2024.

<sup>259</sup> Provea, 2023 Report: context, April, 2024.

<sup>260</sup> Provea, 2023 Report: context, already cited.

<sup>261</sup> Infobae, Inflation in Venezuela rises 0.6 % in September and reaches 3.4 %, says autonomous agency, October 7, 2024.



## A. Challenges in the access and enjoyment of the rights to health, water, food and education

163. The collapse of the health system persists. Millions of people do not have access to basic services,<sup>262</sup> as a result of the shortage of basic supplies, medicines and equipment, as well as lack of access to water in hospitals<sup>263</sup> and the shortage of health personnel.<sup>264</sup> According to UNICEF, 75% of health centers in the country have no medical doctors and 74% do not have enough nursing staff.<sup>265</sup> Likewise, it has been reported that 72.4% of public health centers endure shortage of medicines, personnel and material, while 88.9% of public services reportedly do not function and 55% of public establishments lack access to water. As a result, 90% of patients would have to bring their own medical supplies in order to access health care.<sup>266</sup>

164. In this context, the Office of the United Nations High Commissioner for Human Rights (OHCHR) reported that, between May 1, 2023 and April 30, 2024, there was a shortage of approximately 35% of medical equipment and supplies in hospitals and 27.2% of the medicines needed for the treatment of common diseases such as diabetes, convulsions and respiratory infections. This situation affects several groups in a differentiated and disproportionate manner, including indigenous peoples, rural communities and people with HIV.<sup>267</sup> In turn, note was taken of the low vaccination rate in the country, with only 50.5% of 5-year-old children vaccinated.<sup>268</sup> As for children, the death of at least 85 infants who have died in the last seven years while waiting for a transplant in the context of the suspension of the Organ and Tissue Procurement System (SPOT) in Venezuela is also a matter of concern.<sup>269</sup>

165. This situation is aggravated by the lack of access to information, where the State has still not published the weekly epidemiological bulletin since 2016;<sup>270</sup> which hinders the proper identification of areas for improvement in Venezuela's public health system. The lack of access to drinking water also continues to be reported,<sup>271</sup> which has led to 69% of the population suffering from a lack of water supply.<sup>272</sup> In this regard, it has been noted that 4.3 million people in Venezuela require access to drinking water, while 27% of the population would receive water less than once a month.<sup>273</sup>

166. Along the same lines, the Commission and REDESCA remain concerned about the serious food insecurity crisis in the country. According to Hum Venezuela, by 2023, 91.6% of households had to use survival strategies to feed themselves, stressing that 45.2% of the population reportedly experienced food insecurity, representing an estimated 13 million people.<sup>274</sup> Likewise, 25.7% of the families would eat less than three meals a day and 22.8% would spend entire days without eating.<sup>275</sup>

167. Government programs do not resolve this situation because, in addition to being politically conditioned, they fail to address the structural causes of hunger.<sup>276</sup> On this point, note is also taken of the

<sup>262</sup> PROVEA, Right to health, 2023 Report, human rights situation in Venezuela, September 27, 2023.

<sup>263</sup> Amnesty International, The human rights situation in the world: April 2024, April 23, 2024, page 474.

<sup>264</sup> PROVEA, Right to health, 2023 Report, human rights situation in Venezuela, September 27, 2023.

<sup>265</sup> UNICEF, Humanitarian Situation Report No. 1: 01 January 2024 to 30 June 2024, page 2.

<sup>266</sup> Amnesty International, The State of the World's Human Rights: April 2024, April 23, 2024, page 474.

<sup>267</sup> OHCHR, Situation of human rights in the Bolivarian Republic of Venezuela: Report of the United Nations High Commissioner for Human Rights, A/HRC/56/63, 28 June 2024, para. 16.

<sup>268</sup> El Nacional, Vaccine shortage in Venezuela: vaccination is at 50.5%, June 24, 2024.

<sup>269</sup> PROVEA, Three children die in the first 15 days of 2024 at J. M. de los Ríos Hospital, January 17, 2024.

<sup>270</sup> El Nacional, Lack of Weekly Epidemiological Bulletin hinders vaccination coverage assessment, April 24, 2024.

<sup>271</sup> PROVEA, Right to a Healthy Environment: 2023 Report, Situation of Human Rights in Venezuela, April 30, 2024, page 11; PROVEA, Right to a Healthy Environment, 2023 Report, Situation of Human Rights in Venezuela, April 30, 2024, page 4, already cited.

<sup>272</sup> HumVenezuela, Report on the Follow-Up to the Complex Humanitarian Emergency in Venezuela, November 2023, page 16.

<sup>273</sup> UNICEF, Humanitarian Situation Report No.1, Reporting Period 1 January to 30 June 2024, August 15, 2024, page 6.

<sup>274</sup> HumVenezuela, Report on the Follow-Up to the Complex Humanitarian Emergency in Venezuela, November 2023, page 30.

<sup>275</sup> Amnesty International, The State of the World's Human Rights: April 2024, pages 474 and 278.

<sup>276</sup> United Nations, press release, Venezuela: UN expert calls for human rights, not charity, to end hunger and malnutrition, February 14, 2024.



complaints on the quality of the food provided by the CLAPs. In this way, it has been warned about the alarming setback in nutritional indicators, with millions of people suffering from malnutrition.<sup>277</sup>

168. In this appalling scenario, it is noted that, as noted by the OHCHR, the country's Indigenous peoples are disproportionately affected by malnutrition, exposure to disease and environmental degradation, which is due in part to the extractive activities carried out in their territories.<sup>278</sup>

169. On the other hand, in Venezuela there has been a 40% decrease in school attendance due to a lack of personnel because of insufficient salaries. In addition, the difficult living conditions in the country have led many students to abandon their studies in order to contribute financially to their families.<sup>279</sup> According to UNICEF, 75% of teachers and 61% of students have considered dropping out of university due to precariousness.<sup>280</sup>

170. The Commission and the Rapporteurship have also received concerning information on the impacts of the mosaic schedule established in the country, which involves scheduling classes in schools for two or three days a week for each grade, which has amplified educational inequalities affecting lower-income students.<sup>281</sup> This affects the quality of education received by students, which is also a consequence of the insufficient salaries of teachers and their difficulty in paying for daily commutes to and from work.<sup>282</sup>

171. In addition, according to Hum Venezuela, 74.6% of the 28,000 schools in the country face infrastructure problems, 73.4% do not have constant access to electricity and 80.9% lack a regular supply of drinking water.<sup>283</sup> As a result, 87% of teachers perceive that their institutions are stagnating or regressing. 91% hold that they do not have access to drinking water, and 85% report problems with the functioning of the restrooms.<sup>284</sup>

## **B. Labor precariousness and hostile environment for the defense of labor and union rights**

172. The defense of labor and union rights continues to face a hostile environment in which trade unionists and workers -among other groups- have claimed persecution, intimidation, harassment and other acts of violence against them.<sup>285</sup> Likewise, the International Trade Union Confederation has held that Venezuela is among the 13 countries in the world with the worst guarantee of the rights to strike, collective bargaining, unionization, access to justice, freedom of expression and association, among other rights.<sup>286</sup>

173. Said situation is particularly complex when most working people do not live a dignified life, while the minimum wage is 130 bolivars per month and unchanged since 2022<sup>287</sup> while pensioners also receive insufficient income. In this context, it is reiterated that salaries and pensions must ensure the guarantee of a dignified life. Due to the serious deprivations in this regard, in the first half of 2024 alone there were 2,383 protests, 70% of which focused on the demand for economic, social, cultural and environmental rights.<sup>288</sup>

<sup>277</sup> Voz de América, Worms and cobwebs: Venezuela's controversial government food bags that no one wants to eat, June 5, 2024.

<sup>278</sup> OHCHR, Situation of human rights in the Bolivarian Republic of Venezuela: Report of the United Nations High Commissioner for Human Rights, A/HRC/56/63, June 28, 2024, para. 24.

<sup>279</sup> UNICEF, Report No. 1 on Humanitarian Situation: January 01, 2024 to June 30, 2024, page 2.

<sup>280</sup> UNICEF, Report No. 1 on Humanitarian Situation: January 01, 2024 to June 30, 2024, page 19.

<sup>281</sup> REDESCA, Meeting with civil society organizations PROVEA and Radio Fe Alegria, held on May 9, 2024, on REDESCA's file.

<sup>282</sup> PROVEA, Amazonas: Venezuelan children cross the Orinoco to receive a better education in Colombia, July 16, 2024; Hum Venezuela, Follow-up report on the complex humanitarian emergency in Venezuela, November 2023, page 42.

<sup>284</sup> UNICEF, Report No. 1 on Humanitarian Situation: January 01, 2024 to June 30, 2024, page 27.

<sup>285</sup> OHCHR, Situation of human rights in the Bolivarian Republic of Venezuela: Report of the United Nations High Commissioner for Human Rights, A/HRC/56/63, 28 June 2024, para. 33.

<sup>286</sup> International Trade Union Confederation, 2024 ITUC Global Rights Index, The World's Worst Countries for Workers, page 14.

<sup>287</sup> EFE, Minimum wage in Venezuela, two years in free fall, March 17, 2024.

<sup>288</sup> Venezuelan Observatory of Social Conflict level, Social Conflict level in Venezuela in the First Half of 2024, July 24, 2024.



### C. Climate emergency and environmental protection

174. With regard to the environment, REDESCA and the Commission are closely monitoring the effects of the climate emergency in the country, as well as cases of environmental degradation, including deforestation and fires. Among others, the loss of glaciers in the Andes region of Venezuela has been reported<sup>289</sup>, and over 11,000 fire outbreaks.<sup>290</sup> Hurricane Beryl reportedly affected around 400 homes and approximately 8,000 people by July.<sup>291</sup> Along these lines, it is noted with concern the impacts suffered by the indigenous communities of the region, such as the Wayuu, who suffered losses of up to 10 hectares of crops.<sup>292</sup> In this context, the IACHR and the Rapporteurship recall that the increase in the frequency and intensity of hurricanes and other natural disasters is a direct consequence of climate change, which alters global climate conditions and aggravates the risks and impacts on the lives, health and livelihoods of the most vulnerable populations.<sup>293</sup>

175. In particular, Lake Maracaibo has faced serious problems in recent years due to oil spills. These spills have had negative consequences in the communities of the region, due to the excess of crude oil in the water, affecting more than 5,000 workers in the fishing sector.<sup>294</sup> From January to August, approximately 35 spills were reported, which have had a negative impact on the ecosystem and the economy of the region. In addition, there are concerns about the effects on the health of the surrounding communities, who could be consuming food polluted with toxic substances derived from these spills.<sup>295</sup>

### D. Companies and Human Rights: mining exploitation and impacts on communities

176. The Commission and REDESCA reiterate their deep concern for the human rights impacts of the exploitation of mineral resources in the Orinoco Mining Arc, affecting mainly indigenous peoples in their livelihoods, with the precariousness of their ways of life and multiple violations.<sup>296</sup> On this matter, it is observed that, as held by the Committee on the Elimination of Racial Discrimination, with the establishment of the Orinoco Mining Arc National Strategic Development Zone, there is a militarization of indigenous territories and military operations without due prior consultation with the affected peoples. In addition, there are human rights abuses and violations committed by state agents, such as members of the National Armed Forces, and by non-state armed groups.<sup>297</sup>

177. In turn, note is taken of the pollution of hybrid resources by gold mining, which continues to seriously affect the health and traditional ways of life of these communities, as well as increasing the alteration of the ecosystem.<sup>298</sup> Thus, violations have been reported for children, adolescents, women, indigenous people and workers in the region due to mercury intoxication.<sup>299</sup> Likewise, health effects have been reported, such as chronic allergies, lung damage, renal, respiratory and cardiac insufficiency, problematic pregnancies, among others, as well as the accumulation of mercury in edible plants that are essential in the region, such as cassava and chili peppers.<sup>300</sup>

<sup>289</sup> Correo del Caroní, The last glacier in Venezuela is already history, March 18, 2024.

<sup>290</sup> National Aeronautics and Space Administration (NASA), Smoke Covers Venezuela, April 10, 2024.

<sup>291</sup> Diario El Salvador, Three deaths and 8,000 houses affected by hurricane Beryl in Venezuela, July 3, 2024.

<sup>292</sup> Cocuyo Effect, PC Zulía rescues Wayuu children swept away by flooding of the river, July 7, 2024.

<sup>293</sup> IACHR, Press release, The IACHR and REDESCA call for international solidarity in response to the emergency in the countries affected by Hurricane Beryl, July 9, 2024.

<sup>294</sup> El Nacional, Maracaibo, the oil capital symbol of Venezuela's decadence, July 21, 2024; CODHEZ, Bulletin #5, Situation of human rights in Zulía, right to health and environmental situation in Maracaibo.

<sup>295</sup> El País, A new PDVSA oil spill pollutes Venezuelan Caribbean beaches, August 20, 2024.

<sup>296</sup> PROVEA, Indigenous Peoples' Rights, 2023 Report, Situation of Human Rights in Venezuela, September 27, 2023, page 3.

<sup>297</sup> Committee on the Elimination of Racial Discrimination (CERD), Concluding observations on the combined 22<sup>nd</sup> to the 24<sup>th</sup> periodic reports of the Bolivarian Republic of Venezuela, August 23, 2024, para. 22.

<sup>298</sup> PROVEA, The pain of the families is immense, The decline in the Warao's land, April 20, 2024.

<sup>299</sup> Clima21, El Crimen Lento: Situation of Vulnerable Groups facing mercury contamination in the Venezuelan Amazon, March 30, 2024, page 5.

<sup>300</sup> Documentation and Information Center Bolivia (CEDIB), e. al., Illegal Gold Mining: Impacts on Human Rights and Biodiversity in the Amazon, pages 33 and 34, October 2024.



178. As for the environmental consequences, illegal mining would also be one of the main causes of vegetation loss south of the Orinoco, with a reduction of up to 520,900 hectares between 2000 and 2020.<sup>301</sup> Although these figures are reflected in deforestation, they also translate into multiple forms of violence and exploitation associated with illegal mining, such as human trafficking, sexual slavery, extrajudicial executions, etc., and the use of illegal mining as a tool for the illegal mining industry.<sup>302</sup> Along the same lines, it is noted that, between 2017 and February 2024, 47 mining accidents occurred, resulting in 131 casualties and an undetermined number of injured people.<sup>303</sup>

## **E. Groups in a situation of historical discrimination**

### **1. Children and adolescents**

179. Children and adolescents in Venezuela face serious limitations to their rights. The IACHR notes with great concern that there are no publicly available official data on the guarantee of their rights.

180. With regard to the right to education, by June 2024, the United Nations Children's Fund (UNICEF) reported that 40% of students were attending school irregularly.<sup>304</sup> In this regard, the Commission received information on the lack of investment in education, especially at the high school level. In particular, as mentioned above, the IACHR was informed about the low salaries of educational personnel, which are around US\$10 per month. This has led to high teacher absence, with an estimated 2.5 teachers for each of the 40,000 schools in the country, which has limited school attendance to three days a week, leaving some 3 million students without continuous attention.<sup>305</sup>

181. On the other hand, with regard to access to food, UNICEF estimates from June 2024 indicate that malnutrition rates in children under five could be among the highest in the region.<sup>306</sup> Along these lines, the Commission received information on the inoperability of the state food programs and the poor quality of the water. This reportedly resulted in cases of acute and moderate malnutrition in this population, with progressive weight loss over the last five years. In addition, even when nutritional treatments are applied, the lack of continuous access to adequate food would cause these children to return to critical health situations within six months.<sup>307</sup>

182. In this context, the Commission exhorts the Venezuelan State to take measures to guarantee access to and quality of education, instilling in children and adolescents the knowledge of their rights, the development of life skills and a responsible social participation. Likewise, it reiterates its call to comply with the obligation to adopt legal, technical and economic measures that ensure the life, integrity and health of this population, especially with respect to the satisfaction of their nutritional needs in accordance with their best interest.

### **2. Women**

183. Structural challenges persist in guaranteeing women's rights. In particular, the absence of an official registry of data and statistics that would allow the design of adequate public prevention of violence policies. Although the Public Ministry reported 317,584 complaints of gender-based violence from 2017 to October 2024, the types of violence reported and how many of them correspond to the year 2024 are

---

<sup>301</sup> Bolivia Documentation and Information Center (CEDIB), e. al., *Illegal Gold Mining: Impacts on Human Rights and Biodiversity in the Amazon*, pages 33 and 34, October 2024.

<sup>302</sup> OHCHR, Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, A/HRC/51/43, September 20, 2022.

<sup>303</sup> Cocuyo Effect, Military have evicted 1,271 people from collapsed illegal mine in Bolivar, March 03, 2024; Bolivia Documentation and Information Center (CEDIB), e. al., *Amazon*, October 2024, page 49.

<sup>304</sup> UNICEF, *Humanitarian Situation Report No. 1*, Venezuela, August 15, 2024, p. 2.

<sup>305</sup> Information provided to the IACHR during a meeting with civil society organizations. October 25, 2024.

<sup>306</sup> Information provided to the IACHR during a meeting with civil society organizations. October 25, 2024.

<sup>307</sup> Information provided to the IACHR during a meeting with civil society organizations. October 25, 2024.



unknown.<sup>308</sup> Due to the above, it is taken from the records and reports made by civil society organizations. In this regard, a civil society organization reported 58 deaths of women and 27 attempted femicides up to July 2024,<sup>309</sup> while another civil society organization reported 108 deaths of women in the same period.<sup>310</sup> In addition, they highlight that cases of sexual violence against girls constitute 81% of the total registered up to July 2024.<sup>311</sup>

184. Similarly, a report by the Universidad de los Andes reported a high incidence of violence against women in digital environments, which, as they point out, is often encouraged by the authorities themselves, since they expose women accused of committing crimes to public scorn by using stereotypical and sexist messages.<sup>312</sup> Along these lines, we note the remarks made by civil society regarding the conviction imposed on a woman for alleged complicity in the murder of her son, without taking into account that she herself was a victim of gender-based violence, specifically vicarious violence, by the perpetrator.<sup>313</sup>

185. In addition, women residing in or transiting through Venezuela's neighboring states continue to face dangers caused by the presence of irregular armed groups and criminal organizations.<sup>314</sup> There have been reports of contemporary forms of slavery such as human trafficking for sexual exploitation, extortion, disappearances and femicides.<sup>315</sup> In this context, the Commission notes the absence of specialized legislation and assistance protocols for victims of human trafficking.<sup>316</sup> It is also concerned about the disproportionate impact of food insecurity on women, who are forced to exchange sex for food, thus exposing them to other forms of exploitation.<sup>317</sup>

186. Along these lines, the Commission urges the State to adopt policies to prevent violence against women, which should be based on updated data and statistics on the causes, consequences and frequency of violence against women, with a comprehensive approach that addresses the different manifestations and contexts in which it occurs. It also calls on the State to establish measures to prevent and protect women in situations of gender violence, as well as to investigate, punish and redress with due diligence acts of violence against women, adolescents and girls with a gender approach.

187. In terms of sexual and reproductive health, note is taken of the campaign "Love yourself, take care of yourself, examine yourself", as part of the fight against breast cancer.<sup>318</sup> However, civil society organizations claim that there are still some deficiencies in this regard, such as the fact that the protocol for timely diagnosis is outdated,<sup>319</sup> lack of access to information and services for mammography and

<sup>308</sup> VTV, More than 317 thousand gender violence complaints have been received by the PM since 2017, October 20, 2024.

<sup>309</sup> CEPAZ, Cepaz Digital Femicide Observatory documented 58 femicides consummated and 27 frustrated femicides in the first four months of 2024, July 18, 2024.

<sup>310</sup> Utopix, July 2024: 14 cases for a total of 108 femicides in Venezuela in seven months, October 8, 2024.

<sup>311</sup> Trends. Situation of the rights of children and adolescents in Venezuela, September 2024, page 14.

<sup>312</sup> ULA Women's Commission, Gender-based violence against women in digital media, June 2024, page 23.

<sup>313</sup> Women Peacebuilders Network, Court of Appeals upholds conviction of Naibelys Noel victim of vicarious violence, June 15, 2024.

<sup>314</sup> Funda Redes, et al., Request for a thematic hearing "Situation of women and other vulnerable groups on the Colombian-Venezuelan border," 190<sup>th</sup> Regular Session, April 15, 2024, para. 10, on IACHR file.

<sup>315</sup> Funda Redes, et al., Request for a thematic hearing "Situation of women and other vulnerable groups on the Colombian-Venezuelan border," 190<sup>th</sup> Regular Session, April 15, 2024, paras. 14-17, on IACHR file; Tal Cual, Venezuelan women stranded at border are more vulnerable to sexual exploitation, March 6, 2024; and CEDAW Committee, Concluding observations on the ninth periodic report of the Bolivarian Republic of Venezuela.

CEDAW/C/VEN/CO/9, May 31, 2023, paras. 19 and 27.

<sup>316</sup> CEDAW Committee, Concluding observations on the ninth periodic report of the Bolivarian Republic of Venezuela, CEDAW/C/VEN/CO/9, May 31, 2023, para. 27.

<sup>317</sup> United Nations Special Rapporteur on the Right to Food, Michael Fakhri, Final Statement of the Visiting Mission to Venezuela (Bolivarian Republic of Venezuela), February 1 - 14, 2024

<sup>318</sup> Ministry of the People's Power for Women and Gender Equality, Venezuela Women Grand Mission: Empowering Women and Transforming Communities, October 16, 2024.

<sup>319</sup> Funcamama, et al., Request for hearing, "Precautionary measures decreed by the IACHR in its Ruling 68/2020, for access to adequate medical treatment" MC-545-19, 189<sup>th</sup> Regular Session, December 2, 2023, page 3, in IACHR file.



radiotherapy;<sup>320</sup> and the lack of trained personnel to handle the scarce available equipment.<sup>321</sup> In addition, women living in rural and border areas must travel long distances to access these services.

188. In the same vein, media reports report limited access to contraceptive methods by women living in rural areas and indigenous communities, where the highest rates of teenage pregnancies are found.<sup>322</sup> They also hold that the National Humanized Childbirth Program is not being adequately implemented; on the contrary, practices constituting obstetric violence persist.<sup>323</sup> On the other hand, there is still a lack of medical protocols for the provision of therapeutic abortion services,<sup>324</sup> the only one allowed by law;<sup>325</sup> therefore, people seeking abortions resort to unsafe practices, or must travel to other countries, to access this health service.<sup>326</sup>

189. In the context of the above, the Commission urges the State to adopt legislative, budgetary, public policy and any other measures necessary to guarantee, without discrimination, the availability, accessibility, relevance and quality of sexual and reproductive health facilities, goods and services, under an intersectional and gender-based approach, including access to health services for the voluntary interruption of pregnancy. At the same time, it notes that these measures must be accompanied by solid education and awareness-raising initiatives that address both the appropriate use of contraceptive methods and their impact on the right to health. In this way, clear, sufficient and accessible information is provided to enable women to make informed and autonomous decisions.

### 3. Human rights defenders

190. The defense of human rights in Venezuela takes place in a hostile environment characterized by stigmatization, discrediting and acts of harassment, persecution and criminalization by state authorities against these groups. During 2024 these aggressions and obstacles were intensified, particularly after the elections held on July 28.

191. The Commission continued to receive information on acts of violence, criminalization and stigmatization of human rights defenders. Between May 1, 2023 and April 30, 2024, the Office of the United Nations High Commissioner for Human Rights documented 30 cases of threats and harassment, one attempted kidnapping, two cases of physical aggression, 38 cases of arbitrary detention (27 men and 11 women), as well as 13 cases of other forms of criminalization of civil society actors, including journalists, trade unionists, peasant leaders and other voices considered critical.<sup>327</sup>

192. It is observed that, in the post-electoral context, there was an increase in attacks against human rights defenders. Figures from the Center for Defenders and Justice (CDJ) show that during the month

<sup>320</sup> Information provided to the IACHR by Funcamama during virtual meeting on the situation of women with breast cancer, October 23, 2024.

<sup>321</sup> Information provided to the IACHR by Funcamama during virtual meeting on the situation of women with breast cancer, October 23, 2024.

<sup>322</sup> AVESA, A high percentage of pregnancies in rural areas and indigenous Venezuelan communities are among adolescents, September 5, 2024. El Araguaño, Expert warns of teenage pregnancy alarm in Venezuela, October 5, 2024.

<sup>323</sup> Tal Cual, Giving birth in Venezuela is more complicated now than ever before, June 22, 2024.

<sup>324</sup> CEDAW Committee, Concluding observations on the ninth periodic report of the Bolivarian Republic of Venezuela, CEDAW/C/VEN/CO/9, May 31, 2023, para. 37; AVESA Report on progress and gaps in the implementation of sexual and reproductive rights, health and justice on the 10<sup>th</sup> anniversary of the Montevideo Consensus in Venezuela, August 30, 2023, page 10.

<sup>325</sup> Office of the United Nations High Commissioner for Human Rights, High Commissioner updates on human rights situation in Venezuela, July 3, 2024; IACHR, Annual Report 2021, Chapter IV.b Venezuela, May 26, 2022, para. 185.

<sup>326</sup> AVESA Report on progress and gaps in the implementation of sexual and reproductive rights, health and justice on the 10<sup>th</sup> anniversary of the Montevideo Consensus in Venezuela, August 30, 2023, page 10; El País, A bus to Colombia, the 'plan C' for Venezuelan women seeking abortions, September 28, 2024.

<sup>327</sup> Office of the United Nations High Commissioner for Human Rights (OACNUDH), Situation of human rights in the Bolivarian Republic of Venezuela. Report of the United Nations High Commissioner for Human Rights, A/HRC/56/63, 28 June 2024, para. 33.



of July there were 56 attacks and security incidents against human rights defenders, 20% of which occurred in the three days following the election.<sup>328</sup> In August, the CDJ documented 134 attacks and security incidents.<sup>329</sup>

193. By means of the accusation of crimes such as terrorism, information continued to be received on arbitrary detentions and criminalization of human rights defenders. Among these, the detention and deprivation of liberty of the defender and member of the organization Foro Penal (Criminal Forum), Kennedy Tejada, who has been deprived of liberty since August 2 in the state of Carabobo, after inquiring about the whereabouts of protesters in a military command.<sup>330</sup> The defender was reportedly presented before courts under charges of terrorism, without knowing the crimes with which he is charged.<sup>331</sup>

194. On August 2, community leader Edward Ocariz was detained and is reportedly being held in the Tocuyito prison in Carabobo;<sup>332</sup> whereas on August 17, Henry Gómez, a human rights defender was arrested in the state of Amazonas.<sup>333</sup> He was reportedly presented at a hearing with a public defender and was allegedly charged with terrorism offenses. Mr. Gómez is believed to be detained in Tocarón prison.<sup>334</sup>

195. In addition to these cases, there are those documented prior to the electoral process, such as that of defender Rocío San Miguel,<sup>335</sup> arrested on February 15, 2024 and presented five days later before the Second Anti-Terrorism Court of Caracas on charges of treason, conspiracy, terrorism, among others;<sup>336</sup> and Javier Tarazona, deprived of his freedom since 2021 and accused of incitement to hatred, treason and terrorism.<sup>337</sup>

196. There were also reports of short-term detentions as a form of intimidation, as was the case of LGBTI defender Yendri Velásquez, who was arbitrarily arrested at the airport when he was about to travel to participate in the United Nations Committee on the Elimination of Racial Discrimination.<sup>338</sup> Subsequently, he was released.<sup>339</sup>

197. In addition, a new form of intimidation and reprisal against human rights defenders was reported through the cancellation of their passports, and that of their family members, without them being officially informed of this fact or the reason for the measure adopted by the State.<sup>340</sup> According to the information available, at least 40 passports have been cancelled. The purpose of these measures would be to

<sup>328</sup> Center for Defenders and Justice (CDJ), Situation of human rights defenders in Venezuela, July 2024, p. 3.

<sup>329</sup> Center for Defenders and Justice (CDJ), Situation of human rights defenders in Venezuela, August 2024, p. 3.

<sup>330</sup> Robert F. Kennedy Human Rights (RFK), RFK Human Rights Denounces Arbitrary Detention of Kennedy Tejada, human rights defender and lawyer for Foro Penal (Criminal Forum) in Venezuela, August 4, 2024; International Federation for Human Rights (FIDH), Venezuela: Arbitrary Detention of Kennedy Tejada, Edward Ocariz and Yendri Omar Velásquez, September 6, 2024.

<sup>331</sup> Amnesty International, Kennedy Tejada: in Venezuela there are arbitrarily detained defenders, September 13, 2024.

<sup>332</sup> Amnesty International, Edward Ocariz: in Venezuela there are defenders arbitrarily detained, September 13, 2024; Final Version, "I remain strong": The letter that Edward Ocariz, detained in Tocuyito, sent to his relatives, September 14, 2024.

<sup>333</sup> International Association of People's Lawyers (IAPL), Venezuela: Prominent human rights lawyer arrested in Amazonas, August 17, 2024.

<sup>334</sup> Amnesty International, Henry Gómez: there are human rights defenders arbitrarily detained in Venezuela, September 13, 2024; Diario Las Américas, Detainees in post-election protests continue to be transferred to Tocarón prison, September 5, 2024.

<sup>335</sup> This case was mentioned in section III.A of this report.

<sup>336</sup> X of the IACHR, #Venezuela: #IACHR condemns the forced disappearance of defender, beneficiary of #Precautionary Measures, Rocío San Miguel and urges the State to inform her whereabouts and ensure respect for her fair trial guarantees and presumption of innocence, February 12, 2024; France24, Venezuela: who is Rocío San Miguel and why did her arrest alarm the international community? February 20, 2024; Amnesty International, Rocío San Miguel: there are human rights defenders arbitrarily detained in Venezuela, September 13, 2024; Venezuela Human Rights in Motion, Post-electoral and human rights crisis 2024 in Venezuela (The Black Book of the Dictatorship 2024), August 29, 2024, p. 13.

<sup>337</sup> Observatory for the Defense of Life (ODEVIDA), The Hardship of Being a Human Rights Defender in Maduro's Venezuela, October 15, 2024, p. 11.

<sup>338</sup> IACHR, Press Release No. 198/24, [IACHR condemns persecution against human rights defenders in Venezuela](#), August 29, 2024; Aula Abierta, Passport cancellation or withholding and restrictions on freedom of movement against Venezuelans, August 7, 2024.

<sup>339</sup> Alberto News, Human Rights Activist Yendri Velásquez Released: "He had been detained at Maiquetia International Airport", August 3, 2024.

<sup>340</sup> IACHR, Press Release No. 198/24, [IACHR condemns persecution against human rights defenders in Venezuela](#), August 29, 2024; Observatory for the Defense of Life (ODEVIDA), The hardship of being a human rights defender in Maduro's Venezuela, October 15, 2024, p. 11.



obstruct the advocacy activities performed by human rights defenders outside Venezuela and would be generating fear among human rights defenders and civil society representatives to leave the country due to the possibility that their passports may be cancelled.<sup>341</sup>

198. The current government has also intensified repression in the digital sphere, using technology to profile, monitor and intimidate opponents and critical voices, including defenders. In particular, the *VenApp* app, originally intended for the management of public services, has been reconfigured with functions to report individuals to the government in office under labels such as “suspicious” activities, “fascist guarimba,” “disinformation” and “public disorder”.<sup>342</sup> This situation was addressed in the section of the Special Rapporteurship on Freedom of Expression.

199. The defense of human rights in Venezuela during 2024 took place in an increasingly restricted civic environment. Non-governmental organizations (NGOs) operating in the country faced greater difficulties in performing their work, especially after the approval, on August 15, of the Law of “Fiscalization, Regularization, Performance and Financing of Non-Governmental Organizations (NGOs) and Non-Profit Social Organizations”.<sup>343</sup> Articles 1 and 2 of these rules establish the purpose of regulating the incorporation, registration, operation and funding of NGOs established and operating in Venezuela.<sup>344</sup>

200. Civil society organizations have expressed concern that this law could jeopardize the existence of community, humanitarian and human rights organizations. In particular, the ambiguous articles of the law could disproportionately limit the activities of NGOs, imposing severe sanctions and even giving state authorities the power to unilaterally dissolve organizations that, in their appraisal, are involved in political activities or are considered a threat to national stability or state institutions.<sup>345</sup>

201. According to available reports, the law was initially approved in first discussion on January 24, 2023, without having been subject to prior public consultation.<sup>346</sup> Although it was announced that a formal consultation would be held on January 12, 2024, there is no evidence that this consultation was conducted in a broad, inclusive and transparent manner, according to public reports.<sup>347</sup>

202. In January 2024, the IACHR and its Special Rapporteurship expressed concern over statements made during discussions of the bill, in which pro-government deputies described civil society organizations as “enemies,” “destabilizers,” “traitors to the homeland,” and “party facades,” among other stigmatizing terms.<sup>348</sup> These statements reflect a climate of hostility towards those who defend human rights or practice journalism in Venezuela. In this regard, IACHR and its Special Rapporteurship urged the Venezuelan

<sup>341</sup> Voz de America, A new form of banishment”: Venezuela cancels passports of its critics inside and outside the country, access on <https://www.vozdeamerica.com/a/una-nueva-forma-de-destierro-el-gobierno-de-venezuela-anula-pasaportes-a-sus-críticos-dentro-y-fuera-del-pais/7735387.html>, on August 9, 2024.

<sup>342</sup> IACHR, Press Release No. 184/24, *IACHR and RELE condemn practices of state terrorism in Venezuela*, August 15, 2024.

<sup>343</sup> Directorio Legislativo, *The “anti NGO law” was approved in Venezuela: its history and scope, 2024*; Espacio Público, *August: censorship and post-election repression*, September 5, 2024; BBC, *Venezuela passes law against NGOs amid allegations of arbitrary arrests*, August 15, 2024; Amnesty International, *Venezuela: Approval of ‘Anti-NGO Law’ punishes assistance to victims and defense of human rights*, August 16, 2024.

<sup>344</sup> Espacio Público, *Analysis of the Law on Control, Regularization, Performance and Financing of Non-Governmental Organizations and Non-Profit Social Organizations*, September 6, 2024.

<sup>345</sup> Amnesty International, *Venezuela: Approval of ‘Anti-NGO Law’ punishes assistance to victims and defense of human rights*, August 16, 2024; *Alianza Regional, Venezuelan civil society outlawed amidst post-election repression*, August 15, 2024; IACHR, Press Release No. 22/24, *Venezuela: IACHR urges the State not to pass bill limiting the right of association and participation*, January 26, 2024.

<sup>346</sup> Espacio Público, *Analysis of the Law on Control, Regularization, Performance and Financing of Non-Governmental Organizations and Non-Profit Social Organizations*, September 6, 2024.

<sup>347</sup> Espacio Público, *Analysis of the Law on Control, Regularization, Performance and Financing of Non-Governmental Organizations and Non-Profit Social Organizations*, September 6, 2024.

<sup>348</sup> IACHR, Press release 22/24, *Venezuela: IACHR urges the State not to pass bill limiting the right of association and participation*, January 26, 2024.



state to refrain from passing any legislation or regulations that arbitrarily limit the right of association, freedom of expression and public participation.<sup>349</sup>

203. Likewise, the bill against fascism, neo-fascism and similar expressions, approved in a first discussion before the National Assembly on April 2,<sup>350</sup> already cited in the section on freedom of expression, contains vague and ambiguous wording on the concepts of fascism and neo-fascism, as well as on the application of their punishments, which could lead to greater censorship and restriction of the right to defend human rights.<sup>351</sup>

#### 4. Lesbian, gay, bisexual, trans and intersex persons (LGBTI)

204. Venezuela continues to produce no official data on violence and discrimination affecting LGBTI people. There is no legal framework that guarantees their fundamental rights, under the principle of equality and non-discrimination, including the recognition of diverse families and gender identity. Additionally, the Inter-American Commission received information on violations to the freedoms of association and expression of LGBTI persons.

205. In 2024, actions of persecution due to prejudice against LGBTI people and those who defend their rights in Venezuela were observed. In particular, there have been actions by State security agents and stigmatizing speeches made by high authorities that not only fuel a climate of discrimination but also erode confidence in government institutions.<sup>352</sup> In addition to this, civil society has documented at least 3 murders of LGBTI people in 2024.<sup>353</sup>

206. In 2024, raids and detentions were registered against LGBTI rights defenders. Nelson Merino was reported missing on July 30, after a raid on his home by state security forces.<sup>354</sup> According to information from civil society, Merino was transferred to the Tocarón prison, despite being in a serious state of health.<sup>355</sup> On the other hand, in August of this year, activist Koddy Campos denounced that DIE officials tried to illegally raid his home in western Caracas.<sup>356</sup>

207. The closure of two LGBTI human rights organizations in the country has also been a matter of concern. On October 12, the organization Venezuela Igualitaria reported the cease of its activities due to “the current economic, social and political context.”<sup>357</sup> On October 14, the organization País Narrado also announced the end of its activities, stating as the reason “The Venezuelan social, political and economic situation, as well as the new challenges the country is facing.”<sup>358</sup> The closure of these organizations takes place in a context of

<sup>349</sup> IACHR, Press release 22/24, Venezuela: IACHR urges the State not to pass bill limiting the right of association and participation, January 26, 2024.

<sup>350</sup> Amnesty International, Venezuela: alarming escalation of persecution against critical and dissident voices, April 15, 2024.

<sup>351</sup> OHCHR, Communication to the State of Venezuela, Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression: of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and of the Special Rapporteur on the situation of human rights defenders, VEN 8/2024, October 2, 2024.

<sup>352</sup> Report sent to the IACHR by the Venezuelan Observatory for LGBTIQ+ Violence, on IACHR file. November 2024

<sup>353</sup> Venezuelan Observatory for LGBTIQ+ Violence, OVV LGBTIQ+ has documented at least 3 murders of LGBTIQ+ people in Venezuela so far this year, April 27, 2024; El Diario. CICPC clarified the murder of a member of the LGBTIQ+ community in Guatire, March 13, 2024; El Regional del Zulia, Cicpc captures tattoo artist Amor Madera Montero's murderer, March 1, 2024.

<sup>354</sup> Caribe Afirmativo, Serious risks for LGBTIQ+ activists in Venezuela: Persecution, arbitrary detentions and disappearances, August 8, 2024; Visibles Venezuela (@VisiblesVzla) Statement on X “It has been 14 days since Nelson and his brother were arbitrarily removed from their home by state security forces and are being held without communication or access to private defense.”, August 13, 2024.

<sup>355</sup> Encuentro Ciudadano (@EnCiudadanoVzla) Statement in X “#URGENT | We want to denounce that, despite his serious health condition, Nelson Merino was transferred to the Tocarón prison ...”, September 4, 2024.

<sup>356</sup> Infobae, Agents of Nicolás Maduro's dictatorship attempted to raid the home of an LGBT activist in western Caracas, August 10, 2024; La República, Nicolás Maduro's hooded men attempt to raid and kidnap LGBTIQ+ activist Koddy Campos, August 11, 2024.

<sup>357</sup> El Pitazo, NGO Venezuela Igualitaria ceases operations indefinitely: we prioritize our safety, October 13, 2024; AC Venezuela Igualitaria (@VE\_Igualitaria) Statement on X “On our 12<sup>th</sup> anniversary we communicate this difficult decision: #ceseindefinidodeoperaciones (#undefinedceaseofoperations)”, October 12, 2024.

<sup>358</sup> Caribe Afirmativo, Two LGBTIQ+ organizations in Venezuela close operations in just two days, October 15, 2024.



persecution against defenders and structural violence against LGBTIQ+ people which requires the immediate attention of the State.

## 5. Elders

208. The elderly in Venezuela continue to face great challenges in order to lead a dignified life. Although the country has contributory and non-contributory pensions that are supplemented through vouchers, the basic amount received is less than US\$5.<sup>359</sup> In addition, retired senior citizens residing abroad have had their pensions suspended for almost nine years.<sup>360</sup>

209. With regard to the poverty situation of the elderly, specialists have expressed their concern due to the widespread precariousness of this age group. According to data from civil society, more than 5 million elders are in a situation of extreme poverty, in addition to the fact that there is no social security system to protect the elderly through a government that provides benefits or effective social protection policies with a human rights approach.<sup>361</sup>

210. Finally, the United Nations International Independent Fact-Finding Mission on Venezuela reported that, with the partial announcement of the election results, thousands of people, including the elderly, took part in social demonstrations of rejection of the results.<sup>362</sup> Ricardo Albacete Vidal, a 72-year-old Venezuelan businessman, has been arbitrarily detained for having hosted opposition leader, María Corina Machado, in a home he owns. This would contravene Venezuelan law itself, which states that persons over 70 years of age cannot be placed in pretrial detention.<sup>363</sup>

## 6. Persons deprived of liberty

211. The situation of persons deprived of liberty in Venezuela continues to be characterized by the absence of updated official statistics, dual prison systems, overcrowding, high use of pretrial detention, corruption, self-government in the units, deplorable detention conditions, and mistreatment. The Inter-American Commission highlights that the massive detentions that took place in 2024, in the context of the electoral protests, could have aggravated the pre-existing prison overcrowding and precarious conditions of detention.

212. In particular, the State continues to fail to produce or publish official data on the population deprived of liberty in the country and the existence of a duality of penitentiary systems. An official one which, according to civil society, as of September 2024, held approximately 30,000 people in prisons under the responsibility of the Ministry of People's Power for the Penitentiary Service;<sup>364</sup> and a parallel one, consisting of approximately 500 pretrial detention facilities, which, as of the same date, reportedly harbors 28,000 people.<sup>365</sup>

213. With regard to overcrowding, the “procedural impulse” pilot plan aimed at combating overcrowding in prisons and pretrial detention centers was launched in 2024.<sup>366</sup> However, it is of concern that, according to information from civil society organizations, as of September 2024, prison occupancy was 30,000

<sup>359</sup> Infobae, [Senior citizens protested in Venezuela against “starvation pension”: less than US\\$4 per month](#), May 30, 2024.

<sup>360</sup> Provea, [Edgar Silva: “More than 5 million elderly persons have remained in extreme poverty, in a state of extermination”](#), June 2, 2024.

<sup>361</sup> Provea, [Edgar Silva: “More than 5 million elderly persons have remained in extreme poverty, in a state of extermination”](#), June 2, 2024.

<sup>362</sup> United Nations, [Mission of experts warns about human rights violations in the post-electoral context in Venezuela](#), July 31, 2024.

<sup>363</sup> CNN, [Venezuelan businessman who sheltered María Corina Machado in his home arrested, his lawyer complains](#), July 12, 2024.

<sup>364</sup> OVP, [“Venezuelan prisoners live in less space than their own feet occupy”](#), September 25, 2024.

<sup>365</sup> OVP, [Annual Report 2023: Degradation, contempt and neglect: characteristics of the Venezuelan prison system](#), July 26, 2024, pp. 52 and 72. Also see: IACHR, [Annual Report, Chapter IV.B “Venezuela”](#), 2021, para. 202; IACHR, [Annual Report, Chapter IV.B “Venezuela”](#), 2022, para. 122; and IACHR, [Annual Report, Chapter IV.B “Venezuela”](#), 2023, para. 130.

<sup>366</sup> Últimas Noticias, [“Actions to decongest pretrial detention centers move forward”](#), February 19, 2024.



people, while the actual capacity was 16,230, due to the closure of 18 prisons, which resulted in the loss of 10,008 spaces.<sup>367</sup> Said figures indicate that the current overcrowding rate is 85%.<sup>368</sup> On this matter, the IACHR reiterates that when the collapse of a penitentiary system or a penitentiary center leads to the material impossibility of offering dignified conditions to detainees, it is not reasonable for the State to continue admitting people to these spaces.<sup>369</sup>

214. The excessive use of pretrial detention is one of the main causes of this phenomenon. According to data from civil society organizations, of the total number of persons detained in penitentiary centers as of December 2023, 19,217 were being prosecuted and 10,348 were convicted.<sup>370</sup> Said figures indicate that the rate of application of pretrial detention in the penitentiary system is 65%. The IACHR recalls that the application of pretrial detention must be based on the right to the presumption of innocence, and be applied in accordance with the criteria of exceptionality, legality, necessity and proportionality.<sup>371</sup>

215. In terms of corruption, reports show that detainees reportedly pay prison officials sums of money to obtain access to food, water, visits and transfers, among other things.<sup>372</sup> This, in a context characterized by “self-governance”.<sup>373</sup> According to information from civil society organizations, this phenomenon has been evidenced in the negotiation between the Ministry of People's Power for the Penitentiary Service and the criminal group “pran” of the Aragua Penitentiary Center for the transfer of 38 detainees to another location during 2023.<sup>374</sup> In this regard, the Commission recalls that effective control of detention centers is essential for States to be able to guarantee the rights of persons deprived of their liberty.<sup>375</sup>

216. On the other hand, the deplorable conditions of detention have caused deaths in custody. They have even led to hunger strikes by both detainees<sup>376</sup> and prison officers due to lack of security conditions.<sup>377</sup> In particular, there is a persistent lack of medical personnel, medicines, treatments and laboratory tests.<sup>378</sup> In this scenario, from 2017 to December 2023, tuberculosis-along with malnutrition and respiratory infections-constitutes the leading cause of death of people under custody.<sup>379</sup> In this regard, the Commission regrets the death of 39 people in detention centers registered until the end of 2023, due to negligent medical care.<sup>380</sup>

217. In addition, data shows that inmates face serious difficulties in accessing food, even as a form of punishment.<sup>381</sup> As a result, at least 51% of the population in pretrial detention is reportedly suffering from

<sup>367</sup> OVP, “Venezuelan prisoners live in less space than their own feet occupy”, September 25, 2024.

<sup>368</sup> OVP, “Venezuelan prisoners live in less space than their own feet occupy”, September 25, 2024.

<sup>369</sup> IACHR, Report on the use of pretrial detention in the Americas, OAS/Ser.L/V/II. Doc. 46/13, December 30, 2013, para. 290.

<sup>370</sup> OVP, Annual Report 2023: Degradation, contempt and neglect: characteristics of the Venezuelan prison system, July 26, 2024, p. 46.

<sup>371</sup> IACHR, Report on Measures to Reduce the use of Pretrial Detention in the Americas, OAS/Ser.L/V/II. Doc. 46/13, December 30, 2013, para. 231, Recommendation A “General measures related to State policies”, para. 1.

<sup>372</sup> OVP, Annual Report 2023: Degradation, contempt and neglect: characteristics of the Venezuelan prison system, July 26, 2024, pp. 82-85.

<sup>373</sup> Along these lines, see: IACHR, Annual Report, Chapter IV.B “Venezuela”, 2022, para. 121.

<sup>374</sup> OVP, Annual Report 2023: Degradation, contempt and neglect: characteristics of the Venezuelan prison system, July 26, 2024, pp. 85-86.

<sup>375</sup> In this sense, IACHR, Report on the human rights of persons deprived of their liberty in the Americas, OAS/Ser.L/V/II, adopted on December 31, 2011, paras. 76 and 77.

<sup>376</sup> See: OVP, “Inmate population started hunger strike to claim their rights”, June 10, 2024; and Cocuyo Effect, Maduro changes Minister of Penitentiary Service after hunger strike in 16 prisons in the country, June 11, 2024.

<sup>377</sup> See: OVP, “27 military personnel continue on hunger strike until they receive answers at Cenapromil-Charallave”, October 22, 2024; UVL, “Military prisoners at Guaicaipuro Fort begin hunger strike”, October 22, 2024. Also see: Swissinfo, “NGO says 27 military prisoners started hunger strike due to threats in jail”, October 22, 2024.

<sup>378</sup> OVP, Annual Report 2023: Degradation, contempt and neglect: characteristics of the Venezuelan prison system, July 26, 2024, pp. 61-63.

<sup>379</sup> OVP, Annual Report 2023: Degradation, contempt and neglect: characteristics of the Venezuelan prison system, July 26, 2024, pp. 65-66.

<sup>380</sup> UVL, Annual Report on the Human Rights Situation of Persons Deprived of their Liberty in Venezuela's Pretrial Detention Centers 2023, January 2024, pp. 35, 38 and 62. Also see: Runrun.es, “Nearly 40 people died from diseases in prisons and jails during 2023”, January 2024; NTN24, “The shocking image of a women's prison in Venezuela which explains the spread of tuberculosis”, February 8, 2024.

<sup>381</sup> OVP, Annual Report 2023: Degradation, contempt and neglect: characteristics of the Venezuelan prison system, July 26, 2024, pp. 68-69.



malnutrition.<sup>382</sup> In addition, water distribution would occur infrequently, forcing people to ingest contaminated water.<sup>383</sup> On the other hand, the persistence of ill-treatment of detainees in Venezuela is a matter of concern.<sup>384</sup> In particular, reports from civil society highlight that ill treatment and torture occur in both prisons and pretrial detention centers, including beatings and searches with the aim of inflicting additional suffering or humiliation, sometimes committed by other detainees with the complicity of prison officials or wardens.<sup>385</sup>

218. Based on the foregoing, the IACHR recalls that States have the duty to ensure conditions of detention for persons deprived of liberty that are compatible with their human dignity. These include, *inter alia*, access to sufficient and quality food, as well as to safe and drinking water.<sup>386</sup> It also involves providing timely, adequate and specialized health services to all persons under its custody.<sup>387</sup> In addition, it highlights the absolute prohibition of any form of mistreatment or torture.<sup>388</sup>

## 7. Persons in human mobility

219. The severe human rights crisis in Venezuela has led to an unprecedented forced displacement of people. According to the Interagency Coordination Platform for Refugees and Migrants in Venezuela (R4V Platform), it is estimated that between January and August 2024, a total of 242,000 people left the country, reaching a total of 7,774,494 refugees, migrants and asylum seekers from Venezuela. Of this total, 6,590,671 were distributed in the region.<sup>389</sup> The main receiving countries were: Colombia, with a total of 2,813,997; Peru, with 1,662,889; and Brazil, with a total of 585,361 people.<sup>390</sup> The most recent data from the United Nations High Commissioner for Refugees (UNHCR) revealed that, by mid-2024, there were 369,826 Venezuelans recognized as refugees, 1,318,912 asylum seekers and 5,793,723 people in need of international protection worldwide.<sup>391</sup>

220. According to the R4V Platform, the context of economic and socio-political uncertainty that these people experienced in their country of origin is added to certain needs in the destination countries. These include effective integration into the host societies, obtaining formal employment, a safe and stable home, sufficient food and education for children and adolescents, especially those in an irregular situation, recently arrived or in transit.<sup>392</sup>

221. Regarding the arbitrary restriction of the right of movement and residence, the Commission observes with concern that on July 29, 2024, the People's Power Ministry for Foreign Affairs issued a communiqué through which it decided to “withdraw all diplomatic personnel from the missions in Argentina,

<sup>382</sup> UVL, Annual Report on the Human Rights Situation of Persons Deprived of their Liberty in Venezuela's Pretrial Detention Centers 2023, January 2024, pp. 14-16 and 36.

<sup>383</sup> OVP, Annual Report 2023: Degradation, contempt and neglect: characteristics of the Venezuelan prison system, July 26, 2024, p. 69. Also see: Espiga, “Tocuyito's hell: Prisoners are only entitled to two glasses of water per day”, October 6, 2024.

<sup>384</sup> On this matter, see: OVP, Annual Report 2023: Degradation, contempt and neglect: characteristics of the Venezuelan prison system, July 26, 2024, pp. 93-95; OVP, “Inmates of CONAS Lara coexist amidst mistreatment and overcrowding”, May 20, 2024; OVP, “Up to three torture rooms in the Santa Ana 1 and 2 prisons”, April 29, 2024; and CNN, “Relatives of those detained after elections in Venezuela claim they suffer torture, poor food and deteriorating health”, October 7, 2024.

<sup>385</sup> OVP, Annual Report 2023: Degradation, contempt and neglect: characteristics of the Venezuelan prison system, July 26, 2024, pages 93-95. Also see: CNN, “Relatives of those detained after elections in Venezuela claim they suffer torture, poor food and deteriorating health”, October 7, 2024.

<sup>386</sup> In this sense, IACHR, Report on the human rights of persons deprived of their liberty in the Americas, OAS/Ser.L/V/II, adopted on December 31, 2011, para. 432.

<sup>387</sup> On this matter, see: IHR Court. Case of Chinchilla Sandoval and others Vs. Guatemala. Preliminary Exception, Merits, Reparations and Costs. Judgment of February 29, 2016. Series C No. 312, paras. 171-172.

<sup>388</sup> IACHR, Report on the human rights of persons deprived of their liberty in the Americas, OAS/Ser.L/V/II, adopted on December 31, 2011, para. 343.

<sup>389</sup> R4V Platform, Refugees and Migrants from Venezuela, June 3, 2024.

<sup>390</sup> R4V Platform, Refugees and Migrants from Venezuela, June 3, 2024.

<sup>391</sup> United Nations High Commissioner for Refugees (UNHCR), Refugee Data Finder, June 2024.

<sup>392</sup> R4V Platform, RMNA 2024 – Refugees and Migrants Needs Analysis, September 10, 2024, p. 7.



Chile, Costa Rica, Peru, Panama, the Dominican Republic and Uruguay”.<sup>393</sup> The measure implied the closure of Venezuelan consulates and embassies in the respective countries. As a consequence of this decision, limitations were reported in obtaining and renewing personal documentation and difficulties in accessing regular entry and exit routes to other territories. Both factors favor the use of irregular migratory routes, increasing the risks of exposure to abuse, exploitation, gender violence and human trafficking, among others.<sup>394</sup> Likewise, they hinder access to international protection procedures and increase exposure to the risk of refolement (*non-refoulement*).

222. On the other hand, the Ministry of People's Power for Transportation announced the temporary suspension of commercial flights “to and from” Venezuela with Panama, Peru and the Dominican Republic, as of July 31, 2024.<sup>395</sup> Along with the interruption of consular services, the measure is expected to affect a total of 1,846,000 Venezuelan citizens, according to the records of the R4V Platform.<sup>396</sup> In particular, the decision violates the right to unity and the protection of family life, making direct air connections impossible and compromising family reunification.

223. The IACHR stresses that, in accordance with Articles 22.1 and 22.2 of the American Convention, everyone has the right to move and leave their country freely.<sup>397</sup> Likewise, in accordance with Articles 22.7 and 22.8 thereof, everyone has the right to seek and receive asylum in foreign territory and not to be returned to another country where his or her life or freedom would be threatened.<sup>398</sup> In particular, the exercise of these rights requires State authorities to provide the documentation required to ensure regular, safe, accessible and affordable channels for migration, in order to reduce the risks that people in the context of human mobility may face.<sup>399</sup>

224. Given this reality, the Commission reiterates its exhortation to the State of Venezuela to adopt urgent and comprehensive measures to address the factors that are causing the massive departure of its nationals from the country, including violations of basic human rights and fundamental freedoms. In addition, it urges the State to eliminate the obstacles imposed by the closure of consular services and the suspension of air transportation routes that may generate an increase in irregular displacement.

## 8. Indigenous peoples

225. The human rights situation of indigenous peoples continues to be precarious. In particular, the IACHR received information on the impacts of illegal mining and other unlawful economies on the life, health and survival of the Yanomami people in the Orinoco Mining Arc, which has resulted in increased violence, the spread of infectious diseases and environmental deterioration. According to indigenous leaders of the Yanomami people,<sup>400</sup> due to the activity of *garimpeiros* and groups from other illegal economies of Brazilian and Colombian origin, violence has increased in the states of Amazonas, Bolívar and Delta Amacuro.

226. In this context, their right to health is particularly affected by the prevalence of respiratory infections, tuberculosis, diarrhea, hepatitis and, in general, sexually transmitted diseases and other vaccine-

<sup>393</sup> Venezuela, Press release. Venezuela rejects the interference and declarations of a group of right-wing governments that pretend to disregard the election results, July 29, 2024.

<sup>394</sup> R4V Platform, Special Situation Report: Impact of the elections in Venezuela on refugees and migrants, August 10, 2024.

<sup>395</sup> National Institute of Civil Aeronautics (INAC) [@InacVzla], (2024, July 29), #COMMUNIQUE. In rejection to the interference of right-wing governments and based on full sovereignty, a temporary suspension is announced [Tweet], <https://x.com/InacVzla/status/1818109594591281373>.

<sup>396</sup> In Panama, a total of 57,979 Venezuelans have been registered and in the Dominican Republic, a total of 125.132. R4V Platform, Refugees and Migrants from Venezuela, June 3, 2024.

<sup>397</sup> American Convention on Human Rights (Pact of San José), San José, Costa Rica, November 7 - 22, 1969.

<sup>398</sup> American Convention on Human Rights (Pact of San José), already cited.

<sup>399</sup> IACHR, Human mobility and protection obligations. Towards a sub-regional perspective, OAS/Ser.L/V/II. Doc. 194, July 21, 2023, para. 132.

<sup>400</sup> Information received by the IACHR in a meeting held with civil society on May 28, 2024.



preventable diseases.<sup>401</sup> According to the Yanomami people's own records, malaria has caused the death of at least 390 indigenous people in the last two years. This scenario is consistent with that documented by the International Independent Mission for the Determination of Facts in the Orinoco Mining Arc.<sup>402</sup>

227. This situation was also observed by the Committee on the Elimination of Racial Discrimination (CERD), which expressed its concern<sup>403</sup> by the negative impact of mining on the natural resources found on indigenous peoples' lands and territories, affecting their livelihoods and ways of life. The Committee observed that, as a result, the food crisis, forced displacement and health problems of its members have worsened.

228. The Committee also expressed its concern about the lack of disaggregated data and socioeconomic indicators regarding the indigenous community, since the last population census was conducted in 2011. Therefore, it recommended that the State continue its efforts to conduct a census in order to generate statistics and socioeconomic indicators disaggregated –*inter alia*– by ethnicity and thus be able to develop public policies aimed at this population.

229. With regard to schooling rates, the Committee expressed concern about the high dropout levels and the lack of qualified teachers in schools located in areas inhabited by indigenous peoples. It also noted limitations in access to quality and culturally appropriate health services, as well as the challenges they face in accessing the labor market due to discrimination based on their ethnic origin. For this reason, the Committee recommended that the State adopt measures to mitigate these gaps.<sup>404</sup>

230. Regarding the demarcation of indigenous lands,<sup>405</sup> the Committee also noted the slowness of the processes of demarcation and titling of indigenous lands, which has been paralyzed since 2016 and that this situation has contributed to attacks and illegal invasions by non-indigenous people, generating conflicts and violence over access to land, territory and natural resources. Consequently, the Committee recommended that the State adopt measures to guarantee this right, including through the effective implementation of the Organic Law on Indigenous Peoples and Communities and the full functioning of the National Commission for the Demarcation of the Habitat and Lands of Indigenous Peoples and Communities.

231. As for the right to free, prior and informed consultation, the Committee took note of the information provided by the State regarding the process of drafting a protocol. However, it noted that such a document should be promoted by undertaking the corresponding consultation in order to obtain free, prior and informed consent.

## 9. Persons of African descent

232. The concluding observations of the Committee on the Elimination of Racial Discrimination (CERD) on the 22<sup>nd</sup> to 24<sup>th</sup> periodic reports of Venezuela, in the context of the 113<sup>th</sup> session in August 2024, highlighted that, in terms of racial discrimination, Indigenous Peoples and Afro-descendants continue to be victims of structural discrimination, which is reflected in the levels of poverty and social exclusion they face, as

<sup>401</sup> IACHR, 190<sup>th</sup> session, public hearing “Venezuela: Impact on the right to health of the Yanomami indigenous people in the state of Amazonas”, July 8 - 12, 2024.

<sup>402</sup> Human Rights Council, Detailed findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, A/HRC/51/CRP.2, September 20, 2022.

<sup>403</sup> CERD, Concluding observations on the combined twenty-second to twenty-fourth periodic reports of the Bolivarian Republic of Venezuela, CERD/C/VEN/CO/22-24, September 18, 2024, p. 6.

<sup>404</sup> CERD, Concluding observations on the combined twenty-second to twenty-fourth periodic reports of the Bolivarian Republic of Venezuela, CERD/C/VEN/CO/22-24, September 18, 2024, p. 4.

<sup>405</sup> CERD, Concluding observations on the combined twenty-second to twenty-fourth periodic reports of the Bolivarian Republic of Venezuela, CERD/C/VEN/CO/22-24, September 18, 2024, p. 5.



well as in the disproportionate impact of the socioeconomic crisis on the enjoyment of their economic, social and cultural rights.<sup>406</sup>

233. At the same time, CERD stressed that it has no information on concrete results as to the implementation of the Second and Third Socialist Plan for the Economic and Social Development of the Nation, which prioritized fighting racial discrimination against Indigenous Peoples and Afro-descendants.<sup>407</sup> In this sense, it expressed concern about the racial stereotypes that are still ingrained in Venezuelan society; and regretted that it did not receive concrete information on how the history, culture and contributions of Indigenous Peoples and Afro-descendants have been included in the public education system.<sup>408</sup>

234. The Committee recommended that the State of Venezuela intensify efforts so that the National Council for the Development of Afro-descendant Communities elaborate and implement effective public policies that promote equality and the effective exercise and enjoyment of the rights of Afro-descendant persons, taking into account their specific needs. Likewise, special public policies to foster social inclusion and active participation in public and political life of the Afro-descendant population, including in decision-making positions.<sup>409</sup>

235. With respect to the situation of indigenous and Afro-descendant women, CERD highlighted multiple and intersectional forms of discrimination they face, in particular, access to work, education and health, especially sexual and reproductive health services and information.<sup>410</sup> It also observed closely the high rates of sexual violence against indigenous and Afro-descendant women, as well as trafficking for economic and sexual exploitation, particularly in mining areas of the states of Amazonas, Bolívar and Zulia, where armed and criminal non-state organizations operate.<sup>411</sup>

## V. CONCLUSION AND RECOMMENDATIONS

236. The absence of the rule of law and of an institutional system guided by the separation and independence of public powers continues to be the greatest challenge for the respect and guarantee of human rights in Venezuela.

237. A presidential election was held on July 28 of this year. The circumstances surrounding this election clearly constitute an alteration of the constitutional order. The regime executed a planned strategy aimed at discouraging the political participation of the opposition, preventing the development of a free, fair and competitive contest, and repressing the social protests provoked by the electoral opacity and the allegations of fraud. All this, with the participation, acquiescence and tolerance of the institutions created to safeguard democracy and protect human rights.

---

<sup>406</sup> United Nations, International Convention on the Elimination of All Forms of Racial Discrimination, Committee for the Elimination of Racial Discrimination, Concluding observations on the combined twenty-second to twenty-fourth periodic reports of the Bolivarian Republic of Venezuela, CERD/C/VEN/CO/22-24, September 18, 2024.

<sup>407</sup> United Nations, International Convention on the Elimination of All Forms of Racial Discrimination, Committee for the Elimination of Racial Discrimination, Concluding observations on the combined twenty-second to twenty-fourth periodic reports of the Bolivarian Republic of Venezuela, CERD/C/VEN/CO/22-24, September 18, 2024, para. 14, p. 4.

<sup>408</sup> United Nations, International Convention on the Elimination of All Forms of Racial Discrimination, Committee for the Elimination of Racial Discrimination, Concluding observations on the combined twenty-second to twenty-fourth periodic reports of the Bolivarian Republic of Venezuela, CERD/C/VEN/CO/22-24, September 18, 2024, para. 40, p. 10.

<sup>409</sup> United Nations, International Convention on the Elimination of All Forms of Racial Discrimination, Committee for the Elimination of Racial Discrimination, Concluding observations on the combined twenty-second to twenty-fourth periodic reports of the Bolivarian Republic of Venezuela, CERD/C/VEN/CO/22-24, September 18, 2024, para. 29, p. 7.

<sup>410</sup> United Nations, International Convention on the Elimination of All Forms of Racial Discrimination, Committee on the Elimination of Racial Discrimination, Concluding observations on the combined 22<sup>nd</sup> to 24<sup>th</sup> periodic reports of the Bolivarian Republic of Venezuela, CERD/C/VEN/CO/22-24, September 18, 2024, para. 30, p. 8.

<sup>411</sup> United Nations, International Convention on the Elimination of All Forms of Racial Discrimination, Committee for the Elimination of Racial Discrimination, Concluding observations on the combined twenty-second to twenty-fourth periodic reports of the Bolivarian Republic of Venezuela, CERD/C/VEN/CO/22-24, September 18, 2024, para. 32, p. 8.



238. The Inter-American Commission highlights that, as of the date of preparation of this report, the State has still failed to present the voting records that support the results announced by the National Electoral Council, which gave Nicolás Maduro as the winner. The electoral opacity and, in general, the restrictions to political rights documented in this report prevent this Commission from considering that the reelection of Nicolás Maduro enjoys democratic legitimacy.

239. The electoral opacity and serious allegations of fraud led to nearly 300 demonstrations nationwide. State repression included practices of State terrorism aimed especially at spreading terror among citizens and silencing dissenting voices. Among the documented violations are: extrajudicial executions, short-term forced disappearances, arbitrary detentions, torture and other cruel, inhumane and degrading treatment, cancellation of passports, violent deaths, and a myriad of violations of judicial guarantees and freedom of expression.

240. The Inter-American Commission notes that impunity persists for serious human rights violations committed in previous years, especially since 2017. This impunity is also a consequence of the lack of separation and independence of the public authorities, in particular, the Judiciary. For such reason, it urges the Prosecutor's Office of the International Criminal Court to formally file a case for the commission of crimes against humanity.

241. The regime has concentrated its political and economic efforts to perpetuate itself in office. To this end, it has relied on schemes of major corruption at all levels of the State. As a result, there have been major omissions in the design and implementation of suitable and effective public policies aimed at guaranteeing the ESCR of groups in a situation of historical discrimination, such as LGBTI people, indigenous peoples, women, Afro-descendants, the elderly, people in a situation of mobility, and, in general, those living in poverty and extreme poverty.

242. The IACHR appeals to the international community to recognize the serious human rights crisis in Venezuela, to remain vigilant against new repressive escalations, and to activate all diplomatic and institutional channels for the return of democracy to the country. It also reaffirms its interest and willingness to visit the country, and therefore formally requests the State's consent to accompany and verify compliance with the following recommendations.

### **General recommendations and democratic institutions**

1. To immediately put an end to political repression and persecution.
2. To immediately and unconditionally release all political prisoners, particularly children and adolescents.
3. To cease arbitrary detention as a form of reprisal against those who manifest a critical opinion or dissident to the regime, human rights defenders and social leaders.
4. To restore constitutional order guaranteeing:
  - i. the independence and balance of powers, in particular, of the Judiciary and the Electoral Power;
  - ii. political participation without any type of repression or discrimination, and;
  - iii. effective citizen control over the actions of the different branches of government.
5. To publish all voting records and allow for an independent audit with international observance.



6. To guarantee a legitimate and peaceful constitutional succession.
7. To adopt suitable and effective measures to ensure the independence of the judiciary and the Public Ministry.

**Fight against impunity and administration of justice**

8. To immediately release people arbitrarily deprived of liberty.
9. To ensure compliance with the guarantees of due process in all procedural stages related to detentions in the electoral context.
10. To investigate with due diligence all allegations of human rights violations in the electoral context, and to prosecute and punish those materially and intellectually responsible.

**Political rights and participation in public life**

11. To adapt the domestic regulatory framework to ensure that any disqualification of persons aspiring to hold elected office be imposed pursuant to Inter-American standards.
12. To refrain from illegal or arbitrary detentions, particularly of children and adolescents; and in the event that a person is deprived of liberty, to ensure that all due process guarantees are met, including prompt appearance before a competent, independent and impartial judicial authority.
13. To guarantee the right to vote abroad to Venezuelan nationals who are over 18 years of age and have not been convicted of a criminal offense.

**Violence and citizen security**

14. To ensure that the use of force is in strict compliance with the principles of exceptionality, legality, necessity, proportionality, non-discrimination and accountability.
15. To immediately and decisively adopt measures to exclude the participation of armed civilian groups in citizen security functions.
16. To ensure that the actions of security and intelligence institutions have external and independent control, which may include, in the particular case of Venezuela, international technical assistance.

**Freedom of expression**

17. To grant journalists the maximum degree of guarantees so that they are not detained, threatened, assaulted, or have their work materials and tools confiscated because of exercising their profession.
18. To modify ambiguous or vague criminal laws that limit freedom of expression -such as those designed to protect the honor of ideas or institutions or those intended to protect national security or public peace- so as to avoid the use of criminal law to inhibit free democratic debate on matters of interest.
19. To refrain from applying limitations to the operation of websites, blogs, applications, or other internet, electronic, or similar information dissemination systems, including support systems, such as ISPs, or search engines.



**Poverty and ESCR**

20. To implement economic and fiscal policies with a human rights approach to combat poverty and extreme poverty, as well as to guarantee the ESCR of the population, with special attention placed on the most vulnerable populations and without discrimination.
21. To adopt the necessary measures to ensure that children and adolescents have access to quality health services, including the provision of medicines; especially considering the situation of those who suffer from chronic illnesses.
22. To refrain from any action or conduct that may limit the autonomy of universities, investigating, reviewing and modifying any legislation or practice which undermines it.

**Children and adolescents**

23. To guarantee access and quality of the right to education for children and adolescents through adequate investment in the educational system, ensuring regular attendance of students and teachers.
24. To strengthen and implement sustainable food programs that ensure continuous and adequate access to nutritious food for children and adolescents, including economic and technical support measures to guarantee meeting their nutritional needs.

**Women**

25. To adopt the necessary measures to comply with the State's obligation of enhanced due diligence in the prevention, protection, investigation, punishment and reparation of all forms of violence against women.
26. To urgently adopt all necessary measures to make available a varied, accessible and acceptable supply of contraceptive and family planning methods, both female and male, as well as reproductive and maternal health services throughout the country.
27. To review domestic legislation on the voluntary interruption of pregnancy in order to guarantee the effective exercise of the sexual and reproductive rights of girls, women and pregnant women of all ages.

**Human rights defenders**

28. To immediately cease all acts of harassment and intimidation against human rights defenders, including arbitrary detentions, short-term forced disappearances, criminalization, stigmatization, monitoring and surveillance, among others.
29. To immediately release all human rights defenders who have been arbitrarily detained for their human rights work.
30. To refrain from resorting to invoke criminal offenses against human rights defenders, such as incitement to hatred, public instigation, unlawful association and terrorism.
31. To cease the use of administrative measures, such as the retention and cancellation of identity and travel documents, with the purpose of preventing and/or repressing the work of human rights defenders.



32. To abolish the Law for the Control, Regularization, Performance and Financing of Non-Governmental and Related Organizations; and to guarantee that human rights defenders may perform their activities free from any type of intimidation.

#### **Lesbian, gay, bisexual, trans and intersex persons (LGBTI)**

33. To take immediate actions aimed at the effective collection and analysis of data on violence and discrimination affecting LGBTI persons.
34. To adopt the necessary measures to guarantee access to justice without discrimination for LGBTI persons, and to conduct impartial and due diligence investigations into deaths or violent crimes against these persons.
35. To adopt a comprehensive legal framework that explicitly protects against bias-based discrimination based on sexual orientation, gender identity, non-normative gender expression or diverse sexual characteristics.

#### **Elders**

36. To release persons over 70 years of age deprived of their liberty under pretrial detention.
37. To assist the elderly in extreme poverty by identifying priority cases, incorporating them into existing social programs and providing access to non-contributory pensions.
38. To readjust the economic allocation received through the contributory and non-contributory systems in order to guarantee a dignified life for elderly pensioners; as well as to reactivate pension payments to Venezuelan citizens living abroad.

#### **Persons deprived of liberty**

39. To put an end to the intentional deprivation of food and medicine as a tool of coercion or punishment against persons deprived of liberty, particularly those detained for political reasons.
40. To adopt the judicial, legislative and administrative measures required to reduce the inmate population and, in particular, to put an end to the detention of persons in pretrial detention facilities.
41. To guarantee detention conditions compatible with human dignity and respect for fundamental rights that ensure the dignified treatment of persons under custody and meet the needs of this population with respect for the gender perspective and intersectional approaches.

#### **Persons in situation of human mobility**

42. To ensure consular services for the processing of essential identification and travel documents.



43. To implement all efforts to inform Venezuelans in mobility situations about possible risks on irregular migration routes, including human trafficking, gender-based violence, abuse and exploitation.
44. To ensure alternative ways to guarantee the reunification of family groups that have been separated since the suspension of the direct air connection, in order to avoid the need to resort to irregular migratory means.

**Persons of African descent**

45. To adopt the necessary measures to effectively implement the concluding observations of the United Nations Committee on the Elimination of Racial Discrimination (CERD) on the 22<sup>nd</sup> to 24<sup>th</sup> periodic reports of Venezuela.
46. To adopt policies to guarantee the effective enjoyment of the economic, social, cultural and environmental rights of Afro-descendant people, with an intersectional perspective and a focus on Afro-descendant women. In particular, to ensure access to education, health, work, drinking water and a healthy environment.
47. To adopt affirmative actions that encourage and facilitate the effective participation of Afro-descendants in decision-making spaces, guaranteeing equal conditions and opportunities for their access and representation.

**Indigenous peoples**

48. To guarantee the self-determination and the right to territory of indigenous peoples, particularly in view of the impacts of illegal mining and other illegal economies in the Orinoco Mining Arc.
49. To guarantee equitable and culturally appropriate access to quality health and education services through policies and programs with an intercultural and intersectional approach.
50. To guarantee the right to prior, free and informed consultation with respect to any measure that could directly or indirectly affect indigenous peoples.



## REASONED VOTE OF COMMISSIONER CARLOS BERNAL PULIDO REGARDING CHAPTER IV.B-VENEZUELA OF THE 2024 ANNUAL REPORT

With the customary respect for my colleagues and in accordance with Article 19.1 of the Rules of Procedure of the Inter-American Commission on Human Rights ("the Commission" or "the IACHR"), I submit a partial reasoned vote on certain points raised by the majority of the plenary of the Commission in Chapter IV.B corresponding to the State of Venezuela ("the Chapter" or "Chapter IV.B-Venezuela"), of the Annual Report 2024 (the "Report" or the "Annual Report").

Without prejudice to the observations that I will present in this vote, I emphasize the relevant impact that the work carried out by the IACHR in this chapter has on the guarantee of human rights. Notwithstanding, in this reasoned opinion I will analyze, in particular, aspects incorporated into the Chapter on sexual and reproductive rights, abortion, and gender identity.

In particular, I will state that Chapter IV.B: (i) contains considerations that pose a risk for pregnant women and ignore the integral needs of women; (ii) presents an insufficient approach in relation to the approval and use of contraceptive methods; and (iii) is imprecise in relation to the rights of LGTBI persons.

### **1. Chapter IV-A contains considerations that pose a risk to women and ignore the integral needs of women.**

Paragraph 188 of the Report mentions that "[...] there is still a lack of medical protocols for the provision of therapeutic abortion services, the only one allowed by law, therefore, people seeking an abortion resort to unsafe practices, or must travel to other countries, such as Colombia, to access this health service".

Paragraph 189 states that: "in the framework of the above, the Commission urges the State to adopt legislative, budgetary and public policy measures and any other measure necessary to guarantee, without any discrimination, the availability, accessibility, relevance and quality of sexual and reproductive health facilities, goods and services, under an intersectional and gender-based approach, **including access to health services for the voluntary interruption of pregnancy**" (Bolding outside the original text).

Consistent with this, recommendation 27 states: "**Review domestic legislation on voluntary termination of pregnancy, so as to ensure the effective exercise of the sexual and reproductive rights of girls, women and pregnant women of all ages**" (Bolder outside the original text).

Next, I will address the following issues: (i) the non-existence of the right to abortion and the margin of state configuration; (ii) the deficit of protection for the unborn; (iii) the inadequate limitation of sexual and reproductive rights derived from the chapter; and (iii) the invisibilization of women with the use of some terms.

#### **1.1. Non-existence of the right to abortion and the state's margin of configuration**

First, I reiterate that there are no binding sources in international law -and especially in the American Convention or other treaties that make up the Inter-American System- that contemplate (i) the so-called right



to abortion or (ii) a correlative obligation for States to provide abortion services. Under this framework, the States have a wide margin of configuration - by virtue of the principles of subsidiarity or complementarity and representative democracy - to take measures to protect prenatal life - which is protected by the American Convention<sup>412</sup> - including, although it is not the only means, the use of criminal law.

In his partially dissenting opinion to the judgment in the case of *Manuela et al. v. El Salvador*, former IACHR Court Judge Eduardo Vio Grossi stated that there is no right to abortion:

"And in this regard it is indisputable that, (...) there is no inter-American or international legal norm, whether conventional, international custom or general principle of law, that recognizes abortion as a right. There are only resolutions of international bodies, most of which are made up of international officials and not representatives of States, decisions which, in addition to not being binding, are not interpretative of current international law but rather reflect aspirations for it to change in the direction they suggest".<sup>413</sup>

In fact, it should be noted that the Inter-American Court recently heard the case of *Beatriz v. El Salvador*, in which the alleged existence of a "right to abortion" was alleged by the IACHR and the representation of victims. However, in the judgment, the Court did not establish the existence of such a right.<sup>414</sup> This is further evidence of the non-existence of a binding legal source from which an alleged right to abortion is derived.

Now, I emphasize that this margin of configuration derived from the non-existence of a right to abortion and the convergence of rights in tension acquires greater amplitude thanks to the competence that falls to the States to define punishable conducts and their consequences, and to the automatic referral that, according to the IACHR Court, Article 7.2 of the American Convention makes to domestic law for the area of deprivation of liberty -principle of reservation of law- .<sup>415</sup>

This is relevant if one takes into account that, from a systematic reading of Articles 31, 76 and 77 of the American Convention, only through consensus - expressed by the States through the signature and ratification of amendments or treaties - can additional international obligations arise in addition to those already contemplated in the ACHR.

## 1.2. Deficit of protection for the unborn in the Report

Secondly, I emphasize that the references to abortion ignore the other person whose right to life is also conventionally protected: the unborn person. Thus, the necessary weighting that must exist between the rights in tension of all internationally protected persons is ignored. In this regard, it is emphasized that unborn persons are also subjects of law and holders of the right to life. A pronouncement on abortion always implies a position on a practice that necessarily implies the termination of the life of a dignified human being and that Article 4 of the ACHR protects, so it is necessary to expressly recognize the rights of the unborn person as part of the weighing required in any case of abortion.

In this regard, Article 1.2 of the ACHR clearly establishes that, for the purposes of the Convention, a "person" is every human being.<sup>416</sup> Thus, in light of the Convention, human rights are not only recognized for persons who have already been born, but all individuals must be protected from their conception, understanding them as human beings. Moreover, the IACHR Court itself in its advisory opinion 22 indicated that, without being a

---

<sup>412</sup> ACHR. Article 4.

<sup>413</sup> Partially Dissenting Opinion of Judge Eduardo Vio Grossi, Inter-American Court of Human Rights, Case of *Manuela et al. v. El Salvador*, Judgment of November 2, 2021 (Preliminary Objections, Merits, Reparations and Costs), para. 13.

<sup>414</sup> I/A Court H.R., Case of *Beatriz et al. Case of Beatriz et al. v. El Salvador*. Merits, Reparations and Costs. Judgment of November 22, 2024. Series C No. 549.

<sup>415</sup> IACHR Court. Case of *Romero Feris v. Argentina*. Merits, Reparations and Costs. Judgment of October 15, 2019. Series C No. 391. para. 77.

<sup>416</sup> ACHR. Art. 1.2 "For the purposes of this Convention, a person is every human being".



matter open to interpretation, the term person is equivalent to the term human being for the purposes of the ACHR.<sup>417</sup>

In view of this, it is clear that the person in gestation is a human being.<sup>418</sup> Even the Universal Declaration on the Human Genome and Human Rights establishes that "the human genome is the basis of the fundamental unity of all members of the human family and of the recognition of their inherent dignity and diversity. In a symbolic sense, the human genome is the heritage of humanity".<sup>419</sup>

The consequence of recognizing the unborn as a person as a human being is that he or she becomes a holder of rights. Thus, the ACHR establishes in the articles that develop rights the formula "Every person (...)".<sup>420</sup> Likewise, the instruments for the protection of human rights generally recognize the ownership of rights by members of the human species, especially the right to life.<sup>421</sup>

Furthermore, in the *Artavia Murillo* judgment, the Inter-American Court determined that "the protection of the right to life is not absolute, but gradual and incremental as the development of the fetus progresses". This implies that, without prejudice to the concepts of graduality and incrementality (from which I completely separate myself), the Court has already established that persons in gestation must be protected by the State in their "right to life". In a similar sense, in the judgment of the *Cuscul Pivaral* case,<sup>422</sup> the IACHR Court applied the ACHR to a person in gestation and also applied Article 19 of the ACHR, thus recognizing the legal status of a child to the person in gestation.

In the same vein, I emphasize that the preamble of the Convention on the Rights of the Child states that the child needs protection and care both before and after birth.<sup>423</sup> This implies that, in light of the CRC, the unborn child is a child who requires special care. This was reiterated in the preparatory work for the International Covenant on Civil and Political Rights.<sup>424</sup>

### 1.3. Inadequate limitation of sexual and reproductive rights arising from the chapter.

Finally, I call attention to the importance of not limiting so-called sexual and reproductive rights to access to abortion. This is not only because there is no law that enshrines abortion as a guarantee of these rights, but also because this vision simplifies and makes invisible the problems to which women in the region are subjected. Therefore, it impedes the development of debates that would lead to the formulation of comprehensive and integral proposals to address the structural problems faced by women in the region.

### 1.4. Invisibilization of women through the use of certain terms

The recommendations included in the chapter refer to the term "pregnant person". It is worth mentioning that

<sup>417</sup> IACHR Court. OC-22/16. Ownership of rights of legal persons in the Inter-American Human Rights System. Advisory Opinion of February 26, 2016. Series A. No. 22. para. 48.

<sup>418</sup> Kaluger, G., and Kaluger, M., *Human Development: The Span of Life*, The C.V. Mosby Co., St. Louis, 1974, page 28-29.

<sup>419</sup> Universal Declaration on the Human Genome and Human Rights. Article 1.

<sup>420</sup> American Convention on Human Rights. Articles 4, 5, 7, 8, 10, 11, 12, 13, 14, 16, 18, 20, 21, 22, 24 and 25.

<sup>421</sup> International Covenant on Civil and Political Rights. Preamble, inc. 3; American Convention on Human Rights, inc. 3. Preamble; African Charter on Human Rights. Preamble, inc. 6; Geneva Declaration on the Rights of the Child. Preamble, inc. 1; American Declaration of the International Rights and Duties of Man. Art. 1; Universal Declaration of Human Rights. Preamble, inc. 1; Declaration of the Rights of the Child. Preamble, inc. 2; European Convention on Human Rights. Preamble, inc. 2.

<sup>422</sup> I/A Court H.R., *Case of Cuscul Pivaral v. Guatemala*. Judgment of August 23, 2018. "On the other hand, the Court has pointed out that extreme poverty and the lack of adequate medical care for pregnant or post-pregnant women are causes of high maternal mortality and morbidity, so the States must provide adequate health policies that allow to offer assistance with adequately trained personnel for the care of births, policies to prevent maternal mortality through adequate pre-natal and post-partum controls, and legal and administrative instruments in health policies that allow to adequately document cases of maternal mortality. Likewise, the Court has recognized that, by virtue of Article 19 of the Convention, the State must assume a special position of guarantor with greater care and responsibility, and must take special measures guided by the principle of the best interests of the child."

<sup>423</sup> Convention on the Rights of the Child. Preamble.

<sup>424</sup> "The main reason for providing in paragraph 4 [now Article 6(5)] of the original text that the death penalty should not be applied to pregnant women was to save the innocent life of the unborn child." United Nations. General Assembly. Report of the Third Committee on the Draft International Covenants on Human Rights. A/3764. P. 40.



the gestational process is one that is protected by international human rights law. Thus, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women,<sup>425</sup> the International Covenant on Economic, Social and Cultural Rights (ICESCR),<sup>426</sup> and the Convention on the Elimination of All Forms of Discrimination against Women<sup>427</sup> provide special protection for pregnant women.

This right to the protection of pregnancy has been established in international instruments for women. Thus, for example, the CEDAW refers to the necessary protection of "women during pregnancy";<sup>428</sup> and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women refers to the protection measures that must be granted to "women who are subjected to violence when they are pregnant".<sup>429</sup> In this sense, the term woman is directly established in the international instruments in relation to the gestational process, but not other terms such as the pregnant person used by the majority of the Commission in the chapter referred to in this vote.

On this matter, I take this opportunity to express my concern regarding a trend of invisibilization that has been generated in international law in relation to terms that are intrinsically related to the fact of being a woman, in order to implement an apparently "neutral" or "more inclusive" language. Thus, terms such as woman pregnant or pregnant have been replaced by "pregnant person", woman by "menstruating person", or mother by "parent".

This trend, far from being more inclusive, has devastating effects for women. The replacement of the term woman negates the years of struggle to make women visible in international law instruments. Thus, through language, it erases women the protection of international law. Furthermore, it prevents the recognition in international law of realities that have a special impact on women and require differentiated measures, such as pregnancy, maternity or breastfeeding. Finally, it reduces women to their reproductive characteristics, reducing their nature to beings that gestate or menstruate. In relation to the use of these terms, it is important to have open and democratic dialogues that take into consideration the consequences and impacts of their use before they are included in the Commission's documents

## 2. Inadequate approach to contraceptive method approval and use

Paragraph 188 of the chapter states that "In the same vein, media reports indicate limited access to contraceptive methods by women living in rural areas and indigenous communities, where the highest rates of teenage pregnancies are found".

In view of this, I criticize the fact that the majority of the Commission has opted to promote the guarantee of contraceptive methods and has rejected the inclusion in the Report of a paragraph urging States to accompany such measures with education and awareness-raising initiatives on the use of these methods, information on the possible specific physical effects they entail and their impact on the right to health. I emphasize that freedom in decision-making is not limited to the opening of options. True freedom comes when sufficient information is provided to make decisions.

In this regard, the World Health Organization has indicated that the adoption of the contraceptive method will depend on **"the general state of health of the person"**, among other criteria.<sup>430</sup> This is of great relevance, since it shows that **not every contraceptive method is suitable for every person** and that, in this context, the provision of contraceptives may represent a health risk in specific cases. Thus, it is essential that individuals receive adequate guidance on existing contraceptive methods so that they can make an informed choice of the most appropriate option for them.

<sup>425</sup> Article 9.

<sup>426</sup> Article 10.

<sup>427</sup> Article 11.2. and 12.

<sup>428</sup> Article 11, 2, d.

<sup>429</sup> Article 9.

<sup>430</sup> Family planning. Contraceptive methods. <https://www.who.int/es/news-room/fact-sheets/detail/family-planning-contraception>.



Only with proper guidance can it be guaranteed that persons who use contraceptive methods give their informed consent, an essential guarantee that derives from the conventional text.<sup>431</sup> With regard to informed consent, the Inter-American Court of Human Rights has stated that:

"The concept of informed consent consists of a prior decision to accept or submit to a medical act in a broad sense, obtained freely, i.e. without threats or coercion, inducement or improper inducements, expressed after **obtaining adequate, complete, reliable, understandable and accessible information, provided that this information has been truly understood, which will allow the full consent of the individual.** Informed consent is the positive decision to undergo a medical act, derived from a process of prior, free and **informed** decision or choice, which constitutes a bidirectional mechanism of interaction in the doctor-patient relationship".<sup>432</sup>

In relation to this, in the case of *I.V. v. Bolivia*, the Court reproached that the victim never had the possibility of knowing and weighing different alternatives of contraceptive methods.<sup>433</sup> In this case, the IACHR emphasized the importance of people having the necessary information to make an informed decision. In this context, the Court highlighted the relevance of addressing the effects or impacts of the method for free choice.<sup>434</sup>

Thus, the autonomy of individuals in the choice of contraceptive methods can only be guaranteed when they have the capacity to consent to their use or non-use with the necessary information. It is therefore particularly unfortunate that the approved Chapter has deliberately omitted these elements.

### 3. Inaccuracies in relation to the rights of LGBTI persons

In paragraph 206, it states "Venezuela continues to produce no official data on violence and discrimination affecting LGBTI persons. Despite this, there is no legal framework that guarantees **their fundamental rights** without discrimination, including their rights of association, freedom of expression, **recognition of diverse families and gender identity.**" In relation to this, below, I will refer to: (i) the non-existence of a right to gender identity and (ii) non-existence of the right to marriage or adoption in same-sex couples.

#### 3.1. Non-existence of the right to gender identity

Paragraph 206 includes among the rights of LGBTI persons the right to gender identity. In this regard, I reiterate that the American Convention does not expressly contemplate a right to gender identity, nor is there a binding instrument in the Inter-American System that establishes an obligation to adapt identification documents to gender identity.

As I have indicated, recognizing new rights that are not in the Convention through an interpretation that does not follow the procedures established in the Convention itself would undermine Articles 31, 76 and 77, ignoring the original will of the States that ratified the Convention.

Therefore, any pronouncement in which one of the organs of the ISHR applies a right that is not established in the binding instruments of international law that govern its activity will be an act that will violate the literal meaning of the American Convention and will exceed the scope of the competences of the IACHR or the Court, as the case may be. Such an irregular constitutive act would also undermine the principles of good faith and *pacta sunt servanda*.<sup>435</sup>

<sup>431</sup> IACHR Court. Case of *I.V. v. Bolivia*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 30, 2016. Series C No. 329.

<sup>432</sup> IACHR Court. Case of *I.V. v. Bolivia*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 30, 2016. Series C No. 329.

<sup>433</sup> *Ibidem*.

<sup>434</sup> IACHR Court. Case of *I.V. v. Bolivia*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 30, 2016. Series C No. 329.

<sup>435</sup> Vienna Convention on the Law of Treaties. Article 26.



On the other hand, although I am not unaware that OC-24/17 affirmed the existence of the so-called "right to gender identity" and of the obligation to adapt identification documents to the self-perceived gender identity in the terms indicated in this Chapter, I emphasize that the Advisory Opinions of the IACHR Court do not have the capacity to contemplate rights or obligations other than those expressly contemplated by the American Convention.<sup>436</sup>

In this regard, in the first place, Article 68 of the Convention is clear in that the States are obliged to comply with the decisions rendered by the Court "in any case to which they are parties". This provision is of great relevance in that (i) it is the only one that refers to the legal value of the Court's pronouncements and (ii) it circumscribes the binding nature expressly for the States parties to a case, thus limiting the addressee of the obligations -the State party to a case- and the context in which the pronouncement is issued -that is, the contentious one-. This position has also been sustained by some sectors of the doctrine, also based on the principle of consent of the States as the basis of conventional law.<sup>437</sup>

Secondly, specifically regarding OC-24/17, it is appropriate to take into consideration Article 64 of the ACHR, which circumscribes the competence of the Court to issue advisory opinions regarding the Convention or treaties of the Inter-American System. Thus, given that OC-24/17 establishes alleged rights not contemplated in the ACHR, nor in any other treaty of the IAHRs, its binding nature is even more questionable.

Thirdly, to derive obligations or so-called rights not contemplated in the Convention, based exclusively on an advisory opinion, would be contrary to the principle of *pacta sunt servanda* that governs international treaty law, by virtue of which States are only bound to comply with that to which they have expressed their consent.<sup>438</sup>

Fourth, although the Inter-American Court has affirmed that advisory opinions are parameters of conventionality control,<sup>439</sup> I emphasize that an open and transparent inter-American dialogue is still necessary to further discuss this position, which is not expressly derived from the American Convention, nor from any other international instrument binding on the States. I call attention to the fact that there is still no consensus on the matter, neither in the States of the region nor in the academy; hence, important constitutional courts still refrain from invoking the figure of conventionality control and from incorporating advisory opinions as a parameter.<sup>440</sup>

Finally, I note that some authors have indicated that the extension of the effects of the advisory opinions could contribute to distort the functioning of the Inter-American System and, thus, weaken it, since (i) it results in equating the decisions issued in the advisory function of the Court with the text of the convention itself,<sup>441</sup> and (ii) blurs the differences between the jurisdictional and advisory functions of the Court. Some have even indicated that these interpretations of the Court generate legal uncertainty, since there is no certainty as to the effects with which the advisory opinions are issued.<sup>442</sup>

By virtue of the above, given that there is no conventional right to gender identity in the ISHR, it is possible to affirm that there are no correlative obligations of recognition of this right on the part of the States.

---

<sup>436</sup> IACHR Court. Gender identity, and equality and non-discrimination of same-sex couples. State obligations in relation to the change of name, gender identity, and rights derived from a bond between same-sex couples (interpretation and scope of Articles 1(1), 3, 7, 11(2), 13, 17, 18 and 24, in relation to Article 1 of the American Convention on Human Rights). Advisory Opinion OC-24/17 of November 24, 2017. Series A No. 24.

<sup>437</sup> Systematization of the criticisms in: González Domínguez, P. (2017). The doctrine of conventionality control in light of the principle of subsidiarity. *Estudios constitucionales*, 15(1), 55-98.

<sup>438</sup> Vienna Convention on the Law of Treaties.

<sup>439</sup> IACHR Court. Rights and guarantees of children in the context of migration and/or in need of international protection. Advisory Opinion OC-21/14 of August 19, 2014. Series A No. 21. para. 31.

<sup>440</sup> Ramírez, F. G. (2023). A critical look at conventionality control. *Revista de Derecho y Ciencias Sociales*, (28), 101-142; Palacios, D. L. (2017). Inter-American conventionality control in domestic venue: a notion still under construction. *Revista Direito e Práxis*, 8, 1389-1418.

<sup>441</sup> Colombo, I. (2022). A critical analysis of the doctrine of conventionality control. *Omnia. Derecho y sociedad*, 5 (1), pp. 83-116.

<sup>442</sup> Colombo, I. (2022). A critical analysis of the doctrine of conventionality control. *Omnia. Derecho y sociedad*, 5 (1), pp. 83-116.



### 3.2. No right to marriage or adoption in same-sex couples

First, I reiterate that there is no treaty provision that obliges States to recognize same-sex marriages. As I have mentioned on several occasions, the treaties that are part of the Inter-American Human Rights System and grant competence to the Inter-American Commission do not contemplate any obligation with respect to the recognition of marriage between same-sex couples. This absence of obligation derives from the literal wording of the American Convention, which clearly establishes that marriage is a right reserved for "man and woman":

**"The right of men and women** to marry and to found a family if they are of age and meet the conditions required by domestic law, insofar as these do not affect the principle of non-discrimination established in this Convention, is recognized."<sup>443</sup> (Boldface outside of original text).

Therefore, in accordance with the hermeneutic principle that calls for a literal and good faith interpretation,<sup>444</sup> the State is only obliged to recognize the right to marriage for the couples specifically mentioned in Article 17(2) of the American Convention.

It is essential to underline that, according to the jurisprudence of the International Court of Justice, the good faith interpretation of a treaty should not result in changing the literal wording of the treaties or in inferring what is not expressly contained in the text. This approach implies that the interpreter must assume that the parties intended what follows from the ordinary meaning of the terms used in the international agreement.<sup>445</sup> The text-centered approach to treaty interpretation is not only accepted in the field of international law, but is also highly recommended, since it is based on the only empirically verifiable evidence of the intentions of States: the text of the treaty itself.<sup>446</sup>

Following these rules of interpretation, the European Court of Human Rights has considered the conception of marriage as that between a man and a woman - as established in the European Convention on Human Rights, in a provision similar to that of the ACHR.<sup>447</sup> In this sense, the European Court supports the idea that there is no binding obligation for States to recognize marriage between same-sex couples, which leaves a wide margin of State configuration for the regulation of this matter.<sup>448</sup> Likewise, in terms of the European Court of Human Rights:

"The Court reiterates that, according to Article 14 in conjunction with Article 8, States are free to restrict marriage only to opposite-sex couples and have a certain margin of configuration to decide the exact nature of the legal status granted by other means of legal recognition."<sup>449</sup>

---

<sup>443</sup> American Convention on Human Rights. Article 17.1.

<sup>444</sup> Vienna Convention on the Law of Treaties. Article 31.

<sup>445</sup> International Court of Justice. Case concerning rights of nationals of the United States of America in Morocco. *France v. United States of America*. ICJ Reports 1952, pp. 196-199. International Court of Justice. Interpretation of peace treaties with Bulgaria, Hungary, and Romania (Second Phase). ICJ Reports 1950, pp.229-230.

<sup>446</sup> International Court of Justice. Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 Nautical Miles from the Nicaraguan Coast (*Nicaragua v. Colombia*), Preliminary Objections, Judgment, I.C.J. Reports 2016, p. 116-123, paras. 34-38, 46. Although the International Court of Justice did not rely exclusively on the literal criterion of interpretation, this was one of the first criteria taken into account by that Tribunal to dismiss the interpretation of the Colombian party.

<sup>447</sup> European Convention on Human Rights. Article 12: "Men and women of marriageable age have the right to marry and to found a family in accordance with the national laws governing the exercise of this right".

<sup>448</sup> ECTHR. *Oliari et al. v. Italy*. 21 July 2015. Para. 193.

<sup>449</sup> ECTHR. *Chapin and Charpentier v France*. 09 September 2016. Para.48.



On this point, it is worth noting that this same approach is upheld by the European Court in the cases *Orlandi v. Italy*<sup>450</sup> and *Fedotova and others v. Russia*.<sup>451</sup> Indeed, in both cases, the European Court held that, although States must provide mechanisms for the protection of same-sex unions, this protection does not necessarily derive from the recognition of same-sex marriages.

Under this framework, I fully agree that the margin available to the States in this regard concerns both the form of recognition and the content of the protection to be granted to same-sex couples, **which cannot be translated into an absolute absence of protection.**

Secondly, I would like to point out that there is no international instrument that establishes obligations of recognition regarding adoption for same-sex couples, so that the States have a wide margin of configuration in this matter. However, it is essential to establish that any decision taken in this regard **must consider the best interests of the child or adolescent**,<sup>452</sup> who are the persons protected by the figure of adoption.

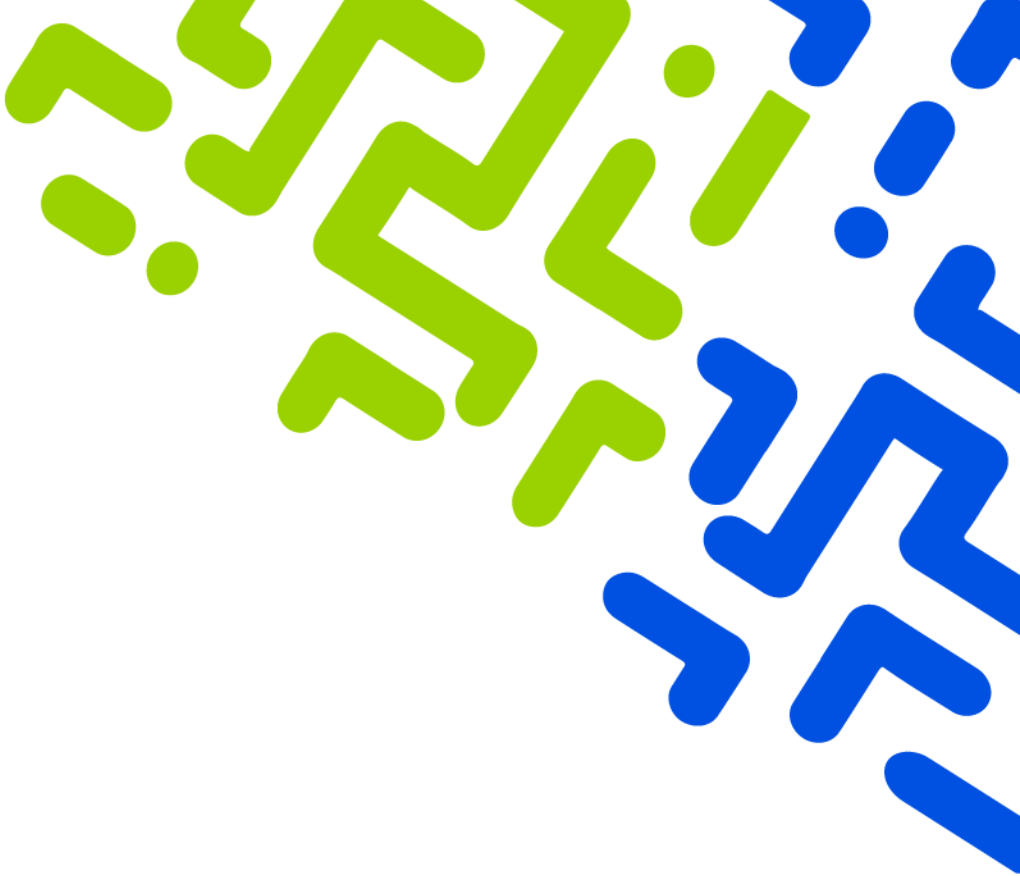
---

<sup>450</sup> ECHR. *Orlandi v Italy*. "The Court reiterates that States are still free, under Article 12 of the Convention as well as under Article 14 taken in conjunction with Article 8, to restrict access to marriage to different sex. The same holds for Article 14 taken in conjunction with Article 12 (see *Oliari and Others*, cited above, § 193)." (Translation: The Court reiterates that States remain free under Article 12 of the Convention, as well as Article 14 in conjunction with Article 8, to restrict access to marriage to different sex couples. The same applies to Article 14 in conjunction with Article 12). Para. 192.

<sup>451</sup> In this case, the Court analyzed -only- the possible violation of Article 8 of the ECHR, which refers to the right of individuals not to be subjected to arbitrary interference by the State in their private life. In the case of same-sex couples, the Court established that the lack of a legal framework that allows same-sex couples to have their relationship recognized and protected under national law may generate significant obstacles in the daily life of these couples. Without prejudice to the foregoing, it established that the State may enjoy a margin of appreciation to determine the form of registration of same-sex unions, which implies that this registration should not necessarily be through the figure of marriage.

<sup>452</sup> ACHR, Article 19.





# **Follow-Up of Recommendations in Country or Thematic Reports**

---

**Brasil**





## CHAPTER V: BRAZIL

<b>I.</b>	<b>INTRODUCTION .....</b>	<b>801</b>
A.	Background information: <i>In loco</i> visit and report on the human rights situation .....	801
B.	Human rights situation in Brazil after the release of the Country Report .....	802
C.	Report on follow-up of recommendations .....	804
<b>II.</b>	<b>FOLLOW-UP ON RECOMMENDATIONS.....</b>	<b>805</b>
A.	The institutional underpinning of human rights .....	805
B.	Economic, social, cultural and environmental rights.....	808
C.	Citizen security .....	815
D.	Access to justice.....	829
E.	Persons of African descent.....	839
F.	Indigenous peoples and traditional Quilombola communities.....	844
G.	Women .....	863
H.	Boys, girls, and adolescents .....	875
I.	Lesbian, gay, bisexual, trans and intersex (LGBTI) persons .....	880
J.	Persons with disabilities.....	887
K.	Persons deprived of liberty .....	894
L.	Human rights defenders .....	912
M.	Human trafficking.....	918
N.	Forced internal displacement.....	919
O.	Human mobility, asylum and statelessness .....	921
P.	Memory, truth and justice .....	933



---

<b>III.</b>	<b>SUMMARY TABLE OF THE LEVEL OF STATE COMPLIANCE WITH THE RECOMMENDATIONS.....</b>	<b>939</b>
<b>IV.</b>	<b>CONCLUSIONS.....</b>	<b>942</b>
1.	Chapter IV. A contains considerations that pose a risk to pregnant women and ignore the integral needs of women .....	944
2.	Deficit of protection for the unborn in the Report .....	945
3.	Inaccuracies in relation to the rights of LGBTI persons.....	947
 <b>PARTIALLY DISSENTING OPINION OF COMMISSIONER CARLOS BERNAL PULIDO ON CHAPTER V (BRAZIL) OF THE 2024 ANNUAL REPORT.....</b>		<b>994</b>



## CHAPTER V

# FOLLOW-UP OF RECOMMENDATIONS ISSUED BY THE IACHR IN ITS COUNTRY OR THEMATIC REPORTS

### THIRD FOLLOW-UP REPORT ON THE RECOMMENDATIONS ISSUED BY THE IACHR IN THE 2021 REPORT ON THE SITUATION OF HUMAN RIGHTS IN BRAZIL<sup>1</sup>

#### I. INTRODUCTION

##### A. Background information: *In loco* visit and report on the human rights situation

1. The purpose of this document is to follow up on the recommendations issued in the *Report on the Situation of Human Rights in Brazil* (Brazil Report, Report on Brazil, Country Report, or IACHR Report), approved by the Inter-American Commission on Human Rights (IACHR, Inter-American Commission or Commission) on February 12, 2021.<sup>2</sup> The IACHR Report was the result of the *in loco* visit conducted to Brazil between November 5 and 12, 2018, as part of its continuous monitoring of the human rights situation in the continent and in accordance with Article 106 of the Charter of the Organization of American States (OAS).

2. The purpose of the *in loco* visit to Brazil was to carry out a comprehensive diagnostic assessment of the human rights situation in the country. Taking into consideration its vast territory and the particularities of each region and federal state of Brazil, the Commission focused on specific issues and groups that are linked to historical processes of discrimination and structural inequality.

3. As a result of the visit, the Commission approved and released the Brazil Report, comprised of the following chapters: “Historical discrimination and socioeconomic discrimination as factors causing structural inequality;” “Other groups at special risk;” “Citizen security;” “Impunity;” “Democratic institutions and human rights;” and “Freedom of expression and information.” These chapters include a detailed analysis of the extreme inequality and vulnerability of certain specific population groups in Brazil, which is a consequence of the historical discrimination to which they have always been subjected.

4. In the aforementioned report, the Commission noted that, despite the existence of the Rule of Law and a democratic system and several human rights institutions in place, the country faces structural challenges in overcoming issues related to historically neglected discrimination. Furthermore, the Commission stated that these challenges have an exacerbated impact on specific groups, such as Afro-descendants, women, Quilombola communities, indigenous peoples, peasant and rural workers, homeless persons and persons living in slums or peripheral urban areas.<sup>3</sup>

5. The Commission also found that structural discrimination is intrinsically linked to social exclusion and access to land, which has thus built a cycle of inequality and extreme poverty. It further indicated that this situation exposes persons in vulnerable situations to violence perpetrated by criminal organizations such as militias and drug-trafficking groups, as well as by groups engaged in human trafficking and other modern forms of slavery.

---

<sup>1</sup> Chapter not approved by Commissioners Stuardo Ralón Orellana, Carlos Bernal Pulido and Gloria Monique de Mees, with a partial reasoned vote by Commissioner Carlos Bernal, which Commissioners Stuardo Ralón Orellana and Gloria Monique de Mees also concurred in. The partial reasoned vote is found at the end of this chapter.

<sup>2</sup> IACHR, Press Release No. 50/21, [IACHR Publishes Report on Human Rights Situation in Brazil and Highlights Impacts of Historical Processes of Discrimination and Structural Inequality](#), March 5, 2021.

<sup>3</sup> IACHR, [Situation of Human Rights in Brazil](#), paras. 4–11.



6. The Commission considered that the identified challenges have a negative impact on citizen security. It has also expressed that, despite the fact that extreme inequality leads to an increase in violence that affects persons in vulnerable situations, the State has devised and implemented security policies that entail violent and punitive institutional action by a militarized police force, which has resulted in serious human rights violations. In this context, the Inter-American Commission also analyzed the role of judicial authorities in the implementation of such policies.

7. In addition, the Commission observed that the poverty and extreme poverty faced by some historically discriminated population groups makes it difficult for them to have full and effective access to justice, which thus hinders the enjoyment of their rights. These people are at a disadvantage compared to the rest of the population, as they are more frequently exposed to institutional violence.

8. In particular, the Commission noted that security policies entail racial profiling practices that increase the risk of Afro-descendants and residents of outlying districts to arbitrary detention and abuse. This issue especially is clearly seen in places housing persons deprived of liberty—which are often overcrowded and become institutional environments that condone torture and other cruel, inhuman and degrading treatment—, such as prison centers, socioeducational facilities and therapeutic communities.

9. In addition, the Commission took note of the high level of impunity in cases of institutional violence, which, for the most part, have not seen progress in terms of investigation, conviction or reparation for the victims by the justice system. It also pointed out that, despite clear differences, this state of impunity is comparable to that observed with respect to crimes committed during the civil-military dictatorship. While the Inter-American Commission acknowledged the progress made by truth commissions at the state and federal levels in relation to cases of torture and forced disappearance, it underscored that, for the most part, these remain unpunished.

10. In its Country Report, the Commission also observed the increase in the number of threats made by authorities against the lives of journalists and media workers, especially after the 2018 general election, as well as the rise in hate crimes against persons of diverse sexual orientation, gender identity and/or expression, and diverse sexual characteristics.

11. At the institutional level, the Commission conducted a diagnostic assessment of the measures taken to respect and guarantee human rights in the country, such as the implementation of mechanisms to prevent torture and the strengthening of prosecutor's offices and national human rights institutions. It also took note of important public policies that sought, at that time, to bridge the gap of structural inequality and make progress in the fight against racism and historical discrimination, such as the programs focused on income transfer and access to housing and land, and the policies to promote Afro-descendants' and indigenous persons' access to higher education.

12. In its Country Report, the Commission issued 89 recommendations with a view to consolidating a system to promote and protect human rights, in accordance with the commitments made by the State in the inter-American and international spheres. It also issued a series of warnings to Brazil about actions that tend to undermine and even dismantle this system, such as the weakening of democratic spaces.

## **B. Human rights situation in Brazil after the release of the Country Report**

13. From the release of the Country Report in February 2021 to date, the Commission continued to follow up on the human rights situation in Brazil on an ongoing basis, through several different mechanisms, including monitoring, precautionary measures, Article 41 letters, press releases and hearings.

14. According to Chapter V of the *2022 Annual Report*,<sup>4</sup> during that year, the Commission observed that the problems and challenges identified in its early 2021 Country Report persisted and had escalated in

---

<sup>4</sup> IACHR, [2022 Annual Report, Chapter V, Brazil](#), April 20, 2022.



Brazil and were mostly exacerbated during the October 2022 electoral process. In this context, the Commission noted with concern the acts of violence motivated by the political context, as well as hate and discriminatory speech against leaders, which deepened the existing polarization. On this account, the Commission called on the State to prevent violence by guaranteeing protection and security measures during the elections, and to properly investigate these facts.<sup>5</sup>

15. For its part, the Office of the Special Rapporteur for Freedom of Expression (RELE) of the Commission called on electoral authorities, political parties and persons who held or aspired to hold elected office to protect the public debate and the observance of human rights, taking into account their special responsibilities in the exercise of their right to freedom of expression. The RELE further indicated that it had received reports of various stigmatizing statements and verbal attacks having been made against the press and human rights defenders by political leaders. Moreover, it stated that it had received information about speeches that had allegedly been aimed at jeopardizing the electoral process and democratic institutions, and that could exacerbate or encourage discrimination and violence, as well as information about demonstrations that had allegedly interfered with the enforcement of judicial rulings or could have encouraged the disregard of electoral results.<sup>6</sup>

16. In September 2022, the Commission welcomed the special measures adopted by state institutions to carry out free and fair elections on October 2. On that occasion, it exhorted the State to make every effort to prevent and combat any act of intolerance that could result in political violence.<sup>7</sup> The Commission recognizes that, despite the considerable tension experienced by the democratic system throughout the electoral process, the solid institutional framework of Brazil—based on the system of checks and balances and the Rule of Law—ensured the maintenance of democracy in the country.

17. However, in the post-election period, the Commission and the RELE condemned the rise in episodes of violence and intolerance associated with the elections and urged the State to ensure the safety of all persons, to diligently investigate said acts of violence and to foster full respect for democracy and public debate.<sup>8</sup> Particularly, on January 8, 2023, serious events took place in Brasília, when thousands of supporters of the former president of the Republic stormed broke into and took over the headquarters of Congress, the seat of the executive branch and the Federal Supreme Court (STF), demanding the intervention of military forces. The Commission recalls that these acts were widely rejected in the international arena as well as in Brazil.

18. The Commission notes that these serious acts were the result of the context it had described in its press releases of August and December 2022. On that occasion, the Commission condemned the attacks on institutions and the violence that had broken out in the capital city, since this constituted an assault on democracy. The Commission also emphasized that the right of assembly must be exercised peacefully, without the use of weapons and in strict observance of the Rule of Law, stressing that all those persons involved in and responsible for the acts of violence should be investigated and punished.<sup>9</sup> For its part, the United Nations High Commissioner for Human Rights condemned the “attack on the heart of Brazilian democracy” and pointed out that this had been “the culmination of the sustained distortion of facts and incitement to violence and hatred by political, social and economic actors who have been fueling an atmosphere of distrust, division, and destruction by rejecting the result of democratic elections.”<sup>10</sup>

---

<sup>5</sup> IACHR, Press Release No. 171/22, [IACHR Asks Brazil to Prevent, Investigate, and Punish Violence in Its Upcoming Election Process](#), July 29, 2022.

<sup>6</sup> IACHR, Press Release No. R192/22, [Authorities and candidates for public office in Brazil are called upon to protect public debate and freedom of expression](#), August 30, 2022.

<sup>7</sup> IACHR, Press Release No. 219/22, [IACHR Calls on Brazil to Hold Peaceful Elections That Respect Representative Democracy and Human Rights](#), September 29, 2022.

<sup>8</sup> IACHR, Press Release No. 266/22, [IACHR and Its Special Rapporteurship for Freedom of Expression Reject Escalation of Tension, Intolerance, and Violence after Presidential Elections in Brazil](#), December 2, 2022.

<sup>9</sup> IACHR [@CIDH], (January 8, 2023), #CIDH repudia ataques às instituições e à violência em Brasília [X post], X, <https://x.com/CIDH/status/1612195722149105665>.

<sup>10</sup> UN News, “[Asalto a la sede de los tres poderes en Brasil](#),” January 9, 2023.



### C. Report on follow-up of recommendations

19. After the release of its Country Report, the Commission issued two additional reports on the follow-up of the recommendations contained therein. These were incorporated into Chapter V of both the 2022<sup>11</sup> and 2023<sup>12</sup> Annual Reports, in which the Commission determined the levels of compliance with each recommendation on the basis of the information submitted by the State and civil society organizations.

20. This is the third report on the follow-up of the recommendations published in the Country Report. For its preparation, on September 4, 2024, the Inter-American Commission requested information from the State of Brazil on its compliance with said recommendations, and the State submitted its response on October 22, 2024. The Commission also requested civil society organizations to report on the progress made—to their knowledge—in terms of compliance and the challenges that persisted to the implementation of the recommendations.<sup>13</sup> The Commission appreciates the information submitted by both parties, which was incorporated into the instant follow-up report where appropriate.

21. To prepare this report, the Commission also took into account the information it had gathered when monitoring the overall human rights situation in the country and during public hearings, as well as inputs from the precautionary measure mechanism and the requests for information made pursuant to Article 41 of the American Convention on Human Rights, information produced by United Nations agencies, information available at other public sources and the decisions and recommendations made by specialized international entities.

22. On January 3<sup>rd</sup>, 2025, the Commission sent a copy of the preliminary draft of the instant report to the State, in pursuance of Article 59.10 of its Rules of Procedure, and requested it to submit its observations thereof. On February 7<sup>th</sup>, 2025, the Commission received the observations and comments from the State, which were incorporated herein where appropriate. The full version of the contributions is annexed hereto. The final report was approved by the Commission on March 7<sup>th</sup>, 2025.

23. This follow-up report is divided into three sections: i) Introduction; ii) Follow-up on the recommendations of the Country Report; and iii) Conclusions, progress and challenges in complying with the recommendations of the Country Report. The follow-up on the recommendations is organized around different thematic areas: the institutional underpinning of human rights; economic, social, cultural and environmental rights (ESCER); citizen security; access to justice; persons of African descent; indigenous peoples and traditional Quilombola communities; women; children and adolescents; lesbians, gays, bisexuals, trans and intersex persons (LGBTI); persons with disabilities; persons deprived of liberty; human rights defenders; human trafficking; forced internal displacement; human mobility migration, asylum and statelessness; and memory, truth and justice.

24. To analyze and determine the level of implementation of the recommendations, the Commission took into consideration the measures adopted by the State in 2024 and the current human rights context, in accordance with the *General Guidelines on the Follow-up of Recommendations and Decisions of the*

---

<sup>11</sup> IACHR, [2022 Annual Report. First report on the follow-up of recommendations issued by the IACHR in its report on the situation of human rights in Brazil. Chapter V](#), April 1, 2023.

<sup>12</sup> IACHR, [2023 Annual Report. Second report on the follow-up of recommendations issued by the IACHR in its report on the situation of human rights in Brazil. Chapter V](#), December 29, 2023.

<sup>13</sup> The following organizations submitted information to the Commission: Center for Justice and International Law (CEJIL); Center for Human Rights and Popular Education (CDHEP); Center for Security and Citizenship Studies (CESeC); Comissão Arns; Conectas Direitos Humanos; Fórum Brasileiro de Segurança Pública; Grupo de Estudos de Novos Ilegalismos (GENI/UFF); Human Rights Watch; Iniciativa Negra por uma Nova Política de Drogas; Fogo Cruzado Institute; Igarapé Institute; Mundo Aflora Institute; Sou da Paz Institute; Terra, Trabalho e Cidadania Institute (ITTC); Vladimir Herzog Institute; Movimento Mães de Maio; Núcleo de Estudos da Violência da Universidade de São Paulo (NEV/USP); Plataforma Brasileira de Política de Drogas; Plataforma Justa; and Rede de Proteção e Resistência Contra o Genocídio. Furthermore, information was provided by the Public Defender's Office of the state of São Paulo (DPE/SP) and the National Human Rights Council (CNDH).



*Inter-American Commission on Human Rights*.<sup>14</sup> Each recommendation is included in the report followed by related information that the Commission learned while carrying out its follow-up in 2024. The report then presents an analysis of the level of compliance with the recommendation and outlines the main advances made and challenges encountered in implementing it. The analysis of each recommendation concludes with guidelines on the measures that are still needed to advance their implementation or with the information that needs to be reported to assess progress in their level of compliance.

## II. FOLLOW-UP ON RECOMMENDATIONS

### A. The institutional underpinning of human rights

**Recommendation No. 1.** Strengthen the State and autonomous bodies responsible for formulating, implementing, and appraising public policies with human rights focus and geared to guaranteeing the rights of the most vulnerable groups. In particular:

- a. Restore the comprehensive budget appropriation for the Ministry of Women, the Family, and Human Rights, giving priority to the portfolios for promoting the rights of at-risk and/or vulnerable groups and pay special heed to bolstering the structure and budget of the Program to Protect Human Rights Defenders, thereby guaranteeing implementation of effective and efficacious protection measures.
- b. Allocate a specific budget appropriation for both the Federal Public Defender's Office and state Public Defenders' Offices. Organizational and managerial autonomy is a key factor for guaranteeing institutional independence and enhancing full and free access to justice for vulnerable groups.
- c. Provide all the resources and functional independence needed to operate both the National Mechanism to Prevent and Combat Torture and the corresponding state mechanism, as established in the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

25. In the 2023 follow-up report, regarding section "a" of the recommendation, the State reported the creation of new ministries and a budget allocation for the protection of human rights. Although this implies that the recommendation progressed to a partial level of compliance, the Commission underscored the lack of information on the strengthening of the National Program to Protect Human Rights Defenders (PPDDH). Regarding section "b," the State highlighted an increase in the budget allocation and the number of positions for public defenders, but the Commission noted that this was not sufficient to ensure an effective protection of human rights, especially for the most vulnerable groups, and, therefore, considered that compliance with this part remained pending. With respect to section "c" of the recommendation, the State referred to the allocation of funds for the mechanisms to prevent and combat torture, but the Commission expressed its concern over the lack of specific information on their operation, and therefore considered that compliance with this portion of the recommendation was still pending.<sup>15</sup>

26. With regard to section "a," the Commission reiterated the importance of continuing to strengthen state bodies linked to the protection and defense of human rights, as well as the PPDDH. As regards section "b," it highlighted the importance of strengthening the Federal Public Defender's Office (DPU). Finally, regarding section "c," the Commission pointed to the importance of strengthening and ensuring the operation of the bodies that make up the National System to Prevent and Combat Torture (SNPCT), as well as of guaranteeing that all states have mechanisms in place for this purpose.<sup>16</sup>

<sup>14</sup> IACHR, [General Guidelines on the Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights](#), OEA/Ser.L/V/II.173 Doc. 385/23, November 20, 2023.

<sup>15</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 26–38.

<sup>16</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 39–41.



*Information on compliance*

27. In relation to section “a,” the State reported increases in budget allocations to the following entities in 2024 compared to 2023: from 466.26 million Brazilian reais to 528.99 million Brazilian reais to the Ministry of Human Rights and Citizenship (MDHC), which, according to the State, demonstrates the government has prioritized expanding public policies for the promotion and protection of human rights; from 149 million Brazilian reais to 480 million Brazilian reais to the Ministry of Women; from 91.8 million Brazilian reais to 180.4 million Brazilian reais to the Ministry of Racial Equality (MIR); and from 813.10 million Brazilian reais to 1.39 trillion Brazilian reais to the National Foundation of Indigenous Peoples, an agency under the Ministry of Indigenous Peoples (MPI).<sup>17</sup>

28. Regarding the PPDDH, the State informed that the Sales Pimenta Working Group (Sales Pimenta WG), set up in 2023 to engage in a dialogue with the civil society, is working on the drafting of a national plan for the protection of human rights defenders, communicators and environmentalists. Up to the time of reporting, this working group had held nine ordinary meetings and had scheduled an additional three for the remainder of 2024. According to the State, contributions from the civil society to the aforementioned national plan are currently being systematized prior to the drafting of the final document, which will be submitted to the National Congress.<sup>18</sup>

29. Regarding section “b,” on the strengthening of the Federal Public Defender’s Office, the State reported that its budget in 2024 was 710.4 million Brazilian reais, in addition to a sum of 14.8 million Brazilian reais allocated for reparations following the floods in the state of Rio Grande do Sul. The State pointed out that the Federal Public Defender’s Office has a specific constitutional mandate to protect human rights and is operational in all states of the country, and its work is complemented by that of one national human rights public defender and 28 regional defenders. It further indicated that the Federal Public Defender’s Office has 70 service desks in place covering all states, including in 26 state capitals and 44 other cities across the country, which, according to the State, reinforces its strategic presence in certain regions. Moreover, the State reported that the Federal Public Defender’s Office has set up working groups (WGs) that operate strategically to defend human rights.<sup>19</sup>

30. Finally, in relation to section “c,” the State indicated that 102.88 million Brazilian reais were allocated exclusively for the implementation of the activities comprised in the National Program to Prevent and Combat Torture. It added that 17 states have implemented local mechanisms to prevent and combat torture, namely Acre, Amazonas, Amapá, Pará, Rondônia, Mato Grosso, Mato Grosso do Sul, Tocantins, Maranhão, Piauí, Ceará, Pernambuco, Paraíba, Alagoas, Sergipe, Espírito Santo and Rio de Janeiro. Out of these, five are fully operational: Acre, Rio de Janeiro, Rondônia, Paraíba and Sergipe. The State also pointed out that the Pernambuco mechanism was suspended in January 2023, since its creation was established by decree, which contravenes the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).<sup>20</sup>

31. In addition, the Public Defender’s Office of the state of São Paulo informed the Commission that it is the entity with the largest number of prison units (182), in which one third of the persons deprived of liberty in the country are hosted (202,000). Nonetheless, the state of São Paulo has not yet created a state mechanism to prevent and combat torture. The State of Brazil also pointed out that, in 2024, the DPE/SP and the Public Prosecutor’s Office of the state of São Paulo filed a public civil action to ensure the creation of a mechanism of that sort, in response to which the court of first instance issued a preliminary decision directing both the state and the country to submit a plan to create the mechanism within six months, although the decision was reversed by the appellate court. The DPE/SP stated that, during visits to prison units in São Paulo,

<sup>17</sup> State of Brazil, [Note No. 326 of October 22, 2024](#), Response to the consultation questionnaire.

<sup>18</sup> State of Brazil, [Note No. 326 of October 22, 2024](#), Response to the consultation questionnaire.

<sup>19</sup> State of Brazil, [Note No. 326 of October 22, 2024](#), Response to the consultation questionnaire.

<sup>20</sup> State of Brazil, [Note No. 326 of October 22, 2024](#), Response to the consultation questionnaire.



National Mechanism authorities observed several human rights violations being perpetrated against persons deprived of liberty.<sup>21</sup>

32. Specifically on section “c,” civil society organizations stated that the report of the National Mechanism to Prevent and Combat Torture (MNPCT), in cooperation with the state mechanisms of Rio de Janeiro, Paraíba and Rondônia, allegedly indicates that Brazil is far from effectively complying with the OPCAT 16 years after its adoption. In addition, they pointed out that prevention mechanisms lack financial, institutional and structural independence, and that, out of the 23 states where prevention committees are in place, only three do not involve security forces or administrators of places of deprivation of liberty, which is a factor that negatively affects the committees’ autonomy. Other problems mentioned included the lack of resources, insufficient regulations, state control over the composition of said bodies, limited participation of the civil society and lack of inclusive measures in terms of gender, race and sexuality.<sup>22</sup>

33. The Commission also had access to the report published by the MNPCT on the prison and mental health system in São Paulo, which described a series of violations, such as beatings, inadequate use of weapons and unsanitary conditions in several units, as well as claims of inmates suffering hunger and poor healthcare. It highlighted that, in the sites that were inspected, there were dark and dirty cells, known as the “ghost train,” and that a differentiated disciplinary regime (RDD) was applied, under which persons deprived of liberty are guarded exclusively by emergency response teams (made up of prison officers trained to act in emergency cases) and are not engaged in a plan designed to reintegrate them into society. With regard to the mental health sector, the MNPCT underscored that the Experimental Health Unit (UES) has been holding individuals under involuntary commitment for over 17 years in an environment that is a combination of an asylum and a prison. The MNPCT recommended shutting down units such as the UES and the Alcohol and Drug Users Prolonged Care Service (SCP-AD) for failing to comply with the rules of the Psychosocial Care Network (RAPS). Finally, the report stressed the urgent need for a reform of the prison and mental health system in São Paulo to guarantee the respect for the human rights and dignity of persons deprived of liberty.<sup>23</sup>

#### *Analysis and level of compliance with the recommendation*

34. Regarding section “a” of this recommendation, the Commission appreciates the increase in the budget allocation to all ministries, which demonstrates the State’s commitment to the human rights agenda. On the issue of human rights defenders, the Commission notes that the Sales Pimenta WG is an important space for dialogue with the civil society for the participatory development of a national plan to protect human rights defenders, communicators and environmentalists. Given that this national plan is still at the drafting stage, the Commission determines that the level of compliance with this recommendation continues to be **partial**.

35. With regard to section “b,” the Commission notes the importance of all States having Federal Public Defender’s Office offices in place, covering 26 capitals and 44 cities. However, in 2023, the Commission voiced its concern over information according to which the number of public defenders in the country remained very low for the effective guarantee and protection of the human rights of all persons. It did not receive information pointing to its increase this year. In view of the above, the Commission determines that compliance with this portion of the recommendation is still **pending**. Regarding section “c,” the Commission is concerned about the fact that only five mechanisms in Brazilian states are in operation, which, added to the reports from civil society organizations and the DPE/SP, led it to determine that the level of compliance with this component is still **pending**.

#### *Measures and information to advance compliance with the recommendation*

36. To declare full compliance with section “a” of this recommendation, the Commission requires the State to continue strengthening the aforementioned ministries so as to consolidate the general human

<sup>21</sup> DPE/SP, Response to the request for information questionnaire, October 4, 2024.

<sup>22</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.

<sup>23</sup> MNPCT, [Relatório de inspeções: Unidades de Privação de Liberdade de São Paulo](#), October 1, 2024.



rights agenda in the country. Additionally, it underscores the importance of developing and implementing a national plan to protect human rights defenders, communicators and environmentalists. In relation to section “b,” it highlights the importance of increasing the budget and the number of public defenders with a view to serving the entire population, especially persons in situations of special vulnerability and who are located far away from the state capitals. Finally, in order for the State to achieve compliance with section “c,” the Commission underscores the importance of strengthening the MNPCT and ensuring that all states have local mechanisms in place. It also urges the State to guarantee the participation of the civil society in these processes.

**Recommendation No. 2.** Ratify the following Conventions:

- a. the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity;
- b. the Inter-American Convention against All Forms of Discrimination and Intolerance.

37. In the 2023 follow-up report, the State did not provide information on the ratification of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, but it indicated that it was working to ratify the Inter-American Convention against All Forms of Discrimination and Intolerance. In this outlook, several ministries sent a note to the president of the Republic to be forwarded to the National Congress highlighting the importance of said ratification. For this reason, the Commission considered that compliance with this recommendation was pending and noted that, to move forward with its implementation, the ratification of the aforementioned international instruments was necessary.<sup>24</sup>

*Information on compliance*

38. In the 2024 report, the State informed that it is making efforts to ratify the Inter-American Convention against All Forms of Discrimination and Intolerance, which is soon to be submitted to the National Congress.<sup>25</sup>

*Analysis and level of compliance with the recommendation*

39. Considering that the international instruments mentioned in the recommendation have not yet been ratified, the Commission concludes that compliance with the recommendation remains **pending**.

*Measures and information to advance compliance with the recommendation*

40. The Commission emphasizes that compliance with this recommendation will be achieved only with the ratification of the aforementioned international instruments and, to assess progress in its implementation, it urges the State to report on the stages completed by both the executive and the legislative branches.

## **B. Economic, social, cultural and environmental rights**

**Recommendation No. 3.** Establish a coordinated fiscal policy that can redistribute the wealth needed to overcome equality gaps, correct market shortcomings, and make the investments needed to fulfill human rights, especially economic, social, and cultural rights.

- a. Revise legislation and other legal provisions that withdraw or curtail funds for policies relating to economic, social, and cultural rights.
- b. Install technical committees to evaluate fiscal projections, drawing on objective analyses by fiscal and budget experts from the best schools in the country before drafting amendments in accordance with the principles of proactive transparency, timely information, and citizen participation.

<sup>24</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 43–46.

<sup>25</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



c. Establish channels for social participation in the processes of drawing up and adopting fiscal laws and policies, especially when the adoption of those instruments could entail violating the principle that there must be no backsliding when it comes to human rights.

41. In the 2023 follow-up report, the State reported on several measures adopted to guarantee economic, social, cultural and environmental rights and reduce inequalities. Among these, it highlighted the implementation of the new Bolsa Família (Family allowance) program, the Single Registry for social programs and the Program to Urgently Reinforce the Single Registry in the Single Social Assistance System (PROCAD-SUAS), aimed at strengthening families' access to basic rights such as health, education and social assistance. In addition, the State promoted strategies against deforestation and re-established cultural policies through the Ministry of Culture. The Commission appreciated these initiatives, noting that, although they were at an initial stage, they constituted important steps forward. In view of the above, it considered that the level of compliance with section "a" of the recommendation progressed to partial, while sections "b" and "c" remained pending.<sup>26</sup>

42. To have this recommendation complied with, the Commission stressed the need for the State to revise regulations that restrict the allocation of resources for policies relating to ESCER, as well as to mobilize the maximum available resources to guarantee the progressiveness of these rights, avoiding any form of regression. It also exhorted the State to submit concrete and updated information on the fiscal policy measures adopted.<sup>27</sup>

#### *Information on compliance*

43. In the 2024 report, with respect to section "a," the State highlighted the implementation of the direct income transfer program titled Bolsa Família, targeted at families living in poverty and extreme poverty. According to data recorded in September 2024, 14.1 billion Brazilian reais have been transferred to 20.7 million families, which translates into 54,305 million people receiving an average sum of 648.27 Brazilian reais. The top beneficiaries of this program are women and girls, who account for 58 percent of the total number of recipients, as well as families of African descent, which make up 72.9 percent of the beneficiaries. Priority was also given to assisting 233,000 indigenous families, which is equal to 705,000 persons. Moreover, the program has assisted 1.6 million families living in territories where an emergency or a public disaster has been declared.<sup>28</sup> Additionally, it was noted that in December 2024, 5,486,157 families benefited from the "*Auxílio Gás dos Brasileiros*" program.<sup>29</sup>

44. The State also reported on the Benefício de Prestação Continuada (Continuous salary benefit, BPC) program, which ensures the monthly payment of a minimum salary to older persons or persons with disabilities who cannot support themselves, or whose families cannot support them. In August 2024, the total number of beneficiaries reached 6.12 million, a 6.47 percent increase over the number served in January of the same year. In addition, the State reported that Law No. 14,809/2024 had been passed, which expanded the scope of allocation of the BPC, especially to persons living in regions affected by the collapse of dams. In December 2024, the number of beneficiaries reached 6,292,449, of whom 3,569,056 are persons with disabilities and 2,723,393 are older adults, with a total of nearly R\$ 9 million paid that month alone, considering the value of a monthly minimum wage per beneficiary. From January to December 2024, more than R\$ 102 million was paid. Regarding the BPC, the State emphasized that it is a benefit established in Article 203, Section V, of the Federal Constitution, which provides greater robustness to the policy. The budget has been sufficient to meet the demand of applicants, and there is evidence that this budget will be preserved and even increased,

<sup>26</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 49–57.

<sup>27</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 58–59.

<sup>28</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>29</sup> State of Brazil, [Note No. 30 of February 7, 2025](#), Comments on the draft report.



based on the Annual Budget Bill for 2025, proposed by the Executive Branch and currently under consideration in the National Congress, which allocates R\$ 112.9 million.<sup>30</sup>

45. It also indicated that, once it had verified the need to maintain the program, at the end of 2023, the new PROCAD-SUAS was approved. The goals of this new edition are to improve the capacity of the municipalities and the federal district to register persons at the units of the Single Social Assistance System (SUAS), as well as at households, and to promote the active search for families who are in a situation of vulnerability, including households that are made up of older persons, persons with disabilities or families of children and adolescents engaged in child labor. According to the information reported, resources started to be allocated in July 2024; 1,138 municipalities were covered by the program with a minimum amount of 12,000 Brazilian reais each, plus additional varying sums based on the number of interviews conducted at households.<sup>31</sup> The State did not provide updated information on compliance with item “b”.<sup>32</sup>

46. Regarding item “c,” the State mentioned that the SUAS has established participation channels through the National Council of Social Assistance, which includes representation from the government, social assistance organizations, and workers, as well as through the Tripartite Inter-Manager Commission, which brings together the federal government, state governments, and municipal governments.<sup>33</sup>

47. Finally, the State explained that its current fiscal policy, regarding social assistance benefits and services, aims to ensure the sustainable care of users. The Ministry of Development and Social Assistance, Family, and the Fight Against Hunger (MDS) maintains constant dialogue with government fiscal bodies and relies on the National Council of Social Assistance (CNAS) to ensure better monitoring, evaluation, and deliberation on the fiscal and budgetary projections related to SUAS. Furthermore, social participation in the development of SUAS's fiscal and tax aspects is ensured through the CNAS and other transparency mechanisms.<sup>34</sup>

#### *Analysis and level of compliance with the recommendation*

48. The Commission welcomes the information submitted on the increase in resources allocated to the Bolsa Família program, which has benefited over 50 million families across the country. It also appreciates the results achieved by the BPC program as a way of ensuring a livelihood for older persons, persons with disabilities and persons living in regions affected by the collapse of dams. Furthermore, it welcomes the creation of PROCAD-SUAS, which expands the capacity of municipalities to carry out the registration of beneficiaries at SUAS units and households, and to intensify the active search for vulnerable families.

49. The IACHR also values the guarantee of social participation in the development and oversight of social assistance policies, particularly through the CNAS. Civil society participation is essential to ensuring that policies align with the needs of SUAS users at the grassroots level. However, it highlights the lack of sufficient information on the mechanisms that guarantee social participation in the formulation of tax policies, which ultimately impact other public policies related to human rights.

50. However, the Commission notes the lack of information as to how the new fiscal policy has contributed to the guarantee of economic, social and cultural rights, which is precisely at the core of this recommendation. Additionally, it highlights that no information was submitted on compliance with sections “b” and “c.” In view of the above, the Inter-American Commission determines that the level of compliance with section “a” continues to be **partial** and that compliance with sections “b” and “c” is **pending**.

<sup>30</sup> State of Brazil, Note No. 30 of February 7, 2025, Comments on the draft report.

<sup>31</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>32</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>33</sup> State of Brazil, Note No. 30 of February 7, 2025, Comments on the draft report.

<sup>34</sup> State of Brazil, Note No. 30 of February 7, 2025, Comments on the draft report.



*Measures and information to advance compliance with the recommendation*

51. To guide compliance with this recommendation, the Commission prompts the State to submit updated information on the impact of the new fiscal framework on the realization of ESCER in Brazil. In addition, it emphasizes that it is necessary for the State to make available and earmark the maximum available resources to guarantee the effective exercise of ESCERs and to reduce inequality. It also recalls that, when adopting policies, measures and legal standards on the matter, the State must comply with its duty of progressiveness and the prohibition of regressiveness of these rights. Moreover, the Commission urges the State to implement accountability mechanisms to monitor how the available resources have been allotted to progressively achieve the effective realization of ESCERs. It also exhorts the State to submit concrete and updated information on the fiscal policy measures adopted, as well as on those that seek to establish technical commissions to evaluate fiscal projections and channels for the participation of the society in the drafting and approval of the recommended tax laws and policies.

**Recommendation No. 4.** Develop a mechanism for coordination among the three federative branches of government to guarantee the effective incorporation into domestic law and practice of international human rights standards, in relation to both the adoption of positive measures by the State and the abstaining from actions aimed to protect human rights.

52. In the 2023 follow-up report, the State reported the creation of the Inter-American Court of Human Rights Decisions and Deliberations Follow-up and Supervision Unit, attached to the National Council of Justice (CNJ). In this regard, the Commission noted that although there was no clear methodology to assess the implementation of inter-American standards by this unit, the State reported the establishment of the National Judiciary Covenant for Human Rights, aimed at promoting a culture of adoption of standards. In addition, the State reported that it had created the Human Rights Litigation Division at the Ministry of Foreign Affairs (MRE) so as to coordinate state actions with a view to complying with international human rights standards. Also, the State reported on the cooperative effort made by the MDHC and the federated states to ensure compliance with decisions of international human rights bodies by means of the National Network for Implementing Decisions made by International Human Rights Systems (RNID/SIDH).<sup>35</sup>

53. The Commission observed that, although these were important mechanisms within their own scopes of action, based on the information provided, it could not verify how they ensured coordination among the three federative branches, as recommended, especially with the legislative branch. In view of that, the Inter-American Commission determined that the level of compliance with this recommendation had progressed to partial.<sup>36</sup> Furthermore, it highlighted the need for the State to develop a coordination mechanism among the three federative branches of government to guarantee the effective incorporation of international human rights parameters into domestic law.<sup>37</sup>

*Information on compliance*

54. In the 2024 report, the State indicated that it had created the General Coordination Office of Reports and Monitoring of International Recommendations under the MDHC. The purpose of this office is to develop a computer system to monitor international decisions on human rights and to simplify their follow-up, as well as the preparation of reports. Moreover, the State reported that Brazil and Paraguay had signed a technical cooperation agreement in May 2024 for the implementation of the SIMORE Brazil. This will be carried out in two stages: in the first phase, the system will replicate the goals set for Paraguay; in the second phase, an integrated system will be developed to incorporate and share data from other information platforms, such as ObservaDH and the Multiyear Plan (PPA). The SIMORE Brazil is scheduled to be launched in May 2026, and

<sup>35</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 66.

<sup>36</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 61–65.

<sup>37</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 66.



it is expected that it will allow for a faster dissemination of information among the three branches of government.<sup>38</sup>

55. The State reported on the active role of the General Coordination of International Human Rights Systems (CGSIDH), linked to the Special Advisory Office for International Affairs of the MDHC, in monitoring and implementing the decisions of the Inter-American and universal human rights systems. It added that this section has participated in technical meetings, negotiation tables, and several hearings before the Inter-American Court of Human Rights and has played a central mediation role with federal government agencies, states, and civil society to ensure and accelerate compliance with rulings and precautionary measures. The CGSIDH has also coordinated efforts to regularize the payment of compensation ordered by the Inter-American Court in the Tavares Pereira and Honorato cases, totaling R\$ 3,053,084, as well as the payment of costs and expenses to the petitioners in the *Fábrica de Fogos Santo Antônio de Jesus* case and the compensation owed in the *Barbosa de Souza* case.<sup>39</sup>

56. Nevertheless, according to civil society organizations, there is no information on the implementation of mechanisms of coordination between all branches of government to ensure the effective incorporation of international human rights standards.<sup>40</sup>

*Analysis and level of compliance with the recommendation*

57. The Commission welcomes the information regarding the actions of the CGSIDH to ensure compliance with decisions and the payment of compensation ordered by the Inter-American Court, primarily through the coordination of the three branches of government. It also positively values the information on the creation of SIMORE Brasil and considers the implementation of this tool an important step forward in complying with international human rights recommendations, as well as in accountability, transparency, and participation.

58. Considering that the platform is still in the development phase and that there is insufficient information on the concrete actions of the CGSIDH in its role of promoting coordination between the Legislative, Executive, and Judicial branches to ensure the effective implementation of international human rights standards, the IACHR determines that the recommendation remains **partially fulfilled**.

*Measures and information to advance compliance with the recommendation*

59. To advance compliance with the recommendation, the Commission prompts the State to report on the stages of implementation of the SIMORE Brazil, its features and how the three branches of government work in coordination to use the platform. It also invites the State to present more information on the performance of the CGSIDH in the process of inter-institutional coordination for the incorporation of international human rights standards.

**Recommendation No. 5.** Develop, implement, and finance state systems for gathering accurate and disaggregated data, and statistical and qualitative information regarding the human rights situation of persons of African descent and traditional Quilombola communities, indigenous peoples, LGBTI persons, as well as other at-risk and/or vulnerable groups, in order to create and implement appropriate laws and public policies for addressing needs and overcoming the specific hurdles those groups face. In particular, ensure that disaggregated data are collected from a variety of public and private institutions, especially those working in the following sectors: health, education, access to work, justice, social protection, and so on.

<sup>38</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>39</sup> State of Brazil, Note No. 30 of February 7, 2025, Comments on the draft report.

<sup>40</sup> Vladimir Herzog Institute, Response to the request for information questionnaire, October 2024.



60. In the 2023 follow-up report, the State informed that it had implemented differentiated registration processes for traditional and specific population groups (GPTE) in the Single Registry, so as to shed light on and address their needs. These groups included indigenous communities, homeless persons, waste pickers, Quilombolas, next of kin of persons deprived of liberty, among others. In addition, the State highlighted the inclusion of data from Quilombola and indigenous communities in the 2022 population census, although it regretted the exclusion of LGBTIQ+ persons, and committed to addressing this omission in future records. The Commission appreciated these efforts, recognizing their importance for the development of public policies that meet the specific needs of groups at risk. Therefore, it considered that the level of compliance with this recommendation had progressed to partial.<sup>41</sup>

61. In order for this recommendation to be complied with, the Commission urged the State to report on the implementation of data collection systems to gather information on LGBTIQ+ persons, as well as to provide information on the use of the ObservaDH platform as a relevant tool for this purpose. It also requested the State to collect qualitative information on the human rights situation of at-risk and/or vulnerable communities and groups to contribute to the drafting of public policies that better address their demands and needs.<sup>42</sup>

#### *Information on compliance*

62. In the 2024 report, the State confirmed that the ObservaDH platform currently includes over 500 indicators, disaggregated by variables such as gender, age and race/color, and location. It also noted that 39 data submissions were made on the nine thematic areas available on the platform (children and adolescents; older persons; persons with disabilities; LGBTIQ+ persons; homeless persons; persons deprived of liberty; human rights defenders; institutional capacity; and fighting hate speech), with information obtained from over 40 databases. In addition, it reported that many of these indicators are new; that more than 100 news articles including information from the platform have already been published; and that, on average, the platform is accessed 4,000 times a month, adding up to a total of over 40,000 individual accesses up to September 2024. The State also indicated that an updated version of ObservaDH is under development, which will include new content such as educational resources and is scheduled to go live in December 2024.<sup>43</sup>

63. Furthermore, the State indicated that all variables involving at least one of the vulnerable populations prioritized by MDHC policies have been mapped and that this information was gathered from over 40 government databases, such as administrative records and surveys conducted by the Brazilian Institute of Geography and Statistics (IBGE), while new databases continue to be mapped. It also stated that it currently takes into account reports produced by training and research institutions, civil society organizations, public agencies and international bodies to develop the content that is fed into the ObservaDH platform. Moreover, in December 2023, the National Human Rights Evidence Network (ReneDH) was established to expand the State's data collection capacity and to organize, produce and disseminate strategic information aimed at formulating data-based human rights policies. According to the State, 75 institutions are currently members of the network, which are part of six working groups that conduct human rights surveys. Finally, the State reported that the MDHC has established partnerships with various bodies and organizations to conduct surveys and develop content for the ObservaDH platform.<sup>44</sup>

#### *Analysis and level of compliance with the recommendation*

64. The Commission appreciates the information sent by the State on the ObservaDH platform, including that on its scope and the databases that comprise it. In this regard, it notes that the purpose of the recommendation being followed up on is to encourage the State to implement systems for the collection of accurate and disaggregated data and statistical and qualitative information on the human rights situation of

<sup>41</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 68–76.

<sup>42</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 77.

<sup>43</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>44</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



vulnerable groups, with a view to drafting legislation and public policies. Based on the foregoing, the Commission considers that the ObservaDH platform meets this goal and, therefore, determines that the recommendation has reached **full compliance**. As a result, the Commission will cease its follow-up as of next year.

**Recommendation No. 6.** Design, implement, and finance comprehensive housing policies aimed at both reducing the current dire shortages and improving socioeconomic equality from an ethnic/racial and gender perspective. Such policies must take into account the physical characteristics of the territory, the infrastructure in place, and the availability of equipment and basic services, as well as the interests of economic agents and the organic ties that populations establish with the breeding ground where their daily lives play out.

65. In the 2023 follow-up report, the State informed the Inter-American Commission of its plans to change its approach to the homeless population by adopting the Housing First model—which prioritizes housing, work and emancipation—as a replacement for the welfare-based model currently in place in Brazil. It also referred to the formulation of government plans to expand access to housing, including the Minha Casa, Minha Vida (My house, my life) program to help vulnerable groups purchase homes. The Commission appreciated these projects but observed that they were at a preliminary stage and that compliance with the recommendation was still pending.<sup>45</sup>

66. To comply with the recommendation, the Commission urged the State to submit relevant, updated and accurate information on the financing and implementation of comprehensive housing policies, as well as to make sufficient budget allocations to be able to address the housing crisis in its entirety and to report thereon.<sup>46</sup>

#### *Information on compliance*

67. In the 2024 report, the State informed the Commission about the Pró-Moradia (Prohousing) program, which is now part of the Minha Casa, Minha Vida program and is aimed at providing access to housing for vulnerable groups with a monthly family income of up to three minimum wages. It further pointed out that this is implemented through securities financing operations for states, municipalities, the federal district and public service bodies, with resources from the Service Time Guarantee Fund (FGTS) for the purchase or construction of housing units. To guarantee the right to housing, these public entities may use said funding to regularize land ownership, develop infrastructure projects, purchase construction materials, hire labor to carry out housing improvements or build new homes, among other actions.<sup>47</sup>

68. The State also indicated that, among the measures it had implemented to reduce the housing crisis, in 2023, it resumed the Minha Casa, Minha Vida program targeted at households with a monthly income of up to 8,000 Brazilian reais. This new version seeks to find better locations for housing developments to ensure their proximity to shops, services and public transportation; increase the supply of homes; offer financing for the purchase of used properties; and promote home refurbishments by providing assistance for existing housing units. According to the State, priority will be given to households where women are heads of family or to homes of persons with disabilities; older persons; children and adolescents; persons with cancer or rare, chronic and degenerative diseases; persons in vulnerable social situations; persons who have lost their homes due to natural disasters where a state of emergency or public disaster has been declared; persons who have been involuntarily displaced due to federal public works; homeless persons; women victims of domestic and family violence; persons living in risk areas; and members of traditional or Quilombola peoples.<sup>48</sup>

<sup>45</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 79–83.

<sup>46</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 84.

<sup>47</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>48</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



69. The Commission was also informed of a study conducted by the João Pinheiro Foundation (FJP), the institution responsible for calculating the housing deficit in Brazil, in cooperation with the National Housing Secretariat under the Ministry of Cities. According to this study, Brazil has a housing deficit of approximately 6 million homes. Most of this deficit lies with families with incomes of up to two minimum wages (approximately 75 percent), out of which 62.6 percent are headed by women.<sup>49</sup>

*Analysis and level of compliance with the recommendation*

70. The Commission appreciates the information regarding the Minha Casa, Minha Vida program and the creation of the Pró-Moradia program, which are important to address the housing crisis unfolding in the country. Despite these plans, the country shows a significant housing deficit that must be tackled by the State through comprehensive policies, with a view to reducing precarious housing and achieving socioeconomic equity with an ethnic-racial and gender-based perspective. In view of the foregoing, the Commission considers that the level of compliance with this recommendation has progressed to **partial**.

*Measures and information to advance compliance with the recommendation*

71. In order for this recommendation to be fully complied with, the Commission requests the State to provide information on the way the housing policies currently in force will be implemented to address the housing deficit observed in the country.

### C. Citizen security

**Recommendation No. 7.** Amend the protocols and guidelines for local, state, and federal law enforcement agencies to ensure they meet international standards with regard to:

- a. Permissible use of force in accordance with the principles of legality, proportionality, and absolute necessity.
- b. Exceptions in which lethal force is authorized based on objective criteria.
- c. Tactics for reducing tensions and the use of non-lethal weapons.
- d. Prohibition of torture and of cruel, inhuman, or degrading treatment or punishment.
- e. In protest situations, respect for, and facilitation of, exercise of the right of freedom of assembly, apart from containment protocols, techniques for handling situations, the use of non-lethal weapons.

72. In the 2023 follow-up report, the State did not provide specific information on the recommendation related to the use of force. However, the Commission expressed its concern over the excessive use of force in Brazil, especially against persons of African descent and during police operations. According to reports from the Public Defender's Office of the state of Rio de Janeiro, numerous cases of torture and ill-treatment were recorded, and the Federal Public Prosecutor's Office (MPF) recommended plans be devised to reduce the number of violent deaths during police operations, underscoring the need to comply with international guidelines. The Commission condemned police violence and considered it a reflection of systemic racial discrimination and noted that compliance with the recommendation remained pending.<sup>50</sup>

73. On that occasion, the Commission urged the State to update and adapt police protocols, ensuring that they were in line with the principles of legality, proportionality and absolute necessity of the use of force, and that they respected human rights, especially during protests.<sup>51</sup>

<sup>49</sup> Empresa Brasil de Comunicação (EBC), Agência Brasil, "[Brasil registra déficit habitacional de 6 milhões de domicílios](#)," April 24, 2024.

<sup>50</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 87–93.

<sup>51</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 94.



*Information on compliance*

74. In the 2024 report, in relation to section “a” of this recommendation, the State indicated that the MDHC plays a key role in training public security personnel, focusing on the fight against structural racism, modern slavery and torture, as well as on the protection of victims and human rights defenders, journalists and environmentalists. In addition, it reported that the MDHC is part of a working group that discusses programs to reduce police lethality and victimization, and that seeks to implement guidelines on the use of force and enforce Law No. 13,060/2014, which regulates the use of less lethal weapons by public security agents. The State also underscored that said working group is divided into subgroups that address several aspects of the use of force, including training and regulatory control. In addition to the aforementioned law, the State pointed out that there are other domestic regulations governing the use of force in place: the Federal Constitution; the Criminal Code; Interministerial Regulation No. 4,226/2010, which provides guidelines on the use of force by public security agents; and Regulation No. 6,387/2016, which regulates the use of force and establishes internal commissions to control and monitor the use of force by the Federal Police.<sup>52</sup>

75. The State also reported that the MDHC collaborates with the Ministry of Justice and Public Security (MJSP) in updating the training curriculum for public security agents, highlighting diversity and the prohibition of discrimination. Moreover, the National Police Academy, through the Operational Teaching Service (SEOP), offers a course titled Selective Use of Force, which is mandatory for all Federal Police positions. This training addresses legal principles, that is, necessity, proportionality and moderation in the use of force, with a focus on respecting human rights and reducing police lethality. According to the State, it is currently developing specific courses on the use of chemical agents and less lethal devices, with a particular focus on conflicts related to indigenous lands and civil unrest.<sup>53</sup>

76. The State also reported that the MJSP, by means of the National Public Security Secretariat (SENASP), continues to support the ongoing training of security agents through the Unified Public Security System (SUSP). In addition, it noted that, in 2023, it had re-established the National Public Security and Citizenship Program (PRONASCI 2), which allocated funds for more than 100,000 educational grants to protect vulnerable groups and fundamental rights. Resources were also invested in graduate courses and continuing education, which reached over 210,000 professionals across the country. Training also included courses on key topics such as the defense of democracy, the fight against racism and gender inequality. According to the report of the State, over 800,000 professionals have been trained since 2005 by means of the National Network of Distance Learning in Public Security (EaD SENASP), which has offered courses that have attracted over 5 million enrollments. The State reported it has assessed the influence of this training on career development and its positive impact on public security institutions.<sup>54</sup>

77. The State indicated that the reported measures reaffirm Brazil’s commitment to the protection of human rights and the professionalization of its security forces, as the country works in line with national and international standards to guarantee that police action is based on the principles of legality, necessity and proportionality.<sup>55</sup>

78. In relation to section “b” of the recommendation, the State indicated that it has implemented a series of measures to reform its protocols and guidelines on the use of lethal force at the local, state and federal levels, in line with international standards. In this regard, it stated that one of its main initiatives was to revise and update its protocols on the use of force, which are based on instruments developed by the United Nations, namely the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The State pointed out that continuing education programs have been created for law enforcement agents, with a strong focus on the principles of proportionality, necessity and legality in the use of force, to prevent excessive or abusive practices, especially when lethal force is applied.

<sup>52</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>53</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>54</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>55</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



The State further noted that these trainings are targeted at both federal forces (the Federal Police and the Federal Highway Police) and state police, thus ensuring a consistent approach at all levels of law enforcement.<sup>56</sup>

79. The State also affirmed that specific protocols have been drafted to address critical situations, such as police operations in densely populated urban areas, during demonstrations or in indigenous territories. According to the State, these protocols reinforce its compliance with international standards and ensure that the use of lethal force is regulated and controlled, thus preventing abuse and protecting human rights. Additionally, the State has strengthened monitoring and transparency mechanisms, such as the ObservaDH platform, to collect data and oversee the use of force by the security agents, which has bolstered transparency and social control, and has allowed for an effective assessment of the actions of law enforcement authorities so that lethal force is always used as a measure of last resort.<sup>57</sup>

80. Furthermore, the State reported that the educational materials used in the programs delivered by the SEOP of the Federal Police, including the Selective Use of Force course, have been reviewed to ensure that the use of force observes the principles of legality, necessity, proportionality, moderation and convenience, with special emphasis on the protection of human rights. In this regard, these learning resources reiterate that the use of firearms is restricted to cases of self-defense whenever there is an impending risk of death or severe injury and prohibit the use of such weapons against unarmed persons or individuals who do not pose an immediate threat.<sup>58</sup>

81. Regarding section “c” of the recommendation, the State referred to the information provided for sections “a” and “b” and for Recommendation No. 13.<sup>59</sup>

82. In relation to section “d” of this recommendation, the State reported that the CNJ has implemented various initiatives to prevent and combat torture, especially in the context of custody hearings. Among these actions, the State highlighted the drafting of the *Handbook to Prevent and Combat Torture and Ill-treatment for Custody Hearings*, prepared with the support of the UNODC as part of the Justiça Presente (Present justice) program, in collaboration with the United Nations Development Program (UNDP) and the National Penitentiary Department. In addition, the CNJ released the *Handbook on Handcuffs and Other Instruments of Restraint in Court Hearings*, which provides guidelines for limiting the use of handcuffs, in line with the case law of the STF and with human rights principles. It further noted that CNJ’s Resolution No. 213/2015 limits the use of handcuffs, except where there is resistance or danger, inasmuch as it requires written justification and adherence to the principles of legality, necessity and proportionality; also, the annexed protocol sets forth that the unjustified use of handcuffs is indicative of torture or degrading treatment.<sup>60</sup>

83. Moreover, it was reported that states have created bodies especially focused on the prevention of torture.<sup>61</sup> The State also pointed out that the Federal Police, by means of its SEOP, offers training

<sup>56</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>57</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>58</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>59</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>60</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>61</sup> Acre: A criminal policy committee was created, which includes a WG focused on preventing and combating torture. Prison inspections were resumed, and administrative procedures were established to process and monitor reports of torture and ill-treatment. Alagoas: The WG on preventing and combating torture is underway. Amapá: There is a WG on preventing and combating torture in place. In 2023, 51 judicial inspections in prisons were carried out to identify any abuses in the enforcement of sentences and imprisonment conditions. Amazonas: The Inter-Institutional Working Group on Confronting Torture was created in 2022 and became operational in 2023. It seeks to improve procedures to prevent and combat torture in the penitentiary and socioeducational systems. Bahia: A WG was set up in 2022 to address challenges in the penitentiary system and streamline interinstitutional flows to prevent and combat torture. Ceará: Although there is no official WG in place, a subgroup was created under the Penitentiary System Structuring Committee to work on the prevention of torture. In 2023, a training course on torture prevention and penitentiary inspections was held. Espírito Santo: An interinstitutional WG was created to strengthen the flows and procedures to prevent and combat torture against adolescents in the socioeducational system. Also, a state commission was created to prevent torture. Goiás: A WG on torture prevention was created by the Court of Justice of Goiás in 2023 by way of a decree that regulates procedures for processing reports of torture at detention centers. Maranhão: There is a WG focused on combating torture in place. Mato Grosso: The WG on preventing and combating torture is underway. Minas Gerais: There is a WG on preventing and combating torture in place, in addition to a regulation that establishes procedures for processing and monitoring reports of torture in the prison system. Pará: There is a WG on preventing and combating torture in place, and



aimed at ensuring that police action is based on legality, necessity, proportionality and moderation in the use of force. The courses include Operational Management, Navigation, Security for Dignitaries, Communication, Approach, Remotely Piloted Aircraft, Police Survival, Surveillance and Selective Use of Force. This training is aligned with international and domestic regulations, such as the Convention against Torture, the Federal Constitution of Brazil and the domestic laws regulating the use of force by public security agents. In addition, the State indicated that MJSP guidelines are followed and that control commissions have been established to supervise the use of force by the Federal Police.<sup>62</sup>

84. Finally, with regard to section “e,” the State reported that the SEOP of the Federal Police has updated the instructional booklet used in the Approach course and added a chapter on the procedures for approaching persons in vulnerable situations and sensitive groups, which include LGBTQIAP+ persons and persons with disabilities. A chapter on how to support and manage persons deprived of liberty was also added, with special focus on sensitive groups and minors. The State noted that this update was based on an extensive review of materials from diverse sources—such as handbooks and guidebooks on human rights, the protection of vulnerable groups and the police approach to mental health crises—, prepared by different institutions, including the MJSP, the Federal Highway Police and the Public Defender’s Office. These materials contribute to the development of a doctrine that advocates for the protection of human rights in police work.<sup>63</sup> Subsequently, the State informed the IACHR that Portaria No. 855/2025 of the MJSP establishes, in its Articles 14 and 15, guidelines for crisis management, recommending the documentation of actions through body cameras, in accordance with the guidelines of Portaria MJSP No. 648/2024.<sup>64</sup>

85. The State also informed that, on December 24, 2024, Decree No. 12.341 was published, which regulates the use of force and less-lethal instruments by public security professionals. According to the State, the regulation strengthens control and monitoring mechanisms for security forces through the reinforcement of the internal affairs and ombudsman offices within public security institutions. It regulates the use of firearms and non-lethal weapons, approaches, home searches, and the actions of penitentiary police in prisons. Furthermore, it assigns responsibility to the MJSP to create complementary regulations, train agents, disseminate the rules, and monitor their application. The decree also emphasizes that lethal force should only be used as a last resort, prioritizing the progressive use of force and avoiding any form of discrimination. It also stipulates that incidents resulting in injuries or deaths must be reported in detail. The National Committee for Monitoring the Use of Force (CNMUDF) was established through Portaria No. 856/2015 of the MJSP, with representation from various bodies and civil society, to oversee and assess the implementation of public security policies. Additionally, the transfer of funds for actions related to the use of force will be conditional upon compliance with these guidelines.<sup>65</sup>

86. The Commission had access to publicly available information on the progress made in the process of formulating a national policy on the use of police force, in which the MDHC, the MJSP and the MIR are involved. This policy discusses the use of less lethal mechanisms, i.e., weapons with less damage potential, in police intervention, as well as the adoption of protocols to guide police action. According to the State, these guidelines seek to provide the police with a legal basis for the use of said equipment and to govern their actions.<sup>66</sup>

---

a technical cooperation agreement was signed in 2023 to implement a prevention protocol in prisons. Piauí: There is a Counseling Program for Torture Case Proceedings (PAPCT) to monitor and expedite the investigation of crimes of torture at penitentiaries and detention centers for adolescents. Paraíba: The WG on preventing and combating torture is operational. Rio de Janeiro: A protocol was signed to prevent and combat torture in custody hearings, which involves interinstitutional cooperation to ensure transparency and monitoring of such cases. Rio Grande do Norte: An intersectoral WG on combating torture has been in place since 2021 and has held multiple trainings and working meetings to improve procedures for the identification and monitoring of cases of torture. Rio Grande do Sul: The WG on preventing and combating torture is underway. Sergipe: The WG on preventing and combating torture is operational. State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>62</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>63</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>64</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>65</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>66</sup> Agência Gov, “[Governo avança na construção de política nacional sobre o uso da força policial](#),” June 24, 2024.



87. According to the 2024 Brazilian Public Security Yearbook issued by the Brazilian Public Security Forum, the number of deaths following police actions at the national level has increased by 188.9 percent since 2013 —when the Forum began to monitor the indicator—, which amounts to 6,393 victims in 2023 alone. This means that the Brazilian police forces are responsible for the death of 17 persons a day, in contexts where it is presumed that an exclusion of liability applies, such as self-defense or strict compliance with legal duty and normal law enforcement. According to the forum, although not all Brazilian police forces present high rates of lethality, it can be stated that, in at least half of the states, deaths resulting from police action have been a concern in recent years. Furthermore, it noted that, in 2023, 13.8 percent of all intentional killings occurred as a result of police action, which constitutes a very high rate of use of force.<sup>67</sup>

88. The Commission also had access to another report released by the same organization on the public security policy of Rio de Janeiro. According to the data presented therein, the state police need to reduce police lethality in operations by 66 percent.<sup>68</sup> In addition, civil society organizations informed the Commission that the MJSP launched the Body Cameras National Project, which could help bring down police violence. However, according to them, since continuous recording is no longer mandatory, the use of this equipment may not be effective. It was also noted that this topic was the subject of the public hearing titled “Human rights violations in the context of police operations,” held during the 190<sup>th</sup> period of sessions.<sup>69</sup>

89. As regards body cameras, several organizations issued a technical note examining the use of such equipment in the state of São Paulo and its effectiveness in reducing police lethality and assault rates in more than 60 percent of cases. However, they emphasized that the purchase and installation of the equipment alone is not enough to guarantee results, inasmuch as it is necessary to meet technical specifications and to establish a protocol for its use. Different studies attribute the success achieved in São Paulo to the complete recording of the security agents' entire shifts, but the new equipment procurement process only provides for intentional recording, that is, from the moment when each security agent decides to start recording. According to the organizations, by making this change, the government of São Paulo is compromising the results of the program and wasting public resources, since they consider that the lesser the agents' discretionary power on the streets, the greater the impact of the cameras on the use of force.<sup>70</sup>

90. The organizations also indicate that the period of time set for storing recordings, which is currently 90 days for routine videos and 365 days for intentional videos, is an additional obstacle to their effectiveness. Following the planned change, this period would be shortened to 30 days, which would allow for deleting material before the justice system can verify the evidence. In addition, the organizations point out that the use of artificial intelligence tools in the analysis of the recordings may lead to serious errors in certain situations.<sup>71</sup>

91. Moreover, the civil society indicated that a draft National Protocol on the Use of Force is allegedly being prepared to update Interministerial Regulation No. 4,226/2010. It also stressed that it is essential that the civil society takes part in this process, that the final protocol observes international standards and that monitoring mechanisms are created for its implementation. Furthermore, a report by the Omega Research Foundation highlighted the abuse of non-lethal weapons in contexts of deprivation of liberty, which has led to numerous deaths and serious injuries.<sup>72</sup>

<sup>67</sup> Brazilian Public Security Forum, [Anuário Brasileiro de Segurança Pública 2024](#).

<sup>68</sup> Brazilian Public Security Forum, [As opções político-institucionais que reforçam a continuidade do Estado de Coisas Inconstitucional na Segurança Pública do Rio de Janeiro: diagnóstico da Segurança Pública Fluminense pós ADPF 635](#).

<sup>69</sup> Vladimir Herzog Institute, Response to the request for information questionnaire, October 2024.

<sup>70</sup> Brazilian Public Security Forum and other 17 organizations, [Nota técnica sobre edital de licitação 15/2024 que prevê a contratação de câmeras corporais para a PMESP](#), May 2024.

<sup>71</sup> Brazilian Public Security Forum and other 17 organizations, [Nota técnica sobre edital de licitação 15/2024 que prevê a contratação de câmeras corporais para a PMESP](#), May 2024.

<sup>72</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.



*Analysis and level of compliance with the recommendation*

92. Regarding item “a” of this recommendation, the Commission appreciates the measures presented by the State, such as mandatory training in “Selective Use of Force,” specialized courses, and the updating of the Curriculum Matrix for public security agents to include topics such as diversity and human rights. It also highlights the implementation of the PRONASCI 2 Program, which funds scholarships for the professionalization and ongoing training of agents. More specifically, the Commission notes that the new Decree No. 12.341 establishes, in Article 2, the explicit inclusion of the principles of legality, proportionality, and necessity, and determines that i) the use of force is only permitted to achieve legal objectives within the limits of the law (Art. 2, Section I); and ii) force must be applied in a differentiated manner and adjusted to the level of threat presented, prioritizing less intense means (Art. 3, Sections I and III). Based on this analysis, the Commission understands that the measures indicated by the State, especially the publication of the Decree, fully comply with this item “a” of the recommendation by incorporating international standards into the regulation. For this reason, it determines that the item has been **fully fulfilled** and will cease monitoring it starting next year.

93. Regarding item “b,” the Commission positively values the initiatives adopted by the State, such as specific protocols for critical situations and operations in urban areas, protests, and indigenous territories. It highlights that the use of firearms is limited to cases of self-defense against imminent danger. Additionally, the Commission considers that Decree No. 12.341 defines that the use of lethal force is only authorized as a last resort and under strict conditions (Art. 3, § 2). It also specifies that the use of firearms against unarmed fleeing individuals is prohibited, unless they pose an immediate risk of death or serious injury (Art. 3, § 3, Sections I and II), and that the use of firearms must be restricted to authorized professionals (Art. 3, § 4). Since the item establishes that the State must reform its protocols to allow the use of lethal force exceptionally based on objective criteria, the Commission understands that item “b” of the recommendation has been **fully fulfilled** and will cease monitoring it starting next year.

94. Regarding item “c,” the Commission considers that the high number of deaths caused by public security agents demonstrates that the State has not yet been able to implement security policies that prioritize the use of non-lethal weapons. However, it takes note that the new regulation published on December 24, 2024, prioritizes communication, negotiation, and the implementation of techniques to prevent the escalation of violence (Art. 3, § 1). Furthermore, it includes the requirement to train agents annually on the differentiated use of force and non-lethal weapons (Art. 4, Section I) and the provision of non-lethal equipment for all agents on duty (Art. 6, Section III). Based on this, the Commission understands that the State complies with the item requiring the reformulation of protocols and guidelines so that security agents adopt tactics to reduce tension and the use of non-lethal weapons. Therefore, it determines that item “c” has been **fully fulfilled** and will cease monitoring it starting next year.

95. Regarding item “d,” the Commission acknowledges the initiatives implemented by the CNJ and at the state level to prevent and combat torture and recognizes the importance of establishing courses and training for security agents. On the other hand, it notes that the new Decree No. 12.341 does not explicitly address the prohibition of torture. However, it establishes as a general principle non-discrimination and respect for human rights (Art. 2, Section VII) and also mentions that force should be used with sound judgment and prudence (Art. 2, Section V). Although the State has not specifically mentioned torture, the text of the law aligns with the principles of respect for human rights. Therefore, the Commission considers that the compliance is progressing but remains **partial**.

96. Finally, regarding item “e,” the State reports that the Federal Police has updated educational materials with chapters on handling protests and protecting vulnerable groups, and also mentions specific protocols for operations during protests and civil disturbances. Regarding regulations related to the use of force in the context of social protests, although Decree No. 12.341 does not directly reference the handling of protests, its principles and general guidelines can be applied to such situations. This is because the decree aims to promote the minimization of harm and the differentiated use of force (Art. 2, Sections II and III), as well as to foster transparency and accountability through data recording and the publication of statistics on the use of



force (Art. 7, Section I). In the same vein, the Commission values the publication of Portaria MJSP 855/2025 and the provisions regarding how public security authorities should act in crisis scenarios. Based on the above, the Commission determines that item “e” progresses to **partial** compliance.

97. Although the recommendation has progressed in terms of compliance, the IACHR expresses concern over the information provided by various organizations, which reflects an alarming public security context in Brazil. The high rates of police lethality, representing 13.8% of all intentional violent deaths, and the improper use of non-lethal weapons in detention contexts highlight structural failures in the implementation of rules governing the use of force. While progress is acknowledged in training and the creation of protocols, the lack of effective oversight, the discretionary handling of equipment such as body cameras, and ongoing abuses during police operations raise serious concerns about the effectiveness of these measures and their alignment with international human rights standards. The Commission urges the Brazilian State to redouble its efforts to ensure the protection of fundamental rights in its public security policies.

*Measures and information to advance compliance with the recommendation*

98. To ensure full compliance with items “d” and “e” of the recommendation, the Commission urges the Brazilian State to strengthen oversight and sanction mechanisms in cases of torture and cruel, inhuman, or degrading treatment, especially in detention contexts and custody hearings. It is essential to ensure the effective implementation of existing manuals and protocols, such as those developed by the National Justice Council, and to guarantee continuous training of agents on human rights and international standards. Regarding the handling of protests and gatherings, it is recommended to adopt a clear and binding national protocol for the differentiated use of force, ensuring the protection of the rights to assembly and freedom of expression, as well as the mandatory and supervised implementation of body cameras in police operations. These measures should be accompanied by continuous dialogue with civil society to ensure transparency and effectiveness.

**Recommendation No. 8.** Adopt whatever measures are needed to exhaustively examine and amend the protocols and guidelines used by local, state, and federal agencies, making sure that the use of racial profiling and other explicit or implicit discriminatory practices on grounds of ethnic/racial or national origin, or other grounds, are expressly punished.

99. In the 2023 follow-up report, the State reported on the creation of a working group linked to the CNJ that established guidelines for the identification of persons in criminal proceedings, with the purpose of avoiding misidentification and reducing structural racism. These guidelines include the mandatory recording of identification procedures and the collection of evidence before subjecting someone to this process, in addition to requiring self-declarations of race/color from victims, witnesses and persons under investigation. The State also highlighted the ongoing trial of Habeas Corpus No. 208,240 at the Federal Supreme Court, which addresses the unconstitutionality of racial profiling in a case of police racism. The Inter-American Commission welcomed these measures and noted that they constituted progress towards compliance with the recommendation. Due to the above, it determined that the level of compliance with the recommendation was partial.<sup>73</sup>

100. To consider that the recommendation has been complied with, the Commission indicated that it was necessary for the State to continue adopting measures to reform protocols and guidelines at all levels, ensuring that discriminatory practices, both implicit and explicit, were sanctioned.<sup>74</sup>

*Information on compliance*

101. In its submission for the 2024 Annual Report, the State indicated that the MDHC has been working to combat structural racism in cooperation with the Fluminense Federal University (UFF) and the

<sup>73</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 96–99.

<sup>74</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 100.



Institute for the Defense of the Black Population (IDPN) to train Afro-descendant lawyers to assist Afro-descendant women deprived of liberty. The State has also been working with the Federal University of Ceará (UFC) and the Central Única das Favelas (CUFA) to promote qualification, education and training courses on leadership, employability, finance and access to technology, especially for young people, women and Afro-descendants.<sup>75</sup>

102. Furthermore, the State indicated that the MIR is currently working to develop the National Policy for Traditional Peoples and Communities of African Origin and Terreiros, the National Policy Plan for the Roma People and the National Plan for Quilombola Territorial and Environmental Management. It also referred to the Federal Plan of Affirmative Action, created in 2023 under the federal direct public administration,<sup>76</sup> and reported that, in 2023 and 2024, the CNJ had approved legislation to address discriminatory practices and promote diversity and inclusion in the judiciary.<sup>77</sup>

103. Regarding the enforceability of the guidelines for the identification of persons in criminal proceedings and processes, which are aimed at avoiding misidentification, the State reported that the CNJ had held an international seminar titled “Evidence and Criminal Justice: New Horizons for Identifying Persons” in October 2024. Its goal was to promote a deeper dialogue into the challenges of bringing specific charges in criminal investigations and assessing criminal evidence. Participants discussed topics such as racism in the criminal justice system and its impact on judicial rulings, the joint effort of criminal justice system actors to arrive at an indictment, the production of evidence and the consequences of convicting an innocent person. In addition to the seminar, a handbook on CNJ Resolution No. 484/2022 was published, which seeks to instruct judges on the application thereof. This regulation establishes guidelines on the identification of persons in criminal proceedings and processes, as well as on their assessment within the judiciary.<sup>78</sup>

104. Furthermore, in 2023, the State referred to *Habeas Corpus* No. 208,240, which was pending before the STF. Said remedy discusses the unconstitutionality of racial profiling and the concept of “well-founded suspicion” in a case involving an Afro-descendant victim of a racist police intervention. The State reported that the *habeas corpus* remedy had been heard by the Plenary of the STF on April 11, 2024, and that the request had been denied by a majority ruling, since the justices concluded that the body search of the defendant had not been performed on the basis of racial profiling. In addition, this case set a precedent, inasmuch as personal searches without a warrant must be based on objective indicia that the person is in possession of a prohibited weapon or criminal evidence, and cannot be conducted based on race, gender, sexual orientation, skin color or physical appearance.<sup>79</sup>

105. Notwithstanding the foregoing, civil society organizations stressed that the State has not taken effective measures to reform protocols and guidelines at the local, state and federal levels to sanction discriminatory practices, which has allowed for the common practice of state agencies to remain biased. According to the Institute for Applied Economic Research (IPEA), data show that defendants of African descent

<sup>75</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>76</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>77</sup> Resolution No. 497/2023: Establishes the Transformation Program to reserve positions in service contracts for vulnerable persons; Resolution No. 498/2023: Sets forth judicial protection for children and adolescents at risk of death; Resolution No. 512/2023: Reserves a minimum of 3 percent of vacancies in competitions for judiciary positions for indigenous persons; Resolution No. 513/2023: Creates the Social Responsibility Award for promoting dignity and combating discrimination; Resolution No. 518/2023: Revises the policies against harassment and discrimination in the judiciary; Resolution No. 519/2023: Establishes the Racial Equity Award for initiatives against racism in the judicial system; Resolution No. 524/2023: Outlines a protocol for the judicial handling of indigenous adolescents in conflict with the law; Resolution No. 525/2023: Promotes gender parity in appellate courts; Resolution No. 532/2023: Protects the right to a diverse sexual orientation or gender identity in cases of adoption or guardianship; Resolution No. 538/2023: Adapts the Anti-Harassment Policy and the Code of Ethics of the judiciary; Resolution No. 540/2023: Promotes gender parity and racial diversity in the judiciary; Ordinance No. 73/2024: Creates a group to develop race-sensitive judicial protocols; Ordinance No. 119/2024: Establishes the National Committee on Older Persons and Intersectionality; Ordinance No. 103/2024: Launches the Accessibility and Inclusion Program for persons with disabilities; Ordinance No. 566/2024: Extends leave periods for single parents and same-sex couples; Resolution No. 561/2024: Strengthens the health and accessibility policy for judicial employees. State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>78</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>79</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



are allegedly approached by police more frequently and face searches without a warrant. In this regard, it was noted that the argument of “well-founded suspicion,” which underpins police action, is allegedly not challenged in the judicial system, which is thus perpetuating a structural bias. The Black Brazilian Population Security Project reports that very few allegations of police violence are brought to court; this is not for lack of cases, but because of the low chance of success, since the police version tends to be legitimized as “judicial truth,” which therefore reinforces systemic discrimination.<sup>80</sup>

*Analysis and level of compliance with the recommendation*

106. The Commission appreciates the initiative undertaken by the MDHC to increase the capacity of the State to care for Afro-descendant women deprived of liberty, as well as the initiatives under development by the MIR, such as the National Policy for Traditional Peoples and Communities of African Origin and Terreiros. The Commission also welcomes the creation of the CNJ regulations reported by the State to address discriminatory practices and promote diversity and inclusion in the judiciary. Moreover, it appreciates the training delivered by the CNJ on the identification of persons, which made it possible to discuss, among other issues, racism in the criminal justice system and its impact on judicial rulings. In addition, the Inter-American Commission notes that the drafting of the handbook on the enforceability of CNJ Resolution No. 484/2022 is an important measure to guarantee the implementation of the guidelines for the identification of persons in criminal proceedings and processes.

107. However, the Commission also draws attention to the STF’s ruling overruling *Habeas Corpus* No. 208,240 and its impact on the fight against racism in Brazil, taking into account how complex this issue is in the country and that young men, Afro-descendants and persons living in peripheral areas are the main victims of police violence and deprivation of liberty, for which the criminal justice system is yet to find effective solutions. The Commission also notes with concern the information highlighted by the civil society regarding structural discrimination in state bodies, especially against Afro-descendants. Based on the foregoing, it considers that the level of compliance with this recommendation remains **partial**.

*Measures and information to advance compliance with the recommendation*

108. To consider that the recommendation has been fully complied with, the Commission underscores the need for the State to continue adopting measures to reform protocols, guidelines and practices thoroughly and at all levels, ensuring that discriminatory practices, both implicit and explicit, are sanctioned. Such reforms must guarantee that racial profiling is no longer a tool used by justice operators across the country to replicate racism.

**Recommendation No. 9.** Take all necessary measures to prevent violence against LGBTI persons, as well as to investigate and punish such violence with all due diligence, regardless of whether it is perpetrated in a family setting, within the community, or in the public sphere, including educational and health establishments.

109. In the 2023 follow-up report, the Commission did not receive information from the State on compliance with this recommendation related to the protection of LGBTI persons. However, it took note of the decision of the STF of August 2023 that equated acts of homophobia and transphobia with the crime of racial slur. The Court also acknowledged that the Congress had failed to criminalize discrimination based on gender identity and sexual orientation. Despite the progress made in case law, the Commission voiced its concern over the fact that Brazil continued to be the country with the highest rate of violent deaths of LGBTI persons, with one death every 34 hours. Since no specific information was submitted by the State, the Inter-American Commission considered that compliance with the recommendation remained pending.<sup>81</sup>

<sup>80</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.

<sup>81</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 102–104.



110. To have the State comply with the recommendation, the Commission indicated it needed to implement measures aimed at preventing and punishing violence against LGBTI persons. These measures included, for example, amending laws, creating support services for victims of violence, training law enforcement authorities on LGBTI issues or promoting zero tolerance of police violence against LGBTI persons.<sup>82</sup>

*Information on compliance*

111. In 2024, the State reported on measures that seek to prevent and punish violence against LGBTI persons and highlighted some implemented by the MDHC. The State referred to a working group called Confronting Discrimination against LGBTQIA+ Persons in Digital Environments, which was set up to analyze discrimination on digital platforms and plan effective strategies to combat violence. Secondly, the State referred to the working group called LGBTQIA+ Memory and Truth, which was created to investigate human rights violations suffered by this group throughout the history of Brazil and develop public policies to eradicate violence against them.<sup>83</sup>

112. The State also reported on Technical Cooperation Agreement No. 134/2024, which sets forth the implementation of the Rogéria Form at the national level. This form serves as an instrument to record emergencies and situations of imminent risk affecting LGBTQIA+ persons, and was signed by the CNJ, the National Council of the Public Prosecutor's Office (CNMP), the MDHC and the MJSP. The purposes of this agreement are to strengthen risk assessment to prevent and address violence against LGBTQIA+ persons by simplifying coordination between public security agencies, justice bodies and protection networks, and to promote early and expert action to avoid repetition of acts of violence and discrimination based on sexual orientation, gender identity or sexual characteristics, with a focus on intersectionality. Also, this measure includes a virtual course to train the stakeholders that will make use of the form, an awareness-raising online seminar and the creation of a protocol to process cases of LGBTQIAphobia.<sup>84</sup>

113. Finally, the State indicated that, although the responsibility to investigate acts of violence against LGBTI individuals is concentrated in the state-level institutions, the Ministry of Justice and Public Security (MJSP) plays a role in formulating preventive policies and strengthening the investigative capacity of public security institutions, promoting a culture of respect for human rights. In this regard, the MJSP, through the National Secretariat of Public Security (SENASP), has been implementing prevention policies that impact the protection of LGBTI individuals. For example, the National Body Camera Project uses technology to monitor the actions of public security agents, promoting greater transparency and contributing to the reduction of abusive practices and discrimination. Furthermore, the Force Use Qualification Project, currently under development, aims to establish clear guidelines that ensure the actions of public security professionals align with international and national human rights standards, guaranteeing the protection of LGBTI individuals.<sup>85</sup>

*Analysis and level of compliance with the recommendation*

114. The Commission acknowledges the initiatives presented by the State in the fight against violence against LGBTI individuals. In particular, it values the initiatives by the MJSP aimed at strengthening prevention and investigation mechanisms, which undoubtedly have an impact on the human rights of LGBTI individuals. However, it highlights that it lacks sufficient information to assess whether these measures have had a real impact on the prevention, investigation, and sanctioning of violence against this group of people in the country, reducing violence rates. In line with the above, the Commission considers that the recommendation remains **pending** compliance.

<sup>82</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 105.

<sup>83</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>84</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>85</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.



*Measures and information to advance compliance with the recommendation*

115. To move forward with the implementation of this recommendation, the Commission urges the State to share information on the impact of the aforementioned policies or other additional policies for combating and reducing violence against LGBTI persons in the country.

**Recommendation No. 10.** Enforce federal legislation with a view to requiring proper training for law enforcement agents and agencies at the local level, as well as for justice operators (including judges, prosecutors, public defenders and other state and federal court personnel), in human rights obligations regarding non-discrimination and combating implicit prejudice, along with other kinds of training to get rid of discrimination.

116. In the 2023 follow-up report, the State highlighted the activities carried out by the Inter-American Court of Human Rights Decisions and Deliberations Follow-up and Supervision Unit under the CNJ to promote inter-American standards. It also referred to the National Judiciary Covenant for Human Rights — which promotes a culture of human rights in the judiciary— and reported on the incorporation of human rights law as a required area of expertise into public selection processes for positions in the judiciary, including the jurisprudence of the inter-American system and the STF's case law. The Commission welcomed these initiatives as a commitment to the promotion and exercise of human rights in the judicial sphere and considered that the level of compliance with this recommendation had progressed to partial.<sup>86</sup> Nonetheless, it recalled the importance of continuing to implement legislative measures at the federal level that entailed human rights training for all officials and law enforcement agencies, with a focus on nondiscrimination and the fight against prejudice.<sup>87</sup>

*Information on compliance*

117. In 2024, the State reported that the National Judiciary Covenant for Human Rights seeks to strengthen the culture of human rights in the Brazilian judiciary, with an emphasis on conventionality control. This covenant was inspired by CNJ's Recommendation No. 123 of 2022 and encourages the observance of international treaties and the jurisprudence of the Inter-American Court of Human Rights. According to the State, the first phase of the covenant, completed in 2022, included five pillars: i) to carry out a selection process conducted nationwide to identify court rulings on human rights that promoted the conventionality control; ii) to incorporate human rights law as a required area of expertise into public selection processes for positions in the judiciary, with a focus on the inter-American jurisprudence; iii) to provide training in human rights and conventionality control for judges at the federal and state levels; iv) to publish the STF Jurisprudence Booklets, which address issues relating to women's rights, LGBTI persons, indigenous peoples and freedom of expression; and v) to offer an international seminar on human rights and conventionality control.

118. In addition, the State indicated that, in 2024, it began the second phase of the national covenant with the release of new booklet volumes and the opening of a new selection process to review judicial rulings that involve different topics, including the rights of children and adolescents, women, persons deprived of liberty, the LGBTQIAP+ population, Afro-descendants and indigenous peoples, among other human rights and climate justice issues. According to the State, the covenant achieved 100 percent of its initial goals, so the second phase has started. Among other actions, this new stage involves measures to encourage the creation of Inter-American Court of Human Rights Decisions and Deliberations Follow-up and Supervision Units (UMFs) in Brazilian courts, to promote basic guidelines for institutional cooperation and to spotlight best practices related to national implementation mechanisms.<sup>88</sup>

119. In addition, the State reported that the MJSP, by means of the National Public Security Secretariat, has implemented training programs that address the differentiated impact of racism, racial

<sup>86</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 107–108.

<sup>87</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 109.

<sup>88</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



discrimination, xenophobia and intolerance on women and girls, which exacerbates their vulnerability. Among these initiatives, the State underlined a course called “Anti-Racist Police,” which seeks to instill in public security personnel —especially police chiefs— an ethical approach based on respect for human rights and diversity, thus promoting changes in the organizational culture of public security.<sup>89</sup>

120. Moreover, according to the State, the Directorate of Education and Research (DEP) has expanded its courses on assisting vulnerable communities, including specific training on approaching Quilombola communities while respecting their cultural particularities. These courses are structured around the four pillars of the National Curriculum Framework: i) Subject and Interactions in Public Security, which covers awareness and values in the context of security; ii) Society, Power, State and Public Security, which analyzes security in the social, political and democratic context; iii) Ethics, Citizenship, Human Rights and Public Security, which promotes ethical and human rights practices in public security; iv) Ethnic-Socio-Cultural Diversity, Conflict and Public Security, which addresses the management of conflicts resulting from diversity and discrimination matters. According to the State, these initiatives promote constant reflection on the role of professionals in a diverse social and political context.<sup>90</sup>

121. Furthermore, the State reported that the General Coordinating Office of Research at the National Public Security Secretariat of the MJSP is offering specialist training programs and master’s degree courses. In addition, said office encourages thematic research, comparative studies and diagnoses that help guide public policies that seek improvement and innovation in public security, in close cooperation with the states. For the State, it is important to promote actions aimed at upskilling public security personnel (police chiefs in all states) and to develop a public security policy that validates and is governed by the National Guidelines on the Promotion and Defense of Human Rights of Public Security Authorities, as well as the democratic principles for the promotion of citizenship that structure the Rule of Law.<sup>91</sup> Finally, the State also indicated that, in April 2024, it launched the Interdisciplinary Master’s Degree in Human Rights, with a focus on public security, and the *lato sensu* graduate course titled “Protection of Persons in Situations of Vulnerability.”<sup>92</sup>

122. In turn, civil society organizations pointed out that the courses developed by the State are scattered initiatives that do not constitute mandatory and continuing training. They added that these courses are not a prerequisite to filling the positions and advancing the careers at issue. Therefore, although timely, these measures are considered limited and optional, which is not sufficient to meet the objective of the recommendation.<sup>93</sup>

#### *Analysis and level of compliance with the recommendation*

123. The Commission welcomes the successful completion of the first phase of the National Judiciary Covenant for Human Rights and the beginning of its second phase, which is focused on the creation of UMFs in Brazilian courts and the promotion of basic guidelines for institutional cooperation and the dissemination of best practices regarding national implementation mechanisms. It also appreciates the training provided by the National Public Security Secretariat of the MJSP, such as the “Anti-Racist Police” course, and the specialist and master’s degree programs developed by the General Coordinating Office of Research under said secretariat.

124. Finally, the Commission commends the promotion of actions aimed at training public security personnel and structuring a policy in this regard which is governed by the National Guidelines on the Promotion and Defense of Human Rights of Public Security Authorities. However, the Commission notes that it does not have additional information on how the State is implementing training programs for other law enforcement agents, such as prosecutors and public defenders. In this regard, it stresses that adequate training

<sup>89</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>90</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>91</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>92</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>93</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.



in human rights and issues related to nondiscrimination is essential for public security agents and justice operators to be able to perform their duties in such a way that prejudice does not interfere with their actions and decision-making. The Commission has also taken note of the information provided by the civil society on the subject. In view of the foregoing, the Commission considers that the level of compliance with this recommendation remains **partial**.

*Measures and information to advance compliance with the recommendation*

125. To guide the implementation of the recommendation, the Inter-American Commission recalls the importance of continuing to adopt education and capacity-building measures to train all justice operators, law enforcement and public security agents in human rights and nondiscrimination.

**Recommendation No. 11.** Prioritize the allocation of funds to intelligence actions needed to fight organized crime, criminal gangs, and militias, rather than to armed clashes with them. In particular, strive to track down actions by organized criminal groups, identifying their agents, above all by monitoring capital flows, business and financial transactions, and movements of imports and exports triggered by them, and so on.

126. In the 2023 follow-up report, the State did not provide specific information on compliance with this recommendation. Therefore, the Commission determined that compliance remained pending. It also highlighted the need to prioritize the allocation of resources to the strengthening of intelligence operations to address organized crime, criminal gangs and militias.<sup>94</sup>

*Information on compliance*

127. In 2024, the State reported that the MJSP, by means of the Directorate of Integrated Operations and Intelligence, had implemented the CIISP Network Program, an integrated system of public security intelligence centers aimed at contributing to the fight against organized crime, criminal gangs and militias. The network is comprised of a national center located in Brasília and five regional centers in Campo Grande, São Paulo, Curitiba, Fortaleza and Manaus, which engage public security representatives from different states and agencies. The objectives of this program are: i) to strengthen public security intelligence and restructure state agencies; ii) to share intelligence information to prevent and suppress crimes such as homicide, femicide, drug and arms trafficking, and cross-border crimes; and iii) to advise public security authorities on critical decisions and special operations. The cost of the program, which is covered by the MJSP, is approximately 4.1 million Brazilian reais per year; this figure is expected to increase to incorporate new expert agents in fields such as financial investigation and money laundering. In addition, according to information provided by the State, the network allows for an effective exchange of intelligence information to assist in coordinated actions between federal and state agencies, in response to the recommendation to step up the fight against organized crime in Brazil.<sup>95</sup>

128. Moreover, according to the State, the MJSP —by means of the National Public Security Secretariat— has implemented a policy to tackle organized crime through cooperation among states and intelligence work. In addition, several states have set up Integrated Forces to Combat Organized Crime (FICCOs), which are comprised of various public security agencies at the state and federal level and are coordinated by the Federal Police. The FICCOs seek to: i) coordinate intelligence and operation work at the regional and international level; ii) prevent transnational crimes and serious threats to public security, such as drug and arms trafficking, robbery and extortion; iii) simplify access to shared databases and intelligence tools; and iv) promote technical training and the exchange of knowledge and experiences. The State pointed out that

<sup>94</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 111–113.

<sup>95</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



these forces work on a mutual cooperation basis and do not receive direct fund transfers from other institutions; the costs are covered by each entity concerned.<sup>96</sup>

129. The State also reported on the Special Groups to Conduct Sensitive Investigations (GISEs), which were created by the Federal Police to investigate cases of drug and arms trafficking, and to combat criminal gangs and connected violent crimes. It indicated that there are currently 20 units in place across Brazil, with trained personnel and resources allocated by regional supervision offices and, occasionally, by the National Anti-Drug Fund (FUNAD).<sup>97</sup>

130. Finally, in the international arena, it was reported that the International Cooperation Directorate of the Federal Police has expanded its scope of action by setting up additional posts and appointing liaison officers in institutions such as Europol and Interpol, thus optimizing the exchange of intelligence information and reinforcing investigations on organized crime. The State considers that these measures demonstrate it has prioritized intelligence work to combat organized crime, criminal gangs and militias.<sup>98</sup>

*Analysis and level of compliance with the recommendation*

131. The Commission commends the State for its intelligence system and its fight against organized crime, criminal gangs and militias in the country, as well as for having allocated resources to the aforementioned agencies, as requested in the recommendation subject to follow-up. In view of the foregoing, the Commission determines that the level of compliance with this recommendation has progressed to **partial**.

*Measures and information to advance compliance with the recommendation*

132. To have the State fully comply with the recommendation, the Commission emphasizes the importance of continuing to prioritize the allocation of resources to intelligence operations in relation to organized crime, criminal gangs and militias.

**Recommendation No. 12** Adopt measures to revert the militarization of police institutions, including:

- a. Canceling programs that allow the purchase or transfer of military equipment and weapons for local police authorities;
- b. Federal government monitoring of the military weapons delivered to local police stations, and other measures to control the distribution of military arms; and
- c. Police training in the proper use of institutional (police) equipment.

133. In the 2023 follow-up report, the State did not provide specific information on compliance with this recommendation. Therefore, the Commission determined that the level of compliance remained pending. It thus exhorted the State to adopt the necessary institutional strengthening measures to reverse the militarization of police departments, based on the parameters indicated in the recommendation subject to follow-up.<sup>99</sup>

*Information on compliance*

134. For the year 2024, the State reported that the 1988 Federal Constitution establishes that the Military Police are responsible for maintaining public order and the Military Fire Departments for civil defense, both serving as auxiliary forces and reserves of the Army, subordinated to the Governors of the States and the Federal District. These institutions have a military character for exceptional situations, ensuring rapid mobilization in support of the Armed Forces. Additionally, Law No. 14.751/2023 modernizes these institutions, replacing Decree-Law No. 667/1969, reinforcing hierarchy, discipline, and social control, integrating them into

<sup>96</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>97</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>98</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>99</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 115–117.



the Unified Public Security System (SUSP), and ensuring respect for fundamental rights. Law No. 14.735/2023 improves the structure of the Civil Police, ensuring greater independence for delegates, transparency in procedures, and enhanced training in human rights and ethics. For the State, these laws represent progress in public security, promoting modernization, efficiency, and respect for democratic principles.<sup>100</sup>

135. In turn, civil society organizations pointed out to the Commission that they were not aware of any actions being taken by the State to move forward with the implementation of this recommendation and highlighted that, on the contrary, they had observed actions that deepened the militarization of the society, as reflected in the implementation of civil-military schools in some states.<sup>101</sup>

*Analysis and level of compliance with the recommendation*

136. The measures reported by the State and the comments provided by civil society organizations indicate that actions have yet to be taken to fulfill the recommendation regarding the demilitarization of the police forces. Considering this, the Commission determines that this recommendation remains **pending** compliance.

*Measures and information to advance compliance with the recommendation*

137. The Commission encourages the State to adopt the necessary institutional strengthening measures to reverse the militarization of police departments, based on the parameters indicated in the recommendation, especially with regard to the transfer of personnel and equipment, as well as the control of weapons for use by the military only.

## D. Access to justice

**Recommendation No. 13.** Guarantee appropriate, quick, and comprehensive reparation for all victims of police violence and their family members, including financial support, medical and psychological care, and measures to avoid revictimization.

138. In the 2023 follow-up report, the State submitted information on the creation of the Citizen Security/Reduction of Lethal Police Violence Working Group (GT/SC) under the CNJ, which was comprised of security experts, magistrates, prosecutors and civil society representatives. This group, set up to study police lethality, issued a report on the situation of Rio de Janeiro in March 2023. In addition, the State referred to CNJ's Resolution No. 253/2018, which set forth an institutional policy to assist crime victims and guaranteed the allocation of resources for reparation and training. However, civil society organizations pointed out that, despite the progress made, serious obstacles to access to justice persisted, and the public policies to ensure psychosocial and financial support to victims of police violence were yet to be implemented. The Commission considered that, although institutional measures had been adopted, compliance with the recommendation remained pending due to the lack of specific information on the public policies established to provide support to victims and their families, as well as on the resources allocated thereto.<sup>102</sup>

*Information on compliance*

139. In 2024, the State indicated that the MDHC has worked on the creation of the National Program of Psychosocial Care for Victims of State Violence, focused on safeguarding the rights of victims, offering reparation and preventing revictimization, thus ensuring victims' physical and psychological well-being. The program seeks to strengthen psychosocial care for mothers, orphans and family members affected by institutional violence resulting from action or omission on the part of security forces. According to the State, the goal is to structure and improve the care provided at the Unified Health System (SUS) and the Single Social

<sup>100</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>101</sup> Vladimir Herzog Institute, Response to the request for information, October 2024.

<sup>102</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 119–123.



Assistance System (SUAS), expanding access to justice and training professionals in the prevention of institutional violence. This entails the following: i) shelters and psychosocial care spaces; ii) enhanced channels for reporting and addressing cases of violence; iii) interinstitutional collaboration among the judiciary, the Public Prosecutor's Office, public defenders' offices and civil society organizations; and iv) campaigns against revictimization and training courses for public officials.<sup>103</sup>

140. The State added that it plans to launch the National Program of Psychosocial Care for Victims of State Violence next, which will focus on monitoring shelters linked to the SUAS and SUS networks and on training their staff. It further reported that federal and interinstitutional actions will be promoted to strengthen these networks, and that it will ensure that civil society organizations take part in the evaluation of the program. Moreover, the State indicated that a National Campaign against Secondary Victimization and Revictimization will be implemented, which will include educational activities related to health and public safety, in collaboration with the judiciary and the Public Prosecutor's Office. Also, training courses in human rights will be offered to public officials and law enforcement authorities.<sup>104</sup>

141. The State also highlighted that the MDHC has launched two public calls for bids for the creation of Memory Centers for Victims of State Violence in Santos (São Paulo) and Rio de Janeiro, focused on education, data collection and the construction of historical narratives on state violence. These centers will work alongside state entities and civil society organizations to strengthen the role of mothers and families of victims of institutional violence in sharing knowledge. Their goals include collecting and recording data, designing and carrying out educational activities, constructing narratives and reconstructing historical versions of contemporary state violence.<sup>105</sup>

142. Moreover, the State indicated that it has engaged in dialogue with the CNMP to support public prosecutors' offices in their actions related to victims of violence. The State reported that, in 2021, the CNMP has implemented a policy to protect and promote rights and support victims. In this context, the MDHC signed a technical cooperation agreement with the CNMP in 2023 to support the creation of centers of assistance to victims of violence by providing training and education to agents and public officials.<sup>106</sup>

143. The State also reported on the activities carried out by the Citizen Police/Reduction of Lethal Police Violence Working Group, created by the CNJ in view of the Motion for Non-Compliance with Fundamental Principles (ADPF) No. 635 that is currently being reviewed by the Federal Supreme Court. This action addresses the use of force by public security agents, focusing on the reduction of lethal police violence in Rio de Janeiro, in line with the judgment of the Inter-American Court of Human Rights in *Favela Nova Brasília v. Brazil*.<sup>107</sup>

144. In this regard, the State reiterated that, in 2023, the working group had submitted a detailed report to the CNJ on the situation in Rio de Janeiro, which included an assessment of the Police Lethality Reduction Plan launched by the state and recommendations for complying with the rulings of the STF and the guidelines issued by the Inter-American Court of Human Rights, after conducting visits and analyzing the complex security situation in the state. The State also noted that, according to ADPF No. 635, in November 2023, the judge-rapporteur ordered the state of Rio de Janeiro to submit a lethality reduction plan that includes the input of the WG. The measures agreed upon include an effective commitment to combat structural racism; 70 percent reduction in deaths caused by state intervention; arms control; clear procedures to communicate operations; participation of victims in investigations; mandatory use of ambulances; and collaboration with federal forces in operations and social development.<sup>108</sup>

145. The State reported that the state of Rio de Janeiro submitted preliminary figures and that, following a review by the Office of the Attorney General of the Republic (PGR), a settlement hearing was

<sup>103</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>104</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>105</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>106</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>107</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>108</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



scheduled for May 7, 2024, which was attended by all the parties involved, including the MJSP and the CNJ. Following the hearing, the judge-rapporteur noted that the state of Rio de Janeiro had presented resolutions on school safety, training in tactical pre-hospital care, psychological support for police officers, arms control and the reduction of police lethality. However, the state did not specifically comment on the final report of the CNJ WG, so it was urged to do so, and a new settlement hearing was scheduled for June 18, 2024. The working group examined judicial on-duty shifts (*plantões judiciais*) and the system for monitoring warrants in Rio de Janeiro. Its investigation was divided into four areas: justice, the Public Prosecutor's Office, expert reports and the Civil Police. The CNJ's report showed a general downward trend in police lethality since the implementation of the decisions set forth in ADPF No. 635 but stressed the need to clarify the concept of "exceptionality" in police operations carried out in communities.<sup>109</sup>

146. Finally, the State indicated that, in July 2024, a technical note was submitted summarizing the work of the STF, which underscored the participation of the Public Prosecutor's Office and the Public Defender's Office. The state of Rio de Janeiro requested the approval of its Police Lethality Reduction Plan, which it considers equivalent to several of its resolutions on school safety, tactical training, psychological care for police officers, arms control and the procedures for preserving incident scenes. According to the State, the final ruling regarding ADPF No. 635 was scheduled for September 2024.<sup>110</sup>

147. Civil society organizations reported to the Commission that, on January 1, 2023, the Access to Justice Secretariat (SAJU) was created with a view to expanding access to rights, by bringing vulnerable groups—such as Afro-descendants, indigenous peoples, women and LGBTQIA+ persons—center stage. The SAJU is responsible for upgrading and democratizing access to justice and citizenship, as well as for improving the judicial services offered to society. The work of this entity in collaboration with other government agencies and civil society organizations is aimed at streamlining the justice system by promoting actions to develop justice policies. In addition, the organizations highlighted three initiatives: i) the Support Network for Persons Affected by Institutional Violence, in partnership with the Public Defender's Office of Rio de Janeiro; ii) the diagnosis of Memories of Massacres in the Countryside (*Memória dos Massacres no Campo*), in partnership with the University of Brasília (UnB) and the Pastoral Land Commission (CPT); and iii) the Shelter Network for Mothers and Orphans Victims of Violence, in partnership with the Federal University of São Paulo (UNIFESP) and the DPE/SP.<sup>111</sup>

148. Other organizations reported to the Commission that they observed a persistent failure by the State to promote effective policies of full reparation for victims of police violence. They indicated that, in many cases of police violence, fatal victims are not even treated as such since the rationale of *autos de resistência* (shooting by officers is justified as an act of resistance) continues to allegedly govern public institutions, even though this classification is no longer applicable. They also stated that these deaths are reportedly not adequately recorded and investigated by the State, and that national-level information on deaths that took place during police operations is not published annually, in violation of the judgment of the Inter-American Court of Human Rights in *Favela Nova Brasília v. Brazil*. In addition, civil society organizations and universities allegedly question the quality of the data submitted by states. According to the report titled *A Cor da Violência Policial: A Bala Não Erra o Alvo* (The Color of Police Violence: The Bullet Does Not Miss the Target), released by the Center for Security and Citizenship Studies, in states such as Ceará, Bahia and Rio de Janeiro, the data available on victims disaggregated by race indicates there is an unacceptable amount of missing or incomplete information, which allegedly evidences an intentional concealment of the racial dimension of the problem. The organizations state that such omission of data is an expression of institutional racism that seeks to conceal, rather than confront, the genocide of the black population in Brazil.<sup>112</sup>

149. Moreover, the civil society pointed out that, even though the classification *autos de resistência* was modified, no substantial change has been made to the recording of deaths due to state intervention, and

<sup>109</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>110</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>111</sup> Vladimir Herzog Institute, Response to the request for information, October 2024.

<sup>112</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.



no term has been consistently adopted across the country. The civil society also indicated that Regulation No. 229/2018 establishes the term “deaths due to a state agent intervention,” thus eliminating expressions such as “standing in the way” or “resisting authority,” but that the concept used for statistical purposes is still limited to deaths following alleged police self-defense. This way, for example, the deaths of children and adolescents in crossfire during operations in favelas in Rio de Janeiro are excluded from these records, and therefore do not appear in the official statistics of deaths perpetrated by state agents.<sup>113</sup>

150. The organizations added that the alleged lack of independent investigation mechanisms in cases of deaths in the context of police operations hinders access to justice and reparations. They claimed that the failure of the State to carry out impartial investigations, along with the backlog of cases in the phase of investigation, aggravated this problem. An example of this is the case of Johnatha de Oliveira, who was killed in 2014 by a police officer in Rio de Janeiro and whose trial, after almost ten years, has not been resolved yet. The civil society also reported that there are neither national policies offering financial support and medical and psychological assistance nor plans to prevent the revictimization targeted at the families of victims of police violence. Recently, the MIR launched a pilot project for providing psychosocial care, but its scope is allegedly limited and only covers two states. According to the organizations, these types of initiatives should receive more funding, be prioritized by the Federal Government and be expanded to the whole country; also, their effectiveness should be properly monitored.<sup>114</sup>

151. Finally, these organizations stated that, with regard to the compensations ordered under international sentences against the Brazilian State, there is no efficient process to ensure compliance and victims are often forced to undergo arduous negotiations to receive reparations. In addition, they pointed out that the recommendations issued by the Commission have not been allocated a budget, which contributes to the obstacles faced by the victims and their families.<sup>115</sup>

#### *Analysis and level of compliance with the recommendation*

152. The Commission welcomes the creation of the National Program of Psychosocial Care for Victims of State Violence by the MDHC as a public policy to guarantee the rights of victims, offer reparation and prevent their revictimization. In this regard, it considers it essential that the program seeks to structure and improve the care provided to victims and their families at the SUS and the SUAS while expanding their access to justice, since these services are universal and serve people across the country. The Commission also welcomes the National Campaign against Secondary Victimization and Revictimization, the initiative to create Memory Centers for Victims of State Violence and the promotion of training in human rights for public officials and law enforcement authorities.

153. Regarding the measures related to the working group on police lethality and ADPF No. 635, the Commission welcomes the information contained in the CNJ's report, according to which a general downward trend in police lethality was observed in Rio de Janeiro since the implementation of the ADPF. However, it also notes the concerning landscape of public security, especially in terms of institutional violence by security agents in Rio de Janeiro and the need to adopt effective measures to contribute to the downward trend in police lethality, in compliance with said ADPF and the judgment of the Inter-American Court of Human Rights in *Favela Nova Brasília v. Brazil*. Furthermore, the Commission voices its concern over the information submitted by the civil society, especially that indicating the lack of effective reparation policies for victims of police violence; the failure to record and disclose data on deaths during police operations, in violation of the aforementioned judgment of the Inter-American Court of Human Rights; the absence of independent investigations, which hinders access to justice; the limited support offered to the families of victims, who are not protected by any national policy; and the obstacles to receiving compensation following international sentences.

<sup>113</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.

<sup>114</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.

<sup>115</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.



154. Based on the information submitted by the State and civil society organizations, the Commission considers that the State has played a positive role, inasmuch as it has implemented public policies that assist the victims of state violence. The Commission highlights, in particular, the fact that the State has adopted a broad approach and included the SUS and the SUAS in its reparation measures. Nevertheless, the Commission underscores the importance of victims having access to comprehensive reparation, including economic redress. On the reduction of police lethality, the Commission welcomes the actions taken within the scope of ADPF No. 635 to achieve this goal in Rio de Janeiro but takes note of information according to which security forces continue to act under the logic of self-defense and data that indicates that no independent and impartial investigations are being conducted, which restricts access to justice.

155. In view of the foregoing, the Commission considers that the State has taken relevant steps to guarantee reparations to the victims of police violence but observes that significant challenges persist in bringing down the rates of police violence and lethality. Thus, it determines that the recommendation is moving forward in **partial compliance**, while recognizing the challenges that persist in access to justice.

*Measures and information to advance compliance with the recommendation*

156. To consider that the recommendation is fully complied with, the Commission expects the State to report on the implementation of the National Program of Psychosocial Care for Victims of State Violence and its outcomes, as well as on the creation of the Memory Centers for Victims of State Violence. It also requests that the State confirm whether financial reparations are envisaged for the victims and their families, as established in the recommendation. Finally, the Commission urges the State to continue implementing effective measures to bring down the rates of police violence and to provide data on police violence and its victims across the country.

**Recommendation No. 14.** Establish independent mechanisms in cases involving police violence, which include participation by victims' next of kin, civil society representatives, offices of public defenders and other interested parties, in such a way as to ensure transparency in investigative and processing procedures, identification of potential obstacles to clarification of the facts, and the prosecution of perpetrators.

157. In the 2023 follow-up report, the State did not provide information on compliance with this recommendation. According to civil society organizations, external control of police activity in Brazil falls within the competence of the Public Prosecutor's Office, but investigations continue to be carried out by the police, which undermines the transparency and effectiveness of the control. In addition, they reported a lack of effective and successful operational protocols to investigate torture; racial discrimination; delays in forensic examinations; and acts of intimidation, excessive use of force and gender- and racial-based violence, including the violation of maternity rights and acts of sexual harassment against women and girls in detention. The Commission considered that compliance with this recommendation remained pending, since it did not receive information from the State on the matter. Therefore, it recommended establishing independent mechanisms to ensure transparent and effective investigations in cases of police violence.<sup>116</sup>

*Information on compliance*

158. For the 2024 report, the State underscored that, in accordance with Joint Resolution No. 2 of 2015 of the Superior Police Council, whenever the use of force in a police operation results in a crime against the physical integrity or life of a person who is offering resistance, a police investigation must be opened immediately by the relevant unit of the Federal Police to clarify the facts, and priority must be given to the processing of the case file. In addition, the State indicated that, according to Law No. 12,830/2013, the judicial police functions and the investigation of crimes carried out by the chief of police are essential and exclusive to the State. In this regard, the State argued that the charging of a crime is the exclusive responsibility of the police authority, and that it must be based on a grounded technical-legal analysis which describes the factual elements, the circumstances in which the act took place and who took part in it. The State added that the

<sup>116</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 125–129.



relevant criminal investigation must be led by the chief of police, who shall be impartial and proceed under free technical-legal criteria.<sup>117</sup>

159. The State also referred to the SINDCRIM, a recently created system to consolidate the criminal record of officers of the Federal Police, including data from confidential investigations and state police. According to what was reported, thanks to this tool, it is possible to quickly obtain the criminal record of any officer, and information can be filtered by name, position, status of proceedings and legal details, among others. Its goal is to improve the efficiency and speed of internal investigations in the Federal Police. Moreover, the State referred to the Federal Police' COMUNICA channel, a public platform that allows for the online reporting of crimes under the jurisdiction of the Federal Police and includes a specific field for reporting crimes committed by its officers, which helps to ensure that these reports are sent to the relevant unit for verification and allows any person to report abusive conduct by officers of the Federal Police.<sup>118</sup>

160. Additionally, the State reported that the MDHC is currently coordinating actions to strengthen police complaints desks across the Brazilian states and to promote human rights among public security agents. Reportedly, since 2023, the MDHC has been working with the National Forum of Defenders of the Unified Public Security System (FNOSP) to improve the performance of said forum. The MDHC also supports the external control of the police forces, which is conducted by the Public Prosecutor's Office, and highlights Resolution No. 279 of the CNMP in relation thereto. Moreover, the State indicated that the National Office for the Defense of Human Rights (ONDH) encourages the Public Prosecutor's Office to exercise rigorous control over cases involving human rights violations committed by security agents.<sup>119</sup> As regards the work of the CNJ, the State reported that the Department for the Monitoring and Oversight of the Prison System and the Enforcement System of Socioeducational Measures (DMF/CNJ) reviewed the information related to the CNJ's Resolution No. 253/2018, which introduces the judicial policy for providing support to victims of crimes and other violations. The resolution requires courts to set up Specialized Victim Assistance Centers, which are currently in place in 16 courts.<sup>120</sup>

161. Finally, the State stated that the control of public security institutions in Brazil occurs in two areas: internal, managed by corregidurías, defensorías, and other oversight mechanisms, and external, primarily exercised by the Public Prosecutor's Offices of the states, according to domestic legislation. The MJSP seeks to strengthen these mechanisms, promoting greater independence, transparency, and social participation. An example is Decree No. 12.341/2024, which reinforces accountability through the strengthening of corregidurías, defensorías, and the inclusion of civil society representatives.<sup>121</sup>

162. Notwithstanding the foregoing, civil society organizations pointed out that, although the Inter-American Court of Human Rights has ruled on the responsibility of Brazil in cases involving police violence, police homicides continue to be investigated by the civilian police, and forensic experts are often members thereof and thus their independence is not guaranteed. In addition, it was noted that the CNMP was allegedly considering approving a resolution for prosecutors to lead all the investigations of murders committed by security forces, thus ensuring that victims and their families have access to updated information on investigations, except for confidential documents.<sup>122</sup>

163. Other organizations indicated that the State has not yet implemented a policy that ensures the investigation of cases of police violence by an autonomous, impartial and independent body, even though the Inter-American Court of Human Rights and the STF have recognized the authority of the Public Prosecutor's Office to conduct autonomous investigations in these cases. They further noted that the CNMP was evaluating a draft resolution ordering the Public Prosecutor's Office to investigate crimes such as murders, sexual violence, torture and forced disappearances in the context of public security operations. However, this draft does not

<sup>117</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>118</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>119</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>120</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>121</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>122</sup> Human Rights Watch (HRW), Response to the request for information, October 2024.



include monitoring and oversight mechanisms, which could limit its effectiveness, as is already the case with CNMP Resolution No. 201/2019, which has not been consistently complied with, even in emblematic cases such as *Favela Nova Brasília v. Brazil*.<sup>123</sup>

164. In light of this context, in July 2024, the Commission sent an Article 41 letter to the State requesting information on the acts of police violence perpetrated by the Military Police of the state of São Paulo in the Baixada Santista region, which resulted in the death of almost 40 people. The Commission also recalls the press release on the subject issued in August 2023, where it noted that such actions might constitute a pattern of extrajudicial executions by security forces in Brazil.<sup>124</sup>

*Analysis and level of compliance with the recommendation*

165. The Commission welcomes the information sent by the State on the mechanisms available to investigate crimes related to life and personal integrity committed by agents of the Federal Police. It also commends the actions undertaken by the MDHC to strengthen police complaints desks across the states in Brazil and to promote human rights among public security agents, as well as its cooperation with the FNOSP and its support to the Public Prosecutor's Office in the external control of police operations. The IACHR also values the efforts of the MJSP to institutionalize measures that encourage greater accountability and mechanisms that expand the participation of civil society representatives.

166. Although the initiatives pointed out by the State are positive, inasmuch as it has established external control over the actions of security agents, the Commission takes note of the information provided by the civil society and also points to its own initiatives on the subject, such as Article 41 letters and press releases, and highlights the importance of ensuring transparency and independence in the investigation, prosecution and punishment of crimes committed against civilians by security agents of any police body, whether federal, civilian or military.

167. The Commission reaffirms that, as indicated in its country report, police violence in Brazil results from a context of systemic racial discrimination, in which law enforcement agents carry out operations in areas exposed to socioeconomic vulnerability and with high rates of Afro-descendants and youth, failing to observe international human rights standards.

168. In this regard, it is not clear how external control is guaranteed during investigations, in as much as this procedural stage is led by the police itself, nor is it clear how the State ensures the participation of victims, representatives of the civil society and representatives of the Public Defender's Office in said processes. In view of the foregoing, the Commission considers that compliance with this recommendation remains **pending**.

*Measures and information to advance compliance with the recommendation*

169. To guide the implementation of this recommendation, the Inter-American Commission exhorts the State to submit information on how it ensures independence and transparency in the proceedings brought against public security agents for their actions related to civilians. In particular, it urges the State to indicate how these two principles are guaranteed, especially during investigations, given that these are carried out by the police. Therefore, it requests the State to provide information on the actions of the Public Prosecutor's Office in said investigations, in accordance with the judgment issued by the Inter-American Court of Human Rights. In addition, the Commission considers it important that the State report on the participation of victims' family members, representatives of the civil society, representatives of the Public Defender's Office and other stakeholders in said processes.

<sup>123</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.

<sup>124</sup> IACHR, Press Release No. 177/23, [IACHR Condemns the Violent Deaths of at Least 16 People in Police Operations in Brazil](#), August 8, 2023.



**Recommendation No. 15.** Adopt resolute measures to guarantee all women victims of violence and discrimination access to justice at every stage (reporting, investigation, and judicial proceedings), including access to information in a language and socio-cultural presentation they can understand, with trained personnel to assist them, and appropriate legal counseling.

170. In the 2023 follow-up report, the State did not provide specific information on compliance with this recommendation. However, data from other sources showed a significant rise in the number of protection measures granted nationally, with an increase of 17.4 percent in São Paulo and 11.7 percent in Rio de Janeiro. The amendment of Article 19 of the Maria da Penha Law, which strengthens emergency protection measures, was also considered a positive development. Despite this progress, the Commission expressed its concern over impunity in emblematic cases, such as the murders of Marielle Franco and Bernadete Pacífico, which showed that the protection of women remained a challenge. In addition, the Commission highlighted the increase in protection measures and underscored the legislative reform, but considered that compliance with this recommendation remained pending due to the lack of detailed information from the State.<sup>125</sup> To have the State fully comply with this recommendation, the Commission suggested establishing and strengthening specialized units within police forces, prosecutors' offices and the judiciary for handling cases of violence against women, ensuring personnel was trained in gender and human rights, and requested specific and disaggregated data on complaints and their resolution.<sup>126</sup>

#### *Information on compliance*

171. In the 2024 report, the State indicated that the National Secretariat for Combating Violence against Women (SENEV), under the Ministry of Women, is currently operating based on the Mulher, Viver sem Violência (Women living without violence) program, which was resumed by way of Decree No. 11,431 in 2023. The main goal of this program is to consolidate and improve public services for women in situations of violence, thus offering a coordinated and effective response through strategic collaboration with other ministries and state governments. According to the State, the program is part of the National Policy to Combat Violence against Women and provides for several key initiatives, such as:

- i. Building Homes for Brazilian Women (CMBs): These are public spaces that offer specialized multidisciplinary services, such as psychological support, legal assistance and health and justice services, thus ensuring that women in situations of violence receive comprehensive care.
- ii. Restructuring Ligue 180 (Call 180): This women assistance helpline is enhanced to offer a faster and more effective response to women seeking help, thus expanding its capacity to provide guidance and assistance in crisis.
- iii. Organizing and humanizing the way victims of sexual violence are treated: An approach that avoids revictimization is promoted, thus guaranteeing that the women affected are treated with dignity and respect.
- iv. Creating mobile care units: These units provide assistance in areas where specialized services are limited or of difficult access, thus offering guidance and support directly to the communities.
- v. Adopting measures to prevent and tackle femicides: Actions are developed with a preventive and protective approach to impede gender-based murders of women.
- vi. Continuing educational and awareness-raising campaigns: Initiatives are carried out to raise awareness in society regarding the various forms of violence against women and to foster a culture of respect and equality.<sup>127</sup>

172. The State also reported that said program's guidelines include integrating services, mainstreaming a gender-, race- and ethnicity-based approach in public policies, sharing responsibilities among

<sup>125</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 130–134.

<sup>126</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 135.

<sup>127</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



federal entities and promoting autonomy and equal rights for women. In addition, priority is given to the provision of humane assistance, the respect for the dignity of individuals and the guarantee of non-revictimization. The State added that the program ensures the availability of means of transport for women to access specialized services and promotes actions to protect and guarantee women's rights, including their right to truth, memory and justice. According to the State, this comprehensive approach seeks both to provide assistance and to prevent the aforementioned situations and promote gender equality through education and the strengthening of effective public policies.<sup>128</sup>

173. Data from the 2024 Brazilian Public Security Yearbook, which was released by the Brazilian Public Security Forum, shows that violence against women saw an increase in 2023 as compared to the previous year, since all cases of violence against women, including all different types of violence, amounted to 1,238,208 women victims over that period. According to the report, 1,467 femicides were recorded, the highest figure on record since the entry into force of Law No. 13,104/2015. The document reveals that the emergency protection measures (MPUs) created under the Maria da Penha Law seek to ensure the immediate safety of victims of domestic violence, thus preventing new attacks and promoting their physical, psychological and social protection. Furthermore, it indicates that, although MPUs can be effective in preventing violence, they are not sufficient on their own to combat violence against women, so they need to be combined with other strategies to successfully address the problem. The document also notes that the authorities' delay in responding to the requests for protection measures continues to be a challenge. And it further notes that, in 2023, there was a 21.3 percent increase in requests for protection measures, amounting to a total of 663,704 cases, plus 848,036 calls to the military police related to acts of violence against women, which works out to over 2,300 calls a day, or two calls per minute.<sup>129</sup>

174. The Commission also learned that the 2024 yearbook made reference to Bill No. 1,904/2024, currently under review by the National Congress. This instrument determines that women who terminate their pregnancy after week 22 shall be sentenced to 6 to 20 years in prison, equating their penalty to that of a murderer, even in circumstances in which abortion is allowed by law, such as in the case of rape. However, the maximum prison sentence prescribed for rapists is 15 years —applied when the victim is under 14 years of age—, which shows that the sentences for women who have been raped and decide to terminate their pregnancy are higher than those prescribed for their aggressors. In addition, Brazil reached a record number of rape cases: 89,988 cases were reported in 2023 according to police records, which is equivalent to a rape every six minutes.<sup>130</sup>

175. Civil society organizations also indicated that the State has not yet granted full access to justice for women victims of violence and discrimination and that victims face obstacles when trying to follow up on investigations, as observed by the UN Committee on the Elimination of Discrimination against Women (CEDAW) in 2024. These organizations noted that, although the implementation of the hybrid special trials provided for under the Maria da Penha Law could improve access to justice, the State has not moved forward with this policy. Moreover, they voiced their concern over the use of restorative justice and family constellations techniques in cases of gender-based violence, which has allegedly not been resolved by the CNJ thus far. Although the Protocol for Gender-Responsive Trials was created, there are no monitoring mechanisms in place for its implementation, which requires mandatory and continuous supervision and training to effectively improve access to justice for women and girls.<sup>131</sup>

#### *Analysis and level of compliance with the recommendation*

176. The Commission commends the measures reported by the State to address violence against women in the country and to guarantee access to justice, especially the Mulher, Viver sem Violência program, launched in 2023. However, it observes that there has been an increase in rates related to violence against

<sup>128</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>129</sup> Brazilian Public Security Forum, [Anuário Brasileiro de Segurança Pública 2024](#).

<sup>130</sup> Brazilian Public Security Forum, [Anuário Brasileiro de Segurança Pública 2024](#).

<sup>131</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.



women, such as the number of reports and requests for protection measures. The Commission notes that this increase could mean that women have more access to information on means of reporting, although there is insufficient data to assert this fact. It further notes the considerable time taken by the justice system to grant the requested protection measures to women, which is a decisive factor that determines whether they will again be victims of violence, especially domestic violence.

177. Additionally, the Commission is deeply concerned over the processing of Bill No. 1904/2024 because of its impact on access to justice for women and girls who are victims of sexual violence in Brazil. In this regard, the Commission notes that criminalizing women or girls who are victims of rape and want to legally terminate their pregnancy is a form of institutional violence against those who are already in a situation of extreme vulnerability, and it hinders access to a fundamental right. Due to the foregoing, the Commission considers that progress has been achieved by the State, inasmuch as it has devised and implemented measures aimed at tackling violence against women and ensuring their access to justice. Notwithstanding that, the Commission is aware of the challenges faced by women and girls, as well as of the threats posed by the legislative branch to the guarantee of their access to justice. In view of the foregoing, the Commission considers that compliance with this recommendation remains **pending**.

*Measures and information to advance compliance with the recommendation*

178. To guide compliance with the recommendation, the Commission urges the State to submit information on the impact of the measures undertaken to combat violence against women and ensure access to justice, focusing on how these measures are effective in reducing violence rates across the country. It also highlights the importance of guaranteeing the human right of access to legal abortion for all women and girls in cases of rape.

**Recommendation No. 16.** Decriminalize offenses against honor/reputation —contempt, calumny, defamation, and insult— and convert them in the case of government officials or cases involving the public interest into civil suits, in accordance with international standards and best practices in this field.

179. In the 2023 follow-up report, the State did not provide information on compliance with this recommendation. However, the Commission learned of various bills aimed at decriminalizing contempt, calumny, insult and defamation. Moreover, the Commission warned about the use of the judicial system to threaten journalism and prohibit or suspend the dissemination of certain information of public interest, even prior to its publication. Therefore, it determined that compliance with this recommendation remained pending and requested the State to move forward with legislative initiatives on the decriminalization of the aforementioned criminal offenses.<sup>132</sup>

*Information on compliance*

180. In the 2024 report, the State indicated that, in 2020, the STF had recognized the constitutionality of the crime of contempt in ADPF No. 496. Although in previous judgments the STJ had established the decriminalization of contempt, the State notes that, in accordance with Article 13 of the American Convention on Human Rights, the most recent interpretation of the STF prevails.<sup>133</sup>

181. On this issue, the DPE/SP reported that Brazil did not take any measures to ensure the decriminalization of offenses against honor/reputation.<sup>134</sup>

<sup>132</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 137–140.

<sup>133</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>134</sup> DPE/SP, Specialized Center for Prison Conditions, Response to de request for information, October 4, 2024.



*Analysis and level of compliance with the recommendation*

182. In view of the absence of concrete initiatives to decriminalize offenses against honor/reputation, the Commission considers that compliance with this recommendation remains **pending**.

*Measures and information to advance compliance with the recommendation*

183. To have the State comply with this recommendation, it is essential that it revise criminal legislation to eliminate or decriminalize offenses against honor/reputation. Additionally, the Commission highlights the importance of implementing education and training programs for judges, prosecutors and law enforcement officials on the importance of freedom of expression and the inter-American standards on the matter.

**E. Persons of African descent**

**Recommendation No. 17.** Design, implement, and finance state systems for gathering accurate and disaggregated data, and statistical and qualitative information, regarding the human rights situation of persons of African descent at the various levels of the federation and in areas such as health, education, judicial institutions, and others, in order to create and implement intersectional laws and appropriate public policies for addressing needs and overcoming the specific hurdles those persons face.

184. In the 2023 follow-up report, the State highlighted several measures it had undertaken to fight racism and promote racial equity, especially within the judiciary. A working group composed mainly of judges of African descent was created to propose actions against structural racism and to establish the National Judiciary Forum for Racial Equity (FONAER), which seeks to ensure racial equality in judicial proceedings. Also, the State underscored that it had launched the National Judiciary Covenant for Racial Equity, as well as a report showing an increase in the number of Afro-descendant judges in office. It also worked towards a commitment to transparency and the creation of a national database on affirmative-action policies, in collaboration with the Office of the Comptroller General of the Union (CGU). For this follow-up report, the State referred to the Open Government Partnership, focused on transparency and social participation, and the Juventude Negra Viva (Black Youth Alive, PJNV) plan aimed at bringing down violence against young Afro-descendants and reducing their vulnerability.

185. For their part, civil society organizations expressed that the budget allocated to the MIR is insufficient to address the serious problem of violence and racism faced by the Afro-descendant population in Brazil. Despite the efforts made, significant gaps persist in the implementation of public policies, which is why the Commission considered that the level of compliance with this recommendation had only progressed to **partial**.<sup>135</sup>

186. To move forward with the implementation of the recommendation, the Commission highlighted the importance of extending the collection of data and disaggregated statistics to all relevant areas, not only to the Public Prosecutor's Office and the judiciary. In addition, it indicated that it was paramount to ensure adequate funding for the MIR and other entities responsible for tackling racism and promoting racial equality.<sup>136</sup>

*Information on compliance*

187. In 2024, the State indicated that the MIR had been working on the collection of specific data from several ministries, based on information from the 2022 IBGE Census and the Single Registry of the Federal Government. In the field of education, the INEP has been collecting data disaggregated by race/color by means of the School Census and the Higher Education Census of 2007 and 2009, respectively, with the aim of

<sup>135</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 142–149.

<sup>136</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 150.



continuously improving the quality of the information. In the field of health, race-sensitive policies have been implemented, such as the inclusion of data on HIV/AIDS, viral hepatitis and syphilis in epidemiological bulletins, in addition to the creation of online courses to address stigma and discrimination within healthcare services.<sup>137</sup>

188. The State also reported that the FONAER had undertaken various initiatives, such as a draft National Racial Equity Policy, which would be soon assessed by the Plenary of the CNJ. It added that it regulated the indicator of performance in the promotion of racial equity (IPER) and created the 2024 Racial Equity Award to encourage innovative practices to combat racism. In addition, a scholarship program for persons of African descent was developed. Finally, the State established a working group to design a Protocol for Racial Responsive Trials as well as a working group to study and improve the judicial handling of cases related to the Quilombola land and communities.<sup>138</sup>

189. The State further indicated that the National Judiciary Covenant for Racial Equity enjoys the full support of courts across the country. Within this framework, the State celebrated the Racial Justice and Equity Day, an initiative undertaken by the CNJ and other judicial bodies to discuss and promote measures to improve access to justice for persons of African descent, increase their representation in the judicial system and combat structural racism. Moreover, according to the State, a new Ethnic-Racial Data Registry is being compiled to update information on the judiciary workforce and improve the formulation of policies against racial inequality.<sup>139</sup>

190. Furthermore, the State provided information on its commitment to creating a national computer system to build a database on racial-affirmative action policies in Brazil, which was included in the Sixth National Action Plan led by the Open Government Partnership. This initiative is being coordinated by the MIR and monitored by the CGU and seeks to establish collaborative and interdependent governance of ethno-racial data. It also sets forth 20 milestones to be implemented by 2027 to produce, process and show quality data in a single catalog. The catalog is currently being developed and standardized; the disclosure of the data is expected in future stages.<sup>140</sup>

191. In addition, the State reported that the PJNV seeks to reduce the vulnerability and lethal violence affecting young Afro-descendants in Brazil by confronting structural racism through 11 lines of action and 217 measures agreed upon with 18 ministries. This plan was devised by an interministerial working group coordinated by the MIR and supported by the General Secretariat of the Office of the President of the Republic, and 6,000 young Afro-descendants were involved in its drafting, by means of “participative motorcades” across the country. In June 2024, the state of Ceará was the first to formally adhere to the PJNV, thus consolidating a partnership with the federal government to implement this policy. Finally, the State highlighted that the budget allocated to the MIR increased from 91.8 million Brazilian reais in 2023 to 180.4 million Brazilian reais in 2024.<sup>141</sup>

#### *Analysis and level of compliance with the recommendation*

192. Based on the submitted information, the Commission considers that the State has made progress in complying with this recommendation. In particular, it highlighted the collection of disaggregated data, fed by information from different ministries, the 2022 IBGE Census and the Single Registry; the implementation of policies that address the health of the Afro-descendant population, such as the inclusion of data on several diseases in epidemiological bulletins and the creation of training programs to combat stigma within healthcare services; the implementation of projects such as the National Racial Equity Policy and the IPER by the FONAER; the development of a national computer system to gather data on affirmative action policies, which is part of the Sixth National Action Plan of the Open Government Partnership and seeks

<sup>137</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>138</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>139</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>140</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>141</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



collaborative governance over accessible quality data. The Commission welcomes these measures and notes that the level of compliance with this recommendation remains **partial**.

*Measures and information to advance compliance with the recommendation*

193. To guide compliance with this recommendation, the Commission prompts the State to submit more concrete information on the effectiveness of the aforementioned actions, including the successful and sustainable implementation of the above-mentioned policies, the achievement of tangible results in relation to the reduction of inequality and discrimination, and an assessment of the impact of these measures on Afro-descendant communities.

**Recommendation No. 18.** Adopt special policies and affirmative actions to guarantee the enjoyment and exercise of the rights and fundamental freedoms of the persons or groups who are victims of racism, racial discrimination, and related intolerance, with a view to promoting equitable conditions for equal opportunities, and actions that foster the inclusion and advancement of those persons or groups. Affirmative actions should have a special focus on education and the labor market and be conducive not only to those persons' entry into the job market, but to their staying in it, as well.

194. In the 2023 follow-up report, the State reported on the creation of the interministerial working group to develop the National Affirmative Action Program (GTI/PNAA), which was coordinated by the MIR, with the purpose of promoting equity for Afro-descendants, indigenous persons, persons with disabilities and women. In addition, the State launched the Beatriz Nascimento Women in Science Program, which offered scholarships to women from marginalized groups, and introduced a bill to increase admission quotas to public universities. In the field of labor, it reported on the enforcement of several ordinances and laws to ensure greater inclusion of persons of African descent and promote diversity in the workplace. The Commission commended the efforts made by the State to address racial inequality and determined that the level of compliance with this recommendation had progressed to substantial partial. Therefore, it urged it to continue strengthening affirmative actions and to report on the progress achieved in educational and labor inclusion, as well as in the monitoring and evaluation of these policies.<sup>142</sup>

*Information on compliance*

195. In the 2024 report, the State indicated that the interministerial working group for the creation of the Federal Affirmative Action Program (PFAA) had met monthly in 2023 and had concluded its work with the publication of Decree No. 11,785 on November 20, 2023, on Black Awareness Day. It further noted that said program is fully operational, with a steering committee in charge of its management and monitoring, and that, since its launching, three documents have been published: the interministerial working group report on the creation of the PFAA, a draft action plan and a preliminary results report. Reportedly, the steering committee is working with federal public administration bodies to develop action plans with affirmative actions.<sup>143</sup>

196. Moreover, the State reported that, by means of Decree No. 11,446 of March 2023, the MIR created an interministerial working group to develop the Program to Combat Religious Racism and Reduce Violence and Discrimination against Traditional Peoples and Communities of African Origin and Terreiros. This proposal, which arose from discussions with the civil society, was transformed into a national policy that is currently under consideration by the government. In 2023, the MIR held five meetings about the Abre Caminhos (Open paths) project, touring all regions of Brazil to assess living conditions and promote debates on rights and territorial strengthening, which concluded in a national meeting of the aforementioned peoples in March 2024.<sup>144</sup>

<sup>142</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 152–159.

<sup>143</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>144</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



197. The State also indicated that the MIR has played a key role in updating the Quota Law by achieving the passing of Law No. 14,723/2023, which extends the implementation of this law for another ten years and improves access to the educational system for students with disabilities and students of African, Quilombola and indigenous descent. In addition, the State reported that state meetings have been held to implement antiracist education and combat discrimination within educational institutions, and that the MIR has granted scholarships to Candomblé students for graduate courses and has launched programs such as the National Terreiro Childhood Week.

198. In the field of labor, the State indicated that the MIR is promoting the expansion of quotas in the public administration and has undertaken initiatives to increase the representation of Afro-descendants in diplomatic and leadership careers. The State also reported that, under Decree No. 11,443 of 2024, it seeks to have Afro-descendants appointed to 30 percent of positions of trust within the federal public administration by 2025, which evidences an ongoing commitment to racial equality; that it is collaborating with the CGU in the creation of monitoring and evaluation systems for affirmative actions within the framework of the Open Government Partnership; that the MIR produces periodic reports to measure the effectiveness of its policies, thus ensuring results in the promotion of racial equality; and that the MIR plays a strategic role in the implementation and supervision of affirmative actions, which have a positive impact on racial equity in the Brazilian society.<sup>145</sup>

*Analysis and level of compliance with the recommendation*

199. The Commission welcomes the information provided by the State, especially as regards the creation of the PFAA as a way to promote the rights of and equal opportunities for the Afro-descendant population, among other groups in vulnerable situations; the drafting the National Policy for Traditional Peoples and Communities of African Origin and Terreiros, which is under consideration by the government; the work led by the MIR in updating the Quota Law and extending these policies for a decade, thus improving the access of students with disabilities and students of African, Quilombola and indigenous origin to the educational system; the role of the MIR in expanding quotas in the public administration and undertaking initiatives to increase the representation of Afro-descendant persons in diplomatic and leadership careers; and, finally, the development of monitoring and evaluation systems for affirmative actions, in addition to the periodic reports issued by the MIR to measure the effectiveness of these policies.

200. The Commission highlights the importance of the above-mentioned measures but stresses the need for specific information and results as regards their implementation and how they contribute to the reduction of racism, racial discrimination and related intolerance in Brazil. Based on the foregoing, it considers that the level of compliance with this recommendation remains **substantial partial**.

*Measures and information to advance compliance with the recommendation*

201. To guide compliance with the recommendation, the Commission suggests that the State submit information on the impact of the creation and implementation of these measures on the reduction of racism, racial discrimination and related intolerance.

**Recommendation No. 19.** Bolster policies to reduce crime that pursue a comprehensive and intersectional approach, addressing factors associated with ethnic/racial origin and which heighten the risk of violent death, including poverty, sexual orientation and identity, and/or gender expression.

202. In the 2023 follow-up report, the State informed the Commission about the Juventude Negra Viva plan, designed to bring down violence against young Afro-descendants in the most vulnerable areas of Brazil. The plan was reportedly being developed with input from the community through the “participative motorcades” and was backed by Ordinance No. 11,444/2023. However, the Commission learned that the annual report of the Brazilian Public Security Forum revealed that 76.5 percent of the victims of violent deaths

<sup>145</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



and 83.1 percent of the victims of police violence in Brazil were of African descent. The Commission noted that, despite the aforementioned initiatives, serious problems related to violence and racial discrimination persisted. In addition, it observed that the lack of specific data on the effectiveness of policies in relation to intersectional factors, such as poverty and gender identity, indicated that compliance with this recommendation remained pending. The Commission urged the State to report on comprehensive policies that addressed these factors and had a positive impact on reducing violence.<sup>146</sup>

#### *Information on compliance*

203. For the instant report, the State informed the Commission that, in 2024, the Federal Police, by means of the General Coordinating Office for Repression of Crimes against Human Rights and in collaboration with the National Police Academy, implemented several training initiatives focused on human rights. It further also carried out courses such as one on the promotion of human rights in police activity," which was mandatory for advancing police careers and was available to all personnel; an on-site course on anti-racist action sharing in the police, which addressed racial inequality; and other practical courses on human rights and the appropriate use of force. In addition, the State reported on the III International Congress on Human Rights, which was held in Brazil and focused on humane assistance to vulnerable victims. It also stated that it expects that these programs will continue in 2025 to reinforce the Federal Police' commitment to the promotion of and respect for human rights.<sup>147</sup>

204. Subsequently, the State reported that, although the Federal Government does not have direct operational control over the public security institutions of the states, it seeks to strengthen policies with a comprehensive and intersectional approach, addressing factors such as inequality, structural racism, and discrimination based on sexual orientation or gender identity. PRONASCI has been restructured to prioritize areas with high violence, considering socioeconomic indicators and vulnerable populations. Additionally, the Plano Juventude Negra Viva (PJNV) aims to reduce lethal violence against black youth, articulating 11 action areas with 217 initiatives in collaboration with 18 ministries. Within this framework, the National Secretariat of Public Security (SENASP) implements measures aligned with violence prevention, such as: i) PRONASCI *Juventude/Tô de Boa Project* to prevent homicides; ii) CONVIVE Community Centers, with a new regulation approved; iii) Construction of 17 *Casas da Mulher Brasileira* to support women experiencing violence; iv) Disarmament Campaign, promoting the reduction of weapons and ammunition.<sup>148</sup>

#### *Analysis and level of compliance with the recommendation*

205. The Commission appreciates the information regarding the training of Federal Police agents and especially acknowledges the measures adopted by the Federal Government aimed at strengthening public security policies. However, it highlights the persistent and high rates of violence against Afro-descendant individuals in the context of combating crime, considering the structural racism present in the country and its consequent impact on the actions of security forces, whether civilian or military. Without disregarding the context but taking into account the measures adopted to comply with the recommendation, the Commission concludes that the recommendation progresses to **partial**.

#### *Measures and information to advance compliance with the recommendation*

206. To promote compliance with this recommendation, the Commission calls on the State to continue to report on the policies implemented to reduce crime rates by adopting a comprehensive and intersectional approach that addresses factors associated with ethnicity and race, which heighten the risk of violent deaths. The factors that should be considered in these policies include poverty and sexual orientation and gender identity, among others. In addition, the State must guarantee these measures are developed under

<sup>146</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 161–166.

<sup>147</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>148</sup> State of Brazil, Note No. 30 of February 7, 2025, Comments on the draft report.



a comprehensive and intersectional approach that allows for a positive impact on crime reduction considering the structural racism in Brazil.

## F. Indigenous peoples and traditional Quilombola communities

**Recommendation No. 20.** Build the institutional capacities of the bodies responsible for drawing up social and territorial policies relating to indigenous and Quilombola peoples, including the National Colonization and Agrarian Reform Institute (INCRA) and the National Foundation for the Indigenous (FUNAI), and endow them with both resources and financial execution capacity.

207. In the 2023 follow-up report, the State indicated that, to strengthen the FUNAI, a dialogue was initiated with the MPI and other entities, which gave rise to a public selection process for 502 new positions and resulted in the allocation of an extraordinary sum of 146.7 million Brazilian reais to the budget of the ministry. The State also reported that 742 people were expected to be hired at the INCRA. Regarding the regularization of Quilombola lands, it reported on the launching of the Aquilomba Brasil (Turning Brazil into a *quilombo*) program, coordinated by the MIR and the Ministry of Agrarian Development and Family Farming (MDAAF), together with the National Plan for Quilombola Land Titling, with a view to expediting land titling processes. The State also referred to the creation of the Procurement Alternatives Group (GAO) under the MDAAF/INCRA, which is aimed at expanding the capacity of communities to procure land through debt enforcement, the regularization of public lands and judgments related to slave labor.<sup>149</sup>

208. Also, in the 2023 follow-up report, the State highlighted Ordinance No. 11,688/2023, which re-established the Technical Chamber for the Allocation of Federal Public Lands (CTD), which works towards recognizing the rights of indigenous and Quilombola peoples, as well as promoting the sustainable use of natural resources. The State reported that, after years of stagnation (2019–2022), a task force was created, which managed to benefit 3,723 families in different states in 2023 and ensured the participation of Quilombola communities.<sup>150</sup> The Commission considered that the measures adopted sought to reinforce the institutional capacity of the FUNAI and the INCRA, acknowledged the progress achieved in relation to the titling of indigenous and Quilombola lands and stated that the level of compliance with this recommendation had progressed to partial. Finally, it directed the State to continue implementing measures to strengthen the two aforementioned bodies.<sup>151</sup>

### *Information on compliance*

209. In the 2024 report, the State indicated that, for the current reporting period, the budget of the FUNAI was raised from 813.1 million Brazilian reais in 2023 to 1.07 trillion Brazilian reais, while the budget of the INCRA was raised from 2.85 million Brazilian reais in 2023 to 3.05 trillion Brazilian reais. Also, it noted that the MIR has been working together with the INCRA to finance an interoperable system that will aggregate data on Quilombola land regularization and serve as a basis for the incorporation of information produced by the institute's technical teams. According to the State, this will allow for interoperability with other information systems on Quilombola policies, so as to be accessible to the bodies that draft policies on this matter. Regarding the growth of the personnel of the FUNAI, the State stressed that 502 new positions have been created through the Single National Public Selection Process (CNPJ) and that the relevant exams were taken in August 2024, the results of which were to be published in November 2024.<sup>152</sup>

210. Moreover, the State reported that the Aquilomba Brasil program, established in March 2023, is structured around four thematic areas and 24 objectives, the first of which is the regularization of the Quilombola lands, mainly through an action plan to draft a national titling agenda. In this regard, the National Titling Agenda Working Group has held multiple meetings since April 2023, and therefore the preparation of

<sup>149</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 172–174.

<sup>150</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 168–171.

<sup>151</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 172–174.

<sup>152</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



the National Titling Plan is at an advanced stage. The State pointed out that the process of drafting the plan consisted of three stages: i) a diagnosis of the current titling procedures before the INCRA, which currently amount to over 1,800 cases; ii) a survey to gather data on titling procedures before state land institutes, with the purpose of taking joint action; and iii) a survey on overlapping territories in federal, state and municipal public areas, with a view to building a special resource allocation strategy.<sup>153</sup>

211. The State also indicated that the budget for the regularization of the Quilombola lands for 2024 rose to 137 million Brazilian reais, the largest amount in the history of the country. Moreover, it reported that the Action Plan for the National Titling Agenda, which is in its final phase, will provide for the development of an interoperable information system, in addition to an increase in human and financial resources. Finally, the State added that, in 2023, the MIR enabled the preparation of identification and delimitation technical reports (RTIDs) in multiple states and reassessed the available resources to pay Quilombola land-related compensations in the state of Bahia.<sup>154</sup>

*Analysis and level of compliance with the recommendation*

212. The Commission welcomes the significant budget increase allocated to the FUNAI and the INCRA in 2024, as well as the public selection process to hire additional staff for the FUNAI, which demonstrates the commitment of the State to strengthening both bodies, in accordance with the recommendation under follow-up. In the same regard, the Commission commends the creation of an interoperable land regularization system, given that it will make information accessible to the bodies in charge of formulating policies related to the subject-matter, thus optimizing management and planning.

213. The Commission also welcomes the progress made in the implementation of the Aquilomba Brasil program, especially in relation to the drafting of the National Land Titling Plan, which, according to the State, is at an advanced stage of development. In the same vein, it applauds the allocation of the largest budget in the history of Brazil for the regularization of the Quilombola lands in 2024. In view of the foregoing, the Commission considers that the level of compliance with this recommendation has progressed to **substantial partial**.

*Measures and information to advance compliance with the recommendation*

214. To guide full compliance with this recommendation, the Commission prompts the State to share information on the measures taken to continue strengthening the bodies in charge of indigenous and Quilombola land titling and regularization, specifying whether the amounts allocated are sufficient for them to be fully operational. In addition, the Commission urges the State to report on the progress made in the preparation and first steps of implementation of the National Titling Plan.

**Recommendation No. 21.** Mainstream an intercultural approach in government development policies that includes recognition and incorporation of the economic and social development plans pursued by indigenous peoples in their respective ancestral territories.

215. In the 2023 follow-up report, the State highlighted the creation of the MPI as a significant step forward to incorporate the perspective of indigenous peoples into social and development policies, as well as the setting up of the National Council of Indigenous Policies, aimed at overseeing and formulating public policies on the subject. The State also submitted a project to monitor mercury contamination on the Yanomami indigenous land at the Yanomami and Yekuana Leadership Forum in July 2023. Finally, it underscored the drafting of policies related to the improvement of indigenous school infrastructure. The Inter-American Commission commended all this progress, especially the creation of the MPI and the consultative body for indigenous affairs and determined that the level of compliance with this recommendation had progressed to partial. In addition, it called on the State to continue strengthening human rights institutions under an

<sup>153</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>154</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



intercultural approach that incorporated the priorities of indigenous peoples into the formulation and implementation of public policies.<sup>155</sup>

*Information on compliance*

216. In the 2024 report, the State highlighted some public policies for the development of indigenous peoples, such as the National Policy for the Territorial Management of Indigenous Lands (PNGATI), aimed at ensuring the sustainable use of natural resources in indigenous territories; the National Indigenous School Food Program (PNAE); the Mosarambihára: Semeadores do Bem Viver para Cura da Terra (Mosarambihára: Sowers of Good Living for the Healing of the Earth) program; the Indigenous Food Purchase Program (PAA); and the Bolsa Família program.<sup>156</sup> Moreover, the State reported that, in 2023, it had resumed the processes of demarcation of indigenous lands. It also pointed out that, after the homologation by means of a presidential decree, the MPI continued working on the demarcation of the lands of Avá-Canoeiro, Rio dos Índios, Tremembé Barra do Mumbau, Arara do Rio Amônia, Uneiuxi, Kariri Xocó, Rio Gregório and Acapuri de Cima, and that it followed a procedure to homologate the demarcation of Aldeia Velha and Cacique Fontoura. In this regard, the State indicated that a total of 852,684.74 hectares of protected land were demarcated across the country and that an additional 25 demarcation processes were submitted to the MJSP for it to issue declaratory orders that delimit the territories of the indigenous lands.<sup>157</sup>

217. In 2023, the FUNAI established or resumed the activities of 37 working groups for the demarcation of indigenous lands and, in that same year, the Interministerial Committee for the Coordination, Planning and Follow-up of Actions for the Removal of Trespassers on Indigenous Lands was set up to work on actions to remove trespassers, thus guaranteeing the security and physical, social and cultural integrity of indigenous communities and their leaders. The State reported that, so far, concrete steps have been taken in several regions, such as in the Alto Rio Guamá, Apyterewa and Trincheira Bacajá indigenous lands; also, the process of removal of trespassers is under way at the Yanomami indigenous land, and the Karipuna land is currently in the postremoval stage.<sup>158</sup>

218. In particular, the State indicated that it took urgent measures in 2023, both in response to the public health crisis and to combat illegal mining on the Yanomami indigenous land. Among these, it highlighted the following: i) consultations with indigenous leaders; ii) technical visits to the most vulnerable areas; iii) the preparation of plans to remove trespassers and promote food security; iv) the reconstruction of protection centers; v) the distribution of food packages and agricultural tools; vi) investments in education and the local economy; vii) the expansion of the healthcare system by improving infrastructure and increasing in human resources to provide care to the indigenous population; viii) actions to improve the nutritional condition of children. The State also indicated that, to address the unfolding humanitarian crisis, a provisional measure was approved to allocate 210 million Brazilian reais to the MPI.<sup>159</sup>

219. The State also referred to the protection of the Vale do Javari indigenous land, where a Territorial Protection Plan has been in place since 2024 to combat deforestation and illegal fishing, as well as to ensure the security of isolated indigenous peoples in the region. It further noted that, since January 2023, over 30 audits were conducted by the Vale do Javari Ethno-environmental Protection Front under the FUNAI (FPEV)/FUNAI; 154 operations were undertaken by the Federal Police with the support of the National Public Security Forces and the Brazilian Army; and four major operations were carried out by the Brazilian Institute of the Environment and Renewable Natural Resources (IBAMA).<sup>160</sup>

220. The State also indicated that, in the context of the Plan for the Prevention and Control of Deforestation in the Legal Amazon (PPCDAM), the CTD was re-established, and that FUNAI and the MPI

<sup>155</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 176–180.

<sup>156</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>157</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>158</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>159</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>160</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



contribute to its operation. The CTD issued two resolutions in 2024 ordering the allocation of federal public lands to indigenous peoples who were claiming them. Moreover, the State reported that the MPI is currently working on the sustainable use of natural resources and on productive indigenous initiatives, according to the guidelines issued by the PNGATI, which supports the development of 13 territorial and environmental management plans (PGTAs) and is working on the implementation of 15 additional plans. Furthermore, the MPI collaborates with state secretariats on indigenous peoples to promote the incorporation of the PNGATI and is currently incorporating an intercultural approach into all its policies and programs through consultations with indigenous peoples.<sup>161</sup>

221. The State also informed that the STF is currently hearing on reviewing several ADPFs on issues such as the continuation of the process of demarcation of indigenous lands; the ongoing and proposed actions to remove trespassers; the Interministerial Committee for the Coordination, Planning and Follow-up of Actions for the Removal of Trespassers on Indigenous Lands; the Vale do Javari Territorial Protection Plan; and the CTD, especially in relation to administrative contracts, budget decentralization and workforce restoration.<sup>162</sup>

222. Finally, the State stressed that all these actions carried out by the MPI favor indigenous methodologies, engage the main stakeholders, adopt a gender-responsive approach and respect the specificities of each person. As examples of this, the State referred to the participation of indigenous peoples in the development of the PNGATI and the drafting of the agenda for the Coordinating Office for Policies for LGBTQIA+ Indigenous Persons under the National Secretariat for the Rights of LGBTQIA+ Persons —which is attached to the MDHC—, carried out in cooperation with LGBTQIA+ indigenous movements.<sup>163</sup>

#### *Analysis and level of compliance with the recommendation*

223. The Commission welcomes the information provided by the State on the measures taken to guarantee the rights of indigenous peoples in Brazil. In particular, it highlights the following measures: the significant budget increase for the FUNAI and the INCRA to strengthen land management and the policies to support indigenous peoples; the progress achieved in the demarcation of indigenous lands, which resulted in the protection of over 850,000 hectares and the continuation of pending demarcation processes; the implementation of concrete actions to remove trespassers from different territories; the Territorial Protection Plan to combat deforestation and ensure the security of isolated peoples; the re-establishment of the Technical Chamber for the Allocation of Federal Public Lands, which issued resolutions to allot lands to indigenous peoples; the development and adoption of territorial and environmental management plans shaped by the input of indigenous peoples through their participation and under an intercultural approach; and the promotion of the inclusion and active participation of indigenous peoples in the formulation and implementation of public policies, including those related to gender issues and the rights of LGBTQIA+ indigenous persons. In view of the foregoing, the Commission considers that the State is committed to strengthening the protection of the right to land, improving security and supporting the sustainable development of indigenous communities. Consequently, it determines that the level of compliance with the recommendation has progressed to **substantial partial**.

#### *Measures and information to advance compliance with the recommendation*

224. To guide the implementation of this recommendation, the Commission recalls the importance of continuing to bolster human rights institutions, specifically in relation to safeguarding the rights of indigenous peoples in Brazil by adopting an intercultural approach; also, it underscores that it is paramount that the State prioritizes formulating and implementing public policies on the matter.

**Recommendation No. 22.** Adopt legislative, administrative, or other necessary measures to carry out, within a reasonable time, consultation with indigenous peoples and Quilombola tribal communities to obtain

<sup>161</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>162</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>163</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



their free, prior, and informed consent to policies, projects, and actions, including projects for the exploitation of natural resources that affect them, in accordance with international human rights standards and with the full participation of those peoples and communities. Accordingly, take measures to reconcile the consultation and consent protocols executed by the indigenous and Quilombola peoples.

225. In the 2023 follow-up report, the State informed that the PNGATI Management Committee, created in 2012, had been re-established. The State specified that this was a governance body with social participation in which the demands and proposals were discussed in light of the new indigenous policy implemented by the government, under the leadership of indigenous peoples' representatives. Although the Commission appreciated the reinstatement of the PNGATI, it noted the lack of specific information on the measures adopted to guarantee the right to prior and informed consultation in environmental licensing processes. Therefore, it considered that compliance with this recommendation remained pending and emphasized the need to receive information on the implementation of this recommendation in line with the consultation protocols developed by indigenous peoples.<sup>164</sup>

#### *Information on compliance*

226. In 2024, the State reported that it plans to develop new consultation protocols, in addition to the 41 protocols already established by indigenous peoples, so as to adapt to the needs of the 300 indigenous peoples and 700 indigenous lands in the country. The State reported that the MPI will support the drafting of more than 20 consultation protocols with indigenous peoples.<sup>165</sup> Furthermore, Brazil reported that the MIR had expressed its intention to assist the public defenders' offices, the Public Prosecutor's Office and the Quilombola communities in the drafting of consultation protocols. The State indicated that the MIR had also voiced its opinion on these communities in the processes requiring consultation.<sup>166</sup>

#### *Analysis and level of compliance with the recommendation*

227. The Commission welcomes the drafting of 20 consultation protocols in addition to the 41 protocols already in place. Nevertheless, it considers that it does not have any specific information on the mechanisms that guarantee that these consultation processes are aligned with international human rights standards and ensure the full participation of indigenous peoples and communities. Due to the foregoing, it concludes that compliance with the recommendation remains **pending**.

#### *Measures and information to advance compliance with the recommendation*

228. To guide compliance with this recommendation, the Commission reiterates that it is necessary to have information on the measures adopted by the State to implement the right to consultation and for the consultation and consent protocols developed by the indigenous peoples and Quilombola communities to be standardized and aligned with inter-American standards on the matter. The Commission underscores that the development of these consultation protocols and other similar initiatives is based on the right of indigenous and tribal peoples to decide how they wish to exercise their rights, in connection with their right to free self-determination. Accordingly, the Commission invites the State to take these proposals and initiatives into consideration as part of a broad, inclusive dialogue with these groups focused on the guarantee of their rights to consultation and to free, prior, and informed consent.

**Recommendation No. 23.** Revise the regulations governing the granting of environmental permits or licenses, in such a way as to guarantee that the State complies with its international obligations to consult indigenous and Quilombola peoples to obtain their free, prior, and informed consent before taking steps that may impair their rights.

<sup>164</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 176–180.

<sup>165</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>166</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



229. In the 2023 follow-up report, the State informed that the MPI had contacted indigenous peoples to consult them and obtain their free, prior and informed consent on several projects, including the renewal of operating licenses and infrastructure projects such as the Belo Monte Hydroelectric Plant and the BR 319 highway. However, civil society organizations warned that, in spite of these measures, the State continued to implement policies which prevented adequate consultation and fostered development projects with negative impacts. They noted that the Belo Monte and Belo Sun cases evidenced the absence of protection and consultation measures during the licensing process. Furthermore, the Federal Senate was reportedly examining a bill which would allow for the approval of environmental licenses with no adequate prior consultation. The Commission considered that compliance with the recommendation remained pending and urged the State to provide information on how environmental licensing regulations adhere to international standards on consultation and consent.<sup>167</sup>

#### *Information on compliance*

230. In 2024, the State reported that the regulations governing the issuance of environmental licenses had not been revised. It further indicated that the MIR ensures that free, prior and informed consultation processes are conducted and respected.<sup>168</sup> Additionally, the State emphasized that the right to free, prior and informed consultation is recognized as a fundamental right of the indigenous peoples in accordance with Convention 169 of the International Labor Organization (ILO), which was incorporated into the Brazilian legal system through Decree No. 5051/2024. The State added that the organizations tasked with preparing the consultation protocols cannot participate in decision-making processes, must be independent and autonomous, and cannot have vested interest in the decisions made by indigenous peoples. Moreover, the State informed that the social and cultural organization of each group is engaged during the drafting process of each consultation protocol and that, once discussions are held, the final document must be approved at a general assembly of the indigenous land. The MPI reported that it is making efforts to protect the rights of indigenous peoples and ensure their participation in the decisions which impact their territories.<sup>169</sup>

231. Thanks to information from civil society organizations, the Commission learned about cases involving the use of indigenous lands by companies in which the free, prior and informed consultation process had not taken place. For instance, at a side event organized by indigenous organizations during the 167<sup>th</sup> regular session of the Inter-American Court of Human Rights held in Manaus, Brazil, in May 2024, it was reported that the Mura people had not been consulted before the issuance of an environmental license to the company Potássio do Brasil.<sup>170</sup> In the same vein, the Federal Public Prosecutor's Office recommended suspending the license granted to Castelo dos Sonhos, a gold mining project in Altamira, so that the necessary measures can be adopted to comply with the legal provisions breached, including the failure to conduct a prior, free and informed consultation with the Baú and Menkragnoti peoples.<sup>171</sup> The Federal Public Prosecutor's Office also requested a judicial body to order the suspension of mining activities in areas that are of special interest to the Katukina/Kaxinawá, Nukini and Puyanawa peoples, as well as to other communities living in the Acre state, due to the absence of prior consultation.<sup>172</sup>

#### *Analysis and level of compliance with the recommendation*

232. The Commission notes the importance of incorporating Convention 169 of the ILO into the domestic legal system. However, it voices its concern over the issuance of environmental licenses to companies, which enables the use of indigenous lands without prior, free and informed consultation, a mechanism

<sup>167</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 188–191.

<sup>168</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>169</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>170</sup> Conselho Indigenista Missionário (CIMI), "[Os pés fincados na Amazônia, indígenas Mura denunciam ações ilegais da Potássio Brasil à Corte Interamericana](#)," June 18, 2024; Conselho Indigenista Missionário (CIMI), "[Repam e Cimi se unem ao povo Mura e repudiam licenciamento para exploração de potássio sem consulta aos indígenas](#)," April 11, 2024.

<sup>171</sup> Federal Public Prosecutor's Office (MPF), "[MPF recomenda suspensão da licença para o projeto de mineração de ouro Castelo dos Sonhos, em Altamira \(PA\)](#)," September 25, 2024.

<sup>172</sup> MPF, "[MPF recorre para suspender atividades de mineração em áreas vizinhas a terras indígenas no Acre](#)," September 26, 2024.



designed to guarantee the rights of indigenous peoples. In view of the foregoing, the Commission considers that compliance with this recommendation remains **pending**.

*Measures and information to advance compliance with the recommendation*

233. To guide compliance with this recommendation, the Commission emphasizes the need to guarantee that the State complies with its international obligations to consult indigenous and Quilombola peoples to obtain their free, prior, and informed consent before taking steps that may impair their rights.

**Recommendation No. 24.** Adopt all necessary measures to implement or strengthen systems for oversight and control over exploration, extractive, and development activities in a manner consistent with international human rights obligations.

234. In the 2023 follow-up report, the State informed the Commission that IBAMA had intensified its work in indigenous lands, having conducted 458 inspections, having issued 223 notifications and having levied over 66 million Brazilian reais in fines. The State also reported eviction proceedings and the fight against mining in the Yanomami indigenous land, as well as an environmental diagnostic assessment carried out in seven indigenous lands. The State highlighted the creation of Interministerial Committee for the Coordination, Planning and Follow-up of Actions for the Removal of Trespassers on Indigenous Lands to improve coordination in the defense of indigenous territorial and environmental rights. In spite of this progress, the Commission received complaints from civil society organizations concerning the absence of effective measures in projects such as Belo Monte and Belo Sun and alleging that the State had neither implemented measures to strengthen oversight procedures nor ensured respect for human rights in extractive activities. The Commission considered that compliance with this recommendation had progressed to partial and urged the State to continue enhancing supervision and control measures, and to provide detailed information on their effectiveness in safeguarding the human rights of indigenous peoples.<sup>173</sup>

*Information on compliance*

235. In 2024, the State informed that the MPI had been included in the PPCDAM, where it became a key stakeholder in the pursuit of various objectives and goals. In this regard, Brazil indicated that PPCDAM Goal No. 9 seeks to ensure that “not allocated federal public lands shall be protected and used sustainably, especially for indigenous peoples and traditional communities.” In addition, the State indicated that the MPI took part in the reinstatement of the CTD, where it served as a member alongside FUNAI, and that the CTD created a working group to draft proposals and lay down criteria aimed at simplifying the effective allocation of lands, with a view to reaching a total of 29.5 million hectares of federal public forests. The MPI also advanced on two resolutions enabling the allocation of federal public lands to indigenous peoples who claim them, thus securing 855,000 hectares of protected lands.<sup>174</sup>

236. The State informed that the Interministerial Committee for the Coordination, Planning and Follow-up of Actions for the Removal of Trespassers on Indigenous Lands operates in the Yanomami, Karipuna, Uru-Eu-Wau-Wau, Kayapó, Araribóia, Munduruku, Trinchiera Bacajá and Apyterewa lands, and that its work reached the Alto Rio Guamá, Urubu Branco and Cachoeira Seca lands.<sup>175</sup>

237. The State also reported that the non-indigenous population that was illegally occupying the Alto Rio Guamá indigenous lands had withdrawn peacefully and voluntarily from the territory. This operation also triggered a process to convert grazing areas into zones for sustainable economic activities consistent with the indigenous way of living and with environmental protection measures, leading to a reduction in deforestation rates in the area in 2023. In addition, the operation conducted in the Apyterewa and Trinchiera Bacajá lands dismantled an illegal land appropriation network that allowed trespassers to deforest the area

<sup>173</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 191–198.

<sup>174</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>175</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



and establish grazing areas. It also uncovered multiple illegal ranches and an illicit urban agglomeration, as well as illegal logging centers. The State informed that the operation led to important results, such as the complete withdrawal of non-indigenous trespassers from the Trincadeira Bacajá indigenous land and the identification of environmental crimes, the removal of cattle and the destruction of infrastructure that facilitated illegal occupation. Additionally, the State indicated that it is carrying out continuous monitoring actions in the area.<sup>176</sup>

238. With regard to the Yanomami lands, the State emphasized that illegal mining has led to a humanitarian crisis in local indigenous populations and that the actions taken to remove trespassers have resulted in an 80 percent reduction in deforestation rates and a significant decline in illegal mining activities. According to the State, one of the goals of said actions was to move indigenous persons away from areas where illegal mining had caused conflict and to integrate them into the surveillance and monitoring actions of the federal government, with enhanced security.<sup>177</sup>

239. The State also indicated that the Government House was established in the state of Roraima in 2024 and that it will have staff on the ground until December 31, 2026, to coordinate the plans to remove trespassers and fight the crisis in the Yanomami lands. Additionally, the State informed that, as of June 2024, it had carried out 952 actions to combat illegal mining. Furthermore, Brazil stated that trespassers were removed from the Karipuna territory and that a plan structured around seven stages, carried out by the federal government with the support of multiple state agencies, was implemented to ensure the protection of the territory and its inhabitants. According to the State, the Trespasser Removal Operation was officially launched in June 2024 and, by the next month, 139 ground, air and river actions had been undertaken with the participation of approximately 159 agents from various state agencies.<sup>178</sup>

240. Finally, the State emphasized that the interministerial committee also coordinates public policies to promote sustainability, support the development of indigenous communities and strengthen the presence of state officials to avoid new cases of trespassing.<sup>179</sup>

#### *Analysis and level of compliance with the recommendation*

241. The Commission applauds the measures reported by the State aimed at complying with this recommendation, especially the inclusion of the MIP in PPCDAM, which contributes to the guarantee of the rights of indigenous peoples in the prevention and control of deforestation; the reinstatement of the CTD, which has advanced in the drafting of proposals and the establishment of criteria for the allocation of lands; the removal of trespassers and the protection of indigenous lands, with a special focus on the Yanomami people; and the coordination of sustainability and development policies, with the assistance of the interministerial committee in the promotion of public policies to ensure the sustainability and development of indigenous communities, thus strengthening state presence and preventing new cases of trespassing.

242. The Commission considers that these measures are relevant inasmuch as they tighten the supervision and control of extractive activities and promote the protection and sustainable use of indigenous territories, in line with international human rights obligations. Consequently, it concludes that compliance with this recommendation has progressed to **substantial partial**.

#### *Measures and information to advance compliance with the recommendation*

243. With a view to guiding compliance with this recommendation, the Commission invites the State to continue taking steps to implement measures aimed at strengthening systems for the supervision and control of extractive, exploration or development activities, in a manner consistent with its international

<sup>176</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>177</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>178</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>179</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



human rights obligations. It is important that these measures evidence an effective protection of indigenous territories through the allocation of land, the removal of trespassers and the control of extractive and exploration activities, and that they are instruments to promote public policies that ensure sustainability.

**Recommendation No. 25.** Guarantee access to justice and reparation for violations of the human rights of indigenous and Quilombola peoples committed in connection with natural resource mining (extractive), exploration, and exploitation activities.

244. In the 2023 follow-up report, the State informed the Commission that the specialized forum tasked with following up on indigenous cases in the judiciary had been updated through Resolution No. 489 issued by the CNJ and that it had been renamed to National Forum of the Judiciary on Monitoring and Effectiveness of the Complaints Related to Indigenous Peoples (FONEPI). Additionally, the federal government sent Message No. 209/2023 to Congress to ratify the Escazú Agreement and highlighted the creation of the Sales Pimenta WG for the protection of human rights defenders. For its part, the Commission noted the lack of specific information on access to justice and reparation for indigenous and Quilombola peoples affected by extractive activities. Therefore, it considered that compliance with the recommendation remained pending and urged the State to submit detailed information on the measures adopted to guarantee these rights, including institutional actions and public policies related to justice and reparations.<sup>180</sup>

#### *Information on compliance*

245. In 2024, the State reported measures adopted to ensure access to justice for indigenous and Quilombola peoples, such as the resumption of the demarcation process to establish the boundaries of indigenous lands, together with the creation of the Interministerial Committee for the Coordination, Planning and Follow-up of Actions for the Removal of Trespassers on Indigenous Lands. The State indicated that, in particular, the Vale do Javari Territorial Protection Plan seeks to combat deforestation and illegal fishing, and to ensure the safety of isolated indigenous peoples in the region. In addition, the CTD facilitates the allocation of federal public lands to indigenous peoples who claim them. Likewise, the State reported that it carried out emergency actions in the Yanomami indigenous land to face the humanitarian crisis caused by illegal mining, which include the distribution of food baskets, the mobilization of health professionals and the reopening of basic healthcare areas.<sup>181</sup>

246. The Department for Mediation in Agrarian Conflicts of the Ministry of Agrarian Development and Family Farming (DEMCA/MDA) reported the creation of the National Commission for Confronting Violence in Rural Areas (CNEVC) in 2023. This commission encompasses 15 federal entities and is responsible for mediating and settling socioenvironmental conflicts in rural areas, including those related to extractive activities. The State informed that, during 2024, it conducted on-site visits, public hearings and active listening sessions, and received complaints from more than 100 communities. The State added that, in cases involving indigenous, traditional and Quilombola peoples facing violence or threats of human rights violations, said commission adopts measures within its authority and submits requests to other institutions, such as the judiciary, the Public Prosecutor's Office or the offices of public defenders.<sup>182</sup> The State reported that the MIR identified the lack of information on marginalized social groups as a major challenge and, to address this, is developing the Mapping of Routes and Roma Families in Brazil and the National Policy Plan for the Roma People. Additionally, it has expressed its intention to assist the offices of public defenders and the Public Prosecutor's Office in the joint drafting of consultation protocols with Quilombola communities. Likewise, the Secretariat for Policies involving Quilombola and Afro-descendant Traditional Peoples and Communities, Terreiros and Roma Peoples under the MIR is a member of the General Coordinating Office for Conflict Mediation, which works to settle conflicts involving Quilombola communities.<sup>183</sup>

<sup>180</sup> IACHR, [2023 Annual Report, Chapter V. Brazil](#), paras. 200–207.

<sup>181</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>182</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>183</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



247. Furthermore, the State indicated that the judiciary had added Goal No. 10, “Expedite the proceedings involving environmental claims and the rights of indigenous and Quilombola communities,” to the National Goals for the Judiciary in 2024. Meanwhile, the UMF/CNJ is supporting the proceedings under the ADPF No. 709 before the STF. This claim concerns acts and omissions committed by the public authorities during the management of the Covid-19 pandemic, which allegedly resulted in a high risk of contagion and the potential extermination of multiple indigenous peoples, and the violation of their right to live in their territories, in accordance with their cultures and traditions, including their need to develop plans to remove trespassers. The State also highlighted ADPF No. 991, addressing the protection of the human rights of indigenous peoples living in voluntary isolation and in initial contact, and ADPF No. 742, which determined the National Plan to Combat the Effects of the Covid-19 Pandemic in the Quilombola Communities.<sup>184</sup>

248. Furthermore, the State explained that one of the duties assigned to FONEPI is to receive reports on conflicts related to indigenous interests. In this regard, it indicated that there are no records available of the number of cases received, and that FONEPI merely forwards the cases to the competent bodies. However, the State noted these initiatives carried out by FONEPI: i) monitoring and executing actions with indigenous communities, particularly in conflict areas, such as the recent visit to the Guarani Kaiowá indigenous community in the Nhaderu Marangatu indigenous land; ii) engaging in dialogue within the judiciary on a proposed resolution aimed at establishing parameters for ensuring the free, prior, and informed consent of indigenous, Quilombola and traditional peoples with regard to undertakings or activities that may affect them; and iii) monitoring effective compliance with CNJ’s Resolution No. 454/2022, aimed at ensuring the access of indigenous persons to the judiciary.<sup>185</sup>

249. According to information provided by the State, two editions of the Itinerant Cooperative Justice Program were run in the Amazônia Legal region. The first took place in July 2023, in São Félix do Xingu, Pará state, and assistance was provided to approximately 3,800 individuals. The second edition was held in June 2024 and its report has not been concluded.<sup>186</sup> Finally, the State informed that the President of Brazil submitted the Escazú Agreement to the National Congress in May 2024, where it remains under consideration. The State noted that this agreement had been signed by Brazil in 2018, following consultations with the society.<sup>187</sup>

*Analysis and level of compliance with the recommendation*

250. The Commission welcomes the initiatives undertaken by the State to ensure access to justice for indigenous and Quilombola peoples, such as the adoption of Goal No. 10 for the judiciary, which involves a mechanism to expedite the proceedings involving environmental claims and the rights of indigenous peoples, as well as the steps taken in the framework of the Itinerant Cooperative Justice Program in the Amazônia Legal region, which facilitates access to justice for Amazonian communities by offering local legal services.

251. However, although the measures mentioned by the State are relevant and positive, the Commission stresses the need for specific information on the impact of the creation and strengthening of these bodies on the effective access to justice of indigenous and Quilombola peoples. In the same vein, it underscores the need to receive information on the impact of the implementation of Goal No. 10 for the judiciary and on decisions arising from claims related to the rights of these groups. Likewise, the Commission notes that it has not received any information on reparations to indigenous and Quilombola peoples who have been victims of extractive activities and natural resource exploitation. In view of the foregoing, the Commission considers that compliance with this recommendation remains **pending**.

<sup>184</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>185</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>186</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>187</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



*Measures and information to advance compliance with the recommendation*

252. To guide compliance with this recommendation, the Commission invites the State to report on how the measures implemented effectively guarantee access to justice and reparations for indigenous and Quilombola peoples who have suffered human rights violations, particularly in the context of extractive activities and natural resource exploitation.

**Recommendation No. 26.** Investigate, punish, and make reparations for threats, attacks, and violence against members of the indigenous and Quilombola peoples perpetrated by State or private sector agents in connection with actions to defend the environment or in other contexts, including the “Caarapó Massacre” case and other cases mentioned in this report.

253. In the 2023 follow-up report, the State clarified that the MPI neither had the authority to investigate, prosecute or punish acts of violence against indigenous peoples, nor to award compensation to the victims. However, the State reported on the creation of a Coordinating Office for Promoting Indigenous Transitional Justice within the MPI, with a view to discussing a proposal for the establishment of a national commission of indigenous truth in Brazil, which would focus on investigating human rights violations against indigenous peoples and on ordering reparations. The Inter-American Commission welcomed this initiative but noted that it had not received specific information on the measures adopted to investigate, punish and repair human rights violations against indigenous and Quilombola peoples. Therefore, it considered that compliance with the recommendation remained pending. The Commission requested additional information on the actions undertaken by the State and the results obtained over time.<sup>188</sup>

*Information on compliance*

254. In 2024, the State reported on the establishment of the Amazon and Environment Directorate within the Federal Police and the transfer of the Service for the Punishment of Crimes against Indigenous Peoples and Traditional Communities to said directorate. This service collaborates with Police Stations for the Environment to improve and standardize investigations, in accordance with the Minnesota Protocol, inasmuch as a significant portion of the crimes against indigenous, traditional or Quilombola peoples are related to land disputes. Additionally, the State noted that this service supports police investigations to oversee their proper conduct. Similarly, the Intelligence Coordination of the MJSP receives information on threats and violence against indigenous and Quilombola peoples, and forwards it to state and federal agencies so that they can take appropriate action.<sup>189</sup>

255. The State further reported that the Department of Mediation and Settlement of Indigenous Land Conflicts (DEMED/MPI) was created under the MPI. It addresses cases involving indigenous peoples and their territories, provides support through on-site monitoring of situations of violence and organizes meetings with the affected communities and relevant authorities to resolve these issues. Furthermore, the MPI collaborates with the MJSP to facilitate the deployment of agents of the National Security Force in conflict areas.<sup>190</sup>

256. The State added that the DEMCA/MDA provides support and monitoring in cases involving indigenous land conflicts, in cooperation with the DEMED/MPI, and that it has addressed conflicts relating to Quilombola, traditional and peasant communities. The DEMCA recorded 410 land conflicts in which human rights were threatened. The State further informed that the DEMCA supports and monitors police compliance with investigation protocols, requests the inclusion of leaders in the Program to Protect Human Rights Defenders, engages in dialogue with the Public Prosecutor’s Office and the judiciary to prevent impunity, conducts on-site visits to document threats, violence and attacks, and advocates for the allocation of additional resources to resolve conflicts. According to the DEMCA, 31 murders resulting from land conflicts were recorded

<sup>188</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 209–2012.

<sup>189</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>190</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



in rural areas in 2023, marking a 27.9 percent decrease compared to 2022.<sup>191</sup> The State also noted that the MPI has monitored the claims filed by indigenous communities alongside the responsible agencies and has provided support in judicial proceedings focused on reparations and compensation for the communities impacted by violence.<sup>192</sup>

257. The Commission recalls that, pursuant to Resolution No. 28/2024, it granted precautionary measures to members of the Tapeba de Caucaia indigenous people in May 2024, after concluding that they were in a serious and urgent situation, as their rights to life and personal integrity were at risk of irreparable harm. The Commission noted that the beneficiaries had been exposed to risk for a considerable time and warned of the seriousness of the lack of information provided by the State on the protection measures being implemented in the villages, given the alleged involvement of the police in some of the cases in question, and on measures specifically aimed at confronting the criminal groups operating in the area.<sup>193</sup>

258. By means of Resolution No. 38/2024, the Commission also extended the precautionary measures granted to members of the Pataxó indigenous people of the Barra Velha and Comexatibá indigenous lands to members of the Pataxó Hã-Hã-Hãe indigenous people, all from the south of the state of Bahia, Brazil, considering that they were in a serious and urgent situation, since their rights to life and personal integrity were at risk of suffering irreparable harm. The Commission determined that the beneficiaries were suffering episodes of violence and threats due to disputes over the demarcation of their territory and the presence of organized crime groups in the area. At the time, the Commission, while appreciating the measures adopted by the State, noted that these had not been sufficient to mitigate the risk faced by the members of the Pataxó Hã-Hãe people.<sup>194</sup>

259. Similarly, in October 2024, the Commission and the United Nations Office of the High Commissioner for Human Rights (OHCHR) Regional Office for South America expressed their deep concern over the surge of violence against indigenous peoples in Brazil, particularly in the states of Bahia, Paraná and Mato Grosso do Sul, amid efforts to defend their territorial rights. In the previous months, there had been violent attacks against indigenous communities, including assaults by private actors and police forces, resulting in the forced displacement of communities and the tragic deaths of several community members that were defending their lands.<sup>195</sup>

260. For their part, civil society organizations have reported that, to date, the State has not taken the necessary measures to guarantee the protection of the population of Vale do Javari, the second largest indigenous land in the country and the place where journalist Dom Philips and indigenous activist Bruno Pereira were murdered in 2022. They stated that, based on reports from people who live in Vale do Javari, the authorities are aware that threats and episodes of violence similar to those that led to the 2022 crimes persist in the territory.<sup>196</sup> The organizations also highlighted that the persons who commit acts of violence against indigenous people, small farmers and other land defenders are rarely brought to justice in Brazil. In this regard, it was recalled that, in 2019, Human Rights Watch (HRW) had reportedly documented 28 murders in the Amazon, four attempted murders and 40 death threats. According to HRW, the lack of accountability was allegedly linked to the failure to carry out an adequate investigation, in addition to the police refusal to formally record these crimes. HRW stressed the importance of the ratification of the Escazú Agreement by Brazil, which remains under consideration in the Chamber of Deputies, as far as the instrument ensures measures to investigate and punish attacks, threats and intimidation against environmental and land defenders.<sup>197</sup>

<sup>191</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>192</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>193</sup> IACHR, Press Release No. 097/24, [IACHR Grants Precautionary Measures to Members of the Tapeba Indigenous People of Caucaia in Brazil](#), May 10, 2024.

<sup>194</sup> IACHR, Press Release No. 134/24, [IACHR extends precautionary measures to members of the Pataxó Hã-Hã-Hãe Indigenous People in Brazil](#), June 11, 2024.

<sup>195</sup> IACHR, Press Release No. 252/24, [Brazil: IACHR and UN Human Rights Condemn Violence Against Indigenous Peoples and Urge the State to Protect Their Territorial Rights](#), October 17, 2024.

<sup>196</sup> Instituto Vladimir Herzog, Response to the request for information, October 2024.

<sup>197</sup> HRW, Response to the request for information, October 2024.



*Analysis and level of compliance with the recommendation*

261. The Commission appreciates the information provided by the State and civil society organizations. Among the important measures reported by the State, the Commission highlights the establishment of the Amazon and Environment Directorate within the Federal Police and the addition of the Service for the Punishment of Crimes against Indigenous Peoples and Traditional Communities as mechanisms for strengthening the institutional capacity of the police to investigate crimes against indigenous, traditional or Quilombola peoples; the creation of the DEMED/MPI, which represents an important step in the resolution of land-related conflicts and the promotion of cooperation between communities and authorities; and the actions undertaken by the DEMCA/MDA, which monitors and settles land conflicts, oversees investigation protocols, advocates for the allocation of additional resources and the inclusion of leaders in protection programs, and engages in dialogue with the judiciary to prevent impunity.

262. However, the Commission is concerned over the current situation of violence, as reported by organizations and highlighted in its own press releases. The measures described by the State are important for the investigation of acts of violence against indigenous and Quilombola peoples. Notwithstanding that, it is necessary that these measures be implemented across the country and ensure that perpetrators are duly held accountable. In view of the foregoing, the Commission considers that compliance with this recommendation remains **pending**.

*Measures and information to advance compliance with the recommendation*

263. To guide compliance with the recommendation, the Commission invites the State to provide information on the progress achieved in investigating and punishing human rights violations committed against communities, as well as on reparations granted for said crimes. The State should also report on the impact of the measures adopted on reducing violence and protecting these communities.

**Recommendation No. 27.** Take resolute steps to put an end to the impunity surrounding human rights violations committed in connection with illegal businesses or activities against indigenous and Quilombola peoples, by conducting exhaustive and independent investigations, ensuring that the perpetrators and instigators are punished, and making reparations to the individual and collective victims.

264. In the 2023 follow-up report, the State informed that Bill No. 3025/2023, which contained new regulations to control the origin, purchase, sale and transportation of gold across the country, had been submitted. This bill aimed to reform the rules governing the trade and transportation of gold by proposing to eliminate the presumption of good faith in the verification of the origin of the metal and to make electronic invoices mandatory in transactions. Additionally, the Commission took note of the creation of a joint working group on the implementation of Precautionary Measure MC-449-22 in favor of Bruno Araújo Pereira, Dom Phillips and 11 members of the Union of Indigenous Peoples of the Javari Valley (UNIVAJA). In view of the foregoing, the Commission determined that the State was in partial compliance with this recommendation and requested information on the measures adopted, the results obtained from the investigations and the sanctions imposed for the violations of the rights of indigenous and Quilombola peoples.<sup>198</sup>

*Information on compliance*

265. In 2024, the State informed that the MPI had requested the intervention of the National Public Security Force (FNSP) in more than 28 operations in the previous year, and that over 51 percent of the allocated resources had been directed toward indigenous lands, with the aim of strengthening the protection of people living in those areas. This collaboration has continued in 2024, with the enactment of 20 ordinances providing for FNSP support in operations to remove trespassers and ensure the safety of indigenous peoples, as well as of MPI and FUNAI officers. Likewise, the State reported that it had allocated resources to the National Civil Aviation Agency (ANAC) to ensure cooperation in controlling airfields, aircrafts, crew members, mechanics,

<sup>198</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 214–217.



maintenance organizations and aviation schools which could be used for the illegal transport of supplies and products for illegal mining. In addition, the ANAC has endeavored to identify clandestine airfields that may serve as landing points for aircrafts involved in environmental crimes.<sup>199</sup>

266. In addition, the Brazilian Intelligence Agency (ABIN) will assist in official actions against illegal mining in the Yanomami indigenous land until December 2024. The agency will provide strategic support, coordinate the flow of information, contribute to the security of operations to remove trespassers, work as part of the Brazilian Intelligence System (SISBIN), identify risks and threats, map illegal mining supply chains and disseminate knowledge to prevent and mitigate risks. In addition, the National Oil Agency (ANP) will oversee the distribution of oil across the roads of the Roraima state until December 2024. Similarly, the State informed that it had allocated approximately 28 million Brazilian reais to enable the MPI and FUNAI to implement policies targeting isolated and recently contacted peoples in the Yanomami indigenous land region, as well as to conduct technical monitoring visits, deliver food baskets and support the health, education and protection of women and children in the territory. The State also highlighted the collaborative efforts of the MJSP, the Federal Police (PF) and the MPI to ensure that cases are diligently studied.<sup>200</sup>

*Analysis and level of compliance with the recommendation*

267. Based on the information reported by the State, the Commission considers that the measures adopted are important to combat impunity for human rights violations committed against indigenous and Quilombola peoples due to illegal activities. In particular, the Commission highlights the operations conducted by the FNSP, the actions taken by the ANAC against infrastructures supporting illegal mining, the measures implemented by the ABIN to combat illegal mining in the Yanomami land and the MJSP-PF-MPI joint cooperation to resolve cases.

268. Although these measures are important, the Commission emphasizes that this recommendation is aimed at conducting thorough and independent investigations, punishing the perpetrators of the human rights violations resulting from unlawful activities and providing reparations to the victims. Based on the information provided by the State, the Commission considers that it needs additional details on the implementation of effective measures to combat impunity, punish those responsible and provide reparations for the victims. In view of the foregoing, the Commission determines that compliance with this recommendation continues to be **partial**.

*Measures and information to advance compliance with the recommendation*

269. To guide compliance with this recommendation, the Commission stresses that the State should provide information on the systematic measures adopted to end impunity for human rights violations committed against indigenous peoples. In this regard, the Commission invites the State to report on the results of these investigations and the sanctions imposed, both individually and collectively.

**Recommendation No. 28.** Adopt whatever measures are needed to revise and amend provisions, court orders, and guidelines (including the “timeframe and suspension of security” [*marco temporal e suspensão da segurança*] thesis) that are incompatible with international standards and obligations regarding the rights of indigenous peoples to their lands, territories, and natural resources, as well as other human rights of indigenous peoples.

270. In the 2023 follow-up report, the State informed the Commission about Bill No. 2903/2023, aimed at regulating the recognition, demarcation, use and management of indigenous lands in the country. However, Brazil reported that this bill was not expected to be passed. Additionally, in September 2023, the Commission learned that the STF, sitting *en banc*, had ruled that the demarcation of indigenous lands did not depend on whether the communities were occupying the area in 1988, thereby rejecting the “timeframe” thesis.

<sup>199</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>200</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



Despite this positive development, the Commission voiced its concern over the fact that the Senate had passed Bill No. 2903/2023, which would restrict the rights of indigenous peoples by stating that indigenous lands which had not been traditionally and productively occupied would no longer qualify as demarcated. Consequently, the Commission considered that compliance with the recommendation remained pending in view of this legislative setback and reiterated its call on the State to adopt measures that provided for the review and amendment of provisions in judicial rulings, such as the “suspension of security,” which threatened the human rights of indigenous peoples.<sup>201</sup>

#### *Information on compliance*

271. The State reported that, in September 2023, the STF had issued a binding judgment applicable to all proceedings when ruling on Extraordinary Appeal No. 1017365, according to which the enactment date of the Federal Constitution of 1988 could be considered a cutoff date for determining which lands had been occupied by the indigenous communities. However, five actions challenging the constitutionality of the Timeframe Law (Law No. 14,701/2023) remain pending before the STF. In this context, several settlement hearings were held beginning in August 2024, with a view to reaching agreements on proposed measures to guarantee the rights of indigenous peoples and the non-indigenous populations, in which state representatives, the civil society and the indigenous communities took part. The State reported that information based on the topics discussed during the hearings had been collected and that it would be submitted to the STF justices for their consideration when ruling on the five claims.<sup>202</sup>

272. Additionally, the Commission recalls that, in a joint press release with the OHCHR’s Regional Office for South America published in October 2024, it emphasized that the surge in violence had been exacerbated by the slow progress in demarcating indigenous lands and ongoing legal uncertainty. It further stated that this situation had deteriorated even further since the Chamber of Deputies passed Law No. 14,701 in October 2023. The press release notes with alarm that the legislation was enacted despite a veto from the executive branch and a prior ruling from the STF declaring the timeframe thesis unconstitutional.<sup>203</sup>

#### *Analysis and level of compliance with the recommendation*

273. The Commission voices its concern over the passage of Bill No. 2903/2023 and the enactment of Law No. 14,701/2023, whose Article 4 states that the lands traditionally occupied by Brazilian indigenous peoples are those which were occupied by the enactment date of the Federal Constitution, thus confirming the application of the timeframe thesis. Consequently, the Commission considers that compliance with this recommendation remains **pending**.

#### *Measures and information to advance compliance with the recommendation*

274. To guide compliance with this recommendation, the Commission reiterates its call on the State to adopt the measures that are necessary to revise and amend provisions in court orders and guidelines, such as the timeframe and suspension of security thesis, which threaten the human rights of indigenous peoples.

**Recommendation No. 29.** Expedite finalization of the application for delimitation, demarcation, and titling of the traditional lands and territories of indigenous and tribal peoples in accordance with applicable international human rights standards.

275. In the 2023 follow-up report, the State informed that the prevailing interpretation was that the MPI was responsible for monitoring the indigenous land demarcation process, although such monitoring was not explicitly regulated. In the same year, the Commission issued resolutions granting precautionary

<sup>201</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 219–224.

<sup>202</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>203</sup> IACHR, Press Release No. 252/24, [Brazil: IACHR and UN Human Rights Condemn Violence Against Indigenous Peoples and Urge the State to Protect Their Territorial Rights](#), October 17, 2024.



measures for members of the Afro-descendant Quilombola people and the Pataxó indigenous people, acknowledging the risks they faced in land disputes while recognizing that they remained vulnerable and at risk despite these measures. In light of the foregoing, the Commission voiced its concern over the lack of specific information from the State regarding the indigenous land demarcation processes, as well as the risk situations identified in its resolutions, and therefore it concluded that compliance with this recommendation remained pending. To move forward, the Commission urged the State to present updated and accurate information on the actions taken to expedite the demarcation processes and resolve the territorial disputes reported.<sup>204</sup>

#### *Information on compliance*

276. In 2024, the State reported that, since the beginning of 2023, the decrees recognizing 10 indigenous lands had been successfully approved, two of which were completed in 2024. It also noted that the declaratory ordinances establishing the boundaries of 11 indigenous lands had been published in 2024. In addition, the MPI is part of the Technical Chamber on Land Use, which works on the regularization of undesigned federal property to enable indigenous peoples to inhabit them.<sup>205</sup>

277. Other actions carried out by the MPI include the establishment of the Ancestral Territories Forum, aimed at fostering dialogue with indigenous peoples and organizations on the regularization of territories, and the signing of a cooperation agreement with the state of Rio Grande do Sul for the regularization of properties in areas occupied by indigenous peoples, as well as the enforcement of rights and public policies concerning these communities. Finally, the State reported on the actions of the Working Group of the National Titling Agenda, which is collecting information on the Quilombola communities that need to be regularized.<sup>206</sup>

278. In October 2024, the Commission and the OHCHR's Regional Office for South America expressed their concern over the surge of violence against indigenous peoples in the country and emphasized that it had been exacerbated by the slow progress in demarcating indigenous lands and ongoing legal uncertainty.<sup>207</sup>

#### *Analysis and level of compliance with the recommendation*

279. The Commission acknowledges the importance of the information shared by the State. However, it emphasizes that the progress made in the demarcation of indigenous lands is insufficient to guarantee the protection of their right to territory, especially in light of the passage of the timeframe law, as outlined previously in this report. In view of the foregoing, the Commission considers that compliance with this recommendation remains **pending**.

#### *Measures and information to advance compliance with the recommendation*

280. To guide compliance with this recommendation, the Commission invites the State to present relevant, updated and accurate information on the actions taken to expedite the proceedings related to requests for the delimitation, demarcation and titling of lands and traditional territories of indigenous and tribal peoples, refraining from enforcing the timeframe thesis.

**Recommendation No. 30.** In consultation and coordination with indigenous and tribal peoples, guarantee their right to health, based on an inter-cultural, gender, and intergenerational solidarity approach, taking into consideration traditional healing practices and medicines.

<sup>204</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 226–233.

<sup>205</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>206</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>207</sup> IACHR, Press Release No. 252/24, [Brazil: IACHR and UN Human Rights Condemn Violence Against Indigenous Peoples and Urge the State to Protect Their Territorial Rights](#), October 17, 2024.



281. In the 2023 follow-up report, the State informed that the Indigenous Health Policy Coordinating Office had been established along with the creation of the MPI to support and oversee the indigenous health policy implemented by the Indigenous Healthcare Subsystem. In this context, the State reported ongoing discussions on the creation of an interministerial committee to ensure differentiated psychological care for indigenous peoples, aimed at reducing the high rates of suicide and other mental health issues afflicting these communities. The State also reported that the MPI had collaborated in the organization of the Special Indigenous Health Districts (DSEI) and in the design of a program for indigenous community pharmacies. The Commission acknowledged the progress made by the State, emphasized the importance of public policies focused on the mental health of indigenous peoples due to the high rates of suicide and other mental health issues, and considered that the State had progressed to partial compliance with this recommendation. Moreover, the Commission requested additional information on how government health programs had closed gaps in healthcare coverage for indigenous peoples and how these policies had been consulted and coordinated with indigenous communities.<sup>208</sup>

#### *Information on compliance*

282. In 2024, the State highlighted the creation of the MPI in the previous year and the work of the Secretariat for Indigenous Health (SESAI) within the Ministry of Health (MS), which coordinates and implements the National Indigenous Healthcare Policy and manages the Indigenous Healthcare Subsystem (SasiSUS). According to the information provided, the SESAI serves more than 762,000 persons, with the help of 22,000 health professionals, 52 percent of whom are indigenous, and carries out its activities while respecting the specific cultural and epidemiological characteristics of each group. Likewise, according to the State, the SESAI is responsible for ensuring an intercultural, solidarity-based and gender-sensitive approach in healthcare policies targeted at the indigenous population. For instance, the fight against tuberculosis in the Yanomami territory received special attention, with the participation of specialized MS staff in 2023; the authorities endeavored to ensure that professionals working in DSEIs participated in training sessions; and discussions on the fight against tuberculosis were held in working groups linked to the Amazon Health Plan.<sup>209</sup>

283. Furthermore, the State indicated that the Strategy Against Racism in Healthcare was established in December 2023, with the aim of promoting ethnic and racial equity, designing healthcare policies to combat racism and providing comprehensive care focused on the health complexities of black, indigenous, Quilombola and Roma communities, alongside other minorities. This strategy also seeks to encourage equity within the Unified Healthcare System (SUS) and to fight against structural racism.<sup>210</sup> The State added that, with the purpose of achieving these goals, it is developing an action plan that prioritizes the promotion of holistic health for black women; maternal and infant health, in particular by reducing maternal, infant and fetal mortality; the development of mental health public policies tailored to the specific needs of each ethnic group; education focused on health issues from an anti-racist perspective; the promotion of sexual health based on diversity; comprehensive care for individuals affected by sickle-cell anemia; ethnic and racial representativeness among collaborators and respect for cultural and religious diversity, integrating these health policies with indigenous and African religious practices. In this regard, the State reported that it will take affirmative action and provide training to the workforce involved in the action plan at all levels, and that it will design and monitor racial indicators in healthcare activities, with resources allocated for their updating. Finally, the plan will be executed with the cooperation of the Interministerial Technical Committee on the Health of the Black Population (CTSPN).<sup>211</sup>

284. The Commission reviewed the report titled *Inequalities in the Healthcare of Indigenous Children*, published by Núcleo Ciência pela Infância, which concluded that the main challenges in indigenous healthcare in Brazil are as follows: i) the difficulty in accessing indigenous territories, either due to long distances or the absence of adequate transportation; ii) the lack of continuing training for professionals on the

<sup>208</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 235–239.

<sup>209</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>210</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>211</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



culture and lifestyles of ethnic groups, in addition to high turnover and insufficient staff; iii) the absence of bonds between health professionals and the community, as well as the conflicts arising from differing perspectives on healthcare; iv) the unavailability of health data on indigenous peoples for those operating in the territory, along with the lack of integration of the Indigenous Healthcare Information System with the SUS; and v) the increased exposure to diseases due to environmental damage, coupled with the absence of income for communities that lack regular access to hunting, fishing or agricultural areas.<sup>212</sup>

285. In addition, the Associação Brasileira de Saúde Coletiva (Abrasco) underscored three challenges faced by indigenous peoples in relation to the right to health:

- i) Invisibility and lack of data: In this regard, it emphasized that the absence of specific epidemiological data on indigenous peoples hampers the development of effective public policies. This results in decontextualized and generic health policies that fail to address the unique needs of indigenous communities, particularly those residing outside DSEIs.
- ii) Absence of differentiated healthcare: Abrasco indicated that, although the National Policy on Healthcare for Indigenous Peoples (PNASPI) promotes differentiated care, it has not been implemented effectively. In this regard, the organization stated that the current healthcare model does not integrate the indigenous conception of health, which views the body and the territory as inseparable, and that the inclusion of indigenous communities in the planning, management and evaluation of health policies is crucial.
- iii) Insufficient financial and human resources: Abrasco stated that the healthcare system for indigenous persons faces significant institutional challenges, such as the lack of stable funding, high staff turnover and lack of adequate and ongoing training for health workers. These issues hinder the implementation of a health model in line with the specific cultural and social characteristics of indigenous peoples.

*Analysis and level of compliance with the recommendation*

286. The Commission commends the State for the care provided by the SESAI to 762,000 indigenous persons, with the support of a team of health professionals, 52 percent of whom are indigenous, which shows respect for the specific cultural and epidemiological characteristics of each group. In addition, the Commission welcomes the creation of the Strategy Against Racism in Healthcare, which addresses structural racism in healthcare policies and promotes ethnic and racial equity, benefiting indigenous, Afro-descendant and Quilombola communities, as well as other minorities. The inclusion of a gender perspective and the respect for cultural and religious diversity are also significant elements.

287. The Commission also appreciates the Healthcare Action Plan, since it promotes the holistic healthcare of Afro-descendant women, the reduction of maternal and infant mortality, mental health policies tailored to each ethnic group, education from an anti-racist perspective and the care of specific conditions, such as sickle-cell anemia. It also provides for healthcare training for the workforce and the monitoring of racial indicators. The Commission considers that these measures represent an effort by the State to comply with this recommendation, particularly with regard to the development of a multicultural and racial approach to healthcare policies. However, it also notes that challenges remain to the broad guarantee of the right to health for indigenous and Quilombola peoples in Brazil. Consequently, the Commission considers that compliance with this recommendation continues to be **partial**.

*Measures and information to advance compliance with the recommendation*

288. To guide the implementation of this recommendation, the Commission highlights the need to strengthen indigenous participation in decision-making, ensure ongoing training for indigenous health workers and develop evidence-based policies gathered directly from communities. Additionally, it emphasizes

<sup>212</sup> Núcleo de Ciência pela Infância (NCPI), [Working paper: Desigualdades em saúde de crianças indígenas](#), 2024.



the importance of establishing monitoring and evaluation mechanisms to continually adjust and improve healthcare policies.

**Recommendation No. 31.** Strengthen measures to protect indigenous peoples living in voluntary isolation and in initial contact, while striving to protect their health, lifestyles, and territories. Based on the precaution principle, develop public policies and actions to guarantee the survival of these peoples.

289. In the 2023 follow-up report, the State informed the Commission that it had created the Department for the Protection for Isolated and Recently Contacted Indigenous Peoples within the MPI. This department aimed to develop and coordinate public policies to protect the health, ways of life and territories of said groups. Furthermore, the State reported that the National Situation Division held biweekly meetings coordinated by the MPI to look for interagency solutions to the challenges faced by these peoples. For its part, the Commission appreciated the efforts made by the State to protect indigenous peoples in isolation and initial contact; however, it underscored the lack of specific information on the measures being adopted and therefore considered that compliance with this recommendation remained pending. To move forward with its implementation, the Commission invited the State to provide updated information on the protection measures adopted, focusing on the health, ways of life and territories of these peoples, as well as on public policies to ensure their physical and cultural survival.<sup>213</sup>

*Information on compliance*

290. In 2024, the State informed that the FUNAI had identified 114 records of isolated indigenous peoples, 28 of which were confirmed references. The vast majority of these populations are located in the Amazon region. The populations considered in recent contact amount to 22 different ethnic groups and are served by 13 DSEIs. In this regard, the State indicated that the DSEIs follow the guidelines established by the Office of the Special Secretary for Indigenous Health, which is attached to the Ministry of Health (SESAI/MS), and are responsible for implementing special healthcare protocols for isolated and recently contacted indigenous peoples (PIIRC). The State added that all possible measures to protect the health of these groups and avoid epidemiological outbreaks are taken before, during and after contact. In this regard, Brazil reported that the protocol for accessing indigenous territories inhabited by isolated or recently contacted peoples was updated. Additionally, a schedule was arranged to update contingency plans for contact situations and to deliver ongoing training to health professionals.<sup>214</sup>

*Analysis and level of compliance with the recommendation*

291. The Commission appreciates the information provided by the State with regard to the efforts made to protect indigenous peoples in isolation and initial contact. In particular, it welcomes the actions of the DSEIs and the updating of the protocol for accessing these groups' indigenous territories. Nevertheless, the Commission emphasized that the purpose of the recommendation is to strengthen protection measures for indigenous peoples in isolation and initial contact, while safeguarding their health, ways of life and territories. Consequently, the Commission considers that compliance with this recommendation remains **pending**.

*Measures and information to advance compliance with the recommendation*

292. To guide the implementation of this recommendation, the Commission calls on the State to submit updated information on the compliance measures it has undertaken with regard to the two components of this recommendation: the protection measures aimed at these peoples, with a focus on the protection of their health, ways of life and territories, and the development of public policies and actions to guarantee their physical and cultural survival, based on the principle of precaution.

<sup>213</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 241–244.

<sup>214</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



## G. Women

**Recommendation No. 32.** Prevent and condemn all forms of violence and discrimination against women and girls, including refraining from any gender-based violent or discriminatory act or practice, and guaranteeing that all public servants, including authorities, agents, and institutions abide by this obligation.

293. In the 2023 follow-up report, the State informed that it had implemented important measures aimed at protecting and promoting the rights of women, including the creation of the Ministry of Women (MM) and the adoption of a multiyear plan focused on advancing gender equality in political participation, combating gender-based violence and ensuring wage parity. Furthermore, Brazil reported the implementation of the National Care Policy to relieve the burden of unpaid work on women, along with the adoption of a law ensuring wage parity, a national program against sexual harassment with enhanced reporting mechanisms and the Mulher, Viver sem Violência program, which included care centers and the expansion of the Ligue 180 helpline. In addition, the State explained that the National System of Services for Women in Situations of Violence (the ELA system) facilitated the monitoring of cases involving violence, strengthened specialized services and enhanced data collection to improve public policies supporting women. At the time, the Commission welcomed the numerous actions reported by the State, recognized that it had taken significant steps forward during the year to guarantee the rights of women and concluded that compliance with this recommendation had progressed to substantial partial. Finally, the Commission invited the State to continue to implement, strengthen and report on measures to prevent and combat violence against women.<sup>215</sup>

### *Information on compliance*

294. As in the previous year, the State reported several measures focused on women in 2024. Brazil informed that it had implemented the National Femicide Prevention Pact and the Mulher, Viver sem Violência program in 2023 to combat gender-based violence. With an allocated budget of 2.5 trillion Brazilian reais, the National Femicide Prevention Pact includes an action plan centered around two pillars: a structural approach aimed at preventing violence at different levels and a cross-cutting perspective focused on enhancing data collection and policy development. In addition, the State created the CMBs and the Reference Centers for Brazilian Women (CRMBs) to provide comprehensive care to women victims of violence, including legal, social and psychological services. In this regard, Brazil noted that the Mulher, Viver sem Violência program is operating 12 CMBs, is building additional units and is planning to expand with more units in 2026. In addition, the State held national meetings and training sessions to strengthen the support network and is currently implementing a case management data system to follow up on the cases in which it intervened.<sup>216</sup>

295. Furthermore, the State reported that the Ligue 180 helpline was restructured in 2023 by the Ministry of Women, with an investment surpassing 16 million Brazilian reais and the recruitment of 222 specialized operators. The new helpline, launched in 2024, will serve as a platform for reporting cases/acts of violence, providing guidance and educating users on their rights and on gender-based violence, with an updated database on legislation and procedures. In addition, Brazil entered into agreements with states to establish local channels and created a new WhatsApp helpline. The State also reported that the evaluation of Ligue 180 helpline was resumed, the Care and Capabilities Protocol was relaunched in cooperation with the UnB, and protection officials received ongoing training. Brazil noted that the joint work with the UnB also focused on developing content for the new helpline, including research on the assistance provided and the classification of cases of violence reported.<sup>217</sup>

296. The Ministry of Women signed several cooperation agreements to prevent violence against girls and women, including the Biome Dialogues with the MPI, the Marajó Community Plan in cooperation with the MDHC and the identification of areas affected by sexual exploitation in Pará in partnership with the Federal Roads Police. It also contributed to the creation of national forums aimed at addressing violence against women

<sup>215</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 246–259.

<sup>216</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>217</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



in rural areas and improving the implementation of the Maria da Penha Law. In 2024, together with the National Council on Criminal and Penitentiary Policy, it recommended the electronic monitoring of aggressors involved in domestic violence cases, which includes risk assessments and portable tracking units for victims, to prevent further assaults.<sup>218</sup>

297. The State also noted that a seminar was held in August 2024 to commemorate the 18<sup>th</sup> anniversary of the Maria da Penha Law, during which the Maria da Penha Award for Education in Human Rights was announced. With a fund of 2.5 million Brazilian reais, this award will be given to educational networks that promote women's rights. In addition, the Ministry of Education (MEC) will invest 2.5 million Brazilian reais in gender research and 7.1 million Brazilian reais in educational resources, as well as teacher training on human rights and gender. Moreover, the State reported on the development of new legislative initiatives focused on supporting victims of gender-based violence, granting pensions to orphaned children and adolescents who relied on femicide victims, and creating the Não É Não (No means "no") protocol to promote safety in night-time commercial establishments.<sup>219</sup>

298. In terms of legislation, the State reported that, as of September 2024, several laws and regulations had been implemented to enhance support for victims of violence, including Law No. 14,847 of 2024, which guarantees individualized care for victims at SUS healthcare centers; Law No. 14,857 of 2024, which ensures the confidentiality of the victims' identity in domestic violence proceedings; and Law No. 14,887 of 2024, which prioritizes reconstructive plastic surgery for women victims of violence. Other relevant pieces of legislation include Law No. 14,899 of 2024, which establishes a care network and a targeted plan to combat domestic violence; Law No. 14,942 of 2024, which supports awareness-raising initiatives; Law No. 14,986 of 2024, which mandates the inclusion of women's experiences in school curricula; and Law No. 14,987 of 2024, which extends the right to psychosocial care to children of victims of serious violence or incarcerated persons.<sup>220</sup>

299. The State also referred to the implementation of the National Program to Prevent and Combat Sexual Harassment, Other Crimes against Sexual Dignity and Sexual Violence, pursuant to Law No. 14,540 of 2023. This program includes actions to prevent and address these crimes, such as developing training materials, encouraging good practices in state agencies, raising awareness on related legislation and policies, and conducting campaigns focused on reporting channels and the features of these crimes. It also establishes procedures for the processing of claims and training programs.<sup>221</sup>

300. The State added that the National Forum of Women's Policy Organizations held a meeting in April 2023 between municipal and state women policy managers and the federal government, in an attempt to strengthen women's rights policies through dialogue and support for Women's Policy Organizations (OPMs). In June 2024, over 300 women policy managers attended the Second National Forum of Women's Policy Organizations, where the Mais Mulheres no Poder, Mais Democracia (More women in power, more democracy) campaign was launched to combat political violence and promote women's participation. Additionally, two virtual courses on policy management for women were presented and a study on the diagnosis and monitoring of OPMs was published.<sup>222</sup>

301. The State also reported the creation of the Women's Working Group, alongside the Ministry of Labor and Employment (MTE), with the goal of preventing and combating violence, harassment, and gender discrimination in the workplace, as well as promoting the generation of employment, work, and income for women experiencing violence. Some of the main actions highlighted by the Group include the analysis of public records to identify women in situations of violence, the development of Professional Qualification and Development Policies for women experiencing violence, the Diagnosis of Flows and Reception Channels, the training and sensitization of MTE staff and workers, the training and sensitization of trade union organizations,

<sup>218</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>219</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>220</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>221</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>222</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



the request for reports, studies, and expert opinions, the drafting of proposals for regulatory changes, the improvement of internal processes, and the preparation of follow-up and evaluation reports on the impact of the measures adopted within the MTE.<sup>223</sup>

302. Additionally, information was provided regarding the establishment of the Reception Room for Women Victims of Discrimination and Harassment, which ensures appropriate first aid to women seeking support and provides guidance on how to file complaints, as well as the Training Program for the Reception Team, which trains staff to provide this service. Also, within the MTE, a Cycle of Conferences was organized for officials, managers, and employees to raise awareness about the importance of structural changes to eradicate discriminatory practices. A Guide for Preventing Harassment and Violence was launched, and an Advertising and Awareness Campaign was carried out to engage staff in the fight against discrimination and harassment.<sup>224</sup>

303. Finally, the State reported that the process for ratifying ILO's Convention 190 began in March 2023 and that the report of the Committee on Foreign Relations and National Defense of the Chamber of Deputies on this matter is under way. Brazil also noted that an interministerial working group was created in April 2023 to develop the National Policy to Combat Political Violence Against Women under the coordination of the SENEV and the Office of the National Secretary for Institutional Cooperation, Thematic Activities and Political Participation (SENATP). Consultations were held with various stakeholders as part of this process and the final report was published in August 2024.<sup>225</sup>

304. In turn, civil society organizations claimed that, while Brazil has taken important legislative steps to combat violence against women and girls, such as the Maria da Penha Law (Law No. 11,340 of 2006), which incorporates prevention and reparation measures from a human rights and gender approach, since 2016, the State has allegedly prioritized criminal laws and neglected the implementation of adequate policies to ensure the safety of all women, especially Afro-descendant women. These organizations also claimed that, although the National Femicide Prevention Pact and its action plan were launched in 2023 and 2024, respectively, the Levante Feminista Contra o Feminicídio (Feminist rise against femicide) campaign contends that said plan is allegedly deficient and is based on a superficial analysis of racism, disability and other key intersectional issues, such as the needs of girls, adolescents, trans women, lesbians and the older women.<sup>226</sup>

305. Civil society organizations also held that Law No. 14,994 of 2024, which significantly increases penalties for femicides and other gender-based violence crimes and was recently passed by Congress and enacted by the President, has been criticized by feminist organizations for focusing on punishment rather than on preventive policies or adequate resources for justice and public safety. According to the Maria da Penha Law Consortium, this approach might exacerbate the situation of women at risk and is not in line with the State's duty to protect women against structural violence. In addition, civil society organizations highlighted the progressive dismantling of policies focused on the protection of women between 2016 and 2022, which reportedly continues to impact on the implementation of essential programs such as the Ligue 180 helpline and the CMBs, which operate with limited resources and insufficient funding.<sup>227</sup>

306. Likewise, civil society organizations reported that the CEDAW Committee has allegedly acknowledged Brazil's efforts to eradicate gender-based violence, which include the establishment of the National Policy to Combat Violence Against Women and the Mulher, Viver sem Violência program, under which the Ligue 180 helpline and new CMBs were created. However, civil society organizations added that the CEDAW Committee also voiced its concern over the rise in femicides, rapes and disappearances, particularly among Afro-Brazilian women; the lack of resources in shelters and support units for victims; the limited presence of police stations for women in rural areas; and the increase in murders of indigenous women and in violence against LGBTI women, along with the fact that Brazil has the highest rate of murder of transgender persons in the world. They stated that the CEDAW Committee has urged the State to reinforce prevention and prosecution

<sup>223</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>224</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>225</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>226</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.

<sup>227</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.



measures, to increase resources for shelters and the CMBs, to expand specialized agencies and services in indigenous areas and to create a database on violence against LGBTI women.<sup>228</sup>

307. Finally, civil society organizations highlighted that, according to the Maria da Penha Law Consortium, the number of cases involving violence against women in Brazil continues on the rise. In 2023, 1,238,208 cases of violence against women were recorded, including homicides, femicides, assaults involving domestic violence, threats, acts of harassment, psychological violence and rape. Additionally, they noted that 8,372 attempted homicides of women were reportedly recorded, which accounts for a 9.2 percent increase compared to the previous year. Out of the 8,372 attempted homicides, 33.4 percent were attempted femicides, marking a 7.1 percent rise. In total, 1,467 women were reportedly murdered for gender-based reasons, the highest number since 2015. Sixty-eight percent of the victims were Afro-descendant women, which evidences the existence of structural racism and its disproportionate impact on this population.<sup>229</sup>

*Analysis and level of compliance with the recommendation*

308. The Commission welcomes the numerous measures reported by the State to prevent and condemn violence and discrimination against women and girls in Brazil. In particular, it highlights the adoption of the National Femicide Prevention Pact and the preparation of its action plan; the development of the Mulher, Viver sem Violência program with its CMBs and CRMBs; the restructuring and strengthening of the Ligue 180 helpline; the signing of cooperation agreements such as the Biome Dialogues and the Marajó Community Plan, among others; the creation of the Maria da Penha Award for Education in Human Rights; the implementation of the National Program to Prevent and Combat Sexual Harassment, Other Crimes against Sexual Dignity and Sexual Violence; the establishment of the National Forum of Women's Policy Organizations; the ratification of ILO's Convention 190; the setting up of the Interministerial Working Group for the National Policy to Combat Political Violence Against Women; and the enactment of laws that guarantee individualized care for victims at SUS healthcare centers, ensure the confidentiality of the victims' identity in domestic violence proceedings and extend the right to psychosocial care to the children of victims of serious violence.

309. However, the Commission also takes note of the challenges reported by civil society organizations, such as the focus on punishment and the lack of preventive policies in spite of the legislative steps taken, which include those related to the Maria da Penha Law; the shortcomings of the National Femicide Prevention Plan in addressing racism, disability and other intersectional issues; the dismantling of and lack of funding for support programs in previous years, which currently operate with limited resources; the concerns expressed by the CEDAW Committee over the rise in femicides, rapes and disappearances; the insufficient resources at victims' shelters; the limited presence of specialized police stations for women; the rise in violence against indigenous and LGBTI women; and the escalating rates of violence and structural racism.

310. The Commission considers that the State has stepped up its efforts in terms of legislation, programs, support infrastructure and partnership building to combat gender-based violence, which evidences a clear commitment, as well as significant progress towards compliance with this recommendation. However, in their observations, civil society organizations highlight limitations in program implementation, gaps in coverage in specific areas and an approach focused on punishment which might not be effective in mitigating structural violence against women. Moreover, the continued rise in femicide rates and other forms of violence, along with the disproportionate impact on Afro-descendant women and other vulnerable groups, suggests that the State has not fully addressed persistent structural challenges. In view of the foregoing, the Commission considers that compliance with this recommendation remains **substantial partial**.

*Measures and information to advance compliance with the recommendation*

311. To guide the implementation of this recommendation, the Commission calls on the State to increase funding as well as the number of shelters and specialized police stations in rural areas, for indigenous

<sup>228</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.

<sup>229</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.



communities and for the LBTI population. The Commission also encourages the State to enhance the National Femicide Prevention Pact by addressing specific racial, gender and disability concerns. Furthermore, and in addition to the punitive approach of the aforementioned plan, the Commission emphasizes the need for increased prevention efforts, including educational campaigns, adequate resources for justice and public safety, and reparation measures for vulnerable groups.

**Recommendation No. 33.** Implement and reinforce measures with a gender perspective to comply with the duty to act with due diligence to prevent, punish, and eradicate violence and discrimination against women, including concrete efforts to comply with the obligations to prevent, investigate, punish, and make reparation for violations of the human rights of women and girls. This includes training and monitoring the authorities responsible for the investigation, including health services and judicial bodies.

312. In the 2023 follow-up report, the State informed the Inter-American Commission that the CNJ had adopted Resolution No. 492/2023, which established a protocol for prosecuting and adjudicating cases with a gender perspective. In addition, a permanent policy was implemented to address all forms of violence against women, which included a specific protocol for assisting victims and receiving complaints of violence against women involving judges and judiciary employees. The Commission welcomed the initiatives undertaken by the CNJ and recognized their importance in the training of the members of the judiciary so that cases were investigated, prosecuted and ruled on with a gender perspective. However, it emphasized the need for these protocols to extend to other justice system actors, such as employees of the Public Prosecutor's Office and police officers involved in criminal investigation and prosecution. Consequently, the Commission considered that compliance with this recommendation remained **partial**.<sup>230</sup>

#### *Information on compliance*

313. In 2024, the State highlighted the commitment of the Federal Public Defender's Office to providing human rights education to its staff and the public by means of activities such as webinars, roundtables, courses, workshops, conferences and training sessions. The Federal Public Defender's Office held 60 training events covering a wide range of human rights issues, such as assistance for victims of human trafficking, women's rights, over-indebtedness among the elderly, sexual and reproductive rights, combating LGBTIphobia, access to land, the inter-American human rights system and contemporary slave labor, among others.<sup>231</sup>

314. Notwithstanding the foregoing, civil society organizations argued that training sessions on human rights for justice operators and police officers were isolated initiatives which were neither mandatory nor continuous, and that attendance to said sessions was not required for admission to or promotion in public service careers. They acknowledged the relevance of these activities but noted that their sporadic and optional nature failed to adequately comply with the recommendation.<sup>232</sup>

#### *Analysis and level of compliance with the recommendation*

315. The Commission welcomes the training measures promoted by the Federal Public Defender's Office. However, it emphasizes that all entities involved in the investigation and punishment of acts of violence against women must act with due diligence and with a gender perspective, especially in light of the situation of violence faced by women and girls in Brazil. Based on the information provided, the Commission considers that compliance with this recommendation remains **partial**.

<sup>230</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 261–266.

<sup>231</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>232</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.



*Measures and information to advance compliance with the recommendation*

316. The Commission appreciates the measures adopted by the CNJ to ensure that members of the judiciary are prepared to prosecute and adjudicate cases with a gender perspective. However, it underscores that such measures must be implemented across all state entities, including the Public Prosecutor's Office and the police, which are involved in the submission and processing of complaints, and in the investigation of cases.

**Recommendation No. 34.** Investigate, try, and punish, with a gender perspective and as a priority, violations of the human rights of women and girls, especially femicides of trans women. Likewise, investigate with due diligence acts of violence against women human rights defenders and other groups at special risk mentioned in this report.

317. In the 2023 follow-up report, the State did not provide specific information on the priority prosecution of human rights violations against women, girls and trans women, particularly in cases of femicide, with a gender perspective. Since the Commission did not receive any information in this regard, it considered that compliance with this recommendation remained partial and urged the State to provide detailed information on the investigation and prosecution of these cases, stressing the need for an institutional strategy to ensure due diligence and the effective punishment of perpetrators.<sup>233</sup>

*Information on compliance*

318. In 2024, the State reported that the MDHC implemented several measures to investigate and punish human rights violations against women and girls, including contributions to the development of the National Policy to Combat Political Violence against Women and the action plan of the National Femicide Prevention Pact. In addition, the CNJ published Resolution No. 492/2023, which mandates the application of the Protocol for Prosecuting and Adjudicating Cases with a Gender Perspective to guide judges in its implementation. To prevent femicides of trans women, the MDHC supported the Second National Action Plan on Women, Peace and Security, focused on LBT women. The MDHC also designed the Combating Violence Against LBT Women brochure and trained the staff of the Ligue 180 helpline to provide ethical support to LBT women in cases of violence.<sup>234</sup>

319. Civil society organizations acknowledged the creation of the Protocol for Prosecuting and Adjudicating Cases with a Gender Perspective as a positive step. However, they noted the absence of mechanisms to monitor its implementation. They argued that for this policy to constitute a genuine progress in access to justice for women and girls, it would be essential to establish oversight and continuing training mechanisms targeted at judiciary officials to ensure its adequate application.<sup>235</sup>

*Analysis and level of compliance with the recommendation*

320. The Commission commends the measures reported by the State to ensure that cases involving violence against women are prosecuted from a gender perspective. The Commission also applauds the measures implemented by the MDHC. However, in line with the information provided by the civil society, it emphasizes that the State should develop a monitoring mechanism to assess the impact of the protocol on the daily work of the courts. Based on the foregoing, the Commission considers that compliance with this recommendation remains **partial**.

*Measures and information to advance compliance with the recommendation*

321. To follow up on this recommendation, the Commission invites the State to provide information on the monitoring mechanism to oversee the implementation of the Protocol for Prosecuting and

<sup>233</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 268–271.

<sup>234</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>235</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.



Adjudicating Cases with a Gender Perspective and underscores that having a database of the rulings that adopt this perspective in place is not sufficient since the State must assess whether judges are actually applying the protocol and if the training provided is contributing to increasing its use.

**Recommendation No. 35.** Strengthen the institutional capacity of judicial bodies, such as the Public Prosecutor's Office (*Ministério Público*), police agencies, courts, and legal and forensic medicine units, by endowing them with financial, human, and training resources to enable them to fight the pattern of impunity surrounding proceedings relating to violence against women. In addition, step up enforcement of punishments and make headway with reparation projects through effective criminal investigations that avoid re-victimization and are subject to proper judicial monitoring.

322. In the 2023 follow-up report, the State informed the Commission about a series of measures adopted by the CNJ to promote gender equality in the judiciary, including affirmative actions and the implementation of gender parity in the selection committees that evaluated candidates for judicial careers. The State also highlighted the establishment of the National Public Defender's Office for Women, which was responsible for processing complaints related to legal proceedings involving acts of violence against women. The Commission welcomed this progress but emphasized the importance of introducing similar measures across all state agencies, including the Public Prosecutor's Office and the offices of public defenders. The Commission considered that compliance with this recommendation had progressed to partial and stressed the importance of adopting institution-building measures for all the authorities involved, which included allocating resources and training technical teams to improve investigations in these cases.<sup>236</sup>

#### *Information on compliance*

323. In 2024, the State reported that the Federal Public Defender's Office undertook several initiatives to protect women's rights and address gender-based violence. It established the Observatory of Violence Against Women (OVM) to enhance complaint management, provide training to staff and create partnerships with public and private entities. The Federal Public Defender's Office joined the Support Committee for Prosecuting and Adjudicating Cases with a Gender Perspective and the Working Group against Gender-Based Political Violence and collaborates with the Ministry of Women in the *Feminicídio Zero* (No femicides) campaign. It also launched the National Program against Gender-Based Political Violence for the 2024 elections, which provided for legal assistance, a complaint mechanism and staff training.<sup>237</sup>

324. In addition, the State reported that the judiciary, through the CNJ, provided training options for judges with a focus on the Maria da Penha Law (Law No. 11,340/2006) and human rights issues. CNJ's Recommendation No. 79/2020 and Resolution No. 492/2023 mandate continuing training for judges on gender, race and ethnicity issues. In addition, Resolution No. 492/2023 creates the Support and Training Committee for Prosecuting and Adjudicating Cases with a Gender Perspective and requires all judges to take annual training courses on the matter.<sup>238</sup>

325. The civil society noted that the State had made no progress in the institutional strengthening of the judiciary to combat impunity in cases of violence against women. It indicated that specialized police stations that assist women victims of violence are concentrated mainly in the capital cities and that they cover less than 10 percent of all cities. Most of them operate in the southeast, particularly in São Paulo, where 40 percent of these stations are located. According to civil society organizations, the absence of a policy to expand these units has an impact on the judiciary, inasmuch as investigations advance more slowly, which could lead to the application of the statute of limitations and hinder access to justice. In addition, although Law No. 14,541—which mandates that these police stations should provide psychological and legal assistance

<sup>236</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 273–275.

<sup>237</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>238</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



24/7— was enacted recently, its application is challenging due to resource and staff shortages across the states. Civil society organizations also claimed that only 10.2 percent of the stations currently are operational 24/7.<sup>239</sup>

*Analysis and level of compliance with the recommendation*

326. The Commission welcomes the measures adopted by the Federal Public Defender's Office — such as the OVM to enhance complaint management, provide training to staff and create partnerships with public and private entities— as well as its work to promote the prosecution and adjudication of cases with a gender perspective and to advance a policy to combat gender-based political violence. In this regard, it commends the specific training delivered to judiciary staff on gender issues and the prosecution and adjudication of cases of violence with a gender perspective. However, the Commission takes note of the need to strengthen and expand the network of specialized police stations for women. This issue was analyzed by the Inter-American Commission in the Maria da Penha case, where it highlighted the need for these entities that receive and investigate complaints to operate all across the country. Based on the foregoing, the Commission considers that compliance with this recommendation remains **partial**.

*Measures and information to advance compliance with the recommendation*

327. For this recommendation to be fully complied with, the Commission underscores the importance of strengthening the Civil Police structure linked to the network of specialized police stations for women and ensuring their operation in the five regions of the country. It also invites the State to continue providing information on any measures adopted to enhance the institutional capacity of the judicial and forensic medicine agencies involved in combating violence against women.

**Recommendation No. 36.** Implement protocols with a gender perspective for crimes involving violence against women and develop transparent processes for overseeing their correct implementation.

328. In the 2023 follow-up report, the State informed the Commission that the CNJ had adopted Resolution No. 492/2023, which established a protocol for adjudicating cases with a gender perspective. The Commission welcomed this measure but emphasized that the information submitted regarding approved and updated protocols for investigating and prosecuting cases of violence against women was insufficient and that it had not received information on their effective implementation and oversight mechanisms. The Commission considered that there had been limited progress towards compliance with this recommendation and highlighted the need for the State to provide further details on the implementation and oversight of these protocols, including specific information about the CNJ protocols and their application by judicial authorities.<sup>240</sup>

*Information on compliance*

329. For 2024, the State reported that in 2023, the National Protocol for the Investigation and Forensic Examination of Femicide Crimes was published, originally created in 2020 and updated in January 2024. Its goal is to standardize the investigation procedures for femicides in state civil police forces and forensic agencies, as well as in the Federal District. In March 2024, the Ministry of Justice and Public Security (MJSP) gathered female professionals from various security forces to discuss the update of three key regulations: i) National Guidelines for Military Police Attention to Women Victims of Domestic Violence; ii) Technical Standard for Specialized Women's Police Stations (DEAM); iii) National Protocol for the Investigation and Forensic Examination of Femicide Crimes. The discussions aimed to review and update these regulations, which are now awaiting publication. The monitoring of their implementation is considered advisory, as the execution of investigations and measures against gender-based violence is the responsibility of state governments, which have autonomy in their implementation.<sup>241</sup>

<sup>239</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.

<sup>240</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 277–279.

<sup>241</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.



330. In addition, the State created the Database of Judgments and Decisions Issued under the Protocol for Prosecuting and Adjudicating Cases with a Gender Perspective, which is available on the CNJ website and included 2,948 rulings as of September 2024. It also indicated that the National Support and Training Committee for the Prosecution and Adjudication of Cases with a Gender Perspective promotes campaigns to encourage the use of this database in the courts.<sup>242</sup>

*Analysis and level of compliance with the recommendation*

331. The Commission appreciates the measures reported by the State, in particular, the creation of the National Protocol for Investigations and Expert Examinations Related to Femicides and considers that compliance with this recommendation has progressed to **partial**.

*Measures and information to advance compliance with the recommendation*

332. To guide compliance with this recommendation, the Commission calls on the State to provide information on the application of the National Protocol for Investigations and Expert Examinations Related to Femicides and its results. Moreover, it invites the State to share other judicial or forensic documents used to address issues related to violence against women.

**Recommendation No. 37.** Plan, develop, and implement educational initiatives, programs, and policies, from the formative, initial stages onwards, for all citizens, including children, addressing gender-based discrimination, with a view to getting rid of stereotypes about the inferiority of women and girls, promoting their rights to be free from violence and discrimination, advancing gender equality, and guaranteeing respect for the rights of all persons.

333. In the 2023 follow-up report, the State did not provide specific information on compliance with this recommendation; therefore, the Commission determined that compliance remained partial. To move forward with its implementation, the Commission urged the State to adopt additional measures, such as public policies, actions to promote a culture of human rights and educational campaigns aimed at eradicating subordination stereotypes and fostering equality for women and girls. The Commission also recommended that the State consolidate information on the scope, reach and outcomes of these measures and provide detailed information on any initiatives involving children.<sup>243</sup>

*Information on compliance*

334. In 2024, the State emphasized that the Anísio Teixeira National Institute of Educational Studies and Research (INEP), which oversees the National High School Examination (ENEM) and the National Examination for the Certification of Youth and Adult Competences (ENCCEJA), is responsible for ensuring that individuals are able to use their chosen name in the exams upon request. Brazil indicated that submitting supporting documents is not required and that persons only need to register their chosen name with the Federal Revenue Service and indicate their preference when registering for the exams.<sup>244</sup>

335. For their part, civil society organizations reported that a strong antigender movement has been allegedly developing in Brazil since 2014, which seeks to ban discussions about gender equality in schools, supported by initiatives in the legislative and executive branches at all levels of government. Although this movement reportedly does not hinder access to education, it causes school desertion and reinforces prejudice and discrimination. This context is allegedly linked to the Escola Sem Partido (School without party) project and to antigender laws that go against the constitutional principles of equality and nondiscrimination. Although the STF has reportedly rendered some of these laws unconstitutional, new bills have been introduced to promote homeschooling, the militarization of schools, gender segregation and the criminalization of gender

<sup>242</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>243</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 281–283.

<sup>244</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



education. In this regard, civil society organizations noted that resistance to these issues persists in schools, affecting teachers who aim to incorporate gender approaches into their courses.<sup>245</sup>

336. Furthermore, the civil society claimed that Law No. 14,161 of 2021 amends the Law on Guidelines and Foundations of National Education to introduce content on the prevention of violence against women into the basic education curriculum and creates a School Week to Combat Violence against Women in March, in which all schools participate. However, they noted that the term “gender” was removed under pressure before its approval, limiting the scope of the measure. While they acknowledged that this initiative helps to raise awareness of domestic violence, civil society organizations argued that an awareness-raising week alone would not meet the standards set forth by the Commission or the Convention of Belém do Pará for eradicating gender stereotypes. According to them, the CEDAW Committee recommends implementing mandatory gender equality education and age-appropriate sex education focused on preventing teenage pregnancy and sexually transmitted diseases.<sup>246</sup>

*Analysis and level of compliance with the recommendation*

337. The Commission regrets the lack of specific information on the implementation of this recommendation. It also voices its concern over the reports from the civil society in relation to the adoption of several measures that ban the promotion of discussions on gender issues in schools. Based on the foregoing, the Commission considers that compliance with this recommendation remains **partial**.

*Measures and information to advance compliance with the recommendation*

338. To guide the implementation of this recommendation, the Commission urges the State to adopt additional compliance measures, such as public policies, actions to promote a culture of human rights and educational outreach campaigns aimed at eradicating subordination stereotypes and advancing gender equality. Moreover, the Commission encourages the State to refrain from adopting measures that ban discussions about gender issues in schools, as such measures perpetuate gender stereotypes in society and fail to contribute to prevent violence and discrimination.

**Recommendation No. 38.** Draft and implement culturally appropriate policies, with the participation of indigenous, Quilombola, and traditional community women and girls, and applying an integral and holistic approach, for preventing, investigating, prosecuting, and making reparation for acts of violence and discrimination against them.

339. In the 2023 follow-up report, the State informed that the Office for Coordinating Women’s Policies had been created within the MPI to promote the rights of indigenous women by focusing on access to justice, empowerment and respect for their sociocultural diversity. Brazil also stated that this office worked alongside other ministries and organizations, including UN Women, and led initiatives such as the Women Guardians project to empower indigenous women leaders and address gender-based violence. While the Commission welcomed these initiatives, it noted the lack of information on similar measures for women and girls from Quilombola and traditional communities. The Commission invited the State to report on public policies aimed at preventing, investigating, punishing and ensuring reparation for acts of violence and discrimination against indigenous, Quilombola and traditional community women and girls, while guaranteeing that these policies and actions were culturally appropriate and effectively implemented.<sup>247</sup>

*Information on compliance*

340. In 2024, the State reported that the Office for Coordinating Women’s Policies (COPM) of the MPI would develop the Women Guardians project, aimed at preventing and eradicating violence against

<sup>245</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.

<sup>246</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.

<sup>247</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 285–287.



indigenous women. This project will establish a support network of women guardians and coordinators to train indigenous women, promote bioeconomics and contribute to the creation of a national plan to combat violence against indigenous women. Furthermore, it will organize conferences focused on gender, health and education issues. The State also reported that the COPM launched a call for projects on indigenous women's rights and that, together with the Child and Youth Psychosocial Care Center (CAPSI), it coordinates research on violence and health to carry out actions to protect this group, support complaints and work on preventing suicide within the indigenous community. The State also emphasized that the MPI is a member of the No Femicides Committee and that it has made a formal commitment to eradicating gender-based violence in August 2024.<sup>248</sup>

341. For its part, the MIR undertook actions to strengthen the autonomy and societal role of women, which contributed to reducing violence as a result of their socioeconomic empowerment. Its programs include Sabores e Saberes (Flavors and knowledge), which evaluates projects based on their respect for women's dignity, and Atlânticas (a scholarships program), which promotes the participation of women from Afro-descendant, Quilombola, Roma and indigenous communities in science. In addition, the State highlighted initiatives such as Aquilomba Brasil and the National Plan for Quilombola Territorial and Environmental Management (PNGTAQ), which promotes gender equity in environmental and territorial management.<sup>249</sup>

*Analysis and level of compliance with the recommendation*

342. The Commission applauds the measures reported by the State to prevent acts of violence and discrimination against indigenous, Quilombola and traditional community women and girls and to promote their right to live a life free of violence. However, it underscores the importance of implementing measures aimed at investigating, punishing and ensuring reparation for these violations, which must be culturally appropriate. Based on the foregoing, the Commission considers that compliance with this recommendation remains **partial**.

*Measures and information to advance compliance with the recommendation*

343. To advance compliance with this recommendation, the Commission invites the State to provide information on the culturally appropriate measures adopted or planned for investigating acts of violence and discrimination, punishing those responsible and ensuring reparation for the victims, guaranteeing the participation of indigenous women and girls, quilombolas and traditional communities in the process.

**Recommendation No. 39.** Adopt comprehensive measures to respect and guarantee women's rights to sexual and reproductive health by, *inter alia*, reinforcing the availability and ongoing supply of essential services. In particular, guarantee access to high-quality maternal healthcare; safe access to contraception methods, including emergency contraception; voluntary interruption of pregnancy, when applicable, and access to true, uncensored information, in addition to the comprehensive education needed for women and girls to be able to take free and autonomous decisions.

344. In the 2023 follow-up report, the State highlighted the commitment of the Ministry of Health to providing comprehensive healthcare under the SUS, which included actions to promote reproductive and family planning under the National Policy on Comprehensive Women Healthcare (PNAISM), which sought to reduce maternal deaths and guarantee the right to legal abortion in the cases provided for by law. However, civil society organizations reported that women encountered obstacles to access to legal abortion procedures, especially in cases of sexual violence, and referred to the disparities that affect Afro-descendant women and women living in poverty. The Commission welcomed the measures adopted and considered that compliance with this recommendation had progressed to partial, although there were still challenges ahead. To move forward, the Commission urged the State to adopt a comprehensive strategy that ensured access to high-quality

<sup>248</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>249</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



maternal healthcare, contraception, legal abortion procedures and sexual education, especially for vulnerable women and girls.<sup>250</sup>

*Information on compliance*

345. In 2024, the State informed that the Ministry of Health seeks to guarantee the provision of health services by offering both conception and contraception methods at all levels of care. The PNAISM, established in 2004, promotes sexual and reproductive rights, female autonomy and assistance to victims of violence. Furthermore, the Menstrual Dignity Program was launched in 2024 and distributes free sanitary pads to low-income individuals enrolled in public schools and to persons in situation of homelessness or extreme vulnerability, thus benefiting approximately 24 million people while raising awareness on the menstrual cycle.<sup>251</sup>

346. Moreover, the State reported the creation of the National Plan against HIV/AIDS and other STIs in Women, which lays down guidelines and provides for specific actions on this issue. In addition, access to tubal ligation for family planning was expanded pursuant to Law No. 14,443 of 2022 and the right of women to have an adult companion during their stay in health centers was guaranteed under Law No. 14,737 of 2023. This law allows patients to decline a companion designated by the health unit and requires written consent for this purpose. However, health professionals may provide medical care in the absence of a companion in emergency situations to protect the patient's life.<sup>252</sup>

347. The State added that access to legal abortion in cases of rape is guaranteed by the SUS in accordance with Article 196 of the Constitution and Law No. 8,080 of 1990, which ensures universal and unrestricted access to this procedure. According to the Ministry of Health, victims have the right to free and adequate care, preserving their privacy and refraining from any discrimination on moral grounds. The State also recalled that Law No. 12,845 of 2013 requires mandatory comprehensive care tailored to the needs of sexual violence victims and has established prophylactic protocols to prevent infections following sexual assault.<sup>253</sup>

348. Finally, the State indicated that the Alyne Network was launched in September 2024 with the goal of reducing maternal mortality by 25 percent overall and specifically by 50 percent among Afro-descendant women by 2027. A total of 400 million Brazilian reais were invested in this project in 2024 to enhance maternal and infant health services, and 1 trillion Brazilian reais have already been appropriated for 2025. This program restructured emergency services, granted funding for ambulances, provided specialized teams available 24/7, promoted breastfeeding, increased resources for Neonatal Care Units and introduced new prenatal testing. The Alyne Network continues the work of the former Stork Network and honors Alyne Pimentel, a young Afro-descendant woman who died due to medical malpractice. Additional initiatives to reduce maternal mortality include the National Plan against HIV/AIDS and other STIs, along with efforts to improve malaria diagnosis in the Amazon region.<sup>254</sup>

349. Nevertheless, the Commission was deeply concerned over the processing of Bill No. 1904 of 2024, which criminalizes women who terminate their pregnancy after week 22 shall be sentenced to 6 to 20 years in prison, equating their penalty to that of a murderer, even in circumstances in which abortion is allowed by law, such as in the case of rape.<sup>255</sup> In this context, more than 20 civil society organizations informed the Commission and the United Nations that this legislative initiative violates women's sexual and reproductive

<sup>250</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 289–295.

<sup>251</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>252</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>253</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>254</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>255</sup> Câmara dos Deputados, "[Projeto de lei prevê pena de homicídio simples para aborto após 22 semanas de gestação](#)," June 11, 2024.



health rights and constitutes a form of gender-based violence which may amount to torture or cruel, inhuman or degrading treatment, as outlined in Recommendation No. 35 of the CEDAW.<sup>256</sup>

*Analysis and level of compliance with the recommendation*

350. The Commission welcomes the measures reported by the State, in particular the Menstrual Dignity Program, the National Plan against HIV/AIDS and other STIs in Women, the expansion of access to tubal ligation for family planning, and the Alyné Network, which are significant policies for guaranteeing women's sexual and reproductive rights in Brazil. However, the Commission expresses its deep concern over the proposed legislation seeking to criminalize women who legally terminate a pregnancy in the country. This bill marks a significant step backwards in the protection of women's rights and imposes a disproportionate burden on victims. Based on the foregoing, the Commission considers that compliance with this recommendation remains **partial**.

*Measures and information to advance compliance with the recommendation*

351. To guide compliance with this recommendation, the Commission invites the State to adopt progressive measures through the executive, legislative or judicial branches to protect and advance the sexual and reproductive rights of women in Brazil. The Commission also underscores the need to ensure that all women have access to pregnancy termination procedures in the healthcare system and that immediate care is guaranteed as required by law and free of any restrictions imposed by healthcare providers or the judiciary.

## H. Boys, girls, and adolescents

**Recommendation No. 40.** Take all necessary steps to ensure that the exceptionality principle is applied to measures aimed at adolescents at odds with the law, particularly so that deprivation of liberty is used as a last resort only, giving preference to open environment options for property-related and non-violent offenses. Accordingly, alternatives must be envisaged in proceedings so that their cases can be resolved through actions that promote the development of their personality and constructive reintegration into society.

352. The State did not provide information on the measures adopted to comply with this recommendation in its 2023 follow-up report. However, the civil society informed that the National System for Socioeducational Services (SINASE) and certain state initiatives, such as conflict-mediation and restorative justice programs in Ceará, had proved successful in implementing alternatives to criminal prosecution. In view of the lack of updated information from the State, the Commission concluded that compliance with this recommendation remained pending. To guide progress, the Commission urged the State to adopt institution-building measures aimed at reducing incarceration rates for adolescents and to provide specific details on the implementation of alternatives to prosecution.<sup>257</sup>

*Information on compliance*

353. In 2024, the State did not provide information on the measures adopted to comply with this recommendation.<sup>258</sup>

*Analysis and level of compliance with the recommendation*

354. Considering that the State did not provide any information, the Commission concludes that compliance with this recommendation remains **pending**.

<sup>256</sup> Conectas, "[ONGs fazem apelo urgente à ONU contra projeto de lei que equipara aborto legal a homicídio](#)," June 17, 2024.

<sup>257</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 297–300.

<sup>258</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



*Measures and information to advance compliance with the recommendation*

355. To guide the implementation of this recommendation, the Commission calls on the State to adopt the necessary institution-building measures to reduce incarceration rates among adolescents at odds with the law and to take steps to ensure that detention is used as a last resort and for the shortest time possible. Moreover, the Commission invites the State to provide information and specific data on the implementation of alternatives to prosecution.

**Recommendation No. 41.** Bring all “socioeducational” (correctional) facilities into line with international criteria and standards, particularly as regards architectural parameters that should serve the underlying purpose, as well as comply with the highest safety, accommodation, educational, health, and social reinsertion standards.

356. The State did not provide updated information on its New Socioeducational Program in its 2023 follow-up report. However, it reported that the latest version of the *Technical Guidance Manual* for the National Registry of Inspections in Socioeducational Units and Programs (CNIUPS) had been published in January 2023 and that the CNIUPS Open Environment had been launched in September of the same year. These documents were aimed at enhancing judicial inspections and strengthening the monitoring of the rights of adolescents deprived of liberty. While the Commission acknowledged this progress, it considered that compliance with this recommendation remained pending since it had not received specific information on the actual conditions of detention facilities or the actions taken to align them with international standards. The Commission encouraged the State to continue its comprehensive efforts to improve the juvenile justice system, ensuring that detention facilities meet adequate standards for security, lodging, education, healthcare and social reinsertion.<sup>259</sup>

*Information on compliance*

357. In 2024, the State did not provide information on the measures adopted to comply with this recommendation.<sup>260</sup>

*Analysis and level of compliance with the recommendation*

358. Considering that the State did not provide any information, the Commission concludes that compliance with the recommendation remains **pending**.

*Measures and information to advance compliance with the recommendation*

359. To guide compliance with this recommendation, the Commission calls on the State to continue pursuing comprehensive, prompt and timely improvements in the juvenile criminal justice system. In this regard, the Commission has previously encouraged the State to adopt a socioeducational approach to ensure that juvenile detention centers meet adequate standards for security, lodging, education, healthcare and social reinsertion. Furthermore, the Commission invites the State to implement the measures that are necessary to ensure the effective incorporation of this approach.

**Recommendation No. 42.** Adopt measures to allow and foster contact between the adolescents in those centers and their families and communities, by promoting geographical decentralization of the centers in such a way that those adolescents can serve their time in the same place or at the center closest to their home or that of their parents or guardian, and friends.

360. In the 2023 follow-up report, the State highlighted the progress made in adopting the State System for Socioeducational Assistance Vacancy Centers under CNJ's Resolution No. 367/2021. These centers,

<sup>259</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 302–305.

<sup>260</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



designed to identify and distribute vacancies in socioeducational units, had already been set up in 19 states, and implementation was underway in the remaining states. The CNJ also promoted specialized hearings to ensure that judges could hear the input from adolescents and their families when making legal decisions. Notwithstanding that, the Commission noted that the State had not provided specific information on how these measures facilitated contact between adolescents and their families or on how decentralization ensured that adolescents served their sentences close to home. The Commission concluded that compliance with this recommendation remained partial and urged the State to devise concrete measures to finalize the territorial decentralization process and eliminate all barriers to family contact, as well as to report on the progress achieved in these areas.<sup>261</sup>

*Information on compliance*

361. In 2024, the State did not provide information on the measures adopted to comply with this recommendation.<sup>262</sup>

*Analysis and level of compliance with the recommendation*

362. Considering that the State did not provide any information, the Commission concludes that compliance with the recommendation remains **partial**.

*Measures and information to advance compliance with the recommendation*

363. With a view to guiding compliance with this recommendation, the Commission invites the State to take steps to complete the process on the territorial decentralization of detention centers to ensure that adolescents serve their time at a center that is located in the same district as their home, parents, guardian or friends, or at the closest one.

**Recommendation No. 43.** Keep a record and conduct a serious, impartial, effective and expeditious investigation of all complaints received regarding the way the juvenile justice system operates and reply to all such complaints. In cases in which violations of the rights of the child in such centers are confirmed, adopt measures in administrative, civil and/or criminal proceedings to punish those responsible; avoid a recurrence of what happened; and proceed to make appropriate reparation to the victims and their family members.

364. In the 2023 follow-up report, the State informed the Commission about the operation of the Prison and Socioeducational System Monitoring and Inspection Groups (GMFs), created under CNJ Resolution No. 214/2015 to address deficiencies and irregularities in the socioeducational system. In addition, the civil society reported that, along with the mechanisms set up by the CNJ, the Public Prosecutor's Office, public defenders' offices and the Ligue 100 helpline, some states, including Minas Gerais, had created ombudsperson's offices to receive complaints in relation to the juvenile justice system. However, the Commission noted that the State had not provided specific information on the measures adopted in 2023 or on their outcomes. Consequently, it decided that compliance with this recommendation remained pending. The Commission invited the State to provide updated information and specific data on the implementation and results of the mechanisms reported, and to ensure that they were accessible, simple, familiar to adolescents and aligned with their needs.<sup>263</sup>

<sup>261</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 307–311.

<sup>262</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>263</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 313–316.



*Information on compliance*

365. In 2024, the State did not provide information on the measures adopted to comply with this recommendation.<sup>264</sup>

*Analysis and level of compliance with the recommendation*

366. Considering that the State did not provide any information, the Commission concludes that compliance with this recommendation remains **pending**.

*Measures and information to advance compliance with the recommendation*

367. To guide compliance with this recommendation, the Commission invites the State to provide relevant, updated and specific information that will make it possible to verify the implementation thereof. In particular, it requests information on the implementation and outcomes of the mechanisms reported, including the GMFs and reports arising from judicial inspections. It is crucial that the State ensures these mechanisms are indeed accessible, simple, widely known to adolescents and tailored to their needs and specific conditions. Therefore, the Commission calls on the State to provide information on the actions taken to achieve these objectives.

**Recommendation No. 44.** Establish a juvenile justice indicators system based on international models, designed to be periodically updated, and ensure public access to that information, which needs to contain, at a minimum, data on: i) the total number of adolescents in “socioeducational” correctional facilities; ii) a breakdown of data by gender, ethnic/racial origin, migratory status, age, sexual orientation, identity and/or gender expression, and sexual characteristics, as well as any other characteristics that could trigger intersectional risks for adolescents; and iii) the number of adolescents per type of correctional regime, including the different forms of internment.

368. In the 2023 follow-up report, the State informed the Commission about the creation of a database that incorporated input from the State System for Socioeducational Assistance Vacancy Centers and the Prison System Inspection and Monitoring Department. The State reported that the data obtained from the CNIUPS forms regarding closed socioeducational units was being organized into a public, online database known as the Socioeducational Platform and that additional information was expected as of the following year once the data from the CNIUPS forms regarding open socioeducational programs had been incorporated. The platform, which was under implementation, sought to enable real-time access to data on socioeducational measures and adolescents’ profiles, including age, gender, race and ethnicity. The Commission acknowledged this progress but noted that it had not received information to verify the availability and update of this data, as well as public access thereto. Therefore, it considered that compliance with this recommendation remained partial and urged the State to provide updated and accessible information on juvenile justice indicators, and to ensure the regular update and quality of data to minimize the risks of erroneous information and duplicated records.<sup>265</sup>

*Information on compliance*

369. In 2024, the State informed that the Socioeducational Platform (PSE), developed by the CNJ in 2021 to automatize the management of processes in the socioeducational system, had begun to operate in October 2023. The Court of Justice of Rio Grande do Norte was the first to implement the platform, which replaced the previous system and enabled the input of follow-up guides for adolescents in conflict with the law, issued alerts for procedural deadlines and facilitated the creation of a reliable database on the

<sup>264</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>265</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 318–321.



sociodemographic profile of these adolescents. On August 27, 2024, the CNJ took the first steps to expand the platform.<sup>266</sup>

370. Moreover, the State reported that, as of January 2024, judges with jurisdiction over children and adolescent matters are required to conduct biannual inspections of the open socioeducational measure programs. A panel monitored by the CNJ facilitated the collection of data on judicial inspections carried out across federal states from January to July 2024. The State also submitted information on the number of inspections conducted in 12 months divided by the number of facilities, which resulted in state-specific percentages: 100 percent (Acre, Amazonas, Federal District, Goiás, Mato Grosso, Rio de Janeiro, Rondônia, Tocantins, Alagoas, Amapá, Espírito Santo, Mato Grosso do Sul, Pará, Roraima); approximately 90 percent (Santa Catarina, Ceará, Maranhão, Piauí, Paraíba, Sergipe, Pernambuco, Paraná, Bahia, Rio Grande do Sul); approximately 70 percent (Rio Grande do Norte and São Paulo) and approximately 60 percent (Minas Gerais).<sup>267</sup>

371. In addition, after a six-year hiatus, the MDHC resumed the gathering and publishing of national data on the National Socioeducational Attention Policy by launching the 2023 National Data Survey of the SINASE. This survey included information on adolescents and young people subject to restrictive and custodial measures during the first half of 2023.<sup>268</sup> Based on this survey, the Commission learned that the State had successfully published disaggregated data on the socioeducational system in Brazil. Key data included the number of socioeducational care units by modality and gender; the total number of units by state; information on adolescents subject to socioeducational measures, such as their gender, race, social condition and age; the type of crime committed; the number of adolescents that participated in vocational training activities; the number of adolescents that used the public psychosocial/mental healthcare network; and the number of adolescents with disabilities or children, among other details.<sup>269</sup>

#### *Analysis and level of compliance with the recommendation*

372. The Commission commends the compliance measures reported by the State. In particular, it highlights the implementation of the PSE, which enables the recording of sociodemographic information in the socioeducational system, as well as the management of procedural deadlines, thus promoting a more automated and up-to-date process management; the mandatory biannual inspections of the open socioeducational programs, thus ensuring a more frequent monitoring of these programs and facilitating the periodic and state-specific collection of data; and the resumption of the publication of national data of the SINASE, thus providing access to detailed information on adolescents in the socioeducational system across the country, disaggregated by gender, race and type of measure, among other indicators, which is crucial for evaluating and adjusting policies. Based on the foregoing, the Commission considers that these measures constitute significant steps towards compliance with this recommendation, since they evidence the State's efforts to establish a system of updated and accessible juvenile justice indicators. Consequently, the Commission determines that compliance with this recommendation has progressed to **substantial partial**.

#### *Measures and information to advance compliance with the recommendation*

373. To guide full compliance with this recommendation, the Commission invites the State to expand public access to the Socioeducational Platform and to ensure that this platform is continuously updated and that disaggregated data is accessible. Additionally, the Commission encourages the State to develop mechanisms to allow for the participation of the civil society in the analysis and evaluation of juvenile justice data, thus fostering greater transparency and the enhancement of socioeducational policies.

<sup>266</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>267</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>268</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>269</sup> MDHC, "[Levantamento Nacional de dados do SINASE – 2023](#)."



## I. Lesbian, gay, bisexual, trans and intersex (LGBTI) persons

**Recommendation No. 45.** Make —and properly fund— efforts to systematically compile and analyze official statistical data on the prevalence and nature of violence and bias-based discrimination against LGBTI people.

374. In the 2023 follow-up report, the Commission took note of the creation of the National Secretariat for the Rights of LGBTQIA+ Persons under the MDCH, as a response to the historical demands from LGBTQIA+ social movements. In addition, under said secretariat, the Office for Promoting and Defending the Rights of LGBTQIA+ Persons was established, which is responsible for coordinating actions to combat violence and for promoting research on public policies impacting LGBTQIA+ persons. Furthermore, the National Council for the Rights of LGBTQIA+ Persons was set up to ensure social participation in the development and monitoring of government policies. The Commission welcomed this progress and commended the inclusion of measures to protect the rights of LGBTQIA+ persons in the 2024-2027 Multiyear Plan of the MDHC, as well as the creation of the national council as a key mechanism for social participation. However, the Commission considered that compliance with this recommendation remained partial and invited the State to continue gathering and processing data to enhance public policies and legislation aimed at protecting the rights of LGBTQIA+ persons and ensuring their social inclusion.<sup>270</sup>

### *Information on compliance*

375. In 2024, the State reported that it took significant steps to compile official data on violence and discrimination against LGBTQIA+ persons and underscored Technical Cooperation Agreement No. 09 of 2023 between the MDHC and the CNJ. This agreement aims to protect LGBTQIA+ rights against violence by promoting cooperation on studies, research and data collection to develop indicators on LGBTQIAphobic violence. The agreement outlines actions, such as the creation of institutional mechanisms and standardized procedures to assist victims, investigate crimes and prevent violence targeting LGBTQIA+ individuals, as well as the preparation of an analytical report on the “Rogéria Form” concerning the efforts to combat LGBTQIAphobic violence. Additionally, it provides for the elaboration of a unified diagnosis on the measures adopted against such violence in Brazil, which should take into consideration legal frameworks, claims on LGBTQphobia, academic research and justice and public safety infrastructure, in the context of the judicial decision on Direct Action of Unconstitutionality due to Omission (ADO) No. 26/DF that criminalizes LGBTQphobia.<sup>271</sup>

### *Analysis and level of compliance with the recommendation*

376. The Commission welcomes the signing of Technical Cooperation Agreement No. 09/2023 between the MDHC and the CNJ. Nevertheless, it underscores that this document contains general provisions concerning studies, research, the exchange of information and access to data on human rights, including LGBTQIA+ persons. While the Commission acknowledges the importance of this initiative, it considers that it does not constitute sufficient progress towards compliance with this recommendation. Based on the foregoing, the Commission concludes that compliance with the recommendation remains **partial**.

### *Measures and information to advance compliance with the recommendation*

377. To guide compliance with this recommendation, the Commission invites the State to implement the measures outlined in Technical Cooperation Agreement No. 09/2023 and to provide updates on the analytical report concerning the Rogéria Form, as well as on the unified diagnosis on the measures adopted against violence. Furthermore, the Commission urges the State to continue taking steps and allocating resources to ensure a comprehensive collection and analysis of LGBTQphobia data across all Brazilian states.

<sup>270</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 323–325.

<sup>271</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



**Recommendation No. 46.** Adopt such legislative measures and public policies as are needed to prevent violence, discrimination, and prejudice against persons based on their sexual orientation, identity, and/or gender expression, or whose sexual characteristics vary in accordance with masculine and feminine models. Those measures need to take into account the intersection of factors that may heighten the violence, such as ethnic/racial origin.

378. In the 2023 follow-up report, the State informed the Commission about the signing of a technical cooperation agreement between the MDHC and the CNJ. This agreement was aimed at facilitating studies, research and the exchange of information to develop indicators and produce evidence, disseminate information on human rights and combat violence against LGBTQIA+ persons. The Commission welcomed this initiative along with the aforementioned measures and acknowledged that the State had taken several steps to prevent violence and discrimination against the LGBTQIA+ community. Accordingly, the Commission determined that compliance with this recommendation had progressed to substantial partial and urged the State to continue implementing public policies, institutional strengthening actions and human rights awareness measures, including evaluation mechanisms to measure the true impact of these initiatives to prevent violence towards this group, with a special focus on violent acts against Afro-descendant trans women.<sup>272</sup>

#### *Information on compliance*

379. In 2024, the State reported that it adopted legislative and policy measures to prevent violence and discrimination against LGBTQIA+ persons, considering intersectional factors such as ethnicity and racial origin. A key development was the establishment of the National Strategy to Combat Violence against LGBTQIA+ Persons by means of Regulation No. 756 of December 2023, which focuses on safeguarding LGBTQIA+ persons in situations of vulnerability and social risk, particularly those facing discrimination due to their gender identity and expression, sexual orientation or sexual features. As part of this strategy, the National Program for the Strengthening of LGBTQIA+ Shelters or Acolher+ (Shelter+) program was created by means of Regulation No. 755, which seeks to protect the rights of LGBTQIA+ persons at social risk or with severed family ties, thus promoting the full enjoyment of their rights.<sup>273</sup>

380. In addition, the State indicated that the Aquilomba Brasil program and the PNGTAQ include specific goals to foster the participation of LGBTQIA+ persons in Quilombola communities by promoting gender and generational equity while safeguarding the physical integrity of these groups —especially women, young persons and LGBTQIA+ leaders— in territories in conflict.<sup>274</sup>

381. Finally, the State added that it devised measures specifically aimed at addressing violence against Afro-descendant trans women and other LGBTQIA+ persons who are in a vulnerable situation due to their gender identity and ethno-racial origin. These efforts included the diagnosis of risk factors for violence conducted by the MDHC under Technical Cooperation Agreement No. 134 of 2024, which sought to strengthen public services specialized in health, public safety, justice and social assistance for LGBTQIA+ persons suffering violence. In addition, the Empodera+ (Empower+) program, which was created in 2024 with the purpose of fostering the social and economic inclusion of LGBTQIA+ persons, is aimed at increasing employment and income generation opportunities for Afro-descendant and transgender persons in a vulnerable situation by addressing the barriers to access and stay in the formal labor market.<sup>275</sup>

#### *Analysis and level of compliance with the recommendation*

382. The Commission welcomes the policies implemented to address violence towards LGBTQIA+ persons, including the National Strategy to Combat Violence against LGBTQIA+ Persons, the Acolher+ program, the technical cooperation agreement and the Empodera+ program. Nevertheless, it observes that these

<sup>272</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 330–332.

<sup>273</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>274</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>275</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



measures were introduced in 2023 or 2024 and that they are still in the early implementation stages. With regard to the intersectional violence experienced by Afro-descendant LGBTQIA+ individuals, especially Afro-descendant trans women, the Commission emphasizes that the measures outlined by the State require further reinforcement. Finally, the Commission expresses its concern over the existence of nearly a hundred laws across different domains that, while claiming to protect rights, ultimately violate the rights of cross-dressing and trans persons in the country. Consequently, the Commission considers that compliance with this recommendation remains **partial**.

*Measures and information to advance compliance with the recommendation*

383. To guide compliance with this recommendation, the Commission invites the State to submit detailed information on the implementation of the National Strategy to Combat Violence against LGBTQIA+ Persons, the Acolher+ program, the technical cooperation agreement and the Empodera+ program, as well as on their outcomes, to assess whether these initiatives are sufficient to reduce violence against LGBTQIA+ persons in Brazil. The Commission requests additional information on the measures adopted to address violence against LGBTQIA+ individuals under an ethnic-racial approach with a special focus on Afro-descendant trans women.

**Recommendation No. 47.** Adopt comprehensive public policies that consolidate progress made as regards civic status (*cidadania*), equality, and dignity for the trans and diverse gender population, including guaranteeing the right to gender identity.

384. The State did not submit specific information on compliance with this recommendation in its 2023 follow-up report. However, the Commission acknowledged the State's expressed commitment to advancing the protection of the rights of LGBTI persons, as evidenced in the information provided regarding previously addressed recommendations and concluded that compliance with this recommendation remained partial. Furthermore, the Commission urged the State to develop inclusive public policies targeted at trans and gender-diverse persons, as well as to adopt a comprehensive approach that spanned from policy design to evaluation, and that included the active participation of the civil society and the development of indicators to assess their effectiveness.<sup>276</sup>

*Information on compliance*

385. The State reported that it adopted several measures to strengthen and evaluate inclusive public policies for the trans and gender-diverse population. The State referred to the National Strategy for Dignified Work, Education and Income Generation for LGBTQIA+ Persons, which was implemented in February 2024 to promote the social and economic inclusion of this community, with a particular focus on Afro-descendant and trans individuals in a vulnerable situation. The State also reported on the Empodera+ program, currently in its pilot phase in four states, which seeks to foster the employability and professional development of LGBTQIA+ persons, thus supporting their autonomy and dignity.<sup>277</sup>

386. In turn, the Acolher+ program, launched in December 2023, aims to protect and promote the rights of LGBTQIA+ individuals in a situation of social vulnerability, including those with severed family ties. This program, which selected 12 LGBTQIA+ Shelter Houses across five regions of the country in 2024, operates with the support of the civil society to provide shelter and access to social and cultural services, and to integrate these facilities into the state structure. The State reported that it entered into agreements to foster model shelter projects which also operate as cultural spaces, thus ensuring access to health services, decent employment and citizen engagement activities. The first public LGBTQIA+ Shelter House was established in Belém during 2023, and the network is expected to expand to other regions in 2025 under additional agreements with states and municipalities.<sup>278</sup> The State highlighted that both initiatives incorporate training

<sup>276</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 334–336.

<sup>277</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>278</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



on human rights and citizen participation under a cross-cutting approach using public technologies to foster the autonomy and dignity of the LGBTQIA+ community.<sup>279</sup>

387. Based on publicly available information, the Commission takes note of the existence of 77 anti-trans laws in both municipalities and 18 states and observes that more than a third of these have entered into force in the past year. The justification for these laws is to protect the rights of children, adolescents, and women and guarantee religious freedom. The IACHR also learned that some of these norms prohibit the use of neutral language and, in addition, would prevent the discussion of gender issues in schools, which would disagree with the decisions of the Federal Supreme Court (STF). At least 11 of these laws have already been declared unconstitutional by the courts<sup>280</sup>.

*Analysis and level of compliance with the recommendation*

388. The Commission highly appreciates the compliance measures reported by the State, particularly the National Strategy for Dignified Work, Education and Income Generation for LGBTQIA+ Persons, the Empodera+ program and the Acolher+ program. Based on the information submitted by the State, the Commission acknowledges that these policies constitute progress towards advancing rights, equality and dignity for the trans and gender-diverse population. However, these are all recent measures introduced in 2023 or 2024 and there is no information available on their impact. Consequently, the Commission considers that compliance with this recommendation remains **partial**.

*Measures and information to advance compliance with the recommendation*

389. To guide full compliance with this recommendation, the Commission invites the State to provide information on the implementation of the reported measures to ensure the development of comprehensive public policies that consolidate progress in terms of rights, equality and dignity for the trans and gender-diverse population, including safeguarding the right to gender identity. Finally, it highlights the need to review the aforementioned laws that would have the capacity to violate the rights of transvestites and transsexuals.

**Recommendation No. 48.** Create and implement policies that guarantee the right of LGBTI persons, especially trans and diverse gender persons, to access healthcare services without being subjected to discrimination and violence.

390. In the 2023 follow-up report, the Commission took note of the initiatives undertaken by the Ministry of Health and the MDHC aimed at guaranteeing the right to health of LGBTQIA+ persons and highlighted the strengthening and expansion of the Transsexualization Process policy as a crucial step forward for the trans community in Brazil. In view of these measures, the Commission considered that compliance with this recommendation had progressed to partial and encouraged the State to continue reinforcing this policy, including through the implementation of monitoring and evaluation mechanisms. The Commission also invited the State to provide information on the policies adopted to ensure that other LGBTI persons could access their right to health without discrimination.<sup>281</sup>

*Information on compliance*

391. In 2024, the State reported on the implementation of specific policies to ensure access to health services for LGBTQIA+ individuals. In this regard, it noted that the National Comprehensive Health Policy for the LGBTQIA+ Community, established in 2011, seeks to ensure adequate care at SUS centers by addressing barriers to access and promoting equity. The State also referred to the Specialized Healthcare Program for the Trans Community (PAESPopTrans) of 2024, designed to expand specialized SUS services for trans persons.

<sup>279</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>280</sup> Folha de S. Paulo. Brazil has at least 77 anti-trans laws in force in 18 states, January 28, 2024.

<sup>281</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 338–342.



This program complements the LGBTQIA+ comprehensive health policy and is focused on expanding services and training professionals to deliver equitable and inclusive care.<sup>282</sup>

392. Regarding the Transsexualization Process policy, the State reported that it provides access to health services for gender transition, including hormone therapies and sex reassignment surgeries, funded by the Strategic Actions and Compensation Fund (FAEC). The policy is currently under review by an interministerial working group established in 2023, which issued a final report suggesting improvements to expand services and address the shortage of qualified hospitals and the high demand for specialized care. The State further noted that there are 10 hospital services and 12 outpatient clinics within the SUS network to treat the trans community, along with 104 local services, although not all of them are officially authorized. The government aims to expand these services in the coming years, prioritizing regional coverage and reducing waiting lists.<sup>283</sup>

393. The State informed that the impact of the Transsexualization Process policy is constantly monitored through periodic reports that evaluate the number of services provided, the expansion of the services and the procedures performed. The State also referred to the use of remote consultation and treatment services as a mechanism to enhance process management and monitoring. Additionally, the Office for Regulatory Impact Analysis prepares annual reports on performance and budget impact analysis to ensure the efficient use of resources and the continuous expansion of the services, and the interministerial working group recommends monitoring improvements to increase accessibility and efficiency within the SUS for trans persons.<sup>284</sup>

*Analysis and level of compliance with the recommendation*

394. The Commission welcomes the measures reported by the State to implement policies that guarantee the right to health for LGBTQIA+ individuals, in particular, the PAESPopTrans program, introduced in 2024 as a mechanism to strengthen the National Comprehensive Health Policy for the LGBTQIA+ Community with regard to trans persons. The Commission also commends the efforts to expand the services offered under the Transsexualization Process policy and address shortages in authorized hospitals, as well as meet the high demand for specialized care. However, it regrets that no additional health centers were authorized to provide services to trans persons. Considering that the PAESPopTrans was established in 2024, the Commission notes that an evaluation of its outcomes and effectiveness in guaranteeing the right to health for LGBTQIA+ individuals is not yet available. Moreover, it notes that the interministerial working group tasked with evaluating the Transsexualization Process policy recommended strengthening its monitoring to increase the accessibility and efficiency of the services offered by the SUS to trans persons, which is likely already underway. Based on the foregoing, the Commission determines that compliance with this recommendation remains **partial**.

*Measures and information to advance compliance with the recommendation*

395. To advance towards full compliance with this recommendation, the Commission encourages the State to continue enhancing its public health policies targeted at LGBTQIA+ individuals, with a special focus on trans persons, and underscores the importance of receiving additional information on the implementation of the PAESPopTrans and the authorization of new health centers to provide treatment under the Transsexualization Process policy.

**Recommendation No. 49.** Adopt any legislative and public policy measures needed to promote the rights of LGBTI persons, including those conducive to cultural changes via an inclusive education with a diversified gender perspective.

<sup>282</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>283</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>284</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



396. In the 2023 follow-up report, the State informed the Commission about the participation of the MEC in the National Council for the Rights of LGBTQIA+ Persons and the creation of a working group to shed light on historic human rights violations against LGBTQIA+ individuals to guarantee their rights to truth, memory and dignity, as well as to foster inclusion and nondiscrimination. The Commission welcomed this progress towards compliance with this recommendation and emphasized the importance of adopting educational and cultural measures to promote the rights of LGBTQIA+ persons.<sup>285</sup>

*Information on compliance*

397. In 2024, the State reported that, to promote inclusive education on gender diversity, the MEC issued Regulation No. 614 in July 2024 to implement policies against harassment, prejudice and discrimination in schools. Under said regulation, a technical working group (GTT) was created, which is tasked with investigating these issues, organizing conferences and seminars and offering recommendations to the MEC on programs and policies for monitoring and evaluation. The State added that it implemented quotas for trans individuals in several Brazilian universities, such as the Federal University of the ABC Region and the University of Bahia State, with a view to improving access to higher education for this population.<sup>286</sup>

398. Furthermore, the State informed that, in addition to the initiatives undertaken in universities, the federal government announced in 2023 that 2 percent of the positions in the upcoming labor auditor selection process will be reserved for trans persons, in an attempt to reduce marginalization and offer education and employment opportunities to a population that has historically faced barriers. These measures seek to correct the historical exclusion of trans people from educational and professional environments. In addition, the INEP ensures that individuals are able to use their chosen name in national exams such as the ENEM and ENCCEJA, thus allowing participants to identify themselves according to their gender identity.<sup>287</sup>

*Analysis and level of compliance with the recommendation*

399. The Commission welcomes the issuance of Regulation No. 614, which established a technical working group tasked with conducting research to help with the implementation of policies against harassment, prejudice and discrimination in schools. It also commends the introduction of quotas for trans individuals into public universities and public service selection processes. While these measures constitute positive steps towards compliance with this recommendation, the Commission considers them insufficient to ensure a cultural shift with regard to the rights of LGBTQIA+ persons through education. Consequently, the Commission determines that compliance with this recommendation remains **pending**.

*Measures and information to advance compliance with the recommendation*

400. To guide the State towards full compliance with this recommendation, the Commission underscores the importance of implementing public education policies aimed at fostering meaningful cultural change and highlights the potential of the technical working group to develop a robust antidiscrimination policy in schools that upholds the rights of LGBTQIA+ persons.

**Recommendation No. 50.** Continue making headway with the institutional framework for the human rights agenda of LGBTI persons and ensuring its consolidation by endowing it with adequate budget and trained personnel who will work effectively to uphold it.

401. In the 2023 follow-up report, the State informed about the allocation of resources to the National Secretariat for the Rights of LGBTQIA+ Persons as part of the 2024-2027 Multiyear Plan, as well as the issuance of a public call for training defenders focused on LGBTQIA+ rights. The Commission acknowledged the establishment of said secretariat as a step towards institutional strengthening, determined that compliance

<sup>285</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 344–346.

<sup>286</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>287</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



with this recommendation had progressed to partial and invited the State to continue reinforcing these institutions by ensuring adequate resources and personnel.<sup>288</sup>

*Information on compliance*

402. In 2024, the State reported that it earmarked resources for policies and programs focused on the human rights of LGBTQIA+ persons. The State highlighted that it has signed a decentralized execution agreement with FUNDACENTRO with the purpose of supporting the implementation of the Empodera+ program, under which 3 million Brazilian reais will be invested. The State also allocated 1,633,333 Brazilian reais to the Human Rights of LGBTQIA+ Persons: Social Participation and the Right to Health program under the Bem Viver+ (Quality of life+) program. In addition, the State channeled funds into hiring personnel to organize the Fourth National Conference on the Rights of LGBTQIA+ Persons. The resources provided in 2024 amounted to 20 million Brazilian reais and were aimed at supporting the implementation of policies and programs targeting this population.<sup>289</sup>

403. Furthermore, the State reported on the implementation of various measures aimed at training personnel on LGBTQIA+ rights. In this regard, the State indicated that it offers the Course on the Promotion and Defense of the Rights of LGBTQIA+ Persons in collaboration with the School of Public Administration (ENAP), a certified, 30-hour public course which had been completed by 25,690 people as of the date of this report. The State added that it provides weekly training to personnel involved in the Empodera+ program and quarterly training to the assistance network. It also runs a course for users focused on rights, health and occupational safety. Moreover, the Acolher+ program kicked off with a seminar on methodology, and meetings are held every two weeks to discuss and evaluate topics related to care and service enhancement by means of both qualitative and quantitative analysis methods.<sup>290</sup>

404. Finally, the State reported on the key initiatives undertaken by the National Council for the Rights of LGBTQIA+ Persons including: i) issuing Joint Resolution No. 1 of March 26, 2024, which outlines standards for the treatment towards LGBTQIA+ persons deprived of liberty; ii) participating in the Intercouncil Forum, where it submitted proposals for the Participatory Climate Plan within the framework of the national mitigation and adaptation strategies; iii) collaborating with All Out, a nongovernmental organization, on a joint fundraising campaign between June and August 2024 to support LGBTQIA+ individuals impacted by the climate crisis in Rio Grande do Sul; and iv) planning the Fourth National Conference on the Rights of LGBTQIA+ Persons, to be held in October 2025 in Brasilia.<sup>291</sup>

*Analysis and level of compliance with the recommendation*

405. The Commission welcomes the measures reported by the State to continue making progress in establishing an institutional framework for the human rights agenda of LGBTQIA+ persons. It highlights initiatives such as the Empodera+ program, aimed at promoting the inclusion of LGBTQIA+ persons in the labor market; the organization of the Fourth National Conference on the Rights of LGBTQIA+ Persons; the course offered by the ENAP, which has already been completed by 25,000 participants; and the creation of the National Council for the Rights of LGBTQIA+ Persons. Based on the information provided, the Commission considers that the State has invested resources to set an institutional framework for LGBTQIA+ persons and therefore concludes that compliance with this recommendation has progressed to **substantial partial**.

*Measures and information to advance compliance with the recommendation*

406. To guide the State towards full compliance with this recommendation, the Commission emphasizes the importance of guaranteeing, for instance, the allocation of resources to the Empodera+

<sup>288</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 348–351.

<sup>289</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>290</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>291</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



program, so that it can evolve into an internalized and permanent social public policy guaranteed by the State. In addition, funds should be secured to hold future editions of the National Conference and to ensure the operation and structure of the National Council. Moreover, the Commission urges the State to continue reinforcing institutions and policies aimed at LGBTQIA+ persons.

## J. Persons with disabilities

**Recommendation No. 51.** Adopt measures designed to guarantee equality before the law for persons with disabilities, safeguarding their legal capacity on an equal footing with other people.

407. In the 2023 follow-up report, the State highlighted its commitment to the Convention on the Rights of Persons with Disabilities and the progress made by means of the Viver sem Limite II (Living without limits II) plan, which seeks to promote the civil, political, economic, social and cultural rights of persons with disabilities. The Commission welcomed the strengthening of the legal framework and the implementation of this comprehensive plan, considered that compliance with this recommendation had progressed to partial thanks to these initiatives and encouraged the State to continue adopting comprehensive measures and reporting on their design and implementation to guarantee the equality of persons with disabilities.<sup>292</sup>

### *Information on compliance*

408. In 2024, the State reported that the Novo Viver Sem Limite (New living without limits, NVSL) plan, which is the national plan on the rights of persons with disabilities, had been launched in November 2023. The State informed that the NVSL, which was made up of 95 measures and was backed by an investment of 6.5 trillion Brazilian reais, has taken considerable steps forward, such as the adoption of new health regulations for persons with disabilities, the setting up of laboratories in the National Network for Research, Technological Development and Certification of Technical Assistance, and the creation of an observatory to ensure transparency and the social oversight of the NVSL activities. The observatory provides updates on the progress of the NVSL initiatives and shares news on states that have adhered to the plan, as well as other information resources.<sup>293</sup>

409. In addition, the State reported that the NVSL is managed by means of a joint effort between the Managing Committee and the Executive Group of the Interministerial Chamber for the Rights of Persons with Disabilities (CIDPD), under the MDHC. The State noted that this is the first time that a national plan for persons with disabilities has an interministerial governance structure, which includes technical chambers dedicated to areas such as public policies and psychosocial disabilities, education and employment, and technological assistance and innovation. The first chamber is about to be set up. Getting states, municipalities and the federal district to voluntarily adhere to the NVSL is a priority for 2024, as it facilitates access to earmarked resources. Furthermore, according to the State, as of September 2024, six states (Alagoas, Bahia, Ceará, Maranhão, Paraíba and Piauí) have joined the plan and, due to the October 2024 election, interested municipalities will be able to join in 2025.<sup>294</sup>

410. To ensure that persons with disabilities fully enjoy their legal capacity, the State reported that it adopted measures to adapt its legislation to the Convention on the Rights of Persons with Disabilities, which holds constitutional status and prevails over ordinary laws, and it informed that this convention tacitly repealed prior conflicting norms and serves as a guiding framework for new laws and judicial and administrative decisions. With regard to the Brazilian Inclusion Law (LBI), which has been in force since 2015, the State noted that said law amended Civil Code provisions concerning the civil capacity of persons with disabilities and that Article 6 of the LBI sets forth that disability does not affect the full civil capacity of persons with disabilities, thus enabling them to exercise rights such as the right to marriage, sexual and reproductive autonomy, family decisions and equal opportunities in adoption on an equal footing with other people. The LBI

<sup>292</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 353–356.

<sup>293</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>294</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



further ensures equal access to justice for persons with disabilities and mandates the State to provide training on the rights of persons with disabilities to judicial personnel. To implement these protections, the CNJ issued Resolution No. 401 of 2021, which governs accessibility within the judiciary and the availability of assistive technology.<sup>295</sup>

*Analysis and level of compliance with the recommendation*

411. The Commission commends the public policies implemented by the State, which encompass a series of actions aimed at guaranteeing equality before the law for persons with disabilities, as well as acknowledging the Convention on the Rights of Persons with Disabilities as an instrument with constitutional status. Based on the foregoing and on the information reported on the LBI and its implementation, the Commission concludes that the recommendation has reached **full compliance**. As a result, the Commission will cease its follow-up as of next year.

**Recommendation No. 52.** Eliminate laws, regulations, and practices that discriminate against persons with disabilities, including in connection with healthcare and, in particular, with respect to medical treatment.

412. In the 2023 follow-up report, the State informed that it had reviewed and enhanced the Care Network for Persons with Disabilities (RCPD), and that it had updated the National Health Policy on Persons with Disabilities to incorporate an intersectional approach. The State also highlighted the 2015 Statute on Persons with Disabilities, which defines discrimination based on disability and classifies discriminatory acts as criminal offenses. The Commission welcomed this progress, considered that compliance with this recommendation had progressed to partial and suggested that the State should continue revising and updating legislation to eliminate discriminatory provisions and fully guarantee the rights of persons with disabilities.<sup>296</sup>

*Information on compliance*

413. In 2024, the State reported that the RCPD, established by the Ministry of Health in 2012, seeks to create and expand SUS care facilities for persons with disabilities. This network operates in coordination with Basic Care, the Psychosocial Care Network and the SUAS to offer outpatient services nationwide. In 2023, GM/MS Regulation No. 1526 introduced updates and increased federal financial incentives by 25- 35 percent for the funding of Specialized Rehabilitation Centers (CERs) and Orthopedic Offices and Dental Specialty Centers (CEOs). Furthermore, additional resources were allocated to adapted medical transportation, and the budget for CERs serving individuals with autism spectrum disorder (ASD) was increased by 20 percent. The network comprises 309 CERs and 51 orthopedic offices, and 30 new CERs and 23 additional orthopedic offices are expected to be set up across 24 states, the progress of which can be monitored through the government portal.<sup>297</sup>

414. The State added that the National Policy on Comprehensive Healthcare for Persons with Disabilities (PNAISPD), updated in October 2023, seeks to improve the health and quality of life of persons with disabilities through the SUS. This policy focuses on expanding access to comprehensive care and fostering social inclusion under a biopsychosocial approach. It is implemented under the coordination of care networks, particularly in primary care, and includes the provision of assistive technologies and rehabilitation services to promote accessibility and community participation. The expansion of the RCPD is facilitating the gradual implementation of this policy nationwide, thus strengthening cross-sectoral coordination and integrating actions at the territorial level.<sup>298</sup>

415. In turn, civil society organizations claimed that thousands of persons with disabilities in Brazil spend their lives in institutional settings, such as hospitals or inclusive residences. While these environments

<sup>295</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>296</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 359–363.

<sup>297</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>298</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



vary, they are reportedly detrimental to individuals, inasmuch as these facilities keep them apart from their families, thus limiting personal autonomy and confining them to depersonalized and overcrowded centers. Civil society organizations claimed that the Viver sem Limite II plan, launched in 2023, fails to address pathways for deinstitutionalization or provide alternatives for independent living within the community. Although inclusive residences are reportedly in better conditions than large institutions, they still impose restrictions on the autonomy of residents. Furthermore, civil society organizations called on the State to evaluate existing institutional arrangements and to develop community-based services aimed at promoting the independence of persons with disabilities, in line with the recommendations of the United Nations Committee on the Rights of Persons with Disabilities.<sup>299</sup>

*Analysis and level of compliance with the recommendation*

416. Based on the information submitted by the State, the current legislation aims to adopt a differentiated approach by means of affirmative measures even within the health sector. However, the Commission observes that, according to civil society organizations, persons with disabilities continue to face institutionalization processes, even though international standards call for mechanisms that guarantee a social model of inclusion for these individuals.

417. In view of the foregoing, the Commission considers that the laws in place seek to prevent discrimination and provide for significant affirmative actions targeted at this group. Accordingly, it concludes that compliance with this recommendation has progressed to **substantial partial**.

*Measures and information to advance compliance with the recommendation*

418. To guide full compliance with this recommendation, the Commission invites the State to provide information on any laws or policies implemented to ensure institutional reception models and guarantee non-discrimination and the full exercise of the rights of institutionalized persons with disabilities.

**Recommendation No. 53.** Adopt measures designed to guarantee the right of persons with disabilities to the highest possible state of health, on an equal footing with other people, eliminating any barriers that prevent or obstruct access to health information, services, and assets.

419. In the 2023 follow-up report, the State informed the Commission about the creation of a working group to implement the Standardized Biopsychosocial Disability Assessment under a comprehensive and participatory approach. The State also highlighted the training of health professionals, the expansion of SUS services, the improvement of regulatory aspects associated with the RCPD, the revision of the National Health Policy and the joint efforts under the Viver sem Limite II plan. The Commission acknowledged this progress, considered that compliance with this recommendation had progressed to partial and suggested that the State should continue adopting specific measures to ensure that persons with disabilities can access health services on an equal footing with other people.<sup>300</sup>

*Information on compliance*

420. In 2024, the State reported that the interministerial working group established in 2023 was tasked with developing a proposal for a standardized biopsychosocial disability assessment in Brazil. This model moves beyond the traditional medical approach by understanding disability as the result of the interaction between individual limitations and social and environmental barriers, in line with the Convention on the Rights of Persons with Disabilities and the LBI. The working group's final report outlines a detailed methodology for implementing this unified assessment, with recommendations for an inclusive, accessible and transparent process. The working group was made of representatives from various ministries, specialists and

<sup>299</sup> HRW, Response to the request for information, October 2024.

<sup>300</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 365–371.



members of the civil society, and its discussions were open and broadcasted live to ensure transparency and foster broad social participation.<sup>301</sup>

421. In addition, the State informed that the aforementioned final report underscored the importance of the standardized biopsychosocial assessment in ensuring equal access to public policies for persons with disabilities in Brazil by acknowledging disability as the interaction between health conditions, personal factors and social barriers. The report suggests that the Modified Brazilian Functionality Instrument (IFBrM) should be used as the official evaluation tool and that the National Disability Evaluation System (SISNADEF) should be created to manage the evaluation process at the national level. The report also recommends training interdisciplinary teams, revising regulations, developing monitoring indicators, implementing an accessible communication plan and creating a National Managing Committee to oversee and coordinate the SISNADEF.<sup>302</sup>

422. Furthermore, the State indicated that the adoption of the Standardized Biopsychosocial Disability Assessment was still under study so as to determine its financial and social impact. In addition, a technical cooperation agreement was entered into between various ministries, and a protocol of intentions was signed with the IPEA to analyze the budgetary impact and to design an implementation strategy. An agreement with the MDA was also reached to coordinate cross-sectoral actions within the National Care Policy. Finally, a series of collaborations were established with the states of Bahia and Piauí to conduct implementation studies and train evaluators.<sup>303</sup>

423. The State added that it continues to provide training to RCPD managers and health professionals by means of on-site monitoring and free courses available on the UMA-SUS and AVA-SUS educational platforms. The State is also developing a specialist course in cooperation with Fiocruz, as well as a prosthetics and orthotics technician course. As for the services available, 86 new construction projects have been approved since 2023, which require an investment of over 421 million Brazilian reais and significant budget increases compared to previous years. The State finally reported that the revision of the National Health Policy for Persons with Disabilities had been completed with the updates on regulations issued in 2023.<sup>304</sup>

*Analysis and level of compliance with the recommendation*

424. The Commission notes that some of the measures reported by the State are in the development and implementation phases. While the information submitted by the State demonstrates progress in adopting measures to guarantee the right to health of persons with disabilities, certain actions have yet to be developed. Based on the foregoing, the Commission considers that compliance with this recommendation has progressed to **substantial partial**.

*Measures and information to advance compliance with the recommendation*

425. The Commission invites the State to continue taking steps to adopt and strengthen the reported measures and to provide information that shows their full implementation.

**Recommendation No. 54.** Put a stop to all coercive practices, guaranteeing the free and informed consent of persons with disabilities to the medical care they receive, and provide them with any support they need to make decisions, including mental healthcare.

426. In the 2023 follow-up report, the State highlighted its commitment to the reparation measures ordered by the Inter-American Court of Human Rights in *Ximenes-Lopes v. Brazil* and underscored the allocation of resources to strengthen the Psychosocial Care Network and resume the National Health Conferences. The

<sup>301</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>302</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>303</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>304</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



State reported on the implementation of the Human Rights and Mental Health Training Program and the establishment of policies against institutional settings for persons with disabilities, as required by CNJ's Resolution No. 487 of 2023. The Commission considered that compliance with this recommendation had progressed to partial and suggested that the State should continue implementing measures to ensure informed consent and tailored support in medical and mental healthcare.

*Information on compliance*

427. In 2024, the State reported that it ensured free and informed consent in medical services for persons with disabilities within the framework of the LBI of 2015, based on the Convention on the Rights of Persons with Disabilities. In addition, according to the State, the MDHC operates the Disque 100 helpline to receive complaints of human rights violations. Regarding the Psychosocial Care Network, the State informed that services had been expanded and funding had been increased from 1.567 billion Brazilian reais in 2021 to 2.117 billion Brazilian reais in 2024. The State also extended the scope of the De Volta pra Casa (Return home) program, which supports the psychosocial rehabilitation of individuals with a history of prolonged hospitalization, thus fostering personal autonomy and the right to live in freedom. Furthermore, the Ministry of Health established the Mental Health Department to strengthen human rights in this area, and the SESAI/MS provides psychosocial care to indigenous populations by introducing traditional practices to address issues such as suicide and substance abuse in these communities.<sup>305</sup>

428. Moreover, the State emphasized that the working group tasked with revising the Standardized Biopsychosocial Disability Assessment completed its work in May 2024, and that this revision will have an impact on the mental health assessment model, which will shift away from the predominant biomedical/psychiatric model. The MDHC is holding a technical roundtable on public policies and psychosocial disability to build consensus on mental health policies that address the emerging needs of recent years, particularly those concerning people with ASD and deinstitutionalization, in accordance with CNJ's Resolution No. 487.<sup>306</sup>

*Analysis and level of compliance with the recommendation*

429. The Commission commends the actions reported by the State but notes that these are focused on rehabilitation, budget increases and evaluation mechanisms for existing measures. The State did not provide information on any specific actions to ensure the free and informed consent of persons with disabilities in medical care by means of decision-making support systems, including mental healthcare services. While the reported measures have a positive impact on the rights of persons with disabilities, the Commission does not have sufficient information to confirm the implementation of support systems for this population. Therefore, compliance with this recommendation remains **partial**.

*Measures and information to advance compliance with the recommendation*

430. To advance compliance with this recommendation, the State should provide information on the actions implemented to ensure the availability of support systems for persons with disabilities. In this regard, the Commission encourages the State to explain how the operation of these systems is guaranteed in practice, beyond the scope of the LBI.

**Recommendation No. 55.** Guarantee the rights of persons with disabilities to sexual and reproductive healthcare, especially as regards consent, privacy, and protection against cruel, inhuman, and degrading treatment.

431. In the 2023 follow-up report, the State made reference to the Viver sem Limite II plan, which provides for the installation of accessible equipment in primary and specialized care, such as gynecological

<sup>305</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>306</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



examination tables and breast examination equipment. The State also focused on reducing barriers and violence against persons with disabilities through training targeted at healthcare professionals. However, the Commission considered that it had not received sufficient information on measures to ensure informed consent in sexual and reproductive health services, the right to privacy and protection against cruel treatment. Therefore, it found that compliance with this recommendation remained pending and requested additional information on these specific issues.<sup>307</sup>

#### *Information on compliance*

432. In 2024, the State reported that the Brazilian Law on the Inclusion of Persons with Disabilities (Law No. 13,146 of 2015) guarantees the full exercise of the rights of persons with disabilities as regards access to sexual and reproductive healthcare. This law also protects persons with disabilities from cruel, inhuman or degrading treatment in these contexts and establishes that cases involving violence must be reported to the competent authorities. The State also informed that the right of persons with disabilities to privacy and confidentiality in sexual and reproductive health services is protected by both this law and the General Law on the Protection of Personal Data (LGPD, Law No. 13,709 of 2018).<sup>308</sup>

#### *Analysis and level of compliance with the recommendation*

433. The Commission considers that the enactment of the Brazilian Law on the Inclusion of Persons with Disabilities represents a significant step towards ensuring the rights of this population in Brazil. However, it emphasizes that the mere enactment of a specialized law does not necessarily guarantee the protection of and respect for the human rights enshrined therein. In this regard, the Commission notes that, while the State reported on the content of this law, it did not detail how its application is ensured in practice through specific measures, particularly with regard to sexual and reproductive rights. Consequently, the Commission determines that compliance with this recommendation remains **pending**.

#### *Measures and information to advance compliance with the recommendation*

434. The Commission invites the State to report on the enforcement of the Brazilian Law on the Inclusion of Persons with Disabilities and on the measures adopted to ensure its effective application, particularly as regards the guarantee of sexual and reproductive healthcare for persons with disabilities, protecting their privacy and contemplating consent.

**Recommendation No. 56.** Take steps to ensure that persons with disabilities have access to justice on an equal footing with others, by eliminating discriminatory practices, removing obstacles of any kind, and making reasonable adjustments to facilitate access.

435. In the 2023 follow-up report, the State announced the resumption of municipal, state and national conferences on the rights of persons with disabilities after a seven-year hiatus. It also highlighted CNJ's Resolution No. 401 of 2021, which establishes guidelines on access to justice, and Resolution No. 487 of 2023, which introduces a policy against institutionalization measures for detained persons with psychosocial disabilities, in line with the jurisprudence of the Inter-American Court of Human Rights and international conventions. The Commission welcomed these measures as a step towards inclusive justice and requested additional information regarding the implementation of these resolutions and the Committee for Persons with Disabilities.<sup>309</sup>

<sup>307</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 380–383.

<sup>308</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>309</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 385–389.



*Information on compliance*

436. In 2024, the State reported that Articles 79 to 87 of the Brazilian Law on the Inclusion of Persons with Disabilities (Law No. 13,146 of 2015) ensure effective and equal access to justice for persons with disabilities. In addition, following municipal, state and district conferences, the Fifth National Conference on the Rights of Persons with Disabilities was held between July 14 and July 17, 2024, whose central theme was “Current and Future Scenarios in the Implementation of the Rights of Persons with Disabilities.”<sup>310</sup>

437. Furthermore, the State referred to the significant progress made in the implementation of the Judiciary Policy Against Institutionalization Measures following the issuance of CNJ’s Resolution No. 487/2023. Achievements under this policy include the signing of a protocol of intent with the Ministry of Health for interinstitutional cooperation, the publication of an explanatory manual to guide its application and the creation of an informative page on the CNJ’s website. In addition, 29 committees or working groups have been established across 25 states to monitor implementation, and 15 states have prohibited new admissions to custodial psychiatric hospitals. Since the resolution was passed, 1,410 persons have been released from institutional settings, reintegrated into their family environment or granted access to housing and social support services. Moreover, the number of Therapeutic Measures Evaluation and Monitoring Teams (EAP) has increased from 9 to 22 in 16 states. At the federal level, the National Interinstitutional Committee (CONIMPA) developed a protocol to coordinate cross-sectoral actions and services to strengthen policy implementation in collaboration with the executive branch.<sup>311</sup>

438. Finally, the State reported that CNJ’s Resolution No. 401 of 2021 sets out guidelines to ensure accessibility and inclusion for persons with disabilities in the judiciary and regulates the operation of accessibility and inclusion units. According to the CUMPRIDEC’s monitoring procedure, in 2022, 75 out of the 91 national courts (approximately 80 percent) partially complied with the resolution. However, the report noted that 13 courts failed to provide information and that three submitted insufficient data.<sup>312</sup>

*Analysis and level of compliance with the recommendation*

439. The Commission commends the public policies designed to guarantee equality before the law for persons with disabilities. Similarly, it considers that encouraging the discontinuation of institutionalization processes is a positive step towards ensuring the rights of persons with disabilities under a social model approach. Notwithstanding that, this recommendation specifically addresses the need to provide reasonable accommodations to ensure access to justice. In this regard, even though the State reported on CNJ’s Resolution No. 401 of 2021, which lays down guidelines to ensure accessibility and inclusion for persons with disabilities in the judiciary, it did not provide information on any specific measures and/or reasonable accommodations implemented in compliance with these guidelines. Therefore, the Commission concludes that compliance with this recommendation remains **partial**.

*Measures and information to advance compliance with the recommendation*

440. To guide compliance with this recommendation, the Commission reiterates its invitation to the State to continue providing information on the measures adopted to guarantee and strengthen access to justice for persons with disabilities in Brazil. In this regard, the Commission encourages the State to specify the measures effectively implemented under the aforementioned resolutions and to report on the progress achieved in creating the committee.

<sup>310</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>311</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>312</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



## K. Persons deprived of liberty

**Recommendation No. 57.** Adopt judicial, legislative, and administrative measures to reduce overcrowding and use pretrial detention in accordance with the principles of exceptionality, legality, proportionality, and necessity. Above all, promote the application of alternatives to incarceration, by embracing a gender perspective and differentiated approaches. In particular, the State must do whatever it takes to ensure that the Federal Supreme Court's decision on house arrest with a gender perspective is actually implemented in all states.

441. In the 2023 follow-up report, the State reported several initiatives to improve the prison system, including the Fazendo Justiça (Administering justice) program, aimed at streamlining the process of entry to and exit from the prison system and holding custody hearings within 24 hours. Also, a methodology was developed to manage prison occupation and promote alternative measures to incarceration based on restorative justice. Despite these efforts, the Commission found that the prison population remained on the rise, with an insufficient number of vacancies and high imprisonment rates for Afro-descendants, and it expressed its concern over outdated and disaggregated data on vulnerable groups. Consequently, the Commission considered that compliance with this recommendation was partial and urged the State to take alternative measures to prison, improve overcrowding management and collect more accurate data on -prison population.<sup>313</sup>

### *Information on compliance*

442. In 2024, as part of the measures to reduce overcrowding in Brazilian prisons, the State informed that the General Directorate of Citizenship and Alternative Measures to Prison, under the MJSP, invested over 36 million Brazilian reais in several states to implement policies related to alternative measures to incarceration, assist people leaving the prison system and electronically monitor them, and provide the service of Assistance to Persons under Custody (APEC). Furthermore, the State emphasized that the above-mentioned office published a public call for proposals to secure financial support, through the National Penitentiary Fund, to hire or expand multidisciplinary teams working on the Electronic Monitoring of People Policy in the states of Amazonas, Bahia, Ceará, Paraíba, Roraima, Santa Catarina and Sergipe in 2024.<sup>314</sup>

443. The National Coordination of Penal Alternatives works on reducing mass incarceration through the APEC (Penal Alternatives and Social Reintegration Support) and the Integrated Penal Alternatives Centers (CIAP). APEC operates during the entry phase into the penitentiary system, with a multidisciplinary team that assists individuals before and after the custody hearing, ensuring emergency care, guidance, and referral for those presenting vulnerabilities. Additionally, it provides reports to support the judiciary's decisions regarding pretrial detention or provisional release. In this context, custody hearings, implemented in 2015, aim to guarantee fundamental rights and judicial oversight of the legality of detention, ensuring that the detained individual is presented before a judge within 24 hours. APEC strengthens this protection by offering assistance throughout the process, contributing to the reduction of mass incarceration and promoting the application of alternative precautionary measures. Furthermore, in response to overcrowding in Brazilian prisons (642,491 prisoners in the second half of 2023), CIAP monitors the implementation of alternatives to imprisonment, promoting accountability and addressing the social vulnerabilities of those under such measures. Following the ADPF 347 of the Supreme Federal Court (STF), which recognized the structural crisis in the penitentiary system, these initiatives seek to consolidate the custody hearing as an essential mechanism to assess the real need for incarceration, ensuring proportional decisions while considering the social circumstances of the detained individual.<sup>315</sup>

444. In addition, the State pointed out that it took measures to avoid discrimination and ensure equal treatment, adopting a gender-sensitive approach to alternative measures to prison. The State explained

<sup>313</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 391–403.

<sup>314</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>315</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.



that the Code of Criminal Procedure provides for house arrest in specific cases, such as those involving people older than 80 years of age, people with a serious illness, pregnant women, or people responsible for taking care of children under 6 years of age or people with disabilities. The State added that the pretrial detention of pregnant women or mothers of children or people with disabilities may turn into a house arrest, provided they have not committed violent crimes or crimes against their children. These provisions are backed by a collective *habeas corpus* granted by the STF of 2018, which allows for exceptions in “extraordinary” cases.<sup>316</sup>

445. The State also reported that, in 2024, the Fazenda Justiça program, a collaboration between the CNJ and the UNDP, moved forward in several areas to transform the criminal justice system and the socioeducational system. As for proportionality in the criminal justice system, the State launched the Vacancy Control Center in Maranhão and took significant steps forward in other states. Custody services were put in place in 24 states and an international conference on electronic monitoring was held with 1,400 attendees. In terms of citizenship, the State reported that community councils were strengthened and that 30 new social offices were opened, providing assistance to over 27,000 people that have left the prison system and to their families. Also, 17,000 persons deprived of liberty were identified, and over 10,000 IDs were issued.<sup>317</sup>

446. As for the socioeducational system, the State explained that inspection methodologies were implemented, manuals were prepared and vacancy centers were set up in seven states, with 400 inspections every two months and 450 registered units in the national system. The program undertook cross-cutting actions, such as a joint effort in the criminal justice field, resulting in 21,000 releases, and a mental health seminar with 1,900 registrations and 12,300 views. Furthermore, the State reported that 10 states now provide institutional support to victims in the judiciary.<sup>318</sup>

447. Finally, the State indicated that the penitentiary system uses the Information System of the National Penitentiary Department (SISDEPEN) to collect detailed and updated data on prison population, thus observing Law No. 12,714 of 2012. This tool gathers information every six months on penitentiary facilities and the situation of prisoners, and classifies data using an intersectional approach, considering factors such as race, nationality and marital status. In 2023, specific variables were mapped, for example, of women who were pregnant or had children in prison, and of LGBTQIA+ persons deprived of liberty. In addition, penitentiary units keep records of women with children, pregnant women, elder women, women with chronic diseases and persons with disabilities. This information is vital to design more effective public policies tailored to the needs of vulnerable groups.<sup>319</sup>

448. In turn, the DPE/SP emphasized that no measures were reportedly adopted to reduce overcrowding in Brazilian prisons. In this regard, it stated that the prison population in Brazil has allegedly reached 850,000 people, which translates into a deficit of over 155,000 vacancies in the penitentiary system. According to said office, in São Paulo, the number of incarcerated people soared between 2023 and 2024, and the prison population rose by 5,170 as of October 2024, which represents an increase nearly three times higher than the previous year. Furthermore, the DPE/SP reported that the new Law No. 14,843 of 2024 requires mandatory criminological examinations for the application of a progressive prison regime, which results in more delays and an overburden of the technical staff, thus restricting their ability to offer psychosocial support and hindering the reintegration of persons deprived of liberty. Furthermore, São Paulo has yet to implement a vacancy regulation center to manage occupation in the penitentiary system.<sup>320</sup>

449. The DPE/SP added that, while the law sets out that pretrial detention should be an exceptional measure, it is a widespread practice in the Brazilian penitentiary system. About 30 percent of incarcerated persons are subject to pretrial detention, that is, without a final sentence. In addition, it stated that the judiciary

<sup>316</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>317</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>318</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>319</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>320</sup> Public Defender's Office of the state of São Paulo (DPE/SP), Response to the request for information questionnaire, October 4, 2024.



tends to justify the use of pretrial detention using generic arguments, such as the seriousness of the crime and the risk to public order, without considering the actual case at hand.<sup>321</sup>

450. According to the DPE/SP, 55 percent of incarcerated persons are allegedly detained for crimes that do not involve violence or constitute a serious threat, which suggests a limited use of alternative measures to prison. While other options are provided by law, such as restrictive punishment, house arrest or early release, they are not effectively applied due to resistance from the judiciary and the absence of regulations. The wider use of electronic ankle bracelets, as provided for by Law No. 14,843/2024, has allegedly increased control over individuals serving time outside of prison facilities, hindering their reintegration into society and the labor market, and turning such device into an extension of prison, rather than an alternative to it.<sup>322</sup>

451. Finally, the Public Defender's Office of the state of São Paulo indicated that, despite the order issued by the STF in 2018 and the provisions of Law No. 13,769 of 2018—which provides for house arrest for pregnant women or women with children under 12 years old in the case of nonviolent crimes—the women's prison population continues to grow. In São Paulo, the 2022/2023 annual report on the Policy for Assistance to Mothers in Prison shows that 70.3 percent of assisted women have children under 12 years of age. The absence of national regulations on the flow of information about maternity among inmates makes it difficult to apply these measures. In this regard, the Public Defender's Office of the state of São Paulo considers it essential to issue a resolution that formalizes communication between prisons, offices of public defenders and the judiciary.<sup>323</sup>

452. Furthermore, civil society organizations explained to the Commission that the Brazilian State has yet to take effective measures that reduce overcrowding in penitentiaries and improve conditions in the units to guarantee basic rights. Pretrial detention is still applied indiscriminately and, while the percentage of pretrial detainees slightly decreased from 25.3 percent in 2022 to 24.5 percent in 2023, it is still alarmingly high, amounting to 208,882 people. In addition, according to these organizations, the framework for early childhood protection remains allegedly ignored, with pregnant women and mothers subject to pretrial detention. Currently, there are 26,876 women deprived of liberty, out of which 16,359 are Afro-descendants and 82 are indigenous. Among them, 230 are pregnant or in labor and 103 are breastfeeding, with 99 children living with their mothers in prison. Civil society organizations stated, however, that the CNJ allegedly recognizes that, since 2015, the number of prisons that have failed to report data on pregnant and breastfeeding mothers has increased, which shows that no assistance is provided to this group and which restricts the effective monitoring of the application of the framework for early childhood protection.<sup>324</sup>

#### *Analysis and level of compliance with the recommendation*

453. The Commission appreciates the information provided by the State and notes that the actions reported indicate that the issues related to the justice system and measures alternative to deprivation of liberty are being addressed. These measures, overall, may represent a step forward in the reduction of overcrowding in Brazilian penitentiaries. In particular, the IACHR highlights measures to reduce overcrowding in prisons, through the allocation of over R\$ 36 million to policies for alternative penalties, electronic monitoring, and care for detainees through the APEC program. It also emphasizes the push for the hiring of multidisciplinary teams to strengthen electronic monitoring in various states and has promoted the application of alternative sanctions through the CIAP. Furthermore, it values the State's implementation of house arrest measures for individuals in vulnerable situations, such as pregnant women and seriously ill persons. In the same vein, it commends the collaboration between the CNJ and the UNDP to advance the Fazendo Justiça Program, strengthening the social reintegration of former inmates and improving access to documentation and legal assistance. Additionally, the

<sup>321</sup> DPE/SP, Response to the request for information questionnaire, October 4, 2024.

<sup>322</sup> DPE/SP, Response to the request for information questionnaire, October 4, 2024.

<sup>323</sup> DPE/SP, Response to the request for information questionnaire, October 4, 2024.

<sup>324</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.



use of SISDEPEN enables more detailed data collection to design effective public policies tailored to the needs of the penitentiary population.

454. However, the Commission places on record that the information reported by the DPE/SP and civil society organizations suggests that, based on hard data on this topic, overcrowding is still on the rise. In this regard, the Inter-American Commission believes the State needs to reinforce these measures and step up its efforts so that they translate into a decrease in overcrowding in practice. In the meantime, the Commission considers that the level of compliance with this recommendation continues to be **partial**.

*Measures and information to advance compliance with the recommendation*

455. To guide the implementation of this recommendation, the Commission prompts the State to reinforce the application of measures other than prison, comprehensively incorporating a gender perspective and differentiated approaches, as well as to take effective measures to reduce prison overcrowding, including a revision of incarceration policies and the promotion of restorative justice. The Commission would like to recall that putting mechanisms in place to gather accurate, updated and disaggregated data on prison population is of the essence, with a particular focus on intersectionality, ensuring reliability and consistency across the country. In addition, the Commission observes the need to revise and reform policies and practices that result in discrimination based on race, as well as other forms of discrimination, in the criminal justice system. Finally, the Commission reminds the State of the importance of ensuring the effective enforcement of the STF ruling on house arrest with a gender perspective across Brazilian states.

**Recommendation No. 58.** Devise a drug policy with a social reintegration and public health approach, in such a way as to eschew repressive and criminalizing treatment of persons arrested for using or carrying drugs, or who have committed minor offenses due to their problematic use of, or addiction to, drugs.

456. In the 2023 follow-up report, the State failed to provide specific information on compliance with this recommendation concerning its drug policy. However, according to reports by the State Mechanism to Prevent and Combat Torture in Rio de Janeiro (MECPT/RJ), in that region, over 30 percent of cases involving women detained at custody hearings were related to the Law on Drugs, while 40 percent of pretrial detentions derived from this policy. Despite the creation of the National Plan on Drug Policies (PLANAD), which constitutes a positive step towards a more comprehensive drug policy, the lack of specific information led the Commission to determine that this recommendation had been partially complied with. Furthermore, the Commission urged the State to fully implement the PLANAD, with a focus on the social reinsertion of drug users, and to provide up-to-date, transparent information on all measures taken and their impact.<sup>325</sup>

*Information on compliance*

457. In 2024, the State informed that the PLANAD sought to implement comprehensive policies for drug prevention and treatment, covering both legal and illegal drugs, within a five-year framework of action. Its main purpose is to effectively enforce the National Drug Policy (PNAD) by designing an interdisciplinary plan to address demand, supply and policy management. Since its inception in 2020, the PLANAD has taken some steps forward, which include making a national diagnosis and holding public consultations to adjust its proposal. The plan centers around prevention, treatment, social reinsertion and supply reduction, supported by research and assessment, as well as governance integration. The plan was approved in 2021 and submitted to public consultation to ensure social participation in its development. The contributions, suggestions and criticism made to the first draft of the PLANAD, as well as its diagnosis, were analyzed by the Executive Secretariat of the National Council on Drug Policy (CONAD), giving rise to a second version.<sup>326</sup>

458. The State added that the 2022-2027 PLANAD was approved in September 2022 by the CONAD and that it sets 10 strategic goals with specific objectives, initiatives and commitments. These objectives include

<sup>325</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 405–408.

<sup>326</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



prevention in the use of alcohol, tobacco and other drugs; integration of care and reinsertion policies; the strengthening of law enforcement institutions and the promotion of innovation projects; and better regulations, statistics and governance in connection with drugs. In 2024, the PLANAD is under review, with a new methodology for its updating that has already been approved by the Drug Policy Commission of the CONAD.<sup>327</sup>

459. Finally, the State emphasized that Chapter 3 and the Methodology Guide of the PLANAD provide for enforcement, monitoring and assessment mechanisms designed to measure the scope of objectives, compliance with instructions and implementation of initiatives, as well as to analyze government action in terms of economy, efficiency, efficacy and effectiveness. However, as the plan is still under review, no specific results have been identified so far.<sup>328</sup>

460. In addition to the PLANAD, the Federal Government has adopted a multifaceted approach to address issues related to alcohol and other drugs. Through strategic partnerships, professional training, prevention policies, harm reduction, and participation in international forums, the goal is to mitigate the effects of substance use and promote a culture of prevention and social responsibility. The National Secretariat for Drug Policies (SENAD) has implemented three priority strategies: ensuring access to rights for women, mitigating the impacts of drug trafficking in Indigenous territories, and securing rights for the Black and peripheral populations. In 2024, the CRIA Program was launched, focusing on preventing problematic drug use in children and adolescents, as well as the GENTE project, which promotes territorial prevention actions. Additionally, programs such as ATITUDE in Pernambuco and *Corra pro Abraço in Bahia* have been implemented to promote the social reintegration of individuals with substance use issues. With an investment of R\$ 22 million in 2024, the PRONASCI Youth Project works on preventing violence linked to the illegal drug market, focusing on young people in Rio de Janeiro and Salvador.<sup>329</sup>

461. At the international level, the State has formed an alliance with the UN to develop protection strategies for children and adolescents against violence, drugs, and crime. In the environmental policy sphere, the Center for Studies on Drugs and Community Social Development (Cdesc) was launched to research drug trafficking and its impacts on the Amazon region. Furthermore, the Brazilian Observatory for Drug Information (OBID) was restructured in 2024 to collect essential data on drug use and improve monitoring of public policies. In 2025, efforts are planned to expand with new prevention projects, expanded access to rights centers, and social inclusion actions for vulnerable populations.<sup>330</sup>

#### *Analysis and level of compliance with the recommendation*

462. The Commission appreciates the progress made in implementing the PLANAD, which is a step forward in the redirection of the drug abuse strategy towards a public health approach. However, the information available suggests that the PLANAD is still under review. Also, launching a plan on the subject does not in itself ensure that the goals under the PLANAD and the recommendation addressed herein are met. Therefore, the State needs to supplement the plan with other measures that ensure its effectiveness and durability. The Commission also commends the priority strategies implemented by SENAD regarding the impact of drugs on women, Indigenous peoples, and Black and peripheral populations. Additionally, the CRIA Program and the GENTE Project, which focus on preventing problematic drug use, are also deemed very important.

463. All the reported measures are relevant for fulfilling the recommendation; however, since the review of PLANAD has not yet been completed and the indicated strategies and policies are in the initial stages of implementation, the IACHR maintains the recommendation with **partial** compliance.

<sup>327</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>328</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>329</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>330</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.



*Measures and information to advance compliance with the recommendation*

464. To guide compliance with this recommendation, the Commission urges the State to guarantee the full implementation of the PLANAD, with a special focus on the social reinsertion of users of alcohol and other drugs. In addition, the Commission highlights the importance of providing transparent, up-to-date information on the actions and measures taken under such public policy, as well as on their impact on the affected population.

**Recommendation No. 59.** Guarantee dignified treatment of persons in State custody, in accordance with deprivation of liberty standards and bearing in mind the special risks associated with gender or other characteristics of the detained population. In particular, the State must incorporate a gender perspective to ensure prison treatment meets women's specific health, gender identity, and social reinsertion needs.

465. In the 2023 follow-up report, the State reported that the CNJ regulates penitentiary inspections through the Fazendo Justiça program, in accordance with Resolution No. 414 of 2021, which sets guidelines for the investigation of torture following the Istanbul Protocol. The State added that inspection results are consolidated in the National Registry of Prison Facility Inspections (CNIEP). Furthermore, the State informed about a policy designed to reinforce citizen participation in the criminal system and protect the rights of inmates, although it did not provide updated data on the implementation of these policies. The Commission acknowledged the progress achieved in terms of supervision and prevention of torture, but it also pointed to the lack of detailed information on the enforcement and effectiveness of such policies. In addition, the Commission considered that this recommendation continues to be partially complied with and required the State to strengthen CNIEP capacities, provide specific data on detention policies and consolidate the Mandela Project to address unconstitutional conditions in penitentiary facilities.<sup>331</sup>

*Information on compliance*

466. In 2024, the State reported that it has implemented actions to ensure dignified treatment for people in custody, including the adoption of the RNR methodology (risk, need, and responsiveness) for classification and individualization of sentences. This approach, recommended by the United Nations Office on Drugs and Crime (UNODC) and used in various countries, is being applied in four states (Rondônia, Rio Grande do Norte, Paraíba, Pernambuco, and Amapá) and will be expanded to eight more states by 2026. The Classification Technical Committee plays a key role in this process, developing personalized reintegration programs and evaluating the adaptation of individuals deprived of liberty to the limitations of the prison system.<sup>332</sup>

467. The State also reported that it undertook several actions to guarantee a dignified treatment towards persons in custody, in accordance with international standards. Those actions included the creation of the MNPCT in 2013, under which regular visits to detention centers are conducted to prevent torture and ill-treatment. Together with the National Committee to Prevent and Combat Torture (CNPCT), these agencies make up a national system in charge of monitoring and improving conditions in places of deprivation of liberty.<sup>333</sup>

468. The State added that reforms were introduced into the penitentiary system, such as the construction of new prison facilities, a wider use of alternative measures like electronic ankle bracelets and the holding of custody hearings, which allow detainees to appear before court within 24 hours. Other initiatives include the National Pact against Human Rights Violations in the Prison System and the National Plan of Criminal Justice and Penitentiary Policy, which seek to humanize the treatment afforded to persons deprived

<sup>331</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 410–416.

<sup>332</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>333</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



of liberty. Furthermore, a public call by the MJSP has been recently released to improve APEC across several states, which will be funded with resources from the National Penitentiary Fund.<sup>334</sup>

469. Moreover, the State emphasized that it took several measures to incorporate a gender perspective into the penitentiary system by addressing the specific needs of women in terms of health, gender identity and social reintegration, in line with the Bangkok Rules. The 2014 National Policy of Attention to Women Deprived of Liberty and Released from the Prison System (PNAMPE) guarantees access to healthcare, education programs, professional training and social reintegration. For pregnant women, Law No. 13,769 of 2018 allows pregnant and breastfeeding women, as well as mothers of children under 12 years of age, to be under house arrest, thus preserving the family bond and preventing newborns from growing up in jail. Also, mother-child units have been created in some penitentiaries, providing adequate healthcare conditions for both the mother and the child. Resolution No. 3 of 2019 by the CNJ ensures that trans women are placed in prison considering their gender identity, and training programs have been put in place to contribute to women's reintegration into the labor market, in which the specific context of women's criminal activities is addressed.<sup>335</sup>

470. The State added that a digital collection titled *Vulnerabilidade em Pauta* was published, with guides on custody procedures involving vulnerable groups deprived of liberty, such as women, indigenous persons, foreign people, persons with disabilities and the LGBTQIA+ population. The guide includes recommendations for the custody of trans women and trans men, and covers issues like health, gender identity and social reintegration into the prison system. In addition, a project on menstrual health was implemented in prisons across Brazil after the enactment of Law No. 14,214 of 2021, ensuring access to menstrual hygiene products. This program includes the setting up of factories to manufacture pads and diapers within the framework of the project Menstrual Dignity for Persons in a Situation of Vulnerability (PROCAP). The products are subsequently distributed among individuals deprived of liberty, their families and penitentiary personnel. All states have received equipment to produce these items, prioritizing installation in women's prisons to foster employment among incarcerated women.<sup>336</sup>

471. The State also informed that, in connection with maternity experiences in penitentiaries, Law No. 13,257 of 2016 —the Early Childhood Legal Framework— provides that policies and services to protect the comprehensive development of children up to 6 years of age should be guaranteed. In situations where pretrial detention is not replaced with house arrest, prison management must facilitate coexistence between mothers and their children in a specific space, isolated from other inmates, preferably near social or psychosocial services. The State added that it pays special attention to the strengthening of the mother-child bond, the duration of the child's stay in the unit and the preparation for transition to foster care. In addition, the State advises prison management to guarantee incarcerated women's right to breastfeed their child for at least six months and to keep social or psychosocial assistance available in cooperation with the Court of Childhood and Youth, the Guardianship Council, the Court of Criminal Enforcement and the relevant state's Public Defender's Office. The State pointed out that, during this six-month period, breastfeeding should not be interrupted. According to the State, this information is included in the procedure booklet on the custody of trans women and trans men in the prison system, and its observance is monitored by the National Secretariat of Criminal Policy.<sup>337</sup>

472. The State reported that the Mandela Project, which was announced in 2023 by the MDHC, was interrupted after an internal assessment revealed overlapping objectives with the National Plan to Combat the Unconstitutional State of Affairs in Brazilian Prisons, known as Pena Justa (Fair Punishment). In this regard, the State determined that the guidelines and goals included in the Mandela Project would be better addressed under the Pena Justa plan, whose purpose is to examine and improve the criminal justice system as well as the

<sup>334</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>335</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>336</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>337</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



conditions under which sentences are enforced in Brazil. Thus, the State decided to focus all efforts and resources on the development and implementation of the latter plan.<sup>338</sup>

473. The State also reported that the National Health Coordination (COS) is responsible for the Citizenship Action, a project implemented since 2017 in penitentiary units to strengthen the health policy in the prison system. Its main objective is intersectoral coordination between federal, state, and municipal agencies, ensuring medical care for people deprived of liberty, with an emphasis on preventing prevalent diseases in the system, such as tuberculosis, viral hepatitis, and sexually transmitted infections. It also seeks to improve internal health flows in prisons and strengthen coordination between responsible entities, in line with the National Policy for Comprehensive Health Care for People Deprived of Liberty (PNAISP). To date, more than 15,000 medical consultations have been conducted in eight Brazilian states.<sup>339</sup>

474. The COS is part of the Healthy Brazil Program and is responsible for executing the Technical Cooperation Agreement with the Ministry of Health (MS) for the prevention and control of diseases such as HIV/AIDS, tuberculosis, and syphilis in prisons. Technical meetings are being held with states and municipalities to define strategies and ensure the adoption of prevention and control measures in the penitentiary system. Additionally, the COS is part of the National Interinstitutional Committee for the Implementation and Monitoring of the Judiciary's Anti-Institutionalization Policy, initially focusing on the deinstitutionalization of people in custodial hospitals. Its work includes evaluating the reintegration process of people with mental disorders in the judicial system and supporting the implementation of the policy in the states. The COS has developed technical notes on medical care in prisons, such as Technical Note No. 4/2024, which provides guidelines for the treatment of common dermatological conditions in the penitentiary population, aiming to improve the quality of care and prevent recurrent outbreaks.<sup>340</sup>

475. Furthermore, the COS promotes and oversees the transfer of resources to state penitentiary administrations through agreements and direct funds to improve healthcare for people deprived of liberty, including women in prison. Existing agreements amount to nearly R\$ 12 million, of which nearly R\$ 6 million have already been executed, benefiting approximately 157 penitentiary units with equipment, medical supplies, and the hiring of multidisciplinary teams.<sup>341</sup>

476. Finally, the State reported that the National Penitentiary Policies Secretariat (SENAPPEN), through the General Coordination (CGCAP) of the Penitentiary Policies Department (DIRPP), manages various policies for the population deprived of liberty in areas such as work, health, education, legal and religious assistance, and support for women and minorities. The National Coordination of Work (CONAT) promotes employment and income generation policies through the financing of the National Penitentiary Fund (FUNPEN). It has invested in productive workshops such as the manufacturing of concrete blocks and hygiene products. It also organized the VI National Seminar on Work in the Penitentiary System and developed the Resgata Seal, which encourages the hiring of people deprived of liberty and those released. Furthermore, it collaborates with the United Nations Development Program (PNUD) on labor inclusion strategies and professional training. Additionally, the National Coordination of Education, Culture, and Sports (COECE) promotes education in prison with state plans for 2025-2028, promoting literacy, education for youth and adults, vocational training, and access to libraries and cultural activities. It also finances sports materials and has donated technological equipment to strengthen teaching in penitentiary units.<sup>342</sup>

477. In turn, the DPE/SP pointed out that no measures were reportedly taken to ensure dignified treatment to persons under state custody, in accordance with international standards governing deprivation of liberty. Prisons are still overcrowded and in bad structural shape, with poor quality and insufficient food, water rationing, lack of basic supplies and inadequate healthcare. According to the DPE/SP, in a study, the CNJ classified deaths in prison that had derived from conditions of torture as "natural." The DPE/SP also stated that,

<sup>338</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>339</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>340</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>341</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>342</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.



in October 2023, the STF acknowledged the existence of massive violations of rights in the prison system and ordered the authorities to produce a plan to improve conditions within six months.<sup>343</sup>

478. Additionally, the DPE/SP emphasized that there were no specific guidelines governing the conditions of incarceration of women. Inspections conducted by the DPE/SP itself in state prisons revealed that women faced similar conditions to men's, with poor-quality food, lack of basic items and inadequate medical care. Plus, it reported that basic products such as shampoo and conditioner were not supplied, and that sanitary pads were insufficient, which resulted in an urgent appeal to the Commission.<sup>344</sup>

*Analysis and level of compliance with the recommendation*

479. The Commission finds that the State implemented important measures whose primary objective was to ensure a dignified treatment towards persons deprived of liberty, including those that belong to a vulnerable group, such as women, trans persons, among others. However, the Commission highlights that some of these measures were already being implemented when the Country Report was published, where the problems that triggered this recommendation were recognized. Furthermore, the Commission notes with concern the information provided by the DPE/SP, an agency that inspects prisons in São Paulo, the state with the highest concentration of prisons in Brazil and, consequently, with the largest prison population. Based on the foregoing, the Commission determines that compliance with this recommendation continues to be **partial**.

*Measures and information to advance compliance with the recommendation*

480. To guide compliance with this recommendation, the Commission urges the State to continue reinforcing measures to ensure a dignified treatment towards people under its custody, with a special focus on people in vulnerable situations. This involves guaranteeing dignified access to food, water, sanitary products, medical care and safe spaces to receive visitors, among others. In addition, it is extremely urgent for the adopted measures to address overcrowding in prisons across the country, as this situation in itself constitutes a violation of international standards on human rights. The Commission invites the State to submit data related to these improvements, especially to the reduction of the prison population.

**Recommendation No. 60.** Facilitate channels through which persons deprived of liberty—including adolescents— can file complaints and reports on how they are treated in the centers without suffering reprisals for doing so. The complaints must be taken seriously and addressed quickly and effectively, making it possible to punish the parties responsible.

481. In the 2023 follow-up report, the State informed that persons deprived of liberty had the right to request hearings with the prison warden to submit petitions or claims, and that courts were under a duty to inspect prisons on a monthly basis. The State added that the CNJ managed a public panel on inspections, consolidating all the information in a single database. The Commission acknowledged the efforts made by the State to ensure the submission of complaints, as well as the role of the CNJ in the consolidation of inspections. However, it emphasized the absence of concrete data on the implementation of and effective compliance with this recommendation. Therefore, the Commission considered that this recommendation was partially complied with and urged the State to improve access to these mechanisms and protection from retaliation for those who filed complaints, ensuring transparent and timely answers.<sup>345</sup>

*Information on compliance*

482. The State reported that it responded to complaints of torture and ill-treatment against persons deprived of liberty, including adolescents, under Resolution CNJ No. 414 of 2021, which provides

<sup>343</sup> DPE/SP, Response to the request for information questionnaire, October 4, 2024.

<sup>344</sup> DPE/SP, Response to the request for information questionnaire, October 4, 2024.

<sup>345</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 418–422.



guidelines on how to perform forensic examinations in cases that involve indicia of torture and other inhuman treatment, following the Istanbul Protocol. During hearings and other judicial proceedings in the criminal and juvenile jurisdictions, judges have a duty to investigate the conditions of detention and address possible signs of abuse. In addition, a channel to process complaints has been implemented through proceeding SEI 02345 of 2024 and compliance with the resolution is monitored. To protect complainants from retaliation, Protocol II of Resolution CNJ No. 213 of 2015 provides for security measures such as the transfer of custody and provisional release if the complainant's integrity is at risk. At socioeducational centers of custody, Resolution CNJ No. 77 of 2009 governs inspections in units for adolescents in conflict with the law and enables the recording of any indicia of abuse and violence by means of electronic forms.<sup>346</sup>

483. The State also indicated that the National Penitentiary Policies Secretariat (SENAPPEN) is developing strategies to address torture in the Brazilian penitentiary system. Recently, through the public call UNDP-BRA-00317, a diagnosis was conducted on the prevention of torture and degrading treatment in prisons, with the assistance of a specialized consultancy. The study resulted in the proposal of a pilot project in a specific penitentiary unit, aiming to implement concrete actions for the prevention and combating of torture. This project will serve as a model to assess the effectiveness of a collaborative strategy between penitentiary system institutions and civil society. The actions include the establishment of an interinstitutional network, training of staff in human rights, the creation of reporting protocols, and monitoring prison conditions, promoting a comprehensive approach for the protection of human rights in prisons.<sup>347</sup>

484. The State also highlighted that the National Council of the Public Ministry (CNMP) operates through the Prison System Commission, External Control of Police Activity and Public Security (CSP), a permanent commission that monitors the inspections carried out by the Public Ministry agents to identify human rights violations within penitentiary centers.<sup>348</sup>

485. According to the DPE/SP, there is no such specific channel to process claims and complaints made by persons deprived of liberty. While they are allowed to send letters, they often lack basic supplies and information on the recipient agencies. In addition, letters can be read and censored by state agents who are often the authorities against whom the complaints are filed. The DPE/SP explained that it is necessary to establish a safe, confidential channel for complaints and to protect their content from prison agents to avoid retaliation.<sup>349</sup>

#### *Analysis and level of compliance with the recommendation*

486. The Commission values the information about the creation of a pilot project, resulting from a public call in collaboration with UNDP, aimed at preventing and combating torture through the establishment of collaborative strategies with civil society. This type of initiative has great potential to address structural issues related to torture and human rights violations in places of detention in the country. On the other hand, the Commission notes that the State reported information regarding ordinary mechanisms that are applied in the generality of cases, without making a distinction for those incidents where torture is alleged, which, in most cases, would point to a state authority as the probable perpetrator. In this sense, conducting judicial inspections and/or receiving complaints about events that may constitute torture would not guarantee a safe space for victims to file complaints without fear of reprisals.

487. Without overlooking the potential progress on the issue through new strategies for addressing it, the IACHR considers that this recommendation remains **pending compliance**.

<sup>346</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>347</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>348</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>349</sup> DPE/SP, Response to the request for information questionnaire, October 4, 2024.



*Measures and information to advance compliance with the recommendation*

488. To guide compliance with this recommendation, the Commission urges the State to go further than merely pointing to the mechanisms available to file claims and complaints and to take measures that ease access to them by persons deprived of liberty, ensuring that these persons are protected from retaliation. In this regard, the Commission emphasizes the importance of having concrete data on these complaints and their processing. Furthermore, the Commission highlights the importance of giving a clear and timely response to the complaints filed, sanctioning those responsible and taking preventive measures to avoid future violations. Finally, the Inter-American Commission considers that the State needs to take into account the specific conditions of vulnerability faced by persons deprived of liberty and, based on that, design mechanisms that guarantee the reception of complaints in safe spaces, so that such complaints do not have a negative impact on the persons who file them. Finally, it invites the State to provide information on the results of the implementation of the pilot project for the prevention and combat of torture.

**Recommendation No. 61.** Immediately initiate, *ex officio*, effective investigations in accordance with the rules, so as to be able to identify, prosecute and punish those responsible.

489. In the 2023 follow-up report, the State highlighted the powers and duties of the DMF/CNJ, stating that these agencies had received complaints of irregularities in prison and socioeducational units, including complaints filed by victims and civil society organizations. The Commission, based on the Decarceration Platform, verified that 3,180 complaints had been filed in 236 prisons and 38 socioeducational units. In addition, the Commission recognized the efforts made by the State, considered that compliance with the recommendation was still pending in the absence of specific data, and urged the State to conduct further investigations and create a transparent system to follow up on complaints, with a special focus on vulnerable groups.<sup>350</sup>

*Information on compliance*

490. In 2024, the State reported that it implemented a structured process to start *ex officio* investigations into acts of violence at detention centers. The State added that the DMF/CNJ receives complaints of torture and other forms of abuse in prison and socioeducational units, which can be submitted by persons deprived of liberty, their families, public defender's offices, the civil society and other actors.<sup>351</sup>

491. Based on the information provided, the process includes the reception, classification, analysis and distribution of complaints, the drafting of a specific record and a detailed follow-up by the advisory board of the CNJ. The State added that potential actions are decided on, and cases are assigned to auxiliary courts that issue the relevant decisions and recommendations. If local authorities fail to act properly, notices are sent to the judiciary and recommendations are shared with other institutions, while copies are forwarded to courts' internal auditing offices (*corregedorias*) for follow-up.<sup>352</sup>

492. Moreover, the DPE/SP informed that no specific actions were taken to start *ex officio* investigations into acts of violence at detention centers. Complaints normally reach the Public Defender's Office through families, persons released from prison and inspections. According to the DPE/SP, the Secretariat of Prison Administration does not show commitment to investigating these acts of violence. A significant factor is the regular operation and use of the Rapid Intervention Group (GIR), which, despite having been created to intervene during riots, has become a constant presence in penitentiaries and is frequently accused of committing acts of violence and torture. In 2018, the Public Prosecutor's Office filed a public civil action to regulate the GIR and, in 2022, a court ordered basic control measures, including the identification of agents,

<sup>350</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 424–429.

<sup>351</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>352</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



body cameras and human rights training. However, according to the DPE/SP, the state of São Paulo failed to implement these measures and filed an appeal against said court ruling.<sup>353</sup>

493. The DPE/SP added that, in 2023, the United Nations Committee against Torture conducted an examination to assess Brazil's level of compliance with the Convention against Torture. The DPE/SP submitted an alternative report (called "shadow report"), in which recurring episodes of torture in the state of São Paulo were revealed. In its recommendations, the DPE/SP reportedly expressed its concern over the frequent acts of torture perpetrated by Brazilian security forces, specifically referring to "rapid intervention groups" (such as the GIR), and suggested measures to prevent these cases of abuse.<sup>354</sup>

494. Finally, the UN Committee recommended that the following measures be adopted, especially by the state of São Paulo: i) record in full all GIR interventions with body cameras, which should be accessible to the Secretariat of Prison Administration, the Public Defender's Office, the Public Prosecutor's Office and the relevant court; ii) have GIR agents wear visible IDs and use transparent masks; iii) forbid the use of pepper gas and elastomer bullets; iv) forbid the use of gas indoors; v) use dogs for drug detection only; vi) specifically select GIR agents and train them in human rights; vii) prevent GIR agents from patting down detainees' relatives or carrying weapons in an intimidating way during visits; viii) have the GIR notify its interventions at least 24 hours in advance or, in case of emergency, within the following 24 hours with a detailed report of all actions performed.<sup>355</sup>

#### *Analysis and level of compliance with the recommendation*

495. The Commission observes that the Public Defender's Office and the United Nations Committee against Torture have identified that no *ex officio* investigations into acts of violence at detention centers were carried out and that complaints about these acts were reportedly filed by families, and not by the authorities responsible for the protection of the integrity of the detainees. Thus, the Commission is concerned over the distrust the Public Defender's Office and other organizations have voiced with regard to the agency in charge of investigating said acts, and considers that this might represent a setback caused by the lack of coordination among all parties involved. Likewise, this recommendation should be construed in light of the previous recommendation, since investigations will not start—including those *ex officio*—as far as safe spaces are not guaranteed for persons to file complaints without fear of retaliation. Based on the foregoing, compliance with this recommendation remains **pending**.

#### *Measures and information to advance compliance with the recommendation*

496. To guide compliance with this recommendation, the Commission invites the State to continue strengthening the human and technical resources allocated to the investigation of allegations of torture and ill-treatment at detention centers, ensuring that they are treated with the urgency and seriousness required. The Commission also calls on the State to implement a transparent system that can be accessed by the public to follow up on these complaints, so that it is possible to learn about the progress made, as well as about the results achieved in each case. The Commission reiterates the importance of establishing specific and effective protocols to respond to the complaints filed by groups in a special situation of vulnerability in prison and socioeducational units. Finally, the Commission emphasizes the importance of ensuring that investigations are not limited to merely punishing those directly responsible; investigations should also aim to identify and address the structural, systemic causes of such violations.

**Recommendation No. 62.** Take the necessary steps to increase financial and human resources for the mechanisms in place for preventing and combating torture, to boost their effectiveness. Likewise, promote the establishment, installation, and workings of these kinds of mechanisms in the federative states that still

<sup>353</sup> DPE/SP, Response to the request for information questionnaire, October 4, 2024.

<sup>354</sup> DPE/SP, Response to the request for information questionnaire, October 4, 2024.

<sup>355</sup> DPE/SP, Response to the request for information questionnaire, October 4, 2024.



lack them, in accordance with the standards contemplated in the Optional Protocol to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

497. In the 2023 follow-up report, the State reiterated the existence of agencies that made up the SNPCT and listed the state mechanisms and committees that served the same purpose, emphasizing their importance in the fight against human right violations in prisons. However, the State failed to provide any updated information on the actions undertaken by these agencies. Faced with this lack of specific data, the Commission determined that compliance with this recommendation was still pending and underscored the need to strengthen the autonomy, structure and resources of the SNPCT, as well as to put mechanisms against torture in place across Brazilian states and to report on the progress made.<sup>356</sup>

#### *Information on compliance*

498. This year, the State reported that the MDHC was taking measures to follow up on and promote the structuring of the above-mentioned mechanisms across Brazilian states and the federal district. These measures included:

- i) Monitoring the creation and operation of committees and mechanisms across states: In May 2024, the National Observatory of Human Rights used its platform (ObservaDH) to publish an overview of the existing state systems, committees and mechanisms to prevent and combat torture. In addition, in June 2023, an extraordinary meeting between ministries, judicial entities, academic experts and the civil society was held to restore the National System to Prevent and Combat Torture. Four goals were set in that meeting: defining methodologies for inspections; reducing prison population; promoting collective, multidisciplinary action; and performing a census of the persons deprived of liberty.
- ii) Organizing human right caravans: Launched in August 2023 by the MDHC, this initiative seeks to identify and mitigate human right violations in prison and socioeducational units where precautionary measures and provisional measures have been granted by the Inter-American Commission and the Inter-American Court, respectively. Caravans visited units in Espírito Santo, Pernambuco and Ceará, and addressed issues such as overpopulation, violence and lack of hygiene. Some of the milestones achieved include the implementation of state mechanisms against torture in Ceará, progress in the monitoring of precautionary measures and the signing of agreements for humanized transportation and support to families of homicide victims.
- iii) Holding the Fourth National Meeting of Committees and Mechanisms to Prevent and Combat Torture: This event was attended by 70 representatives of state and national committees and mechanisms, as well as by civil society organizations. During the meeting, Recommendation No. 13 of the National Committee to Prevent and Combat Torture was issued, which establishes guidelines for the creation and strengthening of committees and mechanisms against torture across states.
- iv) Drafting of the Plan to Monitor Precautionary Measures and Provisional Measures Granted by the Inter-American Commission and the Inter-American Court, respectively: This plan's main objectives are to monitor and support states in their compliance with such measures, as well as to earmark state resources to solve problems and foster the implementation of state systems to prevent and combat torture. The creation of new prevention committees and mechanisms is expected, as well as a commitment by the judiciary to reducing prison population as part of the fight against torture and effective compliance with inter-American standards.

<sup>356</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 431–433.



- v) Participating in the preparation of the Pena Justa plan: The MDHC is actively involved in the preparation of this plan to address the unconstitutional status of Brazilian prisons, in accordance with the STF's ruling.<sup>357</sup>

499. Lastly, the State reported that, currently, 17 states have passed legislation to create a MEPCT, but only five are fully operational in the following states: Acre, Rio de Janeiro, Rondônia, Paraíba and Sergipe. The states that have yet to implement these mechanisms are Roraima, São Paulo, Bahia, Goiás, Rio Grande do Norte, Santa Catarina, Rio Grande do Sul, Paraná, Minas Gerais and the federal district.<sup>358</sup>

500. Regarding the National Mechanism for the Prevention and Combat of Torture (MNPCT), the State reported that it is a key tool against torture in Brazil, coordinated by the MDHC. Its actions are based on key principles to ensure effectiveness in the prevention and combat of this human rights violation. Under the coordination of the MDHC, efforts have been made to strengthen the MNPCT, with investments in expanding its infrastructure, replenishing human resources, and providing technical and financial support for the implementation of local mechanisms for the prevention and combat of torture.<sup>359</sup>

501. Finally, the State indicated that, to strengthen the MNPCT, a specialized consultancy was hired to develop a diagnostic and prevention strategy in the penitentiary system. This study included mapping the network for combating torture in all states, covering governmental sectors and civil society. The project was divided into four key components: i) mapping and analysis of the network: identification of entities, their competences, and interaction flows; ii) evaluation of public policies: analysis of federal programs that could be adapted to the penitentiary system and improvements in interministerial coordination; iii) analysis of complaints and perceptions: evaluation of torture complaints, surveys of officials, and conditions for access to water and food; iv) legal evaluation and awareness: impact of Law 9.455/1997, torture diagnosis in prisons, and awareness strategies for governments and society.<sup>360</sup>

502. The DPE/SP reported that the MNPCT is made up of 11 experts only, which is far from enough to conduct inspections across Brazilian places of deprivation of liberty, such as prisons, adolescent detention centers, long-stay institutions and therapeutic communities. The DPE/SP stressed the need to strengthen and expand this mechanism so as to meet the standards of the Optional Protocol to the Convention against Torture.<sup>361</sup>

*Analysis and level of compliance with the recommendation*

503. The Commission welcomes the measures presented by the State and recognizes their importance for the prevention and combat of torture in places of deprivation of liberty in the country. In particular, it values the information regarding the hiring of a specialized consultancy to develop a strategy for diagnosing and preventing torture in the penitentiary system, including a mapping of the available network in the states.

504. On the other hand, the Commission highlights that, at this time, it lacks information on the strengthening and sufficient allocation of resources to state-level mechanisms for the prevention and combat of torture that are currently in operation. In particular, it emphasizes that the State itself mentions that only five states would have these mechanisms. The Commission is also concerned by the information presented by the DPE/SP regarding the insufficient resources available to the National Mechanism for carrying out its functions.

<sup>357</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>358</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>359</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>360</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>361</sup> DPE/SP, Response to the request for information questionnaire, October 4, 2024.



505. Considering that the new measure adopted by the State is still in its initial phase, all the available information, and the contribution from the DPE/SP, the IACHR understands that the recommendation remains **pending** compliance.

*Measures and information to advance compliance with the recommendation*

506. To guide the implementation of this recommendation, the Commission reiterates the importance of reinforcing the structure, autonomy and financial and human resources of the National Mechanism, as well as the need to create mechanisms to prevent and combat torture in the states where they are still pending and to report on the progress made to this end. The IACHR also invites the State to share information on the development and results of the diagnosis being prepared by the specialized consultancy, as well as the proposed strategies and how the State plans to implement them.

**Recommendation No. 63.** Adopt such measures as are needed to ensure that all persons detained *in flagrante* have access to custody hearings, especially people detained in small towns far from the capitals and those wounded during police operations and subsequently transferred to hospitals.

507. In the 2023 follow-up report, the State informed that the STF had reinforced the mandatory nature of custody hearings for all prison types. It also highlighted that the CNJ had determined that, considering that the Covid-19 pandemic was over, all custody hearings should be held in person. The State also referred to a bill aimed at doing away with these hearings in some cases. However, the data reported by the Mechanism to Prevent and Combat Torture in the state of Rio de Janeiro (MEPCT/RJ) showed that said hearings, as well as the conditions in which they were held, varied across the country. Despite the progress made, the Commission determined that this recommendation had been partially complied with and urged the State to ensure physical presence of detainees at all hearings and to avoid measures restricting their effectiveness.<sup>362</sup>

*Information on compliance*

508. In 2024, the State reported that the above-mentioned bill was stalled in the Senate.<sup>363</sup> On the other hand, it was noted that Resolution No. 562, of June 3, 2024, established guidelines for the implementation and operation of the Guarantee Judge, requiring all states to adapt to this regulation and create the corresponding courts. The Custody Person Assistance Service (APEC) is already present in 24 out of 26 federative units and the Federal District. In 2023, the National Coordination of Alternative Penalties approved 12 projects to hire multidisciplinary teams for APEC, allocating more than R\$ 730 million through the Voluntary Fund-to-Fund. In 2024, a new public call was launched with R\$ 800 million for 11 states that had not received funding previously. The goal is to ensure that all states have multidisciplinary teams working before and after the custody hearing, even on weekends and holidays. According to Resolution No. 213/2015, the custody hearing must be held in person within 24 hours after detention, allowing the intervention of the judge, the Public Ministry, the defense, and the APEC team. Resolution No. 562/2024 reinforces this obligation, allowing videoconferences only in exceptional and justified cases.<sup>364</sup>

509. For its part, the DPE/SP highlighted that, in the state of São Paulo, no measures have been adopted to ensure the physical presence of detainees at custody hearings. The DPE/SP stated that, on business days, only three out of the 21 judicial districts hold in-person hearings, while the remaining 18 conduct them online. In addition, the DPE/SP explained that, on weekends, all custody hearings across judicial districts are held online, except for those in the city of São Paulo.<sup>365</sup>

510. In turn, civil society organizations informed that there is a legislative proposal on the table to amend the Code of Criminal Procedure to allow online custody hearings. This proposal has been approved by

<sup>362</sup> IACHR, [2023 Annual Report, Chapter V. Brazil](#), paras. 435–439.

<sup>363</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>364</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>365</sup> DPE/SP, Response to the request for information questionnaire, October 4, 2024.



the Chamber of Deputies and could be sent to the Senate for consideration. Since the pandemic, hearings have been held online, in person and in a hybrid format, with in-person hearings not being the norm anymore. Such amendment would consolidate online hearings, thus altering the very nature of custody hearings.<sup>366</sup>

*Analysis and level of compliance with the recommendation*

511. The Commission appreciates the information regarding the implementation of the figure of the Guarantee Judge and the APEC service, with multidisciplinary teams working before and after the custody hearing, which must be available to all individuals detained in flagrante. These types of measures are essential to ensure that all individuals brought before the criminal justice system have their human rights guaranteed. However, the information shared by the DPE/SP, an entity that actively participates in the custody hearings, and by civil society must also be taken into account.

512. Considering that the measures indicated by the State are in the initial implementation phase, the Commission determines that the recommendation remains **partially** fulfilled.

*Measures and information to advance compliance with the recommendation*

513. To guide compliance with this recommendation, the IACHR calls on the State to increase its efforts to ensure the physical presence of all persons detained in custody hearings, especially for those detained in locations far from the capital cities and those who have been transferred to hospitals because they have been injured in police operations. The Commission invites the State to share information on the scope of the implementation of the Judge of Guarantee and the APEC as a way of guaranteeing adequate attention to all persons detained in flagrante delicto in the country.

**Recommendation No. 64.** Take the necessary measures to ensure that, within the scope of custody hearings, the determination of pretrial detention is carried out exceptionally and in accordance with the principles of legality, necessity and proportionality.

514. In the 2023 follow-up report, the State reported on the creation of the Fazendo Justiça program, which, under the coordination of the CNJ and the UNDP, was being run for the third time. The State underscored the importance of custody hearings and explained that, since 2015, over one million hearings had taken place, resulting in the release of the detainee in over 40 percent of the cases, and that the number of pretrial detentions had dropped to 12 percent. The State added that a Vacancy Control Center had been created to streamline vacancy management at detention centers. While recognizing the efforts made by the State, the Commission determined that compliance with this recommendation was partial based on the lack of specific information and urged the State to strengthen institutionality to ensure that pretrial detention was applied in accordance with inter-American principles, including the training of judges and magistrates.<sup>367</sup>

*Information on compliance*

515. In 2024, the State failed to submit information on compliance with this recommendation.<sup>368</sup>

*Analysis and level of compliance with the recommendation*

516. Based on the absence of updated information, compliance with this recommendation remains **partial**.

<sup>366</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.

<sup>367</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 441–443.

<sup>368</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



*Measures and information to advance compliance with the recommendation*

517. To guide compliance with this recommendation, the Inter-American Commission prompts the State to adopt institutional strengthening measures so that, in the context of custody hearings, decisions on pretrial detentions are made in accordance with inter-American principles. These measures may include training sessions for judges and magistrates to ensure that pretrial detention is truly exceptional.

**Recommendation No. 65.** Guarantee detention conditions adapted to the particular needs of especially vulnerable groups. For women deprived of liberty, the State must ensure that the measures applied adhere to a gender approach. For persons with disabilities deprived of liberty, the State must make reasonable accommodations to remove the environmental barriers that make it difficult for them to exercise their rights.

518. In the 2023 follow-up report, the State informed that persons with disabilities accounted for 0.9 percent of the prison population in Brazil and referred to policies targeted at this group and incarcerated women. However, the State failed to provide specific information on the implementation of these measures at detention centers. Faced with the absence of specific data, the Commission determined that compliance with this recommendation was pending and urged the State to take steps to ensure adequate detention conditions for vulnerable groups, including women and persons with disabilities, and to provide up-to-date, disaggregated information about any action taken in that direction.<sup>369</sup>

*Information on compliance*

519. For 2024, the State reported that it has implemented measures to adapt detention center infrastructure to address the needs of people with disabilities. It stated that, with support from the Brazilian Inclusion Law (LBI) of 2015, physical adaptations have been made, such as ramps, handrails, and the adjustment of cells and bathrooms according to ABNT standards. Additionally, it noted that penitentiary agents are being trained to respect the rights of people with disabilities, and medical and psychosocial assistance is being expanded, including the provision of auxiliary equipment such as wheelchairs. According to the State, the National Mechanism for Prevention and Combating Torture (MNPCT) oversees the implementation of these accessibility standards.<sup>370</sup>

520. To ensure accessibility in detention centers for people with disabilities, the National Secretariat for Penal Policies developed the Accessibility Kit, which includes walkers, support bars, wheelchairs, crutches, ramps, and adapted restrooms. This kit will be distributed to all states to ensure at least one accessible space in the penitentiary system. Additionally, Technical Note 7 was created to guide the adaptation of prison spaces according to accessibility architectural standards. The collection of guidelines "Vulnerabilidad en Pauta" was also published, offering guidelines for the custody of vulnerable groups, including people with disabilities, based on Technical Note 83/2020 on their treatment in the penitentiary system.<sup>371</sup>

521. To ensure a gender-sensitive approach in the penitentiary system, the Division for the Care of Women and Vulnerable Groups has implemented several actions within the National Policy for the Care of Incarcerated Women and Female Ex-Offenders (PNAMPE). Among the key measures are:

- i) Donation of 99 adapted vehicles for the transport of pregnant women, mothers with children, elderly individuals, and those with disabilities.
- ii) Events and training: Webinars on the situation of women in prison, gender and sexuality, and the screening of the documentary "*Olha pra Elas*," which highlights the feminization of poverty and the abandonment of women in prison.

<sup>369</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 445–448.

<sup>370</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>371</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



- iii) Menstrual Dignity Project: Implementation of sanitary pad and diaper factories in penitentiary units, with agreements in 11 states and over 3.9 million reais invested in machinery.
- iv) Free Women Program: In collaboration with the Santa Catarina Court of Justice, it aims to reduce the incarceration of pregnant women and those with young children, promoting their social reintegration.
- v) Participation in the National Pact for Early Childhood, to ensure the rights of children of incarcerated women.
- vi) Publication of the "Vulnerabilidad en Pauta" collection, with guidelines on the custody of vulnerable groups.
- vii) State-level plans for the care of incarcerated women, developed in cycles (2021-2023 and 2024-2027), with semi-annual monitoring and regional workshops to adapt penitentiary policies to local realities.<sup>372</sup>

522. Additionally, technical visits to women's prisons were conducted to exchange experiences and improve the living conditions of incarcerated and released women.<sup>373</sup>

523. Moreover, the DPE/SP informed that incarcerated persons with disabilities who are in pretrial detention or serving prison sentences allegedly face the same conditions as other inmates, with no infrastructure adapted to their special needs. This situation is exacerbated by the absence of adequate medical care at prison facilities, which lack minimum health equipment as required by the PNAISP.<sup>374</sup>

*Analysis and level of compliance with the recommendation*

524. The Commission expresses concern that, despite the State's report on strengthening the infrastructure of detention centers, these modifications do not address the specific needs of vulnerable population groups. Despite the State's efforts, significant barriers persist, such as those indicated by DPE/SP regarding incarcerated individuals with disabilities who continue to serve prison sentences without adequate infrastructure. There is also a lack of guaranteed access to proper medical care for people with disabilities in penitentiary units, with healthcare teams not compliant with the PNAISP. Actions for women deprived of liberty do not effectively cover all penitentiary units in the country, and although measures have been implemented to improve infrastructure and train staff, oversight of the effective implementation of these adjustments remains insufficient.

525. The Commission once again emphasizes that the contexts and conditions in society in general, and naturally for individuals deprived of liberty, are dynamic. Therefore, the effectiveness of any program, public policy, or measure related to human rights should be assessed periodically to avoid becoming obsolete and ineffective. In this sense, the IACHR considers that the recommendation remains **pending** compliance.

*Measures and information to advance compliance with the recommendation*

526. To comply with the recommendation regarding individuals with disabilities, the IACHR invites the State to accelerate the implementation of adapted cells in all penitentiary units, ensure that the Accessibility Kits are distributed and effectively used in all states, monitor the adequacy of penitentiary infrastructure through regular inspections, and expand specialized medical care coverage in accordance with the PNAISP. Regarding women deprived of liberty, the IACHR invites the State to extend the actions of the PNEMPE to all correctional facilities in the country, ensure the constant provision of hygiene products within the framework of the Menstrual Dignity Project, and expand the Free Women Program to more states.

<sup>372</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>373</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>374</sup> DPE/SP, Response to the request for information questionnaire, October 4, 2024.



## L. Human rights defenders

**Recommendation No. 66.** Strengthen and endow the Human Rights Defenders Protection Program with the structural facilities it needs to guarantee effective and comprehensive protection for human rights defenders, including the signing of state agreements to ensure the actual implementation of that program nationwide. Similarly, ensure effective coordination with the security agencies responsible for implementing the protection measures, so as to guarantee full compliance with the program.

527. In the 2023 follow-up report, the State failed to submit information on the measures adopted to comply with this recommendation. However, civil society organizations reported that conversations and activities under the PPDDH had been resumed after the change in the national administration. This included the release of a presentation booklet and the creation of the Sales Pimenta WG to draft a national plan and a bill for the protection of human rights defenders. Despite the progress achieved, the Commission concluded that compliance with this recommendation remained partial and urged the State to provide updated information, earmark sufficient resources for the PPDDH and take steps to include the civil society in the Deliberative Council, as well as to implement the program across the country.<sup>375</sup>

### *Information on compliance*

528. In 2024, the State informed that the PPDDH is operational across Brazil, either through the Federal Technical Team or as a result of agreements with state governments. There are teams currently working in the following states: Paraíba, Pará, Bahia, Pernambuco, Ceará, Maranhão, Mato Grosso, Minas Gerais, Espírito Santo and Rio Grande do Sul. There are also regionalized federal teams in Amazonas, Roraima, Rondônia, Mato Grosso do Sul and Rio de Janeiro, which assist human rights defenders who have suffered some kind of threat because of their activity. All other states are monitored by the Federal Technical Team. In addition, the State reported that some progress was achieved in implementing the PPDDH in 2024, especially thanks to larger investments, which rose from 17 million Brazilian reais in 2023 to 32 million Brazilian reais in 2024. An additional investment of nearly 5 million Brazilian reais was made to address the Yanomami people crisis.<sup>376</sup>

529. Furthermore, the State explained that more resources were allocated to the PPDDH as a result of an expansion of the Federal Technical Team, which now includes five regional teams, and the setting up of a program office in Porto Seguro to expand its operations in the south of the state. Proximity is key to listen to and support defenders at risk directly, and increases program visibility, which helps to prevent threats. Furthermore, the new agreements provide for the inclusion of a risk analyst, who helps to identify threats and vulnerabilities and supports the adoption of protection measures through internal and external risk assessment.<sup>377</sup>

530. As for the Sales Pimenta WG, the State recalled the information provided the year before regarding its structure, duties and organization. The State added that, so far, the Sales Pimenta WG has held nine ordinary meetings, six public hearings and 42 public consultations to strengthen and expand existing protection measures for these vulnerable population in Brazil.<sup>378</sup>

531. Finally, the State mentioned that the MDHC hired special consulting services to formulate the National Plan to Protect Human Rights Defenders and the National Protection Policy. So far, the State has received comparative technical reports on protection programs from the European Union, Spain, France, Mexico and Colombia, in addition to an analysis of Brazilian bills and court decisions concerning the protection policy. Also, reports have been prepared which analyze meetings and public consultations on issues involving indigenous and Quilombola peoples, media workers and environmentalists. By December 2024, when the work

<sup>375</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 450–456.

<sup>376</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>377</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>378</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



of the Sales Pimenta WG is to be concluded, the following outcomes are expected: a technical document with proposed thematic axes for the national plan, a draft bill on the National Protection Policy and a detailed draft for the national protection plan.<sup>379</sup>

532. Moreover, a civil society organization that is a deputy member of the Sales Pimenta WG reported that the PPDDH has allegedly taken considerable steps to restructure its program and policies by devising a new national policy to protect human rights defenders, media workers and environmentalists. In this regard, this organization highlighted the creation and implementation of a policy for the protection of defenders and the actions undertaken by the Sales Pimenta WG, which reportedly enjoys broad social participation and has achieved progress in helping the State of Brazil guarantee the rights of human rights defenders.<sup>380</sup>

533. Conversely, civil society organizations have stated that challenges to the implementation of the PPDDH persist across Brazil. After the rulings issued by the Regional Federal Court of the Fourth Region and the Inter-American Court of Human Rights in the Gabriel Sales Pimenta case, in June 2023, a technical working group was created to design a new protection policy together with a connected bill. This group started to work in December 2023. In this regard, several requests were made by the civil society, including a request for support to streamline discussions, a request to hold in-person meetings to ensure equal participation and a request for an adequate budget for national hearings and meetings. However, the delay in hiring consulting services and organizing activities also delayed results, so this process is expected to end in late 2024. Meanwhile, the protection program remains operational.<sup>381</sup>

534. In its 2024 annual report, Amnesty International concluded that the authorities had failed to adequately protect human rights defenders. According to Justiça Global, in average, three defenders were allegedly killed each month in Brazil in the past four years. The PPDDH still lacks legal support and specific approaches in terms of race, ethnicity, sexual diversity and territory. In addition, 16 states do not have their own programs, which compromises the effectiveness of protection measures.<sup>382</sup>

535. Furthermore, the Commission learned that the Brazilian Committee of Human Rights Defenders, made up of 48 civil society organizations, sent a letter to the UN Special Rapporteur on human rights defenders, Mary Lawlor, during her visit to Brazil last April. The letter denounces the systemic weakening of the protection policy, which was implemented in 2004 thanks to the civil society, and summarizes the primary issues that are currently affecting the civil society at large: low budget execution; the lack of transparency and social participation; low institutionalization; the absence of structure and staff; the reduction of cases heard by federal courts; political instability in management; the nonexistence of gender, race and class perspectives; and deficiencies in the effectiveness of protection measures.<sup>383</sup>

#### *Analysis and level of compliance with the recommendation*

536. The Commission welcomes the information on the institutional reinforcement of the PPDDH through the investment of more resources, including additional funds to ensure its operation in the Yanomami territory, as well as the expansion of its technical team and physical structure. The Commission also appreciates the steps taken by the PPDDH to restructure its program and policies and to ensure its presence in more states across the country. Finally, the Commission considers that the work of the Sales Pimenta WG is important in that it guarantees and strengthens protection measures and helps to create the National Plan to Protect Human Rights Defenders and the National Protection Policy.

<sup>379</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>380</sup> Vladimir Herzog Institute, Response to the request for information, October 2024.

<sup>381</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.

<sup>382</sup> Amnesty International, [The State of the World's Human Rights in 2024](#).

<sup>383</sup> Brazilian Committee of Human Rights Defenders, "[Carta aberta da sociedade civil para Relatoria da ONU sobre a Proteção de DDHs](#)," April 10, 2024.



537. However, the Commission cannot overlook the issues put forward by the civil society with regard to the insufficiency of financial and human resources for the PPDDH, the lack of transparency and social participation, the limitation of its activity, among others.

538. The Commission considers that the State has succeeded in taking measures to reinforce its policies for the protection of human rights defenders. Nevertheless, the Commission underscores that the State has yet to create instruments that are necessary to strengthen the public policy for the protection of defenders in Brazil, such as the National Protection Policy and the National Plan to Protect Human Rights Defenders. Based on the foregoing, the Commission understands that compliance with this recommendation remains **partial**.

*Measures and information to advance compliance with the recommendation*

539. To guide implementation, the Commission highlights how important it is for the State to step up efforts to institutionally reinforce the PPDDH and to finish the National Plan to Protect Human Rights Defenders, as well as the National Protection Policy, ensuring broad social participation and transparency.

**Recommendation No. 67.** Guarantee the effective and comprehensive implementation of the measures to protect human rights defenders, especially those located in rural areas far from urban centers.

540. In the 2023 follow-up report, the State failed to share information with the Commission on the measures taken to implement this recommendation. However, civil society organizations reported a persistent lack of active transparency across state and federal programs, as well as difficulties in accessing information about the PPDDH. They added that protection measures were still homogeneous and that they failed to address the specific needs of human rights defenders in rural areas, and that state teams had insufficient resources to meet the existing demands. The Commission concluded that compliance with this recommendation remained pending and urged the State to provide up-to-date information and enhance the enforcement of protection measures, especially for people in rural areas, and to guarantee active transparency in federal and state programs.<sup>384</sup>

*Information on compliance*

541. In 2024, the State informed that the process of granting protection measures to human rights defenders started with the request for registration to the program, which could be filed by civil society organizations, defenders themselves or other public agencies. To ensure transparency, the MDHC keeps the PPDDH web page updated within its site, providing guidance on the request for registration, information about applicable rules, program operation and a list of contacts across Brazil. In addition, the Communications Advisory Unit of the MDHC has a communications plan in place to share information on the activities carried out by the Sales Pimenta WG and on public hearings, which is intended to disseminate the initiatives undertaken and meet international and domestic guidelines on the subject.<sup>385</sup>

542. Furthermore, the State mentioned that most PPDDH beneficiaries reside in rural areas, including indigenous peoples and traditional communities. Once included in the program, human rights defenders have access to protection measures adapted to their rural context, including on-site visits and other specific actions. As for transparency, measures are granted in agreement with human right defenders, who are actively involved in the protection process. In addition, thanks to an increase in their federal budget, protection programs have been reinforced in the states of Pará, Paraíba, Bahia, Ceará, Maranhão, Mato Grosso, Minas Gerais, Pernambuco, Rio Grande do Sul and Espírito Santo, thus expanding human resources and program coverage.<sup>386</sup>

<sup>384</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 458–463.

<sup>385</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>386</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



543. Notwithstanding the foregoing, civil society organizations claimed that the process of granting protection measures to human rights defenders still lacks transparency and that the reinforcement of state protection programs has only been limited. According to these organizations, the PPDDH shows signs of precariousness, as evidenced by the agreements signed for its operation. Out of the 10 state programs currently in operation (Bahía, Ceará, Maranhão, Mato Grosso, Paraíba, Minas Gerais, Pará, Pernambuco, Rio de Janeiro and Rio Grande do Sul), at least three are allegedly experiencing delays in the allocation of resources or in the public call for a new agreement to be signed so that measures can be later implemented.<sup>387</sup>

*Analysis and level of compliance with the recommendation*

544. The Commission welcomes the information furnished by the State but emphasizes that there is no specific data as to how an effective, comprehensive implementation of protection measures for the people included in the program is guaranteed, especially for those who reside far from urban centers and in rural areas. Based on the foregoing, the Commission considers that compliance with this recommendation is still **pending**.

*Measures and information to advance compliance with the recommendation*

545. To guide compliance with this recommendation, the Commission urges the State to submit relevant and updated information on the effective implementation of protection measures for human rights defenders. Furthermore, the Commission invites the State to provide data related to the effective application of protection measures, such as the number of persons served by the program, the regions where they are assisted, the type of violations suffered, the number of deaths, among others.

**Recommendation No. 68.** Investigate, with due diligence, all acts of violence against human rights defenders, bearing in mind any intersection with other especially at-risk groups mentioned in this report, assuming as an investigative hypothesis that those acts were committed in retaliation for their activities in defense of human rights.

546. In the 2023 follow-up report, the State failed to provide information to the Commission on any steps taken to implement this recommendation. Conversely, civil society organizations reported that no significant initiatives had been undertaken by the State and that inaction and impunity were still serious obstacles to the protection of human rights defenders. These organizations highlighted emblematic cases such as the murder of Marielle Franco and the Pau D'Arco massacre. Faced with this situation and the lack of information from the State, the Commission concluded that compliance with this recommendation remained **pending**.<sup>388</sup>

*Information on compliance*

547. In 2024, the State reported that it has adopted measures to ensure the diligent investigation of acts of violence against human rights defenders and the punishment of those responsible. The State explained that the PPDDH carries out regular follow-up work together with public security agencies to monitor progress in the investigation of each case. Furthermore, in situations of threat and violence related to territorial conflicts, the DEMCA/MDA collaborates with other federal institutions to i) oversee compliance with investigation protocols; ii) request the inclusion of leaders in the protection program if necessary; and iii) talk with authorities from the Public Prosecutor's Office and the judiciary to avoid impunity in these cases.<sup>389</sup>

<sup>387</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.

<sup>388</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 465–469.

<sup>389</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



548. The Commission learned of the visit of the UN Special Rapporteur on human rights defenders, Mary Lawlor, and her evaluation of the country's situation. With regard to the investigation of acts of violence, she stated that, in many cases, perpetrators are known but impunity prevails.<sup>390</sup>

549. In addition, civil society organizations indicated that, between 2019 and 2022, 1,171 cases of violence against human rights defenders were recorded in Brazil, including 169 murders, with an average of three murders per month. In 2023, the Conselho Indigenista Missionário reported 411 cases of violence against indigenous people, including 208 murders and other attacks. The policy for the protection of defenders, created in 2004, has allegedly weakened due to a number of problems such as low budget execution; the lack of transparency and social engagement; insufficient structure and equipment; a decrease in the number of cases heard by federal courts; and the absence of gender, race and class perspectives.<sup>391</sup>

*Analysis and level of compliance with the recommendation*

550. The Commission appreciates the response sent by the State, in which it reported on the conversations held by the PPDDH with public security agencies, as well as on the actions undertaken by the DEMCA/MDA. Nevertheless, the Commission notes with concern the evaluation carried out by the UN Special Rapporteur and the information provided by the civil society. Furthermore, the Commission believes that there is still insufficient information as regards the measures adopted to investigate with due diligence acts of violence against human rights defenders. Based on the foregoing, the Commission considers that compliance with this recommendation remains **pending**.

*Measures and information to advance compliance with the recommendation*

551. To guide compliance with this recommendation, the Commission invites the State to share information on how it guarantees that these acts of violence are investigated effectively and with due diligence, and on how it prevents them from going unpunished.

**Recommendation No. 69.** Promote dissemination of the legal provision seeking to federalize crimes committed against human rights defenders.

552. In the 2023 follow-up report, the State failed to submit information regarding compliance with this recommendation. Nevertheless, civil society organizations reported that, up to that moment, no measures had been taken to federalize crimes committed against human rights defenders in Brazil. Since the State did not share information neither in 2022 nor 2023, the Commission determined that compliance with the recommendation was still pending and urged the State to provide updated information on any steps taken to ensure these crimes are federalized and to present data that show the increased use of this classification.<sup>392</sup>

*Information on compliance*

553. In 2024, the State once again failed to submit information on compliance with this recommendation.<sup>393</sup>

*Analysis and level of compliance with the recommendation*

554. Faced with the lack of information concerning this recommendation, the Commission determines that compliance is still **pending**.

<sup>390</sup> United Nations in Brazil, "[No Brasil, impunidade e interesses econômicos matam defensores de direitos humanos](#), April 19," 2024.

<sup>391</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.

<sup>392</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 471–473.

<sup>393</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



*Measures and information to advance compliance with the recommendation*

555. To guide compliance with this recommendation, the Commission urges the State to submit relevant and updated information on the initiatives undertaken and the measures adopted by the State to ensure that crimes committed against human rights defenders are federalized, and to provide data that show the increased use of this classification.

**Recommendation No. 70.** Adopt proactive measures to foster a human rights culture and an environment free of violence and threats, recognizing the value and importance of the work done by human rights defenders in reaffirming the validity of democratic institutions and of a State governed by the Rule of Law.

556. In the 2023 follow-up report, the State did not submit any information to the Commission concerning compliance with this recommendation. The civil society, however, reported that the government had shown more initiative to raise awareness among the population of the work done by human rights defenders and highlighted the release of the PPDDH booklet. Despite these efforts, the Commission determined that compliance with this recommendation remained pending, considering the lack of official information from the State in 2022 and 2023. The Commission prompted the State to submit up-to-date information about any initiatives undertaken and measures adopted to promote the recognition and protection of the activities carried out by human rights defenders.<sup>394</sup>

*Information on compliance*

557. In 2024, the State reported that the protection measures implemented under the PPDDH include actions to showcase the actions taken by defenders who promote and advocate for human rights against companies and authorities across all areas of government, provided such measures do not increase the level of risk or threat to defenders. In each case, strategies are adopted to highlight the importance of their work and to help to ensure that it is carried out free of risk. Said strategies include support for events or the safe transfer of defenders so they can participate in activities related to their role.<sup>395</sup>

558. The State added that showcasing the work performed by human rights defenders not only recognizes the importance of what they do but also educates and engages society at large in terms of how relevant it is to protect and promote human rights. By making their work and the challenges they face public, society is invited to reflect on and appreciate the guarantee of rights, especially for the most vulnerable groups. These strategies also create a support and solidarity network, thus driving a culture of empathy and respect for fundamental rights and freedoms and helping to remove the prejudice and stigma associated with human rights.<sup>396</sup>

*Analysis and level of compliance with the recommendation*

559. The Commission welcomes the information shared by the State as regards the promotion of a human rights culture and the recognition of the importance of the work done by defenders in preserving democratic institutions and the Rule of Law. Consequently, the Commission considers that the level of compliance with this recommendation has progressed to **partial**.

*Measures and information to advance compliance with the recommendation*

560. To comply with this recommendation, the Commission invites the State to share all the actions undertaken to foster a culture of human rights.

<sup>394</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 475–477.

<sup>395</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>396</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



## M. Human trafficking

**Recommendation No. 71.** Step up actions to prevent, protect, and assist victims of trafficking in persons by implementing the Third National Plan to Address Trafficking in Persons (2018-2022), fostering cooperation with states, municipalities, civil society organizations, academia, and international organizations specializing in all facets of public policies.

561. In the 2023 follow-up report, the State submitted information on the Third National Plan to Address Trafficking in Persons, effective until July 2022, which is structured around 58 goals within six thematic axes. The State reported that an Interministerial Monitoring and Evaluation Group (CGETP) had been created to monitor this plan, as was a public platform where compliance with such goals could be verified. The State added that steps had been taken to strengthen coordination among different agencies, such as the expansion of the Network to Combat Human Trafficking and the signing of technical cooperation agreements. While significant progress had been made in terms of prevention and assistance to victims, the Commission concluded that the recommendation had only been partially complied with and highlighted the need to continue reinforcing policies, as well as to provide updated information on the Fourth National Plan to Address Trafficking in Persons.<sup>397</sup>

### *Information on compliance*

562. In 2024, the State explained that the evaluation of the Third National Plan to Address Trafficking in Persons, approved by Decree No. 9,440 of 2018, had concluded. The civil society as well as national and international agencies were involved in said evaluation. The plan included 58 goals structured around six thematic axes and was monitored using the Monitora 8.7 platform, developed by the Labor Public Prosecutor's Office (MPT) and the ILO. The final assessment, carried out in cooperation with the Observatory of International Migration in Brazil (OBMigra) of the UnB, applied certain criteria such as participation, effectiveness and available resources, and served as the basis for the fourth national plan, released on July 30, 2024, which will guide actions against human trafficking until 2028.<sup>398</sup>

563. According to the State, the Fourth National Plan to Address Trafficking in Persons (2024-2028) was led by the General Coordination of the Fight Against Human Trafficking and Migrant Smuggling of the Ministry of Justice and Public Security, with technical support from the United Nations Office on Drugs and Crime (UNODC) and the collaboration of the National Committee to Combat Human Trafficking (CONATRAP). The process was structured in three phases: i) comprehensive evaluation; ii) preparation and review of the preliminary version with roundtables; and iii) technical validation and formal approval. The IV National Plan to Combat Human Trafficking (IV PNETP) aims to address the emerging needs of the country and will be implemented from 2024 to 2028, with the general objective of strengthening the National Policy on Combating Human Trafficking through structuring actions and coordination. Its specific objectives include the prevention of trafficking, protection of victims, and accountability for perpetrators. The plan is structured around five key areas: i) policy structuring; ii) coordination and partnerships; iii) prevention; iv) protection and assistance to victims; and v) repression and accountability.<sup>399</sup>

564. The new plan is divided into five strategic axes, with priority actions and specific activities for each. First, the policy seeks to strengthen institutions involved in the fight against human trafficking by restructuring the legal framework and drafting a National Anti-Human Trafficking Training Plan. Next, the policy provides for coordination and association to foster national and international cooperation, thus improving data collection and connecting issues such as forced labor and the protection of vulnerable groups. Under the prevention axis, the State seeks to mitigate vulnerability factors to prevent human trafficking. In addition, the victim protection and assistance axis promotes support and training programs for people who serve victims. Finally, the enforcement and accountability axis contributes to the fight against human

<sup>397</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 480–484.

<sup>398</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>399</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.



trafficking with a focus on avoiding victim criminalization and revictimization, thus facilitating the adoption of a comprehensive approach to combat this crime.<sup>400</sup>

*Analysis and level of compliance with the recommendation*

565. The Commission applauds the creation of the Fourth National Plan to Address Trafficking in Persons and commends the State for having relied on the evaluation of the effectiveness of the previous plan for that purpose. The Commission notes the importance of ensuring the participation of the civil society in the drafting, the implementation and the assessment of public policies.

566. In its previous follow-up report, the Commission stated that, since the recommendation referred to a policy that ended in 2022, it would no longer follow up on compliance therewith. Based on the information provided by the State on the preparation of the fourth national plan, the Commission determines that this recommendation has been **fully complied with**, and, starting next year, the Commission will stop monitoring its implementation.

**N. Forced internal displacement**

**Recommendation No. 72.** Draft and implement public policies for repressing violence and other factors that trigger internal displacement, specifically among peasant (*campesino*) populations and rural workers who are forced to abandon the territories they originally came from due to the violence in rural areas.

567. In the 2023 follow-up, the State failed to provide substantial information on compliance. Therefore, the Commission concluded that compliance with this recommendation remained pending and urged the State to adopt public policies to prevent forced internal displacement, with a special focus on peasant populations and rural workers.<sup>401</sup>

*Information on compliance*

568. In 2024, the State informed that it took measures to eradicate violence and factors that drive internal displacement, especially in rural and agricultural areas affected by land conflicts. Faced with the resumption of eviction proceedings that had been suspended by the STF previously (during the pandemic), the government has prioritized mediation as a key strategy to address these conflicts and avoid violence. To do so, the State has created agencies specialized in conflict mediation across several ministries, including the Secretariat of Access to Justice under the MJSP, the Department of Mediation of Conflicts Involving Indigenous Land under the MPI and the DEMCA/MDA.<sup>402</sup>

569. In addition, the State reported that the purpose of the DEMCA/MDA, created under Decree No. 11,396 of 2023, is to find peaceful solutions to agricultural conflicts, especially those related to the eviction of consolidated peasant communities. The DEMCA/MDA receives complaints from various sources, such as individuals, social movements, trade unions, companies and other government agencies. After an initial assessment, it collects data and contacts the authorities that are responsible for mediating the conflict, which will document visits in technical reports that include visual evidence and testimonies. Situations of violence as well as threats and the lack of public services are recorded in these reports, which are subsequently sent to the relevant authorities and the INCRA, thus contributing to decision-making and the allocation of resources to purchase land and perform on-site supervision activities.<sup>403</sup>

570. The State added that the DEMCA/MDA acts in land disputes related not only to agrarian reform claims from social movements and trade unions but also to territorial disputes involving Quilombola

<sup>400</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>401</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 486–488.

<sup>402</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>403</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



communities and traditional peoples. Intervention by the DEMCA/MDA may be requested by NGOs, unions and other government agencies or the Public Prosecutor's Office, or it can be directly ordered based on the seriousness of the conflict. In prosecuted cases, the reports prepared by the DEMCA/MDA are sent to the Federal Prosecutor's Office under the INCRA to prioritize the defense of autarchy in the proceedings. The DEMCA/MDA collaborates at mediation hearings and technical visits, and forwards to the CNJ the cases of reintegration of possession, where some judges fail to observe the requirements under Resolution No. 510 of 2023, which establishes mediation mechanisms for these conflicts.<sup>404</sup>

571. Finally, the State reported that the Division to Combat Human Trafficking and Migrant Smuggling of the Federal Police took several actions against human trafficking, including preventive measures and information monitoring to address the root causes of crimes before they are even committed. In addition, the division collaborates with Interpol's international operations and reinforces migration control at borders and airports. It also participates in the CONATRAP, where it designs strategies to enhance the implementation of the National Policy to Combat Human Trafficking, with a focus on victim protection and the prosecution of perpetrators. Furthermore, with the development of victim-recruiting technologies, the Federal Police conducts regular training to effectively combat human trafficking and provide broader protection to victims, thus contributing to the defense of human rights.<sup>405</sup>

*Analysis and level of compliance with the recommendation*

572. The Commission welcomes the measures reported by the State. These measures included creating agencies specialized in agrarian conflict mediation in several ministries (the MJSP, the MPI and the MDA) to avoid violence and internal displacement in rural areas, especially after the resumption of eviction proceedings; establishing the DEMCA/MDA, which focuses on agrarian conflict mediation, prioritizes peaceful solutions and documents situations of violence and threats; and addressing territorial conflicts that involve Quilombola communities and traditional peoples through the DEMCA/MDA, which also collaborates at hearings and technical visits.

573. The actions reported, especially those targeted at mediating agrarian conflicts and strengthening institutions, constitute a step forward that has a positive impact on the protection of rural communities and traditional peoples. Based on the foregoing, the Commission considers that compliance with this recommendation has progressed to **partial**.

*Measures and information to advance compliance with the recommendation*

574. To guide compliance with this recommendation, in addition to conflict mediation and resolution, the Commission invites the State to report on the measures being adopted to suppress violence and other factors that result in internal displacement, especially among peasant communities and rural workers.

**Recommendation No. 73.** Draw up and implement a regulatory framework with specific laws on identifying and protecting persons and protecting the victims of forced internal displacement in Brazil.

575. In the 2023 follow-up report, the State failed to submit substantial information on compliance. Consequently, the Commission determined that compliance with this recommendation was pending and urged the State to adopt a regulatory framework based on updated information about internal displacement in Brazil and to reach a broad understanding of the issue by identifying new sources of displacement, negative impacts and relevant responses. According to the Commission, these elements are essential for the development of an adequate regulatory framework that fits the current reality of this phenomenon.<sup>406</sup>

<sup>404</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>405</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>406</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 490–492.



*Information on compliance*

576. In 2024, the State failed to submit information on compliance with this recommendation.<sup>407</sup>

*Analysis and level of compliance with the recommendation*

577. Based on the absence of updated information, compliance with this recommendation remains **pending**.

*Measures and information to advance compliance with the recommendation*

578. To guide compliance with this recommendation, the Commission emphasizes the importance of adopting a regulatory framework based on updated information on internal displacement in Brazil. In this regard, the Commission once again highlights how important it is for the State to broadly understand this phenomenon by identifying new sources of displacement, negative impacts and relevant responses, which are essential for developing an adequate regulatory framework, tailored to the reality and current features of this problem.

**O. Human mobility, asylum and statelessness**

**Recommendation No. 74.** Fully implement Law No. 13,445/2017 (New Migration Law) in a transparent process, with civil society participation and in accordance with the inter-American human rights, principles, norms, and standards; establishing, in particular, the National Migration, Refugees, and Statelessness Policy, envisaged in Article 120 of that Law.

579. In the 2023 follow-up report, the State explained that MJSP 's Resolution No. 290 of 2023, which regulates Article 120 of the Migration Law, provided for the creation of a working group in charge of developing the National Migration, Refugees and Statelessness Policy. The State explained that said group had received over 1,800 contributions and was conducting an internal evaluation of the regulatory project. However, civil society organizations claimed that the public consultation process and the hearings had yet to take place, and that the date to complete this stage had not been updated. The Commission determined that compliance with this recommendation was partial and prompted the State to move forward with the working group's agenda, ensuring social participation, and to report on the development of the policy.<sup>408</sup>

*Information on compliance*

580. In 2024, the State reported that, in 2023, the MJSP had taken the first steps in the design of the National Policy on Migration, Refugees and Statelessness (PNMRA) through a working group that included representatives from the civil society, international agencies and academia. This group organized discussions that revolved around five thematic axes: the regularization of migrants; local integration; the promotion of rights and the fight against xenophobia; social engagement; and international relations. The process entailed national consultations and the analysis of over 1,400 contributions, which emphasized the need to improve migrants' access to public services, combat xenophobia and foster intergovernmental cooperation. As a result, a decree proposal was drafted to formalize the PNMRA, and the information gathered will be useful for other initiatives undertaken by the Migration Department of the MJSP.<sup>409</sup>

581. Furthermore, the State highlighted that the proposed decree seeks to structure and coordinate the PNMRA in a decentralized, participatory manner, by means of initiatives such as the National Plan on Migration, the National Migration Council, the Interministerial Committee, the National Network of Welcoming Cities (RNCA), and national support centers. The draft decree is currently being discussed with other ministries

<sup>407</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>408</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 494–497.

<sup>409</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



to ensure its integration into the executive branch's policies. Then, the proposal will be submitted to public consultation to receive feedback from the civil society, so as to tailor the policy to the needs of migrants, refugees and stateless people. The purpose of the PNMRA is to consolidate a structural, ongoing policy that connects intersectional services and ensures the rights of these groups beyond regularization and emergency assistance.<sup>410</sup>

582. Moreover, in addition to this regulatory process, the State is carrying out key actions to protect the rights of migrants and refugees, and to promote their integration in Brazil. The State referred mainly to the National Conference on Migration, Refugees and Statelessness (COMIGRAR) and the RNCA. The second COMIGRAR, held in September 2023, sought to explore the debate on migration and build the foundations for the first National Plan on Migration, Refugees and Statelessness, thus promoting the participation of migrants and refugees, as well as collaboration among governments, civil organizations and associations. At the preparation stage, 138 local and state conferences were held. The national COMIGRAR will be held in November 2024 in Brasilia. There is updated information available on the DEMIG/SENAJUS' website.<sup>411</sup>

583. Finally, the State explained that the RNCA was launched in November 2023 as a collaboration forum to promote the shelter and integration of migrants, refugees and stateless people in urban areas. This forum, which municipalities may join freely, seeks to strengthen participatory and decentralized governance in migration matters. At the launch event in Brasilia, in which 252 attendees participated, SENAJUS/MJSP Ordinance No. 84 and the Charter of Brasilia were signed, setting the network's objectives and guidelines. So far, 26 cities from different regions of the country have joined the RNCA, including capitals and cities at Brazilian borders. In addition, the network fosters the development of institutional capacities, the exchange of experiences and the reinforcement of municipal migration policies in Brazil, in collaboration with public and international agencies and the civil society.<sup>412</sup>

*Analysis and level of compliance with the recommendation*

584. The Commission considers that the measures reported by the State constitute significant steps towards compliance with this recommendation. Especially, the Commission highlights the participatory consultation process and the drafting of the PNMRA. The decree proposal that will allegedly formalize the PNMRA and structure initiatives such as the National Migration Plan, the COMIGRAR and the RNCA, is proof of a coordinated, multisectoral approach. Furthermore, the RNCA promotes cooperation among municipalities and relevant actors to create inclusive welcoming environments, while the second COMIGRAR intends to spark off a deep, ongoing debate on migration and develop the first National Migration Plan. Based on the above, the Commission considers that compliance with this recommendation has progressed to **substantial partial**.

*Measures and information to advance compliance with the recommendation*

585. To guide compliance with this recommendation, the Commission invites the State to report on the progress made to conclude and implement the PNMRA, as well as to share further details on the steps it will take to ensure that said policy is adequately funded to put all the proposed measures into practice. Furthermore, the Commission prompts the State to provide updated information on the expansion of the RNCA to additional municipalities—in particular, regions with high migration and shelter rates—and on its integration into local service systems.

**Recommendation No. 75.** Define national plans for the comprehensive protection of human rights and social inclusion of all persons in a situation of human mobility residing in the country, taking into account factors such as race, gender, diversity, age, childhood, disability, as well as intersectional treatments.

<sup>410</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>411</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>412</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



586. In the 2023 follow-up report, the State referred to several initiatives intended to promote the social inclusion of migrants, such as the Program to Attend to and Accelerate Asylum Policies for Afro-descendants and streamlined procedures for specific cases involving women and the LGBTQIA+ population. The State also mentioned Interministerial Ordinances Nos. 24, 37 and 38 issued by the MJSP/MRE, which addressed visas and residence permits for vulnerable groups. However, the civil society pointed out that a national conference on migration, scheduled for the second half of 2023, could be postponed. The Commission welcomed those initiatives and determined that compliance with this recommendation had progressed to partial. Nevertheless, the Commission highlighted the lack of specific data on their implementation and on results and urged the State to continue designing policies and to hold said conference to draft and adopt a comprehensive national plan.<sup>413</sup>

*Information on compliance*

587. In 2024, the State failed to submit information on compliance with this recommendation.<sup>414</sup>

*Analysis and level of compliance with the recommendation*

588. In view of the absence of updated information, compliance with this recommendation remains **partial**.

*Measures and information to advance compliance with the recommendation*

589. To guide compliance with this recommendation, the Commission urges the State to report specific data on the implementation of the public policies mentioned in 2023. Furthermore, the Commission prompts the State to timely move forward with the approval and implementation of a National Policy on Migration, Refugees and Statelessness, ensuring transparency and social engagement throughout the process. Said policy must promote the inclusion of persons in situation of human mobility living in Brazil, taking into account such factors as race, gender, diversity, age, childhood and disability, as well as any other characteristics capable of triggering intersectional risks.

**Recommendation No. 76.** Step up humanitarian welcome actions, provided for in the Migration Law, Law No. 13,445/2017 and supplemented by the measures established in Law No. 13,684/2018 for persons who find themselves in vulnerable circumstances arising out of the migration flow caused by a humanitarian crisis, particularly with regard to maintaining and bolstering actions to receive persons displaced from Venezuela by the current humanitarian crisis.

590. In the 2023 follow-up report, the State informed the Commission about the granting of visas and humanitarian residence permits, including those under MJSP/MRE's Interministerial Ordinances Nos. 36, 37 and 38, to migrants from Ukraine and Haiti, and to persons with family links in Brazil. In addition, the State created an emergency shelter in Praia Grande (SP) for Afghan refugees. The civil society, however, reported delays in the processing of requests for visas and accessibility issues at embassies, such as that of Haiti. Civil society organizations also referred to the creation of a working group that would design a national policy to integrate migrants, but which showed varying levels of progress. The Commission considered that the measures adopted were a significant step forward but determined that additional efforts had to be made for the efficient processing of visas and provision of consular services, as well as for the continuation of programs for persons displaced from Venezuela. Therefore, the Commission concluded that compliance with this recommendation had progressed to **substantial partial**.<sup>415</sup>

<sup>413</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 499–503.

<sup>414</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>415</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 505–510.



*Information on compliance*

591. In 2024, the State highlighted Brazil's international commitment to refugees and migrants through its migration and refugee policies, based on laws No. 13,445/2017 and No. 9,474/1997. The 1997 Refugee Law expanded the definition of refugee to include those fleeing their country due to serious human rights violations. Later, the 2017 Migration Law established the possibility of granting residence permits for humanitarian reasons, which is applicable, for example, to Venezuelan migrants. One of the key initiatives is the "Operação Acolhida" (Operation Welcome), launched in 2018 to assist Venezuelan refugees and migrants, facilitating their voluntary relocation from municipalities in Roraima to other cities in Brazil. This action aims to improve the social, economic, and cultural integration of the beneficiaries, as well as to alleviate the pressure on public services in Roraima. The operation involves the Federal Government, states, municipalities, Armed Forces, the Judiciary, international organizations, and over 100 civil society organizations.<sup>416</sup>

*Analysis and level of compliance with the recommendation*

592. In view of the absence of updated information, compliance with this recommendation remains **substantial partial**.

*Measures and information to advance compliance with the recommendation*

593. To guide compliance with this recommendation, the Commission considers the State should guarantee the continuation of the reported programs and urges the State to send updated information on the actions taken to receive persons displaced from Venezuela. In particular, the Commission notes that the State needs to timely and effectively process requests for visas and provide consular services at Brazilian consulates and embassies in countries where the demand for visas is higher, so as to prevent asylum-seekers from staying in the situation of risk in which they are.

**Recommendation No. 77.** Maintain and strengthen public policies, programs, and actions to welcome, bring in, include, and provide social welfare for migrants, asylum-seekers, and refugees, undertaken directly by the State or with the support of civil society organizations.

594. In the 2023 follow-up report, the State informed the Commission about the progress achieved by the working group created under MSJP's Ordinance No. 290 of 2023 in regulating the PNMRA. The initiatives under development included the organization of the second COMIGRAR the implementation of support centers for migrants, refugees and stateless persons, and the creation of the RNCA. In addition, the State reported that the follow-up process of migrants in border cities had intensified to ensure their integration and prevent human trafficking. The Commission welcomed these measures but pointed to the lack of specific data on their implementation and outcomes. Therefore, the Commission determined that the recommendation had been partially complied with and called on the State to provide detailed information and to step up efforts to welcome and integrate migrants.<sup>417</sup>

*Information on compliance*

595. In 2024, the State failed to submit information on compliance with this recommendation.<sup>418</sup>

*Analysis and level of compliance with the recommendation*

596. In view of the absence of updated information, compliance with this recommendation remains **partial**.

<sup>416</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>417</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 512–516.

<sup>418</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



*Measures and information to advance compliance with the recommendation*

597. With a view to complying with this recommendation, the Commission invites the State to continue making efforts to welcome and integrate migrants, asylum-seekers and refugees, especially by restructuring a comprehensive national policy that includes and supplements the progress reported. The Commission invites the State to provide specific data on the implementation of the public initiatives reported, as well as on their outcomes.

**Recommendation No. 78.** Implement and strengthen actions to protect and shelter migrants living in the streets in both border areas and in cities in Brazil.

598. In the 2023 follow-up report, the State indicated that, to address the situation of Afghan refugees at the Guarulhos International Airport, an emergency shelter had been set up in Praia Grande (SP), which housed 200 individuals in a situation of vulnerability. This shelter, supported by several civil institutions, provided medical care, migration status regularization assistance and Portuguese lessons. Furthermore, Afghan individuals had been transferred to local shelters where they had received legal counsel, food and other resources. While the creation of the shelter and the relocation of refugees constituted a significant step forward, the Commission considered that this recommendation had been partially complied with and requested updated information on public policies intended to welcome migrants living in the streets and in border areas, as well as on the implementation of mechanisms to identify and protect their rights.<sup>419</sup>

*Information on compliance*

599. In 2024, the State reported that migrants in Brazil are identified by means of the Specialized Reference Center of Social Assistance (CREAS) under the SUAS. Migrants can access institutional welcome services, such as shelters and temporary accommodation, with a focus on personal development. In cases of large migratory flows, the Ministry of Social Development and Assistance, Family, and the Fight against Hunger (MDS) technically and financially supports states and municipalities to build emergency shelters if local capacity is exceeded, as was the case of Operação Acolhida (Operation “Welcome”) for Venezuelan migrants in Roraima. Migrants are included in the social assistance system through registration in the municipality-managed Single Registry of Social Programs, which helps to identify whether families belong to GPTE. This Single Registry includes all low-income families, irrespective of their nationality, and allows for the identification of their nationality in the form.<sup>420</sup>

600. Furthermore, the MDS is actively involved in the Interministerial Working Group and the Action Plan for Persons Living in the Streets and has been holding weekly meetings since June 2023 to prepare the working group’s first study, which will lay the foundations for a future census of this population. A pilot study was conducted in December in Niterói (RJ), where the MDS participated as an observer and evaluator. This working group is also preparing methodological research guidelines that can be replicated across states and municipalities, as well as reviewing relevant federal administrative records. The MDS also participates in the current diagnosis of homeless people in Brazil to ground measures under said action plan.<sup>421</sup>

601. The State added that it strictly monitors the implementation of the Guidelines for Serving International Migrants under the SUAS. All social assistance services, benefits, programs and projects are available to migrant individuals and families in a situation of vulnerability and at risk, provided that they are eligible. To guarantee access, migrants learn about the SUAS during information sessions and in materials available to them.<sup>422</sup>

<sup>419</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 518–522.

<sup>420</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>421</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>422</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.



602. Finally, the State reported that it has established cofinancing procedures for the support and protection of homeless migrants, so that they can have access to a safe environment, and social work services. An example of these efforts is Operação Acolhida, conducted at the Venezuelan border in Roraima, through which assistance is provided to Venezuelan refugees and migrants in six federal shelters, out of which three are targeted at Venezuelan indigenous people. In addition, the MDS, in partnership with UNICEF, has set up two registration posts in Boa Vista and Pacaraima to provide social protection and assistance services to migrant families. Since 2023, both the MDS and UNICEF have carried out missions to support local management in the recording and updating of data concerning these families, thus implementing a support plan focused on the efficiency and sustainability of registration posts and assistance provided to migrants.<sup>423</sup>

603. Regarding measures adopted in other urban centers, the State explained that the high impact of migration is measured by the flow of migrants either passing through or settling in the country. This measure is justified by the impact of these flows on the administrative organization of urban centers, whose effects directly affect the public policies available to the general population and to migrants, who need to be properly assisted. In this regard, the State has adopted regular or emergency measures to assist migrants, refugees, and stateless individuals, ensuring that their full human and social rights are guaranteed on equal terms with nationals. Among the measures adopted, the State mentioned federal co-financing for the assistance of migrants and refugees within the Unified Social Assistance System (SUAS), technical assistance provided by the Ministry of Social Development (MDS) to subnational entities, the collection and dissemination of national and international good practices in social services provided to this population, cross-sectoral coordination to expand access to various sectorial public policies, training for market integration, and institutional reception.<sup>424</sup>

*Analysis and level of compliance with the recommendation*

604. The Commission welcomes the measures reported by the State to shelter migrants living in the streets or in other situations of vulnerability, which included the implementation of social assistance policies under the SUAS. In particular, the Commission highlights the *Operação Acolhida*, which assists Venezuelan migrants in Roraima, and commends the creation of emergency shelters, as well as the protection provided under the SUAS network and the Single Registry. The Commission also underscores the importance of the Action Plan for Persons Living in the Streets, which has an impact on the policies targeting homeless migrants in the country.

605. Based on the foregoing, the Commission considers that the measures adopted by the State to guarantee the shelter of migrants living in the streets are relevant for compliance with this recommendation. Therefore, the Commission determines that compliance with this recommendation has progressed to **substantial partial**.

*Measures and information to advance compliance with the recommendation*

606. To achieve full compliance with this recommendation, the Commission invites the State to submit information on the measures adopted in other urban centers with high migration levels, for example, the city of São Paulo (SP).

**Recommendation No. 79.** Prevent, raise awareness of, and combat xenophobia and all forms of violence against persons in human mobility situations, including migrants, refugees, those applying for refugee status, stateless persons, and victims of human trafficking.

607. In the 2023 follow-up report, the State referred to the creation of the Moïse Kabagambe Observatory to monitor and combat violence and xenophobia against migrants and refugees, with a focus on gender violence, racism and workplace violence. The purpose of this observatory was to collect data, conduct

<sup>423</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

<sup>424</sup> State of Brazil, Note No. 30 of February 7, 2025, Comments on the draft report.



studies and collaborate with several entities to support the design of public policies. While this was a positive initiative, the Commission observed that there was no public data on its results. Therefore, the Commission considered that this recommendation had been partially complied with and urged the State to move forward with its efforts in relation to the Moise Kabagambe Observatory, ensuring that all related information was publicly available and updated.<sup>425</sup>

#### *Information on compliance*

608. In 2024, the State reported various activities focused on the prevention, awareness, and fight against human trafficking, highlighting the 10th National Mobilization Week, which takes place every July in commemoration of World and National Day Against Human Trafficking (July 30). As part of Brazil's participation in the Blue Heart Campaign, the National Mobilization Week is held annually during the week including July 30, with actions aimed at raising awareness about human trafficking nationwide through a broad network of stakeholders. The objectives of this week are to increase knowledge and mobilize society and institutions, enhance the involvement of civil society, publicize national actions against human trafficking, and promote the UN's Blue Heart Campaign as a global prevention platform. High-visibility activities are carried out, such as the lighting of public buildings in blue, seminars, dialogues, distribution of materials, and educational blitzes, with the support of the National Policy for Combating Human Trafficking, including networks of combating cells, the National Committee for Combating Human Trafficking (CONATRAP), public agencies, and civil society organizations.<sup>426</sup>

609. In 2024, various informational materials focused on human trafficking, slave labor, and the protection of women and children were developed. Among the most notable resources is the "Turma da Mônica Jovem - Sonho Perigoso" comic, designed to raise awareness among children and adolescents about the dangers of human trafficking. The story revolves around a young person who, tempted by an online offer, almost falls into a human trafficking trap. The goal of this publication is to educate young people, as well as parents and educators, about the risks associated with this crime. Another key material is the Guide to Identifying and Assisting Child and Adolescent Victims of Human Trafficking, which provides practical tools for institutions working with victims, promoting access to rights and preventing further violations. Additionally, several informational pamphlets were created, such as one guiding on Human Trafficking and Work Abroad, aimed at providing information and recommendations to Brazilians wishing to work abroad, ensuring safe migration and respect for their rights. Another pamphlet on Human Trafficking in the Context of Environmental Degradation in Brazil aims to raise awareness and train stakeholders involved in the prevention of trafficking and environmental protection, improving the identification and assistance of victims of this crime.<sup>427</sup>

610. On the other hand, the State reported that the Standard Operating Protocol (POP/TIP) aims to strengthen Brazil's policies and efforts in the fight against human trafficking by organizing a set of institutional interventions, from identifying victims to their return to the country. This protocol coordinates the actions of various institutional actors involved in the process. Furthermore, free courses were launched on the Virtual Government School platform (EV.G), in collaboration with the International Organization for Migration (IOM), to promote training on qualified listening to vulnerable groups and combating migrant smuggling. Also, the Interministerial Ordinance MJSP/MTE No. 46 was published, which modifies the procedures for granting residence to victims of trafficking or slave labor, facilitating the necessary documentation and prioritizing the processing of applications. Additionally, the National Report on Human Trafficking (2021-2023) was presented, which gathers data and analysis on human trafficking in Brazil, obtained from reports by national authorities and experts on the matter.<sup>428</sup>

611. Finally, the Migrant Smuggling Action Plan was launched, developed by the National Secretariat of Justice (SENAJUS) and the IOM, with the aim of strengthening prevention, response, and

<sup>425</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 531–534.

<sup>426</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>427</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>428</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.



cooperation in the fight against this transnational crime. As part of this effort, the MJSP is conducting a study in collaboration with the Federal University of Minas Gerais (UFMG) to collect data on judicial processes related to human trafficking and analogous to slavery, which will allow for a detailed diagnosis and the establishment of a database to improve the judicial response in these cases.<sup>429</sup>

*Analysis and level of compliance with the recommendation*

612. The Commission positively highlights the measures reported by the State to fulfill the recommendation. In particular, it recognizes the importance of the National Week of Mobilization Against Human Trafficking, the publication of informational and educational materials, the training sessions on the subject, the development of the Standard Operating Protocol (POP/TIP), the facilitation of residency for victims, as well as the research and data collection on human trafficking and the launch of the Action Plan Against Migrant Smuggling. Based on these actions, the Commission concludes that the recommendation is making substantial progress toward **partial** compliance.

*Measures and information to advance compliance with the recommendation*

613. In order to guide the full implementation of this recommendation, the Commission invites the State to share information on the development and impact of the reported measures.

**Recommendation No. 80.** Strengthen government structures relating to the protection of the human rights of migrants, refugees, and stateless persons, especially Brazil's National Committee for Refugees (CONARE).

614. In the 2023 follow-up report, the State provided information about the Program to Attend to and Accelerate Asylum Policies for Afro-descendants, aimed at proposing migration solutions and public policies. It also promoted a simplified procedure for the submission of asylum applications for women and girls at risk of genital mutilation or ablation and LGBTIA+ persons. Furthermore, financial literacy courses were offered to immigrants and refugees. Even though these initiatives contributed to complying with the recommendation, the civil society highlighted the need to set up more decentralized CONARE units and to increase the participation of the civil society in the committee. The Commission considered that the level of compliance with this recommendation had advanced to partial and requested additional information on the new measures and on the restructuring of the National Immigration Council (CNIg), as well as on the creation of more CONARE units and on the improvement of civil society participation.<sup>430</sup>

*Information on compliance*

615. In 2024, the State reported that the CONARE had analyzed 138,359 asylum applications, which accounted for a 235 percent increase against the previous year. The same year, 77,193 individuals were granted refugee status, the highest number in the history of the refugee system in Brazil, which represented a 1,232 percent increase against 2022. This significant increase caused the total number of individuals granted refugee status in Brazil to rise by 117.2 percent, thus reaching 143,033 individuals. In addition, the CONARE grew the number of observer members by including several ministries, such as the Ministry of Social Development, the Ministry of Human Rights, the MIR, the Ministry of Ports and Airports, and the MPI.<sup>431</sup>

616. Furthermore, in 2023, the State, in collaboration with the UNHCR, began to implement the Action Plan to Strengthen the Protection and Local Integration of the Haitian Population in Brazil," which is part of the Program to Attend to and Accelerate Asylum Policies for Afro-descendants. This plan, whose structuring is still underway in 2024, centers around four axes: mapping needs and making a diagnosis on the

<sup>429</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>430</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 533–539.

<sup>431</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.



access to rights; expanding access to humanitarian responses and mechanisms for reception; strengthening socioeconomic integration strategies; and supporting Haitian community structures.<sup>432</sup>

617. The State considers that reforms are needed to improve the actions of the CNIg and to reshape its role in the Brazilian migration policy. Technical studies into its composition, organization and competence were conducted, which translated into a proposal that is expected to be submitted along with the PNMRA.<sup>433</sup>

*Analysis and level of compliance with the recommendation*

618. The Commission welcomes the fact that the CONARE had the capacity to analyze almost 140,000 asylum applications and to grant refugee status to 77,000 individuals. The Commission also appreciates the fact that the CONARE increased the number of observer members by including several ministries and that the Action Plan to Strengthen the Protection and Local Integration of the Haitian Population in Brazil was developed and structured. Finally, the Commission is thankful for the information provided by the State on the need to reform the CNIg to reshape its role in the Brazilian migration policy.

619. Based on the measures that were reported as to the strengthening of government structures relating to the protection of the human rights of migrants, refugees and stateless persons, the Commission considers that the level of compliance with this recommendation has progressed to **substantial partial**.

*Measures and information to advance compliance with the recommendation*

620. The Commission invites the State to continue providing updates on the actions of the CONARE, as well as on the development of the Action Plan to Strengthen the Protection and Local Integration of the Haitian Population in Brazil, and on the measures adopted to reform the CNIg.

**Recommendation No. 81.** Ensure effective access and due process guarantees in connection with administrative procedures regarding immigration and refugee documents.

621. In the 2023 follow-up report, the State reported that over 80,000 refugee status applications had been analyzed, double the amount reviewed in 2022, thanks to the improvements made in process management and IT tools, including the strengthening of the studies on the country of origin and the development of the SISCONARE system. The State added that 10,671 applications for naturalization had been decided on. Moreover, the civil society reported a return to democratic actions and an increase in its participation, even though there had been issues relating to expulsions without due process. The Commission appreciated the measures adopted to speed up immigration processes and to ensure a reasonable time for their completion. It concluded that the recommendation had progressed to substantial partial compliance and invited the State to continue ensuring said reasonable time and to provide up-to-date data on refugee and asylum processes.<sup>434</sup>

*Information on compliance*

622. In 2024, the State underscored that it is simplifying the issuance of free identity documents for immigrants facing a situation of economic vulnerability, as required by Law No. 13,445 of 2017. The State added that, even though the issuance process is complex for immigrants, it is completed promptly when they submit all the required documentation. Furthermore, according to the State, the Federal Police has approximately 120 attention units across the country. For asylum applications, the process begins in the SISCONARE system and is followed by the biometric identification team at the Federal Police before being sent for its analysis to the CONARE. Refugee applicants receive a Provisional National Migration Registration

<sup>432</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

<sup>433</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

<sup>434</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 541–546.



Document (DPRNM), and detailed information is made available on the website of the MJSP. On average, documents for immigrants are issued 15 days after the identification at the PF's attention units.<sup>435</sup>

623. Moreover, the State reported that the PF, through the National Migration Registration System (SISMIGRA), has granted refugee status to 59,362 individuals, has received 65,152 refugee status applications and has provided asylum to 500 individuals. To promote transparency in migration data, in 2013, the OBMigra was created in cooperation with the UnB. Recently, the observatory has launched "DataMigra BI," an easy-to-use tool that enables public access to up-to-date migration data.<sup>436</sup>

#### *Analysis and level of compliance with the recommendation*

624. The Commission welcomes the measures reported by the State to promote effective access and due process guarantees in connection with administrative procedures regarding immigration and refugee documents. Based on the information sent and requested for the previous report, the Commission considers that this recommendation has reached **full compliance** and therefore will cease to follow up on it as of next year.

**Recommendation No. 82.** Issue affordable and non-stigmatizing provisional IDs for all asylum-seekers, stateless persons, and migrants, while taking additional measures to train public servants and raise awareness among the general population so as to ensure effective access to rights and services.

625. In the 2023 follow-up report, the State indicated that, as provided by Ordinance No. 9,277 of 2018, the DPRNM had been created to replace the Refugee Protocol, and that DPRNMs were issued as soon as asylum applications were received by the CONARE and the Federal Police systems, which had been integrated in 2020. However, no information was provided on any measures taken in 2023. For its part, the civil society pointed out that there were many undocumented immigrants living in Brazil due to the lack of regularization opportunities and to the delays resulting from border closures during the pandemic. The Commission noted that no information on the measures adopted in 2023 had been submitted and therefore it considered that the recommendation was still pending compliance. The Commission urged the State to provide up-to-date information on regularization measures and to take steps to ensure access to documentation, rights and services for vulnerable migrants.<sup>437</sup>

#### *Information on compliance*

626. In 2024, the State reported that, to ensure a decent, accessible and fast service, the Federal Police offers services at a number of units that meet the demand for such services, cooperate with civil society organizations and international bodies to assist immigrants, and organize special days of mass assistance in high-demand areas. The State claims that these actions reflect its awareness of how important identity documents are for immigrants to access public services and to be integrated into the labor market.<sup>438</sup>

627. In addition, the State held that it has taken steps to train agents on migration issues, as well as to raise awareness among them. The ENAP offers courses on this topic in its Escuela Virtual (Virtual School) platform, which is accessible to the public, along with specific courses for the Federal Police in the EAD platform of the National Police Academy. Furthermore, it was pointed out that the Federal Police provides constant internal training and collaborates with the civil society to increase the number of agents that are familiar with migration issues and to expand access to migration documents.<sup>439</sup>

628. Finally, the State highlighted the implementation of the SISCONARE platform since 2019, which records applications for refugee status recognition and manages asylum processes at all stages. Asylum

<sup>435</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

<sup>436</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

<sup>437</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 548–552.

<sup>438</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

<sup>439</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.



seekers complete an online form and then present themselves at a Federal Police post for biometric and biographical identification. The integration of SISCONARE with the Federal Police's Sismigra system enables a unified service, streamlining administrative procedures and improving efficiency. In 2024, SISCONARE incorporated new functionalities, such as issuing certificates for applicants or recognized refugees and processing requests for reopening archived cases. Additionally, CG-Conare regularly issues documents, including corrections to recognition notifications or certificates.<sup>440</sup>

*Analysis and level of compliance with the recommendation*

629. The Commission considers that the reported measures represent important steps towards compliance with the recommendation, especially the capacity of the Federal Police to provide services at appropriate units and its cooperation with civil society organizations and international bodies to assist immigrants, as well as its adjustments in high-demand areas. The Commission also acknowledges that the training measures on the matter targeted at Federal Police agents are appropriate. As a result, the Commission determines that the level of compliance with this recommendation has progressed to **partial**.

*Measures and information to advance compliance with the recommendation*

630. To guide compliance with the recommendation, the Commission invites the State to share information on the measures adopted to ensure that vulnerable immigrants have easy access to identity documents.

**Recommendation No. 83.** Strengthen integrated steps to protect migrants from slave labor and guarantee prompt investigation, with all due diligence of any such cases, as well as punishment of those responsible.

631. In the 2023 follow-up report, the State reported that the General Coordinating Office on Labor Immigration (CGIL) of the MJSP granted residence permits for work-related reasons and that workplace inspections, which were carried out by the Labor Secretariat (SIT) of the Ministry of Labor and Employment (MTE), were aimed at monitoring the working conditions and guaranteeing the human rights of both Brazilian and immigrant workers. The State also submitted information on the Labor Inspectorate Statistics and Information Dashboard available on the Labor Inspectorate portal, which published data on slavery-like work, child work and infringement records. The MTE also worked on the promotion of labor rights and the fight against slave labor. However, the civil society voiced concerns over the State's failure to follow up on the Operação Acolhida relocation program and over the risk faced by many immigrants of becoming victims of slavery-like work. The Commission appreciated the steps taken and noted that compliance with the recommendation was partial. It also urged the State to provide information on the specific measures adopted to investigate and punish labor exploitation, to ensure access to justice for immigrants and to report on the results achieved by the MPT.<sup>441</sup>

*Information on compliance*

632. In 2024, the State reported that it continued to strengthen its policy for the eradication of slave labor, in which the SIT had a central role. Labor inspectors identify cases of slave-like work, hold employers responsible and rescue the victims, thus ensuring their labor rights. The SIT prepares technical reports that support legal action in the administrative, civil and criminal fields, which call for a comprehensive approach in cooperation with other institutions, such as the MPT, the Federal Public Defender's Office and the Federal Public Prosecutor's Office.<sup>442</sup> The State added that, in December 2024, the Inspection joined Alliance 8.7,

<sup>440</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>441</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 550–560.

<sup>442</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.



making the country recognized as one of the pioneers in promoting international commitments to eradicate forced labor, modern slavery, human trafficking, and child labor.<sup>443</sup>

633. In addition, it was pointed out that the Office of Labor Inspectors has ample power to inspect workplaces without prior notice, review documents and impose sanctions. In 1995, Brazil created the Special Mobile Inspection Group (GEFM) to carry out actions in rural areas and rescue victims of slave labor. This strategy was replicated in the region to achieve a faster and better distributed response. The SIT also ensures that rescued workers are compensated for and, if employers fail to cooperate, the SIT removes the victims and guarantees temporary accommodation for them, as well as their return to their place of origin and their access to social benefits.<sup>444</sup>

634. The State added that over 63,000 workers had been rescued since 1995 and that employers had to pay over 148 million Brazilian reais in compensation. In 2023 the State informed that 3,292 workers were rescued and, in 2024, as of August, another 1,142 victims were rescued. Stronger actions are expected in 2025 with the incorporation of new inspectors. Also, the SIT has created an emergency assistance program to cover transport and basic needs in cases where the employer refuses to stop engaging in exploitative practices. The SIT also works in coordination with other institutions, such as the MPT and the Federal Public Defender's Office to ensure immediate judicial and administrative support.<sup>445</sup>

635. Furthermore, the State reported that it has implemented measures, such as the Registry of Employers, known as the "dirty list," and the National Treatment Protocol for Victims of Slave Labor, which was created in 2021 to coordinate the reporting, rescue and post-rescue assistance process. In 2020, the Ipê System, a multilingual digital platform for the reporting of slave labor, was launched, which has optimized the response to said reports. This year, as of October, 2,444 reports had been received through this efficient system that is available to all citizens.<sup>446</sup>

636. In 2003, Brazil developed its first National Plan for the Eradication of Slave Labor (PNETE) and created the National Commission for the Eradication of Slave Labor (CONATRAE) to coordinate actions between public bodies and society. Its second plan, which was released in 2008, added training and labor reintegration measures for rescued workers. Its third plan is currently underway and expected to be released in 2025 with new slave labor eradication goals.<sup>447</sup> The State explained that the Plan is under the coordination of the Ministry of Human Rights and Citizenship (MDHC), through CONATRAE, and is already in an advanced stage of development.<sup>448</sup>

637. In particular, as regards immigrants, the State held that assistance, protection and integral compensation measures apply to all victims of slave labor in Brazil, regardless of their nationality or migration status. For rescued irregular immigrant workers, Interministerial Ordinance MJSP/MTE No. 46 of 2024 guarantees a permanent residence authorization for those who want it and establishes the procedures for the Office of Labor Inspectors and other public agents to provide support to the victims of human trafficking, slave labor or rights violations. This ordinance, which is in line with the Palermo Protocol, also coordinates the second PNETE with the fourth National Plan to Combat Human Trafficking.<sup>449</sup>

638. Furthermore, in June 2024, by means of an Article 41 letter, the Commission requested information from the State on the increase in slave labor cases. According to official information in the public

---

<sup>443</sup> State of Brazil, Note No. 30 of February 7, 2025, Comments on the draft report.

<sup>444</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

<sup>445</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

<sup>446</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

<sup>447</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

<sup>448</sup> State of Brazil, Note No. 30 of February 7, 2025, Comments on the draft report.

<sup>449</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.



domain, in 2023, the MTE rescued almost 3,200 individuals working in slave-like conditions and, in 2024, the largest operation to combat slave labor was launched, and 593 workers were rescued.<sup>450</sup>

*Analysis and level of compliance with the recommendation*

639. The Commission welcomes the measures adopted by the State to combat slave labor in the country and acknowledges the efforts that have been made for decades in this regard. The Commission highlights the drafting process of the third PNETE, as well the strengthening of existing policies among the new measures implemented in 2024. In particular, in relation to rescued immigrant workers, the Commission applauds Interministerial Ordinance MJSP/MTE No. 46 of 2024, which guarantees a permanent residence authorization and establishes the procedures for public agents to provide support to the victims of human trafficking, slave labor or rights violations.

640. However, the Commission also notes that the referred measures to combat slave labor are recent, so it is too soon to assess their impact on the actions already in course for that purpose. This has been a recurring issue in the inter-American system in relation to Brazil—from the case of the *Hacienda Vale do Rio Cristalino*, of 1995, to the case of the *Hacienda Brasil Verde workers*, of 2016—but it is not limited to rural areas: slave labor is also present in urban areas, where Brazilians and immigrants are exploited. Based on the foregoing, the Commission considers that compliance with this recommendation continues to be **partial**.

*Measures and information to advance compliance with the recommendation*

641. To achieve full compliance with the recommendation, the Commission invites the State to report on the completion and implementation of the third PNETE, detailing if said plan also addresses immigrant workers, and to submit information on any new measures designed to protect this group.

## P. Memory, truth and justice

**Recommendation No. 84.** Establish a body to oversee compliance with the recommendations of the National Truth Commission.

642. In the 2023 follow-up report, the State reported that it was working on the creation of a deliberative instrument to monitor compliance with the 29 recommendations issued by the National Truth Commission (CNV). The State acknowledged that it had not paid these recommendations the attention they deserved over the past few years and underscored that the three branches of the Republic had to share the efforts towards compliance. According to a report drawn up by the Vladimir Herzog Institute, by the end of 2022, only two recommendations had been fully implemented, six had been partially implemented, 14 had not been implemented, and seven had experienced setbacks. In view of that, the Commission determined that compliance with the recommendation had progressed to partial, but it noted that, despite the efforts to create the new instrument, most recommendations had not been implemented and some had even suffered setbacks. The Commission highlighted the importance of completing the creation of said instrument, ensuring its autonomy, transparency and efficacy, and guaranteeing the participation of victims and the civil society, as well as the need to implement an action plan with its own accountability mechanisms.<sup>451</sup>

*Information on compliance*

643. For 2024, the State highlighted that the CNV had completed its work in 2014, having fulfilled its legal mandate to investigate human rights violations perpetrated between 1946 and 1988. All three branches of government, as well as some local governments, have the shared responsibility of implementing the recommendations included in the final report of the CNV. The MDHC has been monitoring compliance with

<sup>450</sup> MTE, “[MTE resgata 3.190 trabalhadores de condições análogas à escravidão em 2023](#)”, January 10, 2024; Agência Gov, “[Maior operação da história contra trabalho escravo resgata 593 trabalhadores](#)”, August 29, 2024.

<sup>451</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 562–565.



a number of these recommendations, such as the correction of causes of death in death certificates, the modification of Infoseg Network records and other public records, the creation of mechanisms against torture, the improvement of the conditions of the penitentiary system, the provision of medical and psychological assistance to the victims, the promotion of human rights in education and the search and identification of the remains of individuals who disappeared for political reasons so that they could be returned to their families.<sup>452</sup>

644. In addition, the State reported that the MDHC was working on the creation of a permanent committee to monitor compliance with the recommendations issued by the CNV. Within the structure of the ministry, there is a Special Committee on Political Disappearances and Deaths (CEMDP), whose function is to officially acknowledge the death of persons who were detained for political reasons between 1961 and 1988, and who remain disappeared. The CEMDP also manages the search and identification of victims, as well as the compensation of their families. Furthermore, the MDHC and the CEMDP have requested a resolution from the CNJ to rectify the death records of the victims of the dictatorship included in the final report of the CNV.<sup>453</sup>

645. Notwithstanding that, civil society organizations have claimed that the State has been negligent in complying with the recommendations issued by the CNV. In this regard, organizations and the Federal Public Prosecutor's Office were allegedly working together to demand answers from the State. It was also pointed out that, according to the report prepared by the Vladimir Herzog Institute, out of the 29 recommendations, barely two were complied with (7 percent) and six were partially complied with (21 percent).<sup>454</sup>

*Analysis and level of compliance with the recommendation*

646. The Commission welcomes the fact that the MDHC is in the process of creating a committee to monitor compliance with the recommendations issued by the CNV, as well as the fact that the MDHC and the CEMDP have requested a resolution from the CNJ to rectify the death records of the victims of the dictatorship. However, the Commission also draws attention to the information provided by civil society organizations on the level of compliance with the report of the CNV. Considering that the measures reported by the State are still under development, the Commission determines that the level of compliance with the recommendation remains **partial**.

*Measures and information to advance compliance with the recommendation*

647. The Commission commends the initiative and highlights the importance of completing the creation of the deliberative instrument, ensuring the resources for its autonomy, transparency and efficacy, and guaranteeing the participation of victims and civil society representatives. The Commission also emphasizes the need to implement an action plan with accountability mechanisms.

**Recommendation No. 85.** Strengthen mechanisms and actions for making comprehensive reparation to the victims of human rights violations perpetrated during the civil-military dictatorship, including the deployment of physical and psychological rehabilitation measures for the victims and their next of kin, and continuation and strengthening of historical memory policies.

648. In the 2023 follow-up report, the State submitted information on the reorganization of the Amnesty Commission (CA), which had also appointed new directors and adopted new internal rules of procedure, which enabled a more expedited review of amnesty applications. Despite the major changes that it had undergone since 2016, which resulted in the rejection of most declarations of amnesty and compensation, the CA had received 79,389 applications as of August 2023. Out of these, 3,400 were still pending review. Civil society organizations had confirmed the resumption of the activities of the CA in accordance with the Rule of

<sup>452</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

<sup>453</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

<sup>454</sup> Vladimir Herzog Institute, Response to the request for information, October 2024; CEJIL, Response to the request for information questionnaire, November 4, 2024.



Law, although few reparations had been awarded in 2023. The Commission considered that compliance with the recommendation had progressed to partial and called on the State to continue reviewing applications and to guarantee comprehensive reparation measures for the victims of the dictatorship, as well as to preserve the archives relating to the dictatorial regime.<sup>455</sup>

#### *Information on compliance*

649. For 2024, the State reported that the CEMDP is the body responsible for acknowledging and compensating the victims of the dictatorship. In this regard, the State held that money was transferred to the families of dead or disappeared persons who had their applications reviewed and approved in accordance with the law regulating the CEMDP. The State added that the CA is tasked with the promotion of political compensation for victims. During 2024, the CA reviewed 1,033 political amnesty applications. Out of these, seven were collective amnesty applications. The CA has already resolved 80,000 processes and intends to resolve all pending 7,000 processes by 2026, when it is expected to cease to operate.<sup>456</sup>

650. At the same time, the CEMDP had suspended its operation in December 2022, despite having pending applications. When Brazil's administration changed in 2023, the MDHC advanced the restoration of the CEMDP, which resumed its work in July 2024 thanks to a decision by the President confirming the continuation of the CEMDP and appointing new members. The reopening ceremony was held on August 30, 2024, when the new internal rules of procedure were presented and the CNJ was requested to rectify the death certificates of the victims of the dictatorship. In addition, feedback was collected from family members and implemented in the plan of activities of the CEMDP.<sup>457</sup>

651. Notwithstanding the foregoing, civil society organizations informed the Commission that, in spite of the resumption of its activities, the CA was working with little resources and resolving a small number of cases. They added that the amnesty application submitted by Vladimir Herzog and his children, for example, despite having been ruled on by the Inter-American Court of Human Rights, had not yet been resolved, unlike the application submitted by his wife.<sup>458</sup>

#### *Analysis and level of compliance with the recommendation*

652. The Commission applauds the information relating to the activities of the CA and the CEMDP as a way of ensuring integral compensation to the victims of human rights violations perpetrated in the context of the dictatorship in Brazil. In particular, the Commission commends the resolution of over 1,000 cases by the CA and takes note of the adoption of the new internal rules of procedure of the CEMDP, the adoption of a plan of activities and the request submitted to the CNJ to rectify the death certificates of the victims of the dictatorship.

653. Based on the foregoing, the Commission considers that the State has taken important steps towards compliance with the recommendation, but it underscores that the CA still has several unresolved processes and that the CEMDP has just resumed its work, so compliance with the recommendation remains **partial**.

#### *Measures and information to advance compliance with the recommendation*

654. As a way to guide compliance with the recommendation, the Commission calls on the State to ensure that the CA is able to meet its goal of resolving all pending processes by 2026 and that the CEMDP

<sup>455</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 567–571.

<sup>456</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

<sup>457</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

<sup>458</sup> Vladimir Herzog Institute, Response to the request for information, October 2024.



resumes its work shortly. In this regard, the Commission underscores the importance of allocating sufficient human and financial resources to both institutions for that purpose.

**Recommendation No. 86.** Take, *ex officio*, all steps needed to determine the fate or whereabouts of the victims of forced disappearance, identify their mortal remains, and deliver them to their family members. Search operations should be part of a comprehensive public policy regarding disappearances, and they should be conducted, systematically and rigorously, by independent and impartial entities, using adequate human and technical resources and guaranteeing communication and coordination with the victims' next of kin.

655. In the 2023 follow-up report, the State reported that, even though the CEMDP had historically been the main body responsible for the search of persons who had disappeared during the dictatorship, it paused its activities in 2019 and ceased its work altogether in 2022. The State added that it was looking to restore the CEMDP to full operation and that it was negotiating agreements to continue identifying bone remains at the Perus clandestine mass grave. The Commission voiced its concern over the fact that the work of the CEMDP was interrupted and later brought to an end, considering that compliance with the recommendation was still pending, and it urged the State to resume the operation of the institution, as well as to ensure resources to search for and identify victims, and to return their remains with dignity to their next of kin.<sup>459</sup>

#### *Information on compliance*

656. For 2024, the State reported that, since early 2023, the MDHC has worked on the restoration of the CEMDP, which was formally reopened in July 2024 by means of a presidential decision.<sup>460</sup>

657. The State added that the MDHC, through the new Special Advisory for the Defense of Democracy, Memory and Truth, has promoted policies and collaborations to advance the identification of the victims of forced disappearances perpetrated during the dictatorship. Among other efforts, 46 human remains samples found in the Perus clandestine mass grave (SP) were sent to the International Commission on Missing Persons at The Hague for their genetic testing. Furthermore, a work plan is being developed to resume the investigations relating to the Araguaia Guerrilla in collaboration with the Federal University of South and Southwest Pará (UNIFESSPA). The CEMDP is also drafting a plan of activities, with a special emphasis on the search and identification of the victims of forced disappearance for political reasons.<sup>461</sup>

#### *Analysis and level of compliance with the recommendation*

658. The Commission welcomes the creation of a body responsible for the defense of democracy, memory and truth within the federal administration. The Commission also commends the State for achieving progress in the work at the Perus clandestine mass grave, as well as for the development of a work plan to resume the investigations relating to the Araguaia Guerrilla. However, even though these measures represent important steps towards compliance with the recommendation, the Commission considers that they are still at an early stage or under development. In view of that, the Commission determines that compliance with the recommendation remains **pending**.

#### *Measures and information to advance compliance with the recommendation*

659. To guide the State in the implementation of the recommendation, the Commission reaffirms the need to undertake efforts to search for the victims of forced disappearances perpetrated during the dictatorship. In this regard, the Commission highlights the need to ensure the availability of the resources that are needed to advance the process of determining the total number of victims of the dictatorship and to clarify the fate of said victims and ensure their search and identification, as well as the return of their remains to their

<sup>459</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 574–578.

<sup>460</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

<sup>461</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.



families, if applicable. In this regard, the Commission recalls the importance of implementing a comprehensive public policy on disappearances.

**Recommendation No. 87.** Investigate, prosecute, and wherever criminal liability is determined, punish the perpetrators and instigators of gross human rights violations, while refraining from having recourse to such notions as amnesty, pardon, or prescription due to any statute of limitations, or any other provisions precluding responsibility, and measures intended to prevent criminal prosecution or annul the effects of a conviction.

660. In the 2023 follow-up report, the State reported that the prosecution of human rights violations committed during the dictatorship in Brazil was still limited by the Amnesty Law, which protected state agents involved in them from criminal punishment. Although the Federal Public Prosecutor's Office took steps to allow for the possibility of holding state agents criminally liable, the application of this law continued to represent an obstacle to justice. At that time, the Commission acknowledged the efforts undertaken by the Federal Public Prosecutor's Office, but it also underscored that the Amnesty Law prevented the State from complying with the recommendation and considered that it remained pending. The Commission urged the State to intensify justice efforts in line with inter-American standards.<sup>462</sup>

#### *Information on compliance*

661. In 2024, the State did not submit information on compliance with this recommendation.<sup>463</sup>

662. For their part, civil society organizations highlighted that the State had not taken the necessary measures to intensify justice efforts and that no progress was seen in the area of criminal liability for the serious violations of human rights committed during the dictatorship. In spite of the judgments passed by the Inter-American Court of Human Rights in *Gomes Lund et al. ("Guerrilha do Araguaia") v. Brazil* and *Herzog et al. v. Brazil*, no final convictions were issued. The denial of justice is allegedly structural and affects all three branches of government, which are supposed to exercise the control of conventionality. The Federal Public Prosecutor's Office has allegedly made attempts to fulfill this duty by submitting reports against dictatorship agents, but it has experienced setbacks, such as the elimination of working groups that specialize in transitional justice.<sup>464</sup>

663. The organizations also highlighted that, in the Brazilian justice system, judges have rarely admitted cases relating to violations of human rights committed in the context of the dictatorship and that, when they have, proceedings were halted or terminated by higher courts' decisions based on the statute of limitations and the Amnesty Law. As a result, no convictions have been issued and several cases have been closed, including the one against Sebastião Curió, who died in 2022 without facing punishment or revealing the truth about his actions. The position of the STF on the Amnesty Law, which has prevailed and obstructed justice, continues to be a major obstacle inasmuch as it is used as grounds to close complaints relating to serious violations and crimes against humanity.<sup>465</sup>

#### *Analysis and level of compliance with the recommendation*

664. Due to the lack of updated information from the State and considering the information provided by civil society organizations regarding the failure to punish those responsible for serious human rights violations committed during the dictatorship, compliance with the recommendation remains **pending**.

<sup>462</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 580–584.

<sup>463</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

<sup>464</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.

<sup>465</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.



*Measures and information to advance compliance with the recommendation*

665. To steer the implementation of this recommendation, the Commission calls on the State to refrain from applying legal concepts that exempt perpetrators from liability and to intensify its justice efforts by seeking specific outcomes based on inter-American standards in terms of criminal responsibility for the serious violations committed during the dictatorship.

**Recommendation No. 88.** Ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.

666. In the 2023 follow-up report, the State failed to submit specific information on compliance. In this regard, the Commission reiterated that the recommendation was still pending and once again urged the State to ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.<sup>466</sup>

*Information on compliance*

667. In 2024, the State again failed to report measures aimed at complying with this recommendation.<sup>467</sup>

*Analysis and level of compliance with the recommendation*

668. Based on the foregoing, compliance with this recommendation remains **pending**.

*Measures and information to advance compliance with the recommendation*

669. The Commission once again urges the State to ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.

**Recommendation No. 89.** Classify the crime of enforced disappearance, according to inter-American parameters.

670. In 2023, the State reported on the ratification of international conventions against forced disappearance and on the creation of the National Policy on the Search for Disappeared Persons in 2019, even though it did not expressly include forced disappearance. The State also referred to a bill that was under debate in Congress. The Commission acknowledged these efforts, but it noted that Brazil had not yet classified the crime of enforced disappearance appropriately in accordance with the inter-American standards. As a result, compliance with the recommendation was still **pending**.<sup>468</sup>

*Information on compliance*

671. In 2024, the State informed that Bill No. 6,240 of 2013, which is still being processed by the National Congress, proposes to classify enforced disappearance as a heinous crime. The bill is now ready to be evaluated by the Committee on the Constitution, Justice and Citizenship (CCJC) of the Chamber of Deputies. During its processing, the bill was amended and approved in permanent committees. The proposal responds to the demands for justice and memory for the crimes perpetrated during the military dictatorship (1964-1985) and strengthens state mechanisms for the defense of democracy and historical truth, in line with

<sup>466</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 586–588.

<sup>467</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

<sup>468</sup> IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 590–593.



recommendation no. 19 of the final report of the CNV to improve legislation on crimes against humanity and forced disappearances.<sup>469</sup>

672. The State acknowledged the importance of aligning its domestic legislation with inter-American standards regarding the classification of enforced disappearance. It emphasized that, although the specific criminal classification of "enforced disappearance" is not included in the Penal Code, the country ratified the International Convention for the Protection of All Persons from Enforced Disappearance in 2016. Additionally, individuals involved in enforced disappearance are subject to charges such as kidnapping, unlawful imprisonment, concealment of a corpse, among others.<sup>470</sup>

673. For their part, civil society organizations pointed out that the need to classify the crime of enforced disappearance in Brazil was still an obstacle to justice, according to the Inter-American Court of Human Rights in *Gomes Lund et al. ("Guerrilha do Araguaia") v. Brazil*. Even though the Federal Public Prosecutor's Office was allegedly resorting to the crime of kidnapping due to the nonexistence of the crime of enforced disappearance, the lack of a specific classification prevents these cases from receiving adequate treatment and hinders the administration of justice. In addition, the classification is essential to avoid the repetition of these crimes, considering that enforced disappearances are still happening in the country, which would perpetuate impunity. Although bills on this issue have allegedly been processed in the past 10 years, none of them were approved and some contained errors: for example, some allowed for the application of the military jurisdiction or failed to establish the non-applicability of statutory limitations or sanctions that fit the seriousness of the crime, according to the United Nations Committee on Enforced Disappearances.<sup>471</sup>

#### *Analysis and level of compliance with the recommendation*

674. The Commission once again warns the State of the importance of classifying the crime of enforced disappearance, given its seriousness and particular implications in the human rights context. Therefore, the Commission determines that compliance with the recommendation continues to be **partial**.

#### *Measures and information to advance compliance with the recommendation*

675. The Commission finds that, for the State to comply with the recommendation, the crime of forced disappearance must be properly classified in the country's domestic legal order, based on the inter-American standards.

### III. SUMMARY TABLE OF THE LEVEL OF STATE COMPLIANCE WITH THE RECOMMENDATIONS

676. The following table shows the level of compliance of the State of Brazil with each of the recommendations made by the Commission in its February 2021 report on the situation of human rights in the country:

Total No.	Topic of recommendation	Recommendation number	2023	2024
			Level of compliance	Level of compliance
1	<b>The institutional underpinning of human rights</b>	<b>1.a</b>	Partial	Partial
2		<b>1.b</b>	Pending	Pending
3		<b>1.c</b>	Pending	Pending

<sup>469</sup> State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

<sup>470</sup> State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

<sup>471</sup> CEJIL, Response to the request for information questionnaire, November 4, 2024.



4		2.a	Pending	Pending
5		2.b	Pending	Pending
6	<b>Economic, social and cultural rights</b>	3.a	Partial	Partial
7		3.b	Pending	Pending
8		3.c	Pending	Pending
9		4	Partial	Partial
10		5	Partial	Total
11		6	Pending	Partial
12	<b>Citizen security</b>	7.a	Pending	Pending
13		7.b	Pending	Pending
14		7.c	Pending	Pending
15		7.d	Pending	Pending
16		7.e	Pending	Pending
17		8	Partial	Partial
18		9	Pending	Pending
19		10	Partial	Partial
20		11	Pending	Partial
21		12	Pending	Pending
22	<b>Access to justice</b>	13	Pending	Pending
23		14	Pending	Pending
24		15	Pending	Pending
25		16	Pending	Pending
26	<b>Persons of African descent</b>	17	Partial	Substantial partial
27		18	Substantial partial	Substantial partial
28		19	Pending	Partial
29	<b>Indigenous peoples and traditional and Quilombola communities</b>	20	Partial	Substantial partial
30		21	Partial	Substantial partial
31		22	Pending	Pending
32		23	Pending	Pending
33		24	Partial	Substantial partial
34		25	Pending	Pending
35		26	Pending	Pending
36		27	Partial	Partial
37		28	Pending	Pending
38		29	Pending	Pending
39		30	Partial	Partial



40		31	Pending	Pending
41	<b>Women</b>	32	Substantial partial	Substantial partial
42		33	Partial	Partial
43		34	Partial	Partial
44		35	Partial	Partial
45		36	Pending	Partial
46		37	Partial	Partial
47		38	Partial	Partial
48		39	Partial	Partial
49	<b>Children and adolescents</b>	40	Pending	Pending
50		41	Pending	Pending
51		42	Partial	Partial
52		43	Pending	Pending
53		44	Partial	Substantial partial
54	<b>LGBTI persons</b>	45	Partial	Partial
55		46	Partial	Partial
56		47	Partial	Partial
57		48	Partial	Partial
58		49	Pending	Pending
59		50	Partial	Substantial partial
60	<b>Persons with disabilities</b>	51	Partial	Total
61		52	Partial	Substantial partial
62		53	Partial	Substantial partial
63		54	Partial	Partial
64		55	Pending	Pending
65		56	Partial	Partial
66	<b>Persons deprived of liberty</b>	57	Partial	Partial
67		58	Partial	Partial
68		59	Partial	Partial
69		60	Pending	Pending
70		61	Pending	Pending
71		62	Pending	Pending
72		63	Partial	Partial
73		64	Partial	Partial
74		65	Pending	Pending
75	<b>Human rights defenders</b>	66	Partial	Partial
76		67	Pending	Pending



77		<b>68</b>	Pending	Pending
78		<b>69</b>	Pending	Pending
79		<b>70</b>	Pending	Partial
80	<b>Human trafficking</b>	<b>71</b>	Partial	Total
81	<b>Forced internal displacement</b>	<b>72</b>	Pending	Partial
82		<b>73</b>	Pending	Pending
83	<b>Human mobility, asylum and statelessness</b>	<b>74</b>	Partial	Substantial partial
84		<b>75</b>	Partial	Partial
85		<b>76</b>	Substantial partial	Substantial partial
86		<b>77</b>	Partial	Partial
87		<b>78</b>	Partial	Substantial partial
88		<b>79</b>	Partial	Substantial partial
89		<b>80</b>	Partial	Substantial partial
90		<b>81</b>	Substantial partial	Total
91		<b>82</b>	Pending	Partial
92		<b>83</b>	Partial	Partial
93	<b>Memory, truth and justice</b>	<b>84</b>	Partial	Partial
94		<b>85</b>	Partial	Partial
95		<b>86</b>	Pending	Pending
96		<b>87</b>	Pending	Pending
97		<b>88</b>	Pending	Pending
98		<b>89</b>	Partial	Partial

677. Out of the total 98 recommendations, 33 remain pending compliance (33%), 43 are partially fulfilled (43%), 15 have substantial partial compliance (15%), and 7 (7%) are fully implemented.

#### **IV. CONCLUSIONS**

678. The Commission commends the State of Brazil for the many important steps it has taken to comply with the recommendations on human rights. In particular, in 2024, four recommendations progressed to full compliance, which reflects the considerable efforts undertaken by the State of Brazil to comply with its obligations relating to human rights. These recommendations include the development of systems for the collection of accurate and disaggregated data, such as the ObservaDH platform, which provides detailed information on the situation of human rights of vulnerable groups. This system, with over 500 indicators and multiple sources of data, helps to create public policies that are more tailored to the needs of vulnerable groups. However, important challenges persist, which limit effective compliance with the recommendations in many aspects.

679. With regard to violence against women, the Commission applauds the State's efforts to combat gender-based violence, by implementing programs such as the National Femicide Prevention Pact and the Mulher, Viver sem Violência program, which are allocated significant funding. The creation of Brazilian



Women's Houses CMBs and CRMBs, which offer comprehensive services to women victims of violence, represent important steps towards the protection and empowerment of women. Notwithstanding that, civil society organizations have pointed out that these measures still fail to fully address the multiple intersectional factors that affect Afro-descendant, indigenous, disabled, trans and lesbian women, and that they do not eliminate the systemic barriers that these groups continue to face. In addition, there is concern as to the predominantly punitive approach of these policies, which neither gets to the structural root of gender-based violence nor offers enough prevention.

680. As to the rights of persons with disabilities, significant progress was achieved in 2024 towards their inclusion in social programs and access to basic services. The expansion of the Benefício de Prestação Continuada program and the strengthening of the PROCAD-SUAS have increased coverage and assistance for persons with disabilities facing a situation of economic vulnerability. Nonetheless, the Commission notes that persons with disabilities still face obstacles to access health, education and employment and therefore a wider implementation of measures and continuous awareness are required to reduce stigmatization and exclusionary practices.

681. As regards indigenous peoples, while the creation of the MPI and the increase in its budget represent important steps, structural challenges to the protection of their territorial and cultural rights continue to exist. The threats to their ancestral lands, the illegal exploitation of their resources and the violence against indigenous leaders demonstrate a lack of effective protection of their rights. The Commission reiterates the importance of implementing measures to protect their territories and of ensuring their right to prior, free and informed consultation in every decision that affects them.

682. The Commission also welcomes the expansion of social assistance programs, such as Bolsa Família and Minha Casa, Minha Vida, which prioritize the most vulnerable groups, including women, persons of African descent and indigenous communities, in an attempt to reduce structural inequality. Notwithstanding that, challenges persist to the implementation of a fiscal policy that effectively reduces socioeconomic inequality gaps and that addresses labor market limitations to achieve a fair distribution of wealth.

683. The Commission also identifies significant challenges in the field of memory, truth and justice. Despite the efforts of the truth commissions at the federal and state level, high levels of impunity continue to exist in relation to torture cases, forced disappearances and other serious human rights violations committed during the military dictatorship. The Commission urges the State to achieve progress in the implementation of transitional justice measures through effective investigation and appropriate punishment, as well as to promote education on and awareness about these issues to avoid the repetition of said crimes.

684. Finally, it is noteworthy for the Commission that structural racism continues to pose a serious challenge in Brazil. Despite the State's efforts to fight racial discrimination by strengthening the MIR, implementing affirmative policies and training judicial operators, racial profiling practices persist within the police and the judiciary. Data shows that persons of African descent are disproportionately affected by police violence and face bigger obstacles to access justice. For that reason, the Commission calls on the State to intensify its efforts to eradicate these discriminatory practices, especially from police and judicial protocols, and to develop policies that effectively promote racial equality.

685. In conclusion, the Commission acknowledges that the State has shown progress in the development and expansion of policies aimed at protecting and promoting human rights. However, structural challenges continue to exist, calling for a more effective and inclusive implementation of said policies, with an intersectional and human rights approach that responds to the specific characteristics of each vulnerable group. The Commission once again urges the State to continue stepping up its efforts to defend human rights and to ensure that any measures implemented are able to reduce inequality and fight discriminatory practices that are still present in Brazilian society. In view of the foregoing, the Commission considers that the level of compliance with the report remains **partial**.



## PARTIALLY DISSENTING OPINION OF COMMISSIONER CARLOS BERNAL PULIDO ON CHAPTER V (BRAZIL) OF THE 2024 ANNUAL REPORT

With the customary respect for my colleagues and in accordance with Article 19.1 of the Rules of Procedure of the Inter-American Commission on Human Rights (“the Commission” or “the IACHR”), I submit a partially dissenting opinion on certain points raised by the majority of the plenary of the Commission in Chapter V corresponding to the State of Brazil (“the Chapter” or “Chapter V (Brazil)”) of the 2024 Annual Report on the Development of Human Rights in the Region, Overview of the Human Rights Situation by Country (the “Report” or the “Annual Report”).

This follow-up chapter on the situation in Brazil contains information and considerations that are crucial for making progress in ensuring human rights in the State and the region. Notwithstanding the foregoing, in this reasoned opinion I will state that Chapter V: (i) contains considerations that pose a risk to pregnant persons and disregard integral needs of women and (ii) is imprecise in relation to the rights of LGBTI persons.

### **1. Chapter IV. A contains considerations that pose a risk to pregnant women and ignore the integral needs of women**

Next, I will address the following issues: (i) the non-existence of the right to abortion and the margin of state configuration; (ii) the deficit of protection for the unborn.

#### **1.1. Non-existence of the right to abortion and the state’s margin of configuration**

Paragraphs 344 *et seq.* of Chapter V (Brazil) reference the need to ensure access to abortion. In addition, the report provides an analysis of access to the procedure in cases where rape has occurred.

In that regard, first, I should emphasize that although the IACHR does not affirm the existence of a “right to abortion,” nor does it clarify its non-existence in international law. In this regard, there are no binding sources in international law -and especially in the American Convention or other treaties that make up the Inter-American System- that contemplate (i) the so-called right to abortion or (ii) a correlative obligation for States to provide abortion services. Under this framework, the States have a wide margin of configuration - by virtue of the principles of subsidiarity or complementarity and representative democracy - to take measures to protect prenatal life - which is protected by the American Convention<sup>472</sup> - including, although it is not the only means, the use of criminal law.

In his partially dissenting opinion to the judgment in the case of *Manuela et al. v. El Salvador*, former IACHR Court Judge Eduardo Vio Grossi stated that there is no right to abortion:

“And in this regard it is indisputable that, (...) there is no inter-American or international legal norm, whether conventional, international custom or general principle of law, that recognizes abortion as a right. There are only resolutions of international bodies, most of which are made up of international officials and not representatives of States, decisions which, in addition to not being binding, are not interpretative of current international law but rather reflect aspirations for it to change in the direction they suggest”.<sup>473</sup>

Now, I emphasize that this margin of configuration derived from the non-existence of a right to abortion and the convergence of rights in tension acquires greater amplitude thanks to the competence that falls to the States to define punishable conducts and their consequences, and to the automatic referral that, according to the

<sup>472</sup> ACHR. Article 4.

<sup>473</sup> Partially Dissenting Opinion of Judge Eduardo Vio Grossi, *Inter-American Court of Human Rights, Case of Manuela et al. v. El Salvador*, Judgment of November 2, 2021 (Preliminary Objections, Merits, Reparations and Costs), para. 13.



IACHR Court, Article 7.2 of the American Convention makes to domestic law for the area of deprivation of liberty (principle of reservation of law).<sup>474</sup>

This is relevant if one takes into account that, from a systematic reading of Articles 31, 76 and 77 of the American Convention, only through consensus—expressed by the States through the signature and ratification of amendments or treaties—can additional international obligations arise in addition to those already contemplated in the ACHR. In the absence of such a consensus on abortion, it is therefore impossible to consider that there is a obligation for states to recognize a “right to abortion.”

In that regard, in view of the State’s assertions regarding the existence of a “right to abortion,” it was essential that the IACHR clarify in its report what international law provides on the matter.

Regarding the Secretariat’s statement in relation to the response to my initial comments on this chapter that “just as it has not been established either conventionally or jurisprudentially that there is a ‘right to abortion,’ there is no conventional basis or jurisprudence that states that abortion is a violation of the right to life of the fetus,” I consider it essential to clarify that abortion is not a right and, therefore, that States have no benefit obligations under international law where abortion is concerned. On the other hand, I clarify that it is rare for a conventional source to explicitly define the specific situations in which the recognized rights are violated. However, what is clearly established in the conventional sphere is that the right to life is protected from conception (Art. 4.1 ACHR), which implies that this right can be violated by conduct that results in an arbitrary deprivation of life, as could be the case of abortion.

Likewise, following the logic of the Secretariat’s statement, it is true that the Inter-American Court of Human Rights has not analyzed any specific case in which the violation of the right to life of a fetus has been alleged. However, it is relevant to note that it did hear the case of *Beatriz v. El Salvador* in which the alleged existence of a “right to abortion” was alleged, and at no time did the Court recognize the existence of such a right.<sup>475</sup> This is further evidence of the non-existence of a binding legal source giving rise to a supposed right to abortion.

Furthermore, in the *Artavia Murillo* judgment, the Inter-American Court determined that “the protection of the right to life is not absolute, but gradual and incremental as the development of the fetus progresses”. This implies that, without prejudice to the concepts of graduality and incrementality (from which I completely separate myself), the Court has already established that persons in gestation must be protected by the State in their “right to life”. In a similar sense, in the judgment of the *Cuscul Pivaral* case<sup>476</sup>, the IACHR Court applied the ACHR to a person in gestation and also applied Article 19 of the ACHR, thus recognizing the legal status of a child to the person in gestation.

Therefore, I insist that any analysis related to this issue must start from a strict respect for the conventional framework, considering that the right to life is a right recognized from conception and on the contrary, there is no “right to abortion” in international law.

## 2. Deficit of protection for the unborn in the Report

Secondly, I emphasize that the references to abortion in the Report ignore the other person whose right to life is also conventionally protected: the unborn person. Thus, the necessary weighting that must exist between the

---

<sup>474</sup> I/A Court H.R., Case of Romero Feris v. Argentina, Merits, Reparations and Costs, Judgment of October 15, 2019, Series C No. 391, para. 77.

<sup>475</sup> I/A Court H.R., Case of Beatriz et al. v. El Salvador, Merits, Reparations and Costs, Judgment of November 22, 2024, Series C No. 549.

<sup>476</sup> I/A Court H.R., Case of Cuscul Pivaral v. Guatemala. Case of Cuscul Pivaral v. Guatemala. Judgment of August 23, 2018. “On the other hand, the Court has pointed out that extreme poverty and the lack of adequate medical care for pregnant or post-pregnant women are causes of high maternal mortality and morbidity, so the States must provide adequate health policies that allow to offer assistance with adequately trained personnel for the care of births, policies to prevent maternal mortality through adequate pre-natal and post-partum controls, and legal and administrative instruments in health policies that allow to adequately document cases of maternal mortality. Likewise, the Court has recognized that, by virtue of Article 19 of the Convention, the State must assume a special position of guarantor with greater care and responsibility, and must take special measures guided by the principle of the best interests of the child”



rights in tension of all internationally protected persons is ignored. In this regard, it is emphasized that unborn persons are also subjects of law and holders of the right to life. A pronouncement on abortion always implies a position on a practice that necessarily implies the termination of the life of a dignified human being and that Article 4 of the ACHR protects, so it is necessary to expressly recognize the rights of the unborn person as part of the weighing required in any case of abortion.

In this regard, Article 1.2 of the ACHR clearly establishes that, for the purposes of the Convention, a “person” is every human being.<sup>477</sup> Thus, in light of the Convention, human rights are not only recognized for persons who have already been born, but all individuals must be protected from their conception, understanding them as human beings. Moreover, the IACHR Court itself in its advisory opinion 22 indicated that, without being a matter open to interpretation, the term person is equivalent to the term human being for the purposes of the ACHR.<sup>478</sup>

In view of this, there is no doubt that the unborn person is a human being.<sup>479</sup> Even the Universal Declaration on the Human Genome and Human Rights states that “the human genome is the basis of the fundamental unity of all members of the human family and of the recognition of their inherent dignity and diversity. In a symbolic sense, the human genome is the heritage of humanity”.<sup>480</sup>

The consequence of recognizing the unborn, as a person, as a human being is that he or she becomes a holder of rights. Thus, the ACHR establishes in the articles that develop rights the formula “Every person (...)”<sup>481</sup> Likewise, the instruments for the protection of human rights generally recognize the ownership of rights by members of the human species, especially the right to life<sup>482</sup>.

As I have already mentioned, it is clear, even from the *Artavia Murillo* ruling, that the right to life of unborn children must be protected. In a similar sense, in the judgment of the *Cuscul Pivaral* case,<sup>483</sup> the IACHR Court applied the ACHR to a person in gestation and also applied Article 19 of the ACHR, thus recognizing the legal status of a child to the person in gestation.

I emphasize that the preamble of the Convention on the Rights of the Child states that the child needs protection and care both before and after birth.<sup>484</sup> This implies that, in light of the CRC, the unborn person is a child who requires special care. This was reiterated in the preparatory work for the International Covenant on Civil and Political Rights.<sup>485</sup>

In fact, the report provides an analysis of access to the procedure in cases where rape has occurred. In that regard, of course, I wholeheartedly share the concern expressed in the report about cases of sexual violence and the consequences of such acts, especially for women, and I emphasize that States have the duty to prevent,

<sup>477</sup> ACHR. Art. 1.2 “For the purposes of this Convention, a person is every human being”.

<sup>478</sup> I/A Court H.R., OC-22/16. Ownership of rights of legal persons in the Inter-American Human Rights System. Advisory Opinion of February 26, 2016. Series A. No. 22, para. 48.

<sup>479</sup> Kaluger, G., and Kaluger, M., *Human Development: The Span of Life*, The C.V. Mosby Co., St. Louis, MO. St. Louis, 1974, page 28-29.

<sup>480</sup> Universal Declaration on the Human Genome and Human Rights. Article 1.

<sup>481</sup> American Convention on Human Rights. Articles 4, 5, 7, 8, 10, 11, 12, 13, 14, 16, 18, 20, 21, 22, 24, and 25.

<sup>482</sup> International Covenant on Civil and Political Rights. Preamble, inc. 3; American Convention on Human Rights, inc. 3. Preamble; African Charter on Human Rights. Preamble, inc. 6; Geneva Declaration on the Rights of the Child. Preamble, inc. 1; American Declaration of the International Rights and Duties of Man. Art. 1; Universal Declaration of Human Rights. Preamble, inc. 1; Declaration of the Rights of the Child. Preamble, inc. 2; European Convention on Human Rights. Preamble, inc. 2.

<sup>483</sup> I/A Court H.R., *Case of Cuscul Pivaral v. Guatemala*. Judgment of August 23, 2018. “On the other hand, the Court has pointed out that extreme poverty and the lack of adequate medical care for pregnant or post-pregnant women are causes of high maternal mortality and morbidity, so the States must provide adequate health policies that allow to offer assistance with adequately trained personnel for the care of births, policies to prevent maternal mortality through adequate pre-natal and post-partum controls, and legal and administrative instruments in health policies that allow to adequately document cases of maternal mortality. Likewise, the Court has recognized that, by virtue of Article 19 of the Convention, the State must assume a special position of guarantor with greater care and responsibility, and must take special measures guided by the principle of the best interests of the child”

<sup>484</sup> Convention on the Rights of the Child. Preamble.

<sup>485</sup> “The main reason for providing in paragraph 4 [now Article 6(5)] of the original text that the death penalty should not be applied to pregnant women was to save the innocent life of the unborn child.” United Nations. General Assembly. Report of the Third Committee on the Draft International Covenants on Human Rights. A/3764. P. 40.



investigate, prosecute, and punish sexual violence with full force. Notwithstanding the foregoing, in cases of pregnancies that are the result of an act of sexual violence, the rights of the woman, on the one hand, and the right to life of the unborn child, on the other, must be considered. That balance, which recognizes all the people involved in the matter, is not evident in the draft report.

### 3. Inaccuracies in relation to the rights of LGBTI persons

In relation to this, below, I will refer to: (i) the non-existence of a right to gender identity; (ii) the misplaced approach to the right to religious freedom and the right of parents to choose the education of their children; and (iii) the lack of basis for the State's duty to adopt specific benefit measures.

#### 3.1. Non-existence of the right to gender identity

The concept of "gender identity" is included as a right throughout the draft report. In this regard, I reiterate that the American Convention does not expressly recognize a right to gender identity, nor is there a binding instrument in the inter-American system that establishes an obligation to adapt identification documents to gender identity.

As I have indicated, recognizing new rights that are not in the Convention through an interpretation that does not follow the procedures established in the Convention itself would undermine Articles 31, 76 and 77, ignoring the original will of the States that ratified the Convention.

Therefore, any pronouncement in which one of the organs of the ISHR applies a right that is not established in the binding instruments of international law that govern its activity will be an act that will violate the literal meaning of the American Convention and will exceed the scope of the competences of the IACHR or the Court, as the case may be. Such an irregular constitutive act would also undermine the principles of good faith and *pacta sunt servanda*.<sup>486</sup>

However, the fact that there is no "right to gender identity" does not mean that "gender identity" cannot be considered a suspect category in relation to the right to equality. However, this does not imply the creation of a new stand-alone right, since its analysis must be placed within the framework of a conventionally recognized right, i.e., that of equality. Likewise, even when a State recognizes the need to protect gender identity, that does not necessarily imply its recognition as an independent right within the framework of the inter-American human rights system.

On the other hand, although I am not unaware that OC-24/17 affirmed the existence of the so-called "right to gender identity", I emphasize, as I have done on other occasions, that the Advisory Opinions of the IACHR Court do not have the capacity to contemplate rights or obligations other than those expressly contemplated by the American Convention.<sup>487</sup>

In this regard, in the first place, Article 68 of the Convention is clear in that the States are obliged to comply with the decisions rendered by the Court "in any case to which they are parties". This provision is of great relevance in that (i) it is the only one that refers to the legal value of the Court's pronouncements and (ii) it circumscribes the binding nature expressly for the States parties to a case, thus limiting the addressee of the obligations -the State party to a case- and the context in which the pronouncement is issued -that is, the contentious one-. This position has also been sustained by some sectors of the doctrine, also based on the principle of consent of the States as the basis of conventional law.<sup>488</sup>

<sup>486</sup> Vienna Convention on the Law of Treaties. Article 26.

<sup>487</sup> I/A Court H.R., Gender identity, and equality and non-discrimination of same-sex couples. State obligations in relation to the change of name, gender identity, and rights derived from a bond between same-sex couples (interpretation and scope of Articles 1(1), 3, 7, 11(2), 13, 17, 18 and 24, in relation to Article 1 of the American Convention on Human Rights). Advisory Opinion OC-24/17 of November 24, 2017. Series A No. 24.

<sup>488</sup> Systematization of the criticisms in: González Domínguez, P. (2017) The doctrine of conventionality control in light of the principle of subsidiarity. *Constitutional Studies*, 15(1), 55-98.



Secondly, specifically regarding OC-24/17, it is appropriate to take into consideration Article 64 of the ACHR, which circumscribes the competence of the Court to issue advisory opinions regarding the Convention or treaties of the Inter-American System. Thus, given that OC-24/17 establishes alleged rights not contemplated in the ACHR, nor in any other treaty of the IAHRs, its binding nature is even more questionable.

Thirdly, to derive obligations or so-called rights not contemplated in the Convention, based exclusively on an advisory opinion, would be contrary to the principle of *pacta sunt servanda* that governs international treaty law, by virtue of which States are only bound to comply with that to which they have expressed their consent.<sup>489</sup>

Fourth, although the Inter-American Court has affirmed that advisory opinions are parameters of conventionality control,<sup>490</sup> I emphasize that an open and transparent inter-American dialogue is still necessary to further discuss this position, which is not expressly derived from the American Convention, nor from any other international instrument binding on the States. I call attention to the fact that there is still no consensus on the matter, neither in the States of the region nor in the academy; hence, important constitutional courts still refrain from invoking the figure of conventionality control and from incorporating advisory opinions as a parameter.<sup>491</sup>

Finally, I note that some authors have indicated that the extension of the effects of the advisory opinions could contribute to distort the functioning of the Inter-American System and, thus, weaken it, since (i) it results in equating the decisions issued in the advisory function of the Court with the text of the convention itself,<sup>492</sup> and (ii) blurs the differences between the jurisdictional and advisory functions of the Court. Some have even indicated that these interpretations of the Court generate legal uncertainty, since there is no certainty as to the effects with which the advisory opinions are issued.<sup>493</sup>

In conclusion, it is technically unsound and contrary to the American Convention to assert that there is a “right to gender identity.”

### **1.1. Misplaced approach to the right to religious freedom and the right of parents to choose the education of their children**

Paragraph 382 of the Chapter states that the majority “is concerned that there are almost a hundred laws in various areas that, with the justification of protecting rights, violate the rights of transvestites and transsexuals in the country.” This statement, read in relation to paragraph 367, refers to laws that limit the use of neutral language and protection of religious freedom in schools in some Brazilian states.

This statement in the draft report is troubling, primarily because it seems to imply that the protection of religious freedom is a “justification” for the violation of rights. This statement trivializes and jeopardizes the religious freedom of individuals in the region.

This is not to ignore the fact that, as with any right, tensions can exist between the right to religious freedom and other basic guarantees. However, the matter should be analyzed on a case-by-case basis according to criteria of proportionality in conflicts arising between the exercise of religious freedom and other **rights**.<sup>494</sup>

<sup>489</sup> Vienna Convention on the Law of Treaties.

<sup>490</sup> I/A Court H.R., Rights and guarantees of children in the context of migration and/or in need of international protection. Advisory Opinion OC-21/14 of August 19, 2014. Series A No. 21, para. 31.

<sup>491</sup> Ramirez, F. G. (2023) A critical look at conventionality control. *Revista de Derecho y Ciencias Sociales*, (28), 101-142; Palacios, D. L. (2017) Inter-American conventionality control in domestic venue: a notion still under construction. *Revista Direito e Práxis*, 8, 1389-1418.

<sup>492</sup> Colombo, I. (2022) A critical analysis of the doctrine of conventionality control. *Omnia. Law and Society*, 5 (1), pp. 83-116.

<sup>493</sup> Colombo, I. (2022) A critical analysis of the doctrine of conventionality control. *Omnia. Law and Society*, 5 (1), pp. 83-116.

<sup>494</sup> I/A Court H.R., Jurisprudence Bulletin No. 26, Restriction and suspension of human rights.



Thus, an interpretation that consider religious freedom as a “justification” for the violation of rights, without taking into account the peculiarities of the cases, (i) would imply consolidating a hierarchical vision of rights, which is far removed from the foundations of international human rights law; (ii) would completely depart from the logic of weighing rights; and (iii) would represent, consequently, a very serious attack on one of the most important guarantees of every individual in the domestic jurisdiction.

Secondly, with these considerations, the majority of the IACHR overlooks that Article 12(4) of the ACHR establishes the guarantee that parents have the right to choose the religious and moral education (including sexual education) of their children that is in accord with their own convictions. Thus, limiting the use of certain language may be a legitimate expression of the parents’ choice regarding their children’s moral education.

This same guarantee has been provided for in the International Covenant on Civil and Political Rights<sup>495</sup>, the International Covenant on Economic, Social and Cultural Rights<sup>496</sup>, the Convention on the Rights of the Child<sup>497</sup> and the Additional Protocol to the European Convention on Human Rights<sup>498</sup>. According to the ECtHR, the **right of parents to choose their children’s education, including sex education**, is an aspect of the right to respect for private and family life protected by the ECHR.<sup>499</sup>

In this regard, there is a consensus on the existence and recognition of this right of parents. The Inter-American Commission has understood that the right of parents to choose the education of their children (i) must be interpreted in conjunction with the rights of children and adolescents, especially the right to education<sup>500</sup> and (ii) must respect the provisions of the Inter-American instruments that establish that education must be oriented to train children to respect human rights, public freedoms and tolerance<sup>501</sup>.

Of course I agree with these criteria, however, it cannot be omitted that: (i) all types of education must be respectful of the best interests of children as a guiding principle, and (ii) the right of parents to choose the education of their children is derived from the right to education of children itself; therefore, there is a false dilemma in considering that both rights are incompatible.

Thus, the ECtHR, in its interpretation of Article 2 of Protocol No. 1, has stated that,<sup>502</sup> it is on the fundamental right to education that the right of parents to respect for their philosophical and religious convictions is based. According to the European Court of Human Rights, although the ownership of this right rests with the parents, it also rests with the children, who have the right to education and teaching.<sup>503</sup>

Undoubtedly, this right has an impact on the sexual education of children and adolescents since sexual education, like any other type of education, must be framed within the scope of protection of conventional law, recognized by international human rights law, which grants parents the right to choose the education of their children, in accordance with Article 12.4 of the Convention.

## 1.2. Lack of basis for the State’s duty to adopt specific benefit measures

Paragraph 399 states that the majority “values the implementation of quotas for trans persons in public universities, as well as for public competitions. Despite considering positive measures in the sense of the implementation of the recommendation, the IACHR considers that such measures are still not sufficient to guarantee a cultural change through education regarding the rights of LGBTQIA+ persons.”

<sup>495</sup> Article 18.4.

<sup>496</sup> Article 13.3.

<sup>497</sup> Article 14.2.

<sup>498</sup> Article 2.

<sup>499</sup> ECtHR, Kjeldsen, Busk Madsen and Pedersen, para. 53; Dojan et al, cited above, paras. 78-83.

<sup>500</sup> Freedom of Religion and Belief Study - Inter-American Standards.

<sup>501</sup> Freedom of Religion and Belief Study - Inter-American Standards.

<sup>502</sup> The general principles enunciated by the ECtHR are mainly derived from the judgments Kjeldsen, Busk Madsen and Pedersen v. Denmark (ECtHR 1976/5); Campbell and Cosans v. United Kingdom (ECtHR 1982/1); Valsamis v. Greece (ECtHR 1996, 70) and Folgero et al. v. Norway (ECtHR 2007/53).

<sup>503</sup> Case of Kjeldsen, Busk Madsen and Pedersen v. Denmark. Denmark (ECHR 1976/5 of 7 December, nr. 52).



This and other paragraphs in the report seem to imply that the State should adopt specific benefit measures in relation to people that identify as transgender. However, neither in the Report, nor in the information submitted by the State are there any elements from which to conclude that such measures, including “quotas” in public universities, are duly justified, much less necessary to meet the State’s human rights obligations. It is important to emphasize that the justification of benefit measures must be supported by solid, rigorous technical studies that demonstrate their propriety, effectiveness, and proportionality.

In this context, I reiterate my call for the IACHR to incorporate in its report statements that have a robust academic and technical basis, and avoid statements that lack rigor and proper grounds. In that respect, the Strategic Plan establishes transparency as an institutional value, and therefore the IACHR should account for its decisions and work.<sup>504</sup> That institutional value should inform in a crosscutting manner each of the Commission’s processes and its realization is subject, *inter alia*, to the existence of support for any statements issued.

I reiterate that it is necessary for the Commission to adopt a rigorous and methodologically sound approach in all its pronouncements. Methodological rigor, as has been doctrinally sustained, involves adopting parameters and measures to ensure the credibility, authenticity, trustworthiness, and integrity of certain findings.<sup>505</sup> In that regard, I should emphasize that in social sciences, a high-quality study that is rigorous stands apart from a substandard one.<sup>506</sup>

Rigor is all the more important when the information put forward has the potential to shape policies, strategies, and measures to be pursued in addressing certain phenomena. Within this framework, such conceptual power must be regulated in some way, so that judgments made on the basis of that knowledge are legitimate and consistent with the sources from which they arose.<sup>507</sup> This is because research without rigor becomes the unauthorized voice of a knowledge that becomes uncertain.<sup>508</sup>

The foregoing is even more relevant if the principle of providing grounds is taken into account. Providing proper grounds is the “the exteriorization of the reasoned justification that allows a conclusion to be reached.”<sup>509</sup> All bodies that adopt decisions with the potential to affect human rights must duly substantiate those decisions lest they become arbitrary.<sup>510</sup>

---

<sup>504</sup> IACHR, Strategic Plan 2023–2027.

<sup>505</sup> Castillo, Edelmira; Vásquez, Martha Lucía El rigor metodológico en la investigación cualitativa, Colombia Médica, vol. 34, No. 3, 2003, pp. 164–167, Universidad del Valle, Cali, Colombia.

<sup>506</sup> CORNEJO, Marcela and SALAS, Natalia, Rigor y Calidad Metodológicos: Un Reto a la Investigación Social Cualitativa. *Psicoperspectivas* [online], 2011, vol.10, n.2 [citado 2024-07-02], pp.12-34. Available at [http://www.scielo.cl/scielo.php?script=sci\\_arttext&pid=S0718-69242011000200002&lng=es&nrm=iso](http://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0718-69242011000200002&lng=es&nrm=iso). ISSN 0718-6924. <http://dx.doi.org/10.5027/psicoperspectivas-Vol10-Issue2-fulltext-144>.

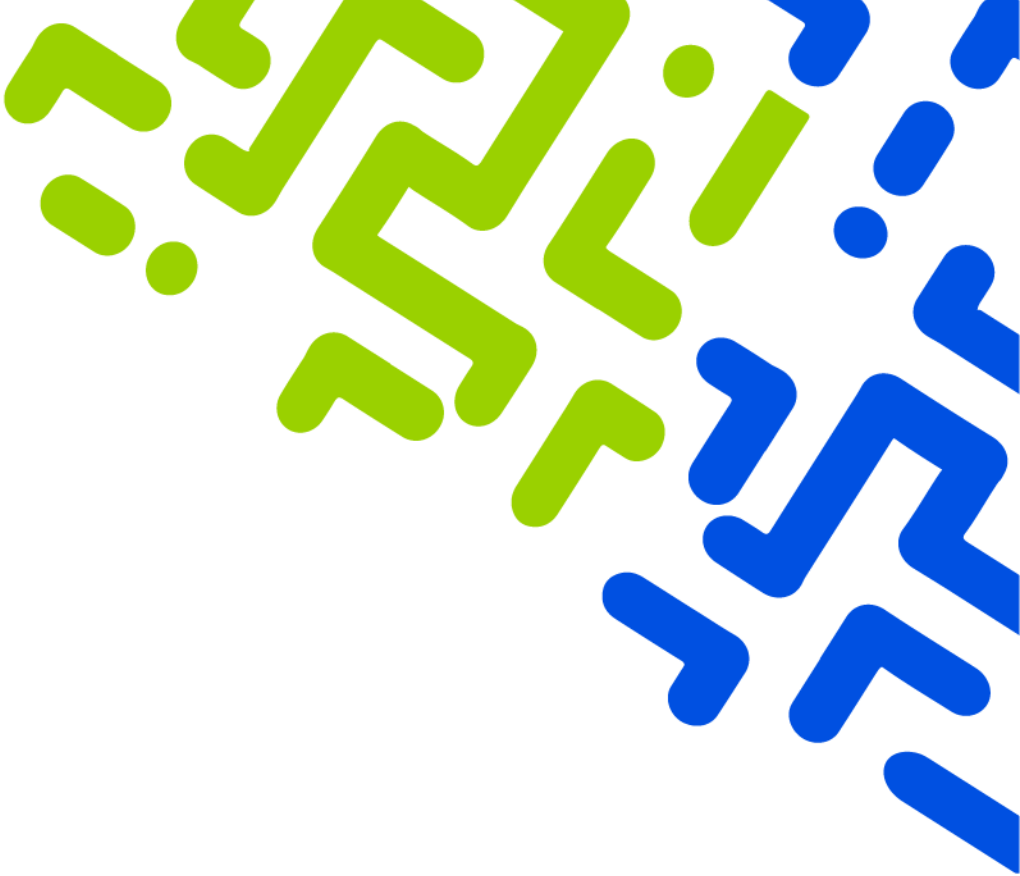
<sup>507</sup> *Ibid.*

<sup>508</sup> *Ibid.*

<sup>509</sup> *I/A Court H.R.*, Case of Apitz-Barbera et al. (“First Court of Administrative Disputes”) v. Venezuela, Preliminary Objection, Merits, Reparations and Costs, Judgment of August 5, 2008, Series C No. 182. paras. 77–78.

<sup>510</sup> *I/A Court H.R.*, Case of Apitz-Barbera et al. (“First Court of Administrative Disputes”) v. Venezuela, Preliminary Objection, Merits, Reparations and Costs, Judgment of August 5, 2008, Series C No. 182. paras. 77–78. *I/A Court H.R.*, Case of Tristán Donoso v. Panama, Preliminary Objection, Merits, Reparations and Costs, Judgment of January 27, 2009, Series C No. 193. paras. 152–154.





# **Follow-Up of Recommendations in Country or Thematic Reports**

---

**El Salvador**





## CHAPTER V: EL SALVADOR

<b>I.</b>	<b>INTRODUCTION .....</b>	<b>951</b>
<b>II.</b>	<b>FOLLOW-UP OF RECOMMENDATIONS .....</b>	<b>953</b>
A.	Memory, truth and justice concerning the internal armed conflict .....	953
B.	Prevention of torture and other cruel, inhuman or degrading treatment or punishment.....	967
C.	Operation of the office of the Attorney General of the Republic .....	968
D.	Discrimination.....	970
E.	Situation of specific groups.....	970
1.	Women.....	970
2.	LGTBI people.....	987
3.	People in the Context of Human Mobility .....	995
4.	Human rights defenders.....	1003
5.	Indigenous Peoples and People of African Descent .....	1007
F.	Economic, social, cultural and environmental rights.....	1009
G.	The right to Freedom of Expression.....	1019
<b>III.</b>	<b>SUMMARY TABLE OF THE LEVEL OF COMPLIANCE WITH RECOMMENDATIONS .....</b>	<b>1027</b>
<b>IV.</b>	<b>CONCLUSIONS.....</b>	<b>1028</b>
1.	Chapter V contains considerations that pose a risk to pregnant women and ignore women's comprehensive needs ( <i>necesidades integrales de las mujeres</i> ) .....	1034
2.	No obligation to guarantee the rectification of the sex marker on identity documents for persons who identify as transgender .....	1040
3.	Considerations regarding measures taken by the State in relation to comprehensive sex education for children and adolescents .....	1042



---

<b>PARTIAL REASONED VOTE OF COMMISSIONER CARLOS BERNAL PULIDO ON CHAPTER V EL SALVADOR OF THE 2024 ANNUAL REPORT.....</b>	<b>1034</b>
---	-------------



---

## CHAPTER V

### **FOLLOW-UP OF RECOMMENDATIONS ISSUED BY THE IACHR IN ITS COUNTRY OR THEMATIC REPORTS**

#### **THIRD FOLLOW-UP REPORT ON COMPLIANCE WITH THE RECOMMENDATIONS MADE BY THE IACHR IN THE REPORT ON THE SITUATION OF HUMAN RIGHTS IN EL SALVADOR IN 2021<sup>1</sup>**

##### **I. INTRODUCTION**

1. The purpose of this chapter is to continue following up on the recommendations issued in the Report on the Situation of Human Rights in El Salvador, which was approved on October 14, 2021, by the Inter-American Commission on Human Rights (hereinafter "Commission", "Inter-American Commission" or "IACHR"), pursuant to Article 59(9) of its Rules of Procedure. Pursuant to this provision through Chapter V of its Annual Report, the Commission will follow up on the measures adopted by the Member States of the Organization of American States (hereinafter "OAS") to comply with the recommendations made in the country or thematic reports of the IACHR.

2. Regarding the background of this follow-up report, following a request from the Inter-American Commission, on July 2, 2019, the State granted its consent to conduct an *in loco* visit to the country, which took place between December 2 and 4, 2019. In this regard, the Commission highlighted and appreciated that, in the first 6 months of the current government, El Salvador has invited the IACHR to conduct an *in loco* visit after 32 years.

3. In 2021, the IACHR issued the report titled *Situation of Human Rights in El Salvador* (hereinafter "Country Report") which included a series of recommendations addressed to the State, based on the findings and information obtained before, during and after the *in loco* visit<sup>2</sup>. Likewise, to prepare for this report, the Commission based itself on the investigations carried out *ex officio*, the information provided by the State, inputs from the different mechanisms through which the IACHR has followed up on the situation in the country, as well as press articles, decisions and recommendations of specialized international organizations, among others, as established in Article 59, paragraph 5 of its Rules of Procedure.

4. In the Country Report, which includes events up to December 31, 2020, the Commission addressed the human rights situation in El Salvador with emphasis on the structural problems affecting the country that have been pending since the armed conflict. These issues include citizen security, high levels of violence and the impact of heavy-handed policies on the human rights of the population, as well as access to justice, truth and memory of the victims of the armed conflict. Additionally, in the Country Report, the Commission analyzed the situation of groups and persons of special concern, including persons deprived of liberty; women and LGBTI persons; indigenous and Afro-descendant peoples; persons in the context of human mobility; and human rights defenders. The IACHR also analyzed other issues related to ESCR and the situation of freedom of expression in the country.

5. After the publication of the Country Report, the IACHR prepared two follow-up reports on compliance with its recommendations, which it has included in Chapter V of its Annual Reports for the years

---

<sup>1</sup> Chapter not approved by Commissioner Carlos Bernal Pulido, with a partial reasoned vote. The partial reasoned vote is found at the end of this chapter.

<sup>2</sup> IACHR, Country Report "Situation of Human Rights in El Salvador", OEA/Ser.L/V/II Doc.278/21, October 14, 2021.



2022<sup>3</sup> and 2023<sup>4</sup>. Both reports have sought to identify State measures of compliance with the Commission's recommendations, as well as pending challenges in terms of implementation, based on information provided by the State and civil society organizations, as well as other publicly available information known to the IACHR.

6. Based on this background, this is the third follow-up report on the recommendations that the IACHR made to El Salvador in its country report. Like the second report, this one does not evaluate the implementation of recommendations 1, 2, 3, regarding citizen security, nor recommendations 12, 13, 14, 15 and 20, regarding the rights of persons deprived of liberty. This is because, during the year 2024, the IACHR published two reports that have an impact on this follow-up. The first one deals with the state of emergency and human rights in El Salvador<sup>5</sup> and addressed 23 recommendations to the State and the second monitored the level of compliance with five recommendations on persons deprived of liberty in the country<sup>6</sup>. The Commission requests to refer to these two documents for a more updated analysis on both topics and to complement what has been developed in this Report.

7. For the preparation of this follow-up report, on September 4, 2024, the IACHR requested the State of El Salvador to present, within 30 days, information on compliance with the recommendations contained in the Country Report. After requesting an extension, the State of El Salvador submitted the requested information on October 23, 2024<sup>7</sup>. The Commission appreciates and is grateful for the information received, which was included in this report.

8. For its part, the IACHR also sent a questionnaire to civil society organizations so that they could provide information related to the follow-up of the recommendations. The IACHR appreciates the information provided by some organizations, which was considered for the follow-up of the recommendations of the Country Report<sup>8</sup> and appreciates their involvement in the follow-up processes of the Commission's recommendations.

9. On January 3, 2025, the Commission transmitted a copy of the preliminary draft of this report to the State, following Article 59(10) of its Rules of Procedure, and requested it to submit its observations. On February 13, 2025, the Commission received the observations and comments from the State<sup>9</sup>, which were incorporated, as pertinent, into this version and whose document is annexed to this Report. The final version of this Report was approved by the Commission on March 3, 2025.

10. This follow-up report is divided into five sections dedicated to the analysis of the measures adopted by the State to comply with the Commission's recommendations and the pending challenges in terms of implementation. The recommendations are evaluated following the General Guidelines on the Follow-up of Recommendations and Decisions of the IACHR<sup>10</sup>, following the thematic structure incorporated into the Country Report. The preparation of this document is consistent with the Commission's recommendation follow-up practice.

<sup>3</sup> IACHR, Annual Report 2022, Chapter V: El Salvador, March 11, 2023.

<sup>4</sup> IACHR, Annual Report 2023, Chapter V: El Salvador, December 31, 2023.

<sup>5</sup> IACHR, State of Emergency and Human Rights in El Salvador, OEA/Ser.L/V/II Doc. 97/24, June 28, 2024. (Available only in Spanish).

<sup>6</sup> IACHR, Follow-up Report: Recommendations on Persons Deprived of Liberty, Guatemala, Honduras and El Salvador, OEA/Ser.L/V/II Doc. 126/24, June 7, 2024. (Available only in Spanish).

<sup>7</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>8</sup> Servicio Social Pasionista (SSPAS), Response to follow-up questionnaire, October 4 and 22, 2024. Asociación Mujeres Transformando, Response to follow-up questionnaire, October 4, 2024. Foro del Agua El Salvador, Response to follow-up questionnaire, October 4, 2024. Fundación Cristosal, Response to follow-up questionnaire, October 4, 2024. Fundación Nacional para el Desarrollo (FUNDE), Response to follow-up questionnaire, October 4, 2024. Red Feminista frente a la Violencia contra las Mujeres (RED-FEM), Response to follow-up questionnaire, October 4, 2024; the network is composed of Asociación de Mujeres por la Dignidad y la Vida (Las Dignas), Asociación Movimiento de Mujeres Mérida, Anaya Montes (Las Méridas) and Asociación Organización de Mujeres Salvadoreñas por la Paz (ORMUSA).

<sup>9</sup> State of El Salvador, Note MPOEA-OAS-011/2025, Observations to the draft of Chapter V, February 13, 2025.

<sup>10</sup> IACHR, General Guidelines on the Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights, OEA/Ser.L/V/II. Doc.385/23 (second edition), Nov. 20, 2023. (Available only in Spanish).



11. This report is divided into five sessions according to the thematic axes of the recommendations being followed up. For each decision, the report presents a synthesis of the analysis of the last follow-up report corresponding to 2023<sup>11</sup>. Then, it covers the information that the IACHR obtained in 2024 through different sources, including that reported by the State and civil society organizations, as well as the information gathered to monitor the general human rights situation in the country<sup>12</sup>. Subsequently, it performs an analysis of the level of compliance and refers to the main advances and implementation challenges identified by the Commission, according to the information known during the year 2024. The analysis for each recommendation culminates with a diagnosis by the IACHR on the specific information that the State has not yet submitted or on the measures that have yet to be adopted to determine progress in the level of compliance with the recommendation. Finally, the IACHR issues its conclusions on the progress and challenges of compliance with the recommendations of the Country Report analyzed as a whole.

12. Full compliance with the recommendations of the IACHR is essential to ensuring the full enjoyment of human rights in the OAS Member States and strengthening the Inter-American Human Rights System (hereinafter "IAHRS"). The current international scenario demands that the actors involved not only actively participate by reporting information on measures to comply with the decisions adopted by international bodies, including the IACHR, but that these efforts translate into suitable, timely, and effective State measures that achieve the objectives of each decision.

13. The IACHR reiterates the importance that the State of El Salvador fully comply with the recommendations made in the report under follow-up. It also hopes that this tool will make it possible to establish a process of dialogue aimed at complying with the recommendations that the Commission has addressed to the State of El Salvador in human rights.

## II. FOLLOW-UP OF RECOMMENDATIONS

### A. Memory, truth and justice concerning the internal armed conflict

**Recommendation No. 4.** Adopt a National Reconciliation Law in accordance with Inter-American standards on transitional justice, particularly with respect to holding perpetrators of serious human rights violations accountable for their actions and in relation to the participation of victims.

14. For the 2023 follow-up report, the Commission noted that it has been aware of the draft of the "Special Law on Transitional Justice for Victims of Human Rights Violations in the Context of the Armed Conflict in El Salvador," law since 2022, when the State reported it. However, it noted civil society's concern about the lack of discussion of this initiative in the Legislative Assembly. Given the lack of progress in adopting this law, the Commission considered that this recommendation remained **pending**.<sup>13</sup>

#### *Information on compliance*

15. For the year 2024, the Commission learned of information provided by civil society according to which the State has not made progress in adopting a law on transitional justice in the country. It was also indicated that the president of the Justice and Human Rights Commission of the Legislative Assembly had intended to draft a Transitional Justice Law for victims of the armed conflict by the year 2021. However, no

<sup>11</sup> IACHR, Annual Report 2023, Chapter V. Follow-up recommendations issued by the IACHR in its country or thematic reports - El Salvador, December 31, 2023.

<sup>12</sup> To this end, the IACHR has made use of information gathered during public hearings, investigations conducted ex officio, input from the mechanisms for petitions and cases and precautionary measures, and responses to requests for information submitted under the authority established in Article 41 of the American Convention on Human Rights, as well as information gathered from other public sources, and the decisions and recommendations of specialized international organizations, among others.

<sup>13</sup> IACHR, Annual Report 2023, Chapter V. Follow-up recommendations issued by the IACHR in its country or thematic reports - El Salvador, paras. 15-20.



progress has been made on this objective, even though some government institutions and civil society organizations were cited, including the Committee of Mothers and Relatives of the Detained, Disappeared and Politically Assassinated of El Salvador, Monsignor Óscar Arnulfo Romero (COMADRES).<sup>14</sup>

16. The Commission was also informed that a May 2024 reform to the Legislative Assembly's rules of procedure eliminated the Justice and Human Rights Commission, which oversaw transitional justice issues, and created the National Security and Justice Commission. In addition, it was confirmed that on May 29, 2024, due to the loss of its validity, the project of "Special Law of Transitional Justice for Victims of Human Rights Violations in the Context of the Armed Conflict in El Salvador", presented on October 7, 2021, by the victims of the armed conflict and through Congresswoman Claudia Ortiz<sup>15</sup> was archived. In this regard, the Commission learned of the concern and rejection expressed by the Roundtable Against Impunity in El Salvador and the Management Group of the Comprehensive Reparation Law regarding this file, as well as the affirmation that the State had not adopted measures to carry out a participatory process and followed a dialogue with the victims for the drafting of the law indicated in this recommendation.<sup>16</sup>

17. For its part, the State reported that in May, the National Security and Justice Commission of the Legislative Assembly filed the draft bill of the "Special Law on Transitional Justice for Victims of Human Rights Violations in the Context of the Armed Conflict in El Salvador", because it was filed in 2021 and no longer in force.<sup>17</sup>

18. In addition, the State clarified that Unconstitutionality Ruling No. 44-2013AC on the Amnesty Law, issued by the Constitutional Chamber of the Supreme Court of Justice, orders the Legislative Assembly to respond to demands regarding investigations, prosecution, clarification, and punishment of crimes committed during the armed conflict, as well as comprehensive reparation and non-repetition. It indicated that, as of this sentence, the National Reconciliation Law (Legislative Decree No. 147 of 1992) became effective again and that the latter establishes that "the persons who, according to the report of the Truth Commission, had participated in serious acts of violence that occurred since January 1, 1980, whose imprint on society demands with greater urgency the public knowledge of the truth, regardless of the sector to which they belonged in their case" will not be granted amnesty. At the same time, it clarified that the favor referred to in the General Amnesty Law for the Consolidation of Peace (Legislative Decree No. 486 of 1993) cannot be applied to facts indicated in the Report of the Truth Commission.<sup>18</sup>

19. Although the State's approval of the Transitional Justice Law referred to in the recommendation under follow-up is still pending, regulatory mechanisms and institutional infrastructure exist to investigate the acts committed during the armed conflict, applying international standards of transitional justice and in accordance with its commitment to truth, justice, and reparation.<sup>19</sup>

#### *Analysis and level of compliance with the recommendation*

20. Since 2022, the IACHR had been aware of the preliminary draft of the "Special Law on Transitional Justice for Victims of Human Rights Violations in the Context of the Armed Conflict in El Salvador". For this year, the Commission regrets that this bill had not been discussed or studied in time, a concern that had already been pointed out by civil society. The IACHR expresses its concern over the archiving of this

<sup>14</sup> Fundación Cristosal, Response to follow-up questionnaire, October 4, 2024.

<sup>15</sup> Fundación Cristosal, Response to follow-up questionnaire, October 4, 2024.

<sup>16</sup> Fundación Cristosal, Response to the follow-up questionnaire, October 4, 2024; Mesa Contra la Impunidad en El Salvador and the Grupo Gestor de la Ley de Reparación Integral, [Press release: El debate y aprobación de una Ley de Justicia Transicional en El Salvador no ha perdido vigencia y es fundamental para asegurar la justicia y la paz](#), May 2024. (Available only in Spanish).

<sup>17</sup> State of El Salvador, [Note MPOEA-OAS-168/2024, Response to IACHR questionnaire](#), October 23, 2024.

<sup>18</sup> State of El Salvador, [Note MPOEA-OAS-168/2024, Response to IACHR questionnaire](#), October 23, 2024.

<sup>19</sup> By way of example, the State referred to the creation of national commissions to search for disappeared persons and of a special investigative unit in the Office of the Attorney General of the Republic; to regulatory modifications to apply international standards in the investigation and prosecution of these acts; to the Policy for the Criminal Prosecution of War Crimes and Crimes against Humanity; to the strengthening of capacities in genetics and forensic anthropology; to the indictment and prosecution of cases; and to arrest warrants for high-ranking military officials. State of El Salvador, [Note MPOEA-OAS-168/2024, Response to IACHR questionnaire](#), October 23, 2024.



legislative initiative, despite its relevance to develop international standards on transitional justice in the country. In this regard, it identifies that the recommendation is still **pending compliance**.

*Measures and information to advance compliance with the recommendation*

21. The Commission urges the State to move forward with the issuance of the law indicated in this recommendation and to guarantee the full participation of victims and civil society in its drafting; it also reiterates the importance that the process of drafting this initiative be swift, participatory, and consider the perspective and contributions of victims' organizations and civil society, which is especially relevant in transitional justice contexts<sup>20</sup>. Likewise, the IACHR invites the State to consider successful comparative experiences in transitional justice processes in complying with this recommendation, especially regarding the implementation of continuous working sessions with the victims, insofar as it is compatible and whenever it is relevant to the Salvadoran context.

**Recommendation No. 5.** Investigate, judge, and, where appropriate, sanction crimes that constitute serious human rights violations perpetrated during the internal armed conflict.

22. For the 2023 follow-up report, the IACHR appreciated the increase from 22 to 28 cases prosecuted by the Unit for the Investigation of Crimes Committed in the Armed Conflict (hereinafter "UIDCA") of the Attorney General's Office (hereinafter "FGR"), although it noted that this figure corresponds to only 11% of the total. In addition, it stated that it was unaware of any progress in the adoption of judicial decisions that identify those responsible for the facts and impose indicated sanctions, although it valued the information on the prioritization of the cases in the Truth Commission Report, as well as the intention to adopt a contextual approach in the investigations. It also requested information on the road map of the "Policy for the Criminal Prosecution of War Crimes and Crimes against Humanity Occurring in the Context of the Armed Conflict". Based on the above, the IACHR concluded that the recommendation remained partially fulfilled and noted that its level of compliance would advance when most of the violations reported are being prosecuted.

*Information on compliance*

23. For the year 2024, the State indicated that the FGR's UIDCA has been gradually endowed with the human and logistical resources necessary for its investigative work. It recalled that when it was created, it was a "working group" made up of three prosecutors, which was later transformed into an institutional unit, and currently has a team of thirteen people, including a coordinator and seven assistant prosecutors. The State also noted that the unit has enhanced the participation of victims and their representatives in the investigations.<sup>21</sup>

24. The State also referred to the cases in which it indicated that it had obtained essential results in the investigation, namely: the "San Andrés" case, in which, for the first time, a death squad was prosecuted; the "El Calabozo Massacre" and the "Dutch Journalists" case, in which arrest warrants were issued and, for the latter, included high-ranking military officials; and the "UCA Massacre" case, which is awaiting a preliminary hearing in December 2024. In addition, the State highlighted progress in the investigation of cases of sexual violence in the context of the civil war and serious human rights violations by the Farabundo Martí National Liberation Front (hereinafter "FMLN").<sup>22</sup>

25. Likewise, the State indicated that, in the case of the El Mozote Massacres and surrounding areas, a transitional justice team was formed to incorporate the applicable Inter-American standards and

<sup>20</sup> IACHR, Compendium: Truth, Memory, Justice and Reparation in Transitional Contexts, Inter-American Standards, OEA/Ser.L/V/II. Doc. 121 12 April 2021, para. 84.

<sup>21</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>22</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.



affirmed that it had removed obstacles to investigate, try and punish both the direct perpetrators and those who gave orders that violated fundamental rights and the commanders who did not respond to their legal duty to prevent abuses by subordinates. The State also pointed out that privileges and immunities were eliminated for officials who favored impunity for serious human rights violations and that, on December 22, 2023, the Court of Instruction of San Francisco Gotera declared the crime of personal concealment as a crime against humanity and, therefore, not subject to the statute of limitations.<sup>23</sup>

26. For its part, the Commission received information from civil society indicating that there is limited public information available regarding the UIDCA's progress in processing cases of serious human rights violations committed during the internal armed conflict<sup>24</sup>. Additionally, it was noted that the FGR's Work Report for the period of June 1, 2023, to May 31, 2024, mentions only one action taken by the UIDCA: the presentation of the indictment on June 6, 2023, in the case of the massacre of the Jesuit priests and their two collaborators.<sup>25</sup>

27. The Commission was also informed that there are still challenges related to the failure to comply with inter-American standards of due diligence in general and enhanced due diligence in cases of gender-based violence against women, as well as to guarantee the rights of victims to information and participation in investigations. This includes the lack of a gender perspective regarding violations of women's human rights. In addition, it was noted that only the assignment of an additional prosecutor, as reinforcement to the UIDCA, was known.<sup>26</sup>

#### *Analysis and level of compliance with the recommendation*

28. The IACHR has noted the information reported by the State regarding the institutional strengthening of the UIDCA within the Attorney General's Office; the progress mentioned concerning the "San Andrés," "El Calabozo Massacre," "Dutch Journalists," and "UCA Massacre" cases; the investigations into sexual violence cases; the establishment of a transitional justice team aimed at incorporating Inter-American standards concerning the El Mozote Massacres and surrounding areas; the removal of privileges and immunities for officials that encouraged impunity; and the late 2023 decision by the San Francisco Gotera Court of Instruction to declare the imprescriptibility of the crime of personal concealment.

29. However, the Commission does not provide specific information indicating a significant increase in the number of cases prosecuted for serious human rights violations committed during the armed conflict. Without undermining the institutional strengthening decisions reported and some decisions adopted in relation to the mentioned cases, the IACHR reiterates that the essence of the recommendation under follow-up emphasizes the investigation, prosecution, and, if warranted, punishment of the reported facts. This requires concrete judicial decisions that identify the responsible parties and impose appropriate sanctions for the serious human rights violations committed during the internal armed conflict. In the absence of information demonstrating significant progress in these judicial decisions, the Commission believes that the recommendation remains **partially fulfilled**.

#### *Measures and information to advance in the fulfillment of the recommendation*

30. The Commission reiterates the importance of achieving substantial progress in investigations and prosecutions and effective sanctions for serious human rights violations perpetrated in the context of the armed conflict. In this regard, it reiterates that it will evaluate a substantial partial implementation of this recommendation when the majority of these acts are during the investigation and sanctioning stages. It also urges the State to continue reporting details on the implementation of the Criminal Prosecution Policy roadmap concerning war crimes and crimes against humanity within the context of the country's armed conflict. Above

<sup>23</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>24</sup> Fundación Cristosal, Response to follow-up questionnaire, October 4, 2024. DW, ONG: Estado de El Salvador "sigue amparando la impunidad", March 21, 2024. (Available only in Spanish).

<sup>25</sup> FGR, Informe de Labores 2023 - 2024, p. 60: Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.

<sup>26</sup> FGR, Informe de Labores 2023 - 2024, p. 60: Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.



all, it should specify the number of cases processed, detailing how many are still in the investigation, prosecution, and conviction stages. This information is crucial for closely monitoring the implementation of this recommendation.

**Recommendation No. 6.** Ratify the Inter-American Convention on Forced Disappearance of Persons, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.

31. In the 2023 follow-up report, the State indicated that the Legislative Body was reviewing the first two conventions referenced in the recommendation and that the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity was undergoing consultation before being presented to the Legislative Assembly. The IACHR stated that this recommendation was pending compliance and urged the State to advance the ratification of the instruments specified in the recommendation.<sup>27</sup>

*Information on compliance*

32. For the year 2024, the State indicated that on May 1, 2024, the new composition of the Legislative Assembly took office for the period 2024-2027 and was in charge of analyzing the eventual ratification of international human rights instruments, in accordance with human rights recommendations and national priorities. It also indicated that the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity is currently in the consultation stage with national entities, before determining its possible subscription.<sup>28</sup>

33. The Commission, for its part, received information from civil society regarding the lack of progress in ratifying the instruments mentioned in the recommendation. Additionally, it was noted that in December 2021, thirteen civil society organizations issued a document highlighting several reasons why it is essential for El Salvador to adhere to these international instruments<sup>29</sup>. The Commission recognized that, among other reasons, the document emphasizes the importance of complying with these instruments to enhance and supplement internal protection of human rights, foster constructive dialogue with international protection organizations, advocate for victims' demands, follow the recommendations of various international organizations, and reject forced disappearance.<sup>30</sup>

*Analysis and level of compliance with the recommendation*

34. Considering that the implementation of this recommendation depends on substantial actions regarding the progress in the ratification of the instruments mentioned in the recommendation, the Commission considers that this recommendation is still **pending compliance**.

*Measures and information to advance in the fulfillment of the recommendation*

35. The IACHR urges the State to effectively advance in the ratification process of these international instruments, which is essential for reporting any progress in implementing this recommendation.

**Recommendation No. 7.** Organize all documentation on the security forces that acted during the internal armed conflict, systematize this, and make it publicly available to victims, authorities of the justice and

<sup>27</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, paras. 34-37.

<sup>28</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>29</sup> DPLF, Alerta Raquel, ANADES, ASDEHUM FESPAD, PROBÚSQUEDA, AZO, Comcavis Trans, Cristiosal, SSPAS, Idhuca, ORMUSA, COPPES, *El Salvador debe adherirse a la Convención Interamericana sobre Desaparición Forzada de Personas y a la Convención Internacional para la protección de todas las personas contra las desapariciones forzadas*, December 2021. (Available only in Spanish).

<sup>30</sup> FGR, Informe de Labores 2023 - 2024, p. 60: Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.



search system, and society as a whole, ensuring that sensitive aspects are protected appropriately, in the latter case, and reconstructing any files that were destroyed or documents that were not produced when they should legally have been.

36. For the 2023 follow-up report, the IACHR identified some actions to systematize the information indicated in this recommendation and appreciated that the Ministry of National Defense expressed its willingness to support the investigations of the Attorney General's Office, as well as the initiative of the "Guardians of Peace" project, on classification and digitization of historical archives. However, the IACHR identified that, although the reported actions represent partial systematization efforts, they do not comply with the core of the recommendation, namely, that this record be made available to the victims and society in general, attending to the necessary protection of sensitive aspects. Pending complementary information on these aspects, the Commission considered that this recommendation was still **pending compliance**.<sup>31</sup>

#### *Information on compliance*

37. By 2024, the State indicated that the Ministry of National Defense had made progress in ordering, identifying, and classifying the documentation generated by the institution between 1980 and 1992. It indicated that several military units have a general inventory and that the last phase of information digitization is beginning. In addition, it indicated that, within the framework of the law, this entity provides the information requested by justice entities, victims or family members, if it is in existing or restored documents in the archives of the military units from the period of the armed conflict.<sup>32</sup>

38. The State indicated that in April 2024, the national commissions for the search for children and adults who disappeared in the context of the armed conflict signed a cooperation agreement with the Supreme Court of Justice. This measure seeks to facilitate access to files on the adoption and protection of children during the armed conflict and to judicial files of unidentified persons who had been recognized by the courts at the time, as well as support in exhumations and the processing of genetic profiles, and training for personnel of the Supreme Court of Justice on the search for persons.<sup>33</sup>

39. Additionally, the State noted that the national search commissions mentioned above began processes to review records from that time and have accessed documents and archives, including military and police records, in collaboration with entities such as the judiciary and family registries in various municipalities. Furthermore, it reported that between July 2022 and May 2023, these commissions examined cemetery archives in the departments of San Salvador and Santa Ana and identified over 1,500 "unidentified" individuals buried due to violent causes related to the internal armed conflict from 1974 to 1992, of which at least 50 were under 18 years old. The State indicated this action would be replicated in other cemeteries and complemented by mapping burial sites or mass graves. It also mentioned that, with the support of the United Nations Development Program (hereinafter "UNDP"), in 2024, these commissions will implement a system to digitize files and historical archives in order to achieve efficient management of the search processes and consolidate the Single Registry of Missing Children and Adults (hereinafter "RENIPAD").<sup>34</sup>

40. For its part, the Commission received information from civil society indicating that over the past year, there has been no progress in facilitating access to documentation from the armed forces and security forces involved during the armed conflict. It was noted that, on the contrary, state authorities even refused to make efforts to identify or request such documents. For example, in the context of criminal case No. 69/1992 related to crimes occurring during the Massacre of El Calabozo and surrounding areas, the organization Cristosal, on behalf of the victims, requested several documents from the court overseeing the case, including one titled "The Threat to the Sovereignty and Destruction of the State," prepared by the Ministry of National Defense, as well as the National Military Plans for the years 1980 to 1983. In January 2024, the Court of First

<sup>31</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, paras. 48-39.

<sup>32</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>33</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>34</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.



Instance of San Sebastian (now the Second Civil and Mercantile Court of San Vicente) reportedly notified that it would not request these documents, arguing that "there is no record" of the actions of the military forces in 1982.<sup>35</sup>

41. In the observations to the present report, the State affirmed that it has worked on recovering and systematizing documents related to the actions of the security forces during the armed conflict. The State emphasized that efforts have been made to access information safeguarded by international organizations; however, it stated that access to these archives has been denied on the grounds of confidentiality<sup>36</sup>.

*Analysis and level of compliance with the recommendation*

42. The Commission notes that the information provided by the State indicates partial progress on the recommendation under review. Specifically, the compliance measures identified by the Commission to assess this partial progress included the reported advancements in the ordering, identification, and classification of documentation by the Ministry of National Defense, as well as the cooperation agreement signed between the national search commissions and the Supreme Court of Justice, which facilitated access to military and police documents for these agencies. Regarding these measures, the IACHR encourages strengthening their implementation, reporting on this progress with concrete data, and providing information on their results and impact.

43. For its part, the IACHR appreciates the efforts reported by the State to access information held by international organizations. To assess its relevance in compliance with this recommendation, the State is invited to specify details of the type of information that has been requested, as well as the organizations that, under confidentiality, have denied access to it.

44. The Commission also identifies as essential that the victims and their families be guaranteed access to the documentation that has been compiled and systematized regarding the security forces that acted during the internal armed conflict. While awaiting specific information on compliance measures in the pending matters indicated and considering the actions reported, the Commission identifies that this recommendation has advanced to a **partial level of compliance**.

*Measures and information to advance in the fulfillment of the recommendation*

45. The IACHR will declare progress in the level of compliance with this recommendation when (i) the State provides details on progress in the ordering, identification and classification by the Ministry of National Defense of the documentation indicated and the results in access to information by the national search commissions; (ii) provide details on how access to the information indicated in the recommendation is guaranteed in practice for judicial authorities, victims and family members and society in general, specifying under what conditions this access is denied and ensuring that this decision is reasonable; (iii) indicate the concrete measures adopted for the reconstruction of the destroyed archives or documents not generated that legally should have been produced.

**Recommendation No. 8.** Adopt a legal framework regulating a national policy for the search of victims of forced disappearance; the creation of a genetic information bank; exhumation proceedings; and a law regulating the rights of the relatives of the victims of disappearances

46. For the 2023 follow-up report, the IACHR valued State activities for promoting the search for missing persons, the progress in developing a protocol to coordinate the institutions involved in investigating forcibly disappeared persons, and the efforts to create a genetic data system. For its part, the Commission

<sup>35</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.

<sup>36</sup> State of El Salvador, *Note MPOEA-OAS-011/2025. Observations to the draft of Chapter V*, February 13, 2025.



learned that the DNA Data Bank Law regulation is pending and that the victims have requested the Legislative Assembly to approve a Law on the Search for Disappeared Persons. In addition, the Commission reiterated the importance that the national commissions for the search of adults and children who disappeared in the context of the armed conflict be provided with legal certainty. Given the need for additional measures, the Commission noted that the recommendation remained **partially fulfilled**.<sup>37</sup>

#### *Information on compliance*

47. In 2024, the State indicated that there is no regulatory framework that independently governs the response to the disappearance of persons and the rights of their family members. However, it noted that it approved the National DNA Bank Law and has undertaken various actions to address this phenomenon, including the following<sup>38</sup>:

- The National Commission to Search for Children Disappeared during the Internal Armed Conflict (hereinafter "CNB"), created in 2010, and the National Commission to Search for Disappeared Adults in the Context of the Armed Conflict in El Salvador (hereinafter "CONABÚSQUEDA"), created in 2017, which constitute an administrative search mechanism.
- The Project aims to strengthen institutional capacity for managing disappearances linked to organized crime and fighting impunity from 2017 to 2019.
- The creation of the UIDCA of the FGR.
- The Policy for the Criminal Prosecution of War Crimes and Crimes against Humanity that occurred in the context of the armed conflict in 2018.
- The adaptation of the criminal offense of forced disappearance to meet international standards and the inclusion of this offense as a crime against humanity.
- The Urgent Action Protocol and Strategy for the Search of Missing Persons and the Instructions for the Urgent Search and Investigation of Cases of Missing Persons.
- Capacity building in genetics and forensic anthropology to investigate these events.

48. The project, which will run from July 2024 to July 2027, aims to implement a genetic profile bank administered by CONABÚSQUEDA. This bank will be used exclusively to compare DNA samples from victims with those from family members. Additionally, the State indicated that this project seeks to incorporate a multidisciplinary and inter-institutional approach involving various governmental and non-governmental organizations related to searching and identifying individuals who disappeared during the internal armed conflict. It also stated that the exhumation processes comply with current legislation and are coordinated by the FGR along with the search commissions for cases registered by the latter or those that have been adjudicated by the Inter-American Court of Human Rights (hereinafter referred to as the "IACHR Court").<sup>39</sup>

49. On the other hand, the Commission was informed by civil society that there has been no progress in the development of the "National DNA Data Bank Law," nor in the development of regulations concerning the "Law on Disappearance of Persons," the exhumation processes, or the rights of relatives of disappeared persons. It was noted that the proposals being considered by the Legislative Assembly were shelved because they were deemed invalid<sup>40</sup>. Additionally, it was emphasized that information or official data on missing persons has been classified since 2022, and the State has created no official, public, or integrated registry.<sup>41</sup>

50. Likewise, civil society pointed out that the National Data Bank Law, approved in 2021, would still not be implemented and that the creation of a blood and DNA bank to recognize bodies found in clandestine

<sup>37</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, paras. 50-60.

<sup>38</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>39</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>40</sup> Passionist Social Service (SSPAS), Response to the follow-up questionnaire, October 4, 2024; Cristosal Foundation, Response to the follow-up questionnaire, October 4, 2024.

<sup>41</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024; Passionist Social Service (SSPAS), Response to follow-up questionnaire, October 4, 2024.



cemeteries was still pending, even though it had been a measure foreseen in the Cuscatlán Plan<sup>42</sup>. In addition, it was reported that in August 2024, civil society organizations put into operation the Citizen Registry of Missing Persons in El Salvador for families and human rights organizations to enter data on missing persons and generate early warnings and statistical data disaggregated by geographic area, gender of victims and other variables useful for public policies to prevent and combat enforced disappearance.<sup>43</sup>

51. The Commission was also informed that civil society is concerned that in August 2024, the Specialized Unit for Cases of Disappeared Persons of the Attorney General's Office would have ceased to exist, to become part of the sub-directorate of organized crime, and because of the possible impact of this decision on the effective follow-up of active search cases.<sup>44</sup>

52. In its observations on the present report, the State indicated that the concern expressed by civil society regarding the Specialized Unit for Cases of Disappeared Persons of the FGR has no relation to the recommendation under follow-up, considering that the investigation of events that occurred in the context of the Salvadoran armed conflict corresponds to the Unit for the Investigation of Crimes of the Armed Conflict of the FGR, clarifying that the restructuring of the Prosecution Units has not had any impact on these cases<sup>45</sup>.

#### *Analysis and level of compliance with the recommendation*

53. The IACHR identifies that several of the measures reported by the State were adopted before this recommendation was issued and recalls the importance of subsequent actions aimed at their specific compliance. Although it values institutional strengthening actions to respond to this phenomenon, the Commission recalls that this recommendation requests the adoption of a regulatory framework that has not yet been fully adopted and that the creation of the CNB and CONABÚSQUEDA, as well as the National DNA Bank Law, were measures known to the Commission before the publication of the 2021 Country Report.

54. The Commission, for its part, welcomes the information provided by the State indicating that the CNB and CONABÚSQUEDA are managing the cooperation project "Improving Identification and Closure for Missing Persons," which aims to establish a genetic profile bank by 2027. In this context, the Commission is awaiting updates on progress in this initiative and recognizes that its development can positively contribute to fulfilling this recommendation. Furthermore, it emphasizes the importance of having a regulatory framework for the establishment of this bank.

55. For its part, the Commission identifies that some aspects of this recommendation still require State implementation efforts, including the issuance of the law on the disappearance of persons and the national data bank, as well as specific regulations on exhumation processes and the rights of family members. It also identifies the need for information on the status of the regulation and application of the National DNA Data Bank Law, approved in 2021. In addition, it notes that the legislative initiatives before the Legislative Assembly have been shelved and therefore urges the development and discussion of the requested regulatory framework. In this sense, the Commission identifies that this recommendation continues to be **partially fulfilled**.

#### *Measures and information to advance in compliance with the recommendation*

56. The IACHR emphasizes that progress in complying with this recommendation relies on the State adopting a regulatory framework addressing the four specified aspects: (i) the search for victims of forced disappearance, (ii) the establishment of a genetic bank, (iii) exhumation processes, and (iv) the rights of family members regarding the absence of the disappeared victims. Additionally, the IACHR reiterates the significance

<sup>42</sup> Passionist Social Service (SSPAS), Response to follow-up questionnaire, October 4, 2024; cited Fespad, Informe de Desapariciones forzadas o involuntarias en El Salvador, May 2, 2024. (Available only in Spanish).

<sup>43</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.

<sup>44</sup> Passionist Social Service (SSPAS), Response to follow-up questionnaire, October 4, 2024.

<sup>45</sup> State of El Salvador, Note MPOEA-OAS-011/2025, Observations to the draft of Chapter V, February 13, 2025.



of developing this normative framework to ensure the participation of victims and relevant civil society organizations.

**Recommendation No. 9.** Provide the CNB, CONABÚSQUEDA, and the Institute of Legal Medicine with the human, economic, logistic, scientific and other resources needed for investigating into and determining the whereabouts of persons who disappeared in the context of the armed conflict.

57. For the 2023 follow-up report, the IACHR noted that the budget for the Institute of Legal Medicine (hereinafter “LMI”) has increased by an additional allocation of \$2,499,555.00 over the amount scheduled for 2022. It also clarified that the resources available to the commissions mentioned in the recommendation exceed their allocated budget and that they benefit from the administrative resources of the Foreign Ministry, inter-institutional support, and funds from projects like “Guardians of Peace.” Despite these efforts, the IACHR deemed it necessary for the State to ensure a significant budget increase to allow them to perform their functions adequately. Moreover, it concluded that the recommendation has progressed to a **partial level of compliance**.<sup>46</sup>

#### *Information on compliance*

58. For 2024, the State reiterated that the CNB and CONABÚSQUEDA are attached to the Ministry of Foreign Affairs and function as deconcentrated units, having administrative dependence and an independent budgetary allocation in the General Budget of the Nation. It highlighted that for over 14 years, the CNB and, for more than 7 years, CONABÚSQUEDA have performed their duties without interruption and have developed their strategic lines of action, namely: i) search and identification, ii) psychosocial support for family members, and iii) historical memory and awareness.<sup>47</sup>

59. In addition, the State indicated that the commissions as mentioned above have been strengthened by cooperation projects such as “Women Guardians of Peace” and noted that the latter allowed the adoption of the database system for the search, RENIPAD, and the digitalization of search files; the acquisition of computer tools to systematize and review historical archives; the organization of community workshops with a focus on gender and new masculinities (with the support of UN Women); the development of 3 seminars together with UNODC, PDDH and the Supreme Court of Justice for justice operators who assist in the search for missing persons in the armed conflict and one of international scope for October 2024 on search and identification systems for missing persons in Ibero-America. Likewise, the State reiterated that these commissions have benefited from the project “Improved Identification and Closure for Missing Persons,” implemented by FAFG and financed by USAID for two million dollars, and that this support is in addition to the regular budget of the commissions financed by the State's General Fund.<sup>48</sup>

60. Civil society informed the Commission that no measures were adopted in the last year to strengthen the CNB, CONABÚSQUEDA, and the IML and make progress in the search for persons who disappeared during the armed conflict. In this regard, it was also stated that no state efforts were made to guarantee the budgetary and functional autonomy of the CNB and CONABÚSQUEDA so that they could exercise their functions independently and more efficiently.<sup>49</sup>

61. In its observations on the present report, the State emphasized that there are various means by which the commissions mentioned in the recommendation provide information about their operations, projects, and institutional strengthening efforts. Additionally, United Nations agencies, such as UN Women, UNDP, and UNODC, continually collaborate with these commissions through the implementation of various

<sup>46</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, paras. 62-69.

<sup>47</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>48</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>49</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.



projects. Furthermore, the State requested that, in the context of following up on this recommendation, its authority to determine the allocation of resources while defining national needs and priorities should not be interfered with, given that the State must address multiple needs with limited resources. The State indicated that a more significant allocation of resources does not necessarily lead to improved investigation results.<sup>50</sup>

*Analysis and level of compliance with the recommendation*

62. The Commission appreciates the State's affirmation that the CNB and CONABÚSQUEDA have performed their functions without interruption in developing their strategic lines of action. Additionally, it values the strengthening measures reported from acquiring computer tools, workshops, and providing training, the support of international cooperation these institutions receive, and the regular budget of the commissions financed by the State's General Fund. While the State did not provide specific information this year on measures to enhance resources for the LMI, it recalls that in 2023, it identified significant compliance measures for this institution.

63. Although the Commission appreciates the information about the three institutions mentioned in the recommendation, it emphasizes the importance of the State's having a specific diagnosis to determine whether each one's functional burden can be adequately developed with the available budget and resources. In the meantime, the Commission considers that this recommendation continues to be **partially complied with**.

*Measures and information to advance in the compliance with the recommendation*

64. The IACHR will fully comply with this recommendation when the State presents a technical diagnosis that concludes the adequacy of human, economic, logistical, scientific, and other resources necessary for the three institutions to effectively investigate and determine the whereabouts of individuals who disappeared during the armed conflict. Additionally, the IACHR points out that the State's measures to progressively strengthen these entities' resources need to be more specific to assess progress on this recommendation. In this regard, the Commission reiterates that the recommendation being followed up on includes not only economic provisions but also human, logistical, scientific, and other types of resources, as long as they enhance efforts to investigate and determine the whereabouts of individuals who went missing during armed conflict, while ensuring that the State evaluates their necessity based on technical information.

**Recommendation No. 10.** Develop a regulatory and institutional framework to guarantee comprehensive reparation for the victims of the armed conflict; immediately restore the reparations program provided for in Executive Decree No. 204 of 2013 until such framework is fully established.

65. For the 2023 follow-up report, the IACHR acknowledged that the monetary compensations granted under Executive Decree No. 204 of 2013 have been reinstated until 2022 and urged the State to make progress on the payment processes for compensation by 2023. It also noted other reparative actions that would be recognized in executing this Decree, although it highlighted the absence of information regarding its practical guarantees. Similarly, the Commission stressed the need for the State to ensure the timely implementation of a robust normative framework for the comprehensive reparation policy; it reiterated that the application of Executive Decree No. 204 serves as a transitional measure and concluded that the recommendation remains **partially fulfilled**.<sup>51</sup>

<sup>50</sup> State of El Salvador, Note MPOEA-OAS-011/2025, Observations to the draft of Chapter V, February 13, 2025.

<sup>51</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, paras. 71-74.



*Information on compliance*

66. For 2024, the State indicated that Executive Decree No. 204 of 2013 is in force and is under the execution of the Ministry of Local Development, which is responsible for the Reparations Program for victims of serious human rights violations in the context of the internal armed conflict. It indicated that this entity executes monetary transfers to an annual average of 1,466 families of victims or victims' relatives. In addition, the State noted that, in the framework of the judgments of the IACHR Court, the State has executed different measures of reparation, namely<sup>52</sup>:

- The Garden Museum on Missing Children was inaugurated in April 2024 as part of the Rochac Hernandez et al. case.
- In the case of the El Mozote massacres and surrounding areas, various measures have been implemented. These include a development program targeted at the affected areas, which features a health center along with medical, psychological, psychiatric, and psychosocial care for the victims; an educational center in El Mozote; a home for the elderly; and a housing program. Additionally, the state indicated that there is currently a Day Care Center for the Elderly in the canton of La Joya, located in the municipality of Meanguera, department of Morazán. This center provides care to individuals from localities recognized by the judgment in this case. As a protective measure, food packages are periodically delivered to elderly individuals in El Mozote and nearby areas. Furthermore, home visits are conducted for vulnerable elderly individuals in neighboring localities to assess and attend to their health needs.

67. The State also indicated that the national search commissions hold a traveling exhibition every year to raise awareness of enforced disappearance among the general population.<sup>53</sup>

68. For its part, the Commission accessed information provided by civil society, according to which the measures provided in Executive Decree No. 204 of 2013 are not being complied with. Specifically, it was pointed out to the Commission that there have been no massive new additions to the Registry of Victims, nor have mechanisms been opened for the individual application for admission. The Scholarship Subprogram for higher education and graduate studies has not been created; the food security program and productive linkages have not been implemented, and the promotion of the ordered productive associations has not been fulfilled. Additionally, the compensatory monetary transfers are functioning irregularly, as victims received payments in September 2024 for July to December 2023 but did not receive them from January to September of this year. Furthermore, no measures have been enacted to dignify the victims.<sup>54</sup>

*Analysis and level of compliance with the recommendation*

69. The Commission identifies that Executive Decree No. 204 of 2013 remains in force and that the Ministry of Local Development reports continuing to execute monetary transfers to an annual average of 1,466 families of victims or victims' relatives. In addition, it values the reparation measures provided in the two cases indicated, specifically those with the scope of satisfaction in the Rochac Hernández case and others, and health and psychosocial rehabilitation in the case of the El Mozote Massacres and surrounding areas.

70. Although the Commission values the measures reported in these cases, as well as the monetary transfers reported under the decree, it identifies that there are relevant components of this recommendation that remain pending implementation. First, it identifies that, despite the relevance of Executive Decree No. 204 of 2013, this measure does not supplant the importance of the State adopting a reparation policy that, as noted in the Country Report, "contemplates the different impacts suffered by the

<sup>52</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>53</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>54</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.



victims, in line with Inter-American human rights standards. Second, it emphasizes that the State must guarantee comprehensive reparations beyond monetary compensation and specific cases, ensuring inclusivity for all victims. This comprehensive approach should have a normative character robust enough to sustain over time and provide legal certainty while also considering the perspectives and needs articulated by civil society regarding the effective reparative scope of the measures provided. In this regard, the Commission notes that this recommendation is still only **partially met**.

*Measures and information to advance in the fulfillment of the recommendation*

71. The IACHR will declare progress in complying with this recommendation when the State accredits not only the full implementation of Executive Decree No. 204 of 2013 but also, considering its transitory nature, adopts a comprehensive national reparations policy that considers the needs expressed by all victims. Likewise, the Commission invites the State to provide more specific information on the ongoing reparations measures, specifying their content, recipients, and periodicity.

**Recommendation No. 11.** Create spaces to hear the victims of the internal armed conflict, allowing them to express their needs regarding different state services on the matters of truth, memory, justice, and reparation for serious human rights violations.

72. In the 2023 follow-up report, the IACHR acknowledged the information provided about the dialogue processes initiated by the National Search Commission and the opportunities for discussions on health reparation measures. Furthermore, that year, the IACHR became aware that organizations and victims called for the reactivation of dialogue spaces for both the implementation of Executive Decree No. 204 of 2013 and the legislative process of the Transitional Justice Law. The Commission recognized that it would still be necessary to adopt measures to ensure that victims are heard on issues beyond health reparations, such as memory, truth, justice, and comprehensive reparations, concluding that this recommendation remained **partially fulfilled**.<sup>55</sup>

*Information on compliance*

73. In 2024, the State noted that relatives of disappeared persons, civil society, national and international organizations, and state entities participated in the actions of historical memory and awareness organized by the CNB and CONABÚSQUEDA. As part of these activities, it emphasized that, in collaboration with the Ministry of Culture, each year, the "International Day of the Victims of Enforced Disappearance" is commemorated with a concert by the Symphonic Orchestra of El Salvador. Additionally, various photographic exhibitions have taken place over the years, with the most recent one in 2024 titled "Women Searching for Their Disappeared." Every March 29, the Day of the Disappeared Children in the context of the armed conflict is also commemorated, and the Re-cordis Magazine is published, promoting historical memory and outlining the commissions' progress.<sup>56</sup>

74. Additionally, the State indicated that the Ministry of Health (hereinafter "MINSAL") maintains various spaces for communication and coordination with victims, as well as associations, committees, and institutions representing the victims. Among these, comprehensive health care workshops are conducted, along with the implementation and evaluation of health care services, in accordance with the Technical Standard on Health Promotion, which outlines the mechanisms for social and community participation, as well as multisectoral efforts. Furthermore, the State affirmed that different levels of health care provide mechanisms for directly listening to victims. These mechanisms include coordination meetings with the victims, their representatives, and associations, in which MINSAL authorities participate; community assemblies and local health and education roundtables where individuals express their opinions on health services and

<sup>55</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, paras. 76-82.

<sup>56</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.



opportunities for improvement; and home visits and/or follow-ups by a multidisciplinary team to facilitate victims' access to health services.<sup>57</sup>

75. Likewise, for the year 2024, the State reported that, in compliance with the judgment of the IACHR Court in the *Rochac Hernández et al.* case, it held workshops with relatives of the victims of this case and other cases of forced disappearance as part of the development of the Garden Museum of Disappeared Children project. It noted that it conducted these consultations in December 2022 in Güarjila, Chalatenango, and February 2023 in Suchitoto, Cuscatlán; San Vicente, and Jocoaitique, Morazán.<sup>58</sup>

76. In addition, according to the State, the Ministry of Local Development carried out 21 activities to coordinate mechanisms to actively listen and promote comprehensive care and guarantee the participation of the victims of the Internal Armed Conflict. The activities reported include spaces for commemoration and awareness-raising on victims' rights, coordination on health and psychosocial care, dialogue on access to justice, and delivery of food and cleaning supplies. According to the State, these spaces made it possible to raise awareness among the population about respect for the human rights of victims, allowed the latter to be heard, and facilitated the provision of services.<sup>59</sup>

77. The State also stated that, as part of the "Guardians of Peace" project, co-creation workshops had been held in the municipalities of Jiquilisco, Aguilares, El Paisnal, and San Esteban Catarina, with the communities of Sisiquayo, El Calabozo, La Quesera, Aguilares, and El Paisnal. According to the State, these workshops aim to build traveling exhibitions in the territories. The first one was held in August of this year to commemorate the massacre of El Calabozo.<sup>60</sup>

78. The Commission received information from civil society indicating that there are no known State efforts to establish mechanisms for victim and civil society participation or the listening spaces mentioned in this recommendation. Additionally, it was noted that a dialogue space was opened with the Presidential Commissioner for Human Rights and Freedom of Expression to advance the reparation measures ordered by the Inter-American Court in the *Massacres of El Mozote and surrounding areas* case at the request of the Association for the Promotion of Human Rights of El Mozote (hereinafter "APDHEM"); however, it was emphasized that this initiative was not a State initiative. According to what was reported to the Commission, the same situation occurred with other meetings involving the Attorney General of the Republic and the Human Rights Ombudsman. Furthermore, it was reported that there are no known efforts to listen to victims regarding the implementation of Executive Decree No. 204 of 2013, and that the dialogue and coordination roundtables have not been reactivated since they ceased to function in 2019.<sup>61</sup>

#### *Analysis and level of compliance with the recommendation*

79. The Commission appreciates that the CNB and CONBÚSQUEDA continue to provide reparation measures that allow family members, civil society, national and international organizations, and state entities to participate fully. Furthermore, it acknowledges the significance of the communication and coordination channels established by MINSAL and the Ministry of Local Development with victims and associations, committees, and institutions that represent victims. This includes actions that enabled the involvement of victims' families in specific cases monitored by the IACHR Court and within the context of the "Guardians of Peace" project.

80. However, the Commission also notes calls from civil society to create spaces for participation, highlighting the necessity for the State to enhance its efforts in providing venues for victims to be heard, ensuring genuine and effective inclusion. In this regard, the Commission requests that these spaces be established at the national level and specifically tailored for victims to articulate their needs for reparations,

<sup>57</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>58</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>59</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>60</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>61</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.



considering their specific circumstances, including vulnerability factors and historical discrimination. The Commission observes that this recommendation remains only **partially fulfilled** in this context.

*Measures and information to advance in the fulfillment of the recommendation*

81. The IACHR reiterates the importance of ensuring that the adoption of the participation mechanisms mentioned in this recommendation forms part of a comprehensive, national, and ongoing strategy for listening to the victims of the armed conflict. This strategy should not be confused with isolated actions or spaces that involve contact with the citizenry or where reparation initiatives focused on satisfaction are conducted. Additionally, the IACHR emphasizes that it is essential for the information provided regarding these compliance measures to include the results and main findings of the dialogue processes concerning all aspects indicated in the recommendation: memory, truth, justice, and comprehensive reparation.

**B. Prevention of torture and other cruel, inhuman or degrading treatment or punishment**

**Recommendation No. 16.** Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and establish a National Mechanism for the Prevention of Torture.

82. In the 2023 follow-up report, the Commission learned that the legislature would be considering the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and that the Constitution permits the Office of the Human Rights Ombudsman (hereinafter "PDDH") to serve as a national preventive mechanism. However, civil society organizations emphasized the necessity of ratifying the Protocol to facilitate periodic visits to individuals deprived of liberty, highlighting that, despite a petition in 2018, the legislative process had not progressed. The IACHR found that this recommendation remained **pending**.<sup>62</sup>

*Information on compliance*

83. For 2024, the State reported that, according to the recommendations on human rights and national priorities, the analysis on the ratification of international human rights instruments corresponds to the composition of the Legislative Assembly that took office in May 2024. In addition, it reiterated that, although the instrument indicated in the recommendation has not been ratified, the PDDH can function as a national mechanism for the prevention of torture.<sup>63</sup>

84. For its part, the Commission received information provided by civil society according to which it is not aware of any initiative aimed at ratifying the protocol mentioned in this recommendation, nor to create a National Mechanism for the Prevention of Torture<sup>64</sup>. Likewise, it was indicated that, in the framework of the Universal Periodic Review, the State had not accepted the recommendation to ratify the protocol, but only a mechanism that, however, would not have made any progress.<sup>65</sup>

*Analysis and level of compliance with the recommendation*

85. The IACHR notes that in the last year, no additional measures have been implemented for the ratification of the Optional Protocol mentioned in the recommendation. Regarding the establishment of the

<sup>62</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, paras. 84-87.

<sup>63</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>64</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024. Passionist Social Service (SSPAS), Response to follow-up questionnaire, October 4, 2024.

<sup>65</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.



National Mechanism for the Prevention of Torture, although the State indicated the possibility of the PDDH performing these functions, it did not specify details on concrete progress in this regard. In this sense, it concludes that this recommendation is still **pending compliance**.

*Measures and information to advance in the fulfillment of the recommendation*

86. The IACHR emphasizes the need for the State to adopt measures to ensure the two results requested in the recommendation, namely the ratification of the Optional Protocol and, in addition, the establishment of the National Mechanism for the Prevention of Torture.

### C. Operation of the office of the Attorney General of the Republic

**Recommendation No. 17.** Pass the Organic Law on the Office of the Public General Defender (PGR) and grant it a budget that will allow it to act consistently with the workload assigned to it.

87. For the follow-up report for the year 2023, the Commission positively assessed the issuance of the regulatory framework designed to strengthen the institutional structure of the Office of the Attorney General of the Republic (hereinafter "PGR"). Furthermore, it acknowledged the information regarding the increase in this entity's budget for 2023 and noted that a budget increase is necessary to ensure its effective functioning. At that time, the IACHR determined that the recommendation had a significant level of partial compliance and requested a more comprehensive analysis of the budgetary needs of this entity.<sup>66</sup>

*Information on compliance*

88. For the year 2024, the State highlighted that every year, the PGR identifies its needs for human, material, technological, and input resources to prepare the draft institutional budget. It pointed out that, in the year 2023, it reinforced the human capacity of the Specialized Attention Units of this entity to improve their performance, especially those for the Defense of the Family, Individual Liberty, Real and Personal Rights, Workers' Rights, Psycho-Social Preventive Services and Mediation, Third Party Funds and Conciliation, Children and Adolescents, Substantive Equality and Life Free of Violence for Women and, in addition, auxiliary prosecutors. It also stated that the PGR has made a diagnosis of the investment projects needed for the five years of 2024-2028, emphasizing the strengthening of the Training, Analysis, and Research Center at the national level; the enhancement of the central offices, technological improvements, and infrastructure upgrades in specific sectors.<sup>67</sup>

89. For its part, the IACHR received information from civil society, according to which a 13.6% reduction in the PGR budget is foreseen between 2023 and 2025. In addition, it was indicated that, to date, there would be a setback due to the saturation of cases by the public defender's office, considering the increase of detentions in the framework of the exception regime, in addition to a dismissal of 400 workers that, according to what was indicated, would have occurred by the year 2024. It was also stated that according to the Movement of Dismissed Workers (hereinafter "MTD"), more than 60% of the lawyers of the PGR had been dismissed, leading to a saturation of the workload<sup>68</sup>. In this regard, the IACHR verified the information

<sup>66</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, paras. 89-92.

<sup>67</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>68</sup> Passionist Social Service (SSPAS), Response to the follow-up questionnaire, October 4, 2024. Based on the fiscal transparency portal of the Ministry of Finance, this organization indicated to the IACHR that the budget in US dollars allocated to the PGR by management area has been as follows:

- Year 2023: 39,827,840 (38,149,755 for consumption or operational management; 273,900 for financial and other expenses; 1,404,185 for investments in fixed assets).
- Year 2024: 38,229,098 (37,350,453 for consumption or operating expenses; 307,800 for financial and other expenses; 570,845 for investments in fixed assets).
- Year 2025: 34,411,037 (33,532,192 for consumption or operating expenses; 308,000 for financial and other expenses; 570,845 for investments in fixed assets).



published in the Fiscal Transparency Portal of the Ministry of Finance of El Salvador for 2024 and the proposed budget for 2025. In this regard, it identified that, for the year 2024, a total of US\$38.2 million was allocated to the PGR<sup>69</sup> and that, according to the draft budget law for the year 2025, a budget of just over US\$34.4 million is foreseen for the same entity.<sup>70</sup>

90. In its observations of the present report, the State clarified that the Legislative Assembly approved a General Budget and Special Budgets for the Fiscal Year of 2025, as well as the Salaries Bill, which amounted to \$9,663 million and is the first fully funded state budget in decades. According to the State, three months before the approval of the institutional budgets, the deputies of the Treasury and Special Budget Committee carried out a consultation and analysis process with the heads of the different State portfolios so that they could justify the use of the funds, with which the budget gap has been reduced and highlighting that, in 2019, the gap amounted to \$1.2 billion. Likewise, the State affirmed that, due to the economic policies implemented, this figure has been significantly reduced year after year as follows: it indicated that, in 2020, the fiscal gap was reduced to \$645 million; by 2022, it achieved a further reduction to \$496 million; in 2023, it decreased to \$472 million; and in 2024, it was \$338 million, representing a reduction of 28.32% regarding 2019 and clarifying that by 2025, this fiscal gap will be zero dollars. According to the State, this trend reflects a commitment to fiscal stability and the country's economic development, which necessitated adjusting institutional budgets to align with the availability of resources, as increasing the taxpayer's tax burden is considered a measure of last resort.<sup>71</sup>

#### *Analysis and level of compliance with the recommendation*

91. The Commission notes the State's information in the sense that the PGR assesses its resource needs annually and has diagnosed investment projects for the five years 2024-2028. The Commission has also considered the State's clarification regarding the State budget approved by the Legislative Assembly, the reduction of the fiscal gap, and the need to adjust institutional budgets to the availability of resources.

92. Despite the reported State measures regarding the approval of the State budget, the IACHR reiterates that the recommendation under follow-up focuses on two aspects: the first pertains to the organic law of the Attorney General's Office, which was considered fulfilled since 2022; the second requests a budget for the entity that "allows it to operate in a manner consistent with its assigned workload."

93. Regarding the component of the recommendation that remains under follow-up, the IACHR identifies that the State did not provide specific details regarding the scope of the budget allocated to this institution for the current year to determine whether its strengthening has been maintained and considering the information provided by civil society, which would indicate, in fact, a significant budgetary setback, the Commission emphasizes the importance of having additional detailed information on the current state of its resources and budgets, in comparison to the assessment of its priorities and workload. In the meantime, the Commission concludes that, based on the information it has accessed, this recommendation would have regressed in terms of compliance, reaching a **partial level of fulfillment**.

#### *Measures and information to advance in the fulfillment of the recommendation*

94. The IACHR reiterates the importance that compliance with this recommendation be accompanied by an assessment of the functions that should be performed by the PGR and its workload so that, based on this assessment, the State can determine what budget is reasonably required for the optimal exercise of these functions. Based on this diagnosis, we reiterate the invitation to the State to report on the actions taken to ensure an adequate budget for the exercise of these functions. In addition, clarifying information is requested regarding the budget that has been allocated to the PGR for the years 2023, 2024 and 2025, to contrast the information that, according to civil society, is the one available in the Fiscal Transparency Portal.

<sup>69</sup> Ministry of Finance, Guía del Presupuesto General del Estado para el Ciudadano, 2024, p. 28.

<sup>70</sup> Ministry of Finance, Draft Budget 2025 for the PGR, 2024.

<sup>71</sup> State of El Salvador, Note MPOEA-OAS-011/2025, Observations to the draft of Chapter V, February 13, 2025.



**D. Discrimination**

**Recommendation No. 26.** Ratify the Convention against all Forms of Discrimination and Intolerance.

95. For the follow-up report for the year 2023, the State reported that it is conducting consultations at the national level through the Ministry of Foreign Affairs before forwarding the instrument indicated in the recommendation to the Legislative Assembly for ratification. After urging the State to move forward with this ratification, the Commission concluded that this recommendation was still **pending compliance**.<sup>72</sup>

*Information on compliance*

96. For the year 2024, in addition to the fact that the State reiterated that the new composition of the Legislative Assembly, which took office on May 1, 2024, until 2027, was in charge of analyzing the possible ratification of international human rights instruments, according to human rights recommendations and national priorities, it indicated that the instrument referred to in this recommendation is in the consultation stage with the relevant national entities before determining its possible subscription.<sup>73</sup>

97. For its part, the Commission accessed information provided by civil society, according to which no progress has been made in the process of this instrument, despite the multiple discriminations faced by various populations in El Salvador.<sup>74</sup>

*Analysis and level of compliance with the recommendation*

98. Pending information on specific measures to comply with this recommendation, the IACHR concludes that this recommendation remains **pending compliance**.

*Measures and information to advance in compliance with the recommendation*

99. The IACHR urges the State to adopt measures to achieve substantial progress in the process of domestic ratification of the international instrument mentioned in this recommendation and to report on its development.

**E. Situation of specific groups****1. Women**

**Recommendation No. 18.** Take the necessary steps to strengthen the system for protecting women and girls who are victims of violence, such as improving the system of monitoring of protection measures, the establishment of a Special Reparation Fund for Women Victims of Femicide Violence, and the creation of a network of shelters, and providing these with the resources they need to operate.

100. For the 2023 follow-up report, the IACHR took note of the programs to guarantee the rights of women victims of gender-based violence of the Salvadoran Institute for the Development of Women (hereinafter "ISDEMU") and the PGR. In addition, it noted that the Special Fund for Women Victims of Violence

<sup>72</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, paras. 157-159.

<sup>73</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>74</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024.



was created from the Special Comprehensive Law for a Life Free of Violence for Women (hereinafter "LEIV"), issued in 2011, through Decree No. 520. In this regard, it requested information on how this Fund provides comprehensive reparations to victims of femicide. On the other hand, the Commission valued the adoption of guidelines and protocols for the operation of the network of shelters, welcomed the proposals to create an evaluation system and the Accreditation and Monitoring Unit of Shelters, and invited to report on the economic, logistical and human resources to strengthen these houses. The IACHR concluded that the recommendation remained **partially fulfilled**.<sup>75</sup>

#### *Information on compliance*

101. For the year 2024, the State reiterated information provided in 2023, according to which Article 35 of the LEIV establishes where the resources of the Special Fund for the Reparation of Women Victims of Femicidal Violence come from and indicates that these will be used for the projects encompassed in this law. It noted that ISDEMU works to provide comprehensive and specialized care to women who face gender-based violence and has consolidated a strategy to monitor, promote, and ensure compliance with regulations and public policies on prevention, care, and justice.<sup>76</sup>

102. In addition, the State emphasized that ISDEMU works in coordination with other institutions and sectors, and, specifically, that the protection centers work, for example, with (i) the International Organization for Migration, Plan International, the Norwegian Refugee Council, the International Rescue Committee, and the Red Cross, concerning case management, humanitarian aid, shelter, relocation, and life plans; and (ii) with national entities, such as the Ministry of Education, Science and Technology (hereinafter "MINEDUCYT"), regarding the education of the sheltered population; with the National Council for Early Childhood, Children and Adolescents (hereinafter "CONAPINA"), to report on sheltered children and adolescents; with the PGR, to attend to women who are forcibly displaced; with health units and hospitals; and with the FGR and family courts, peace courts and specialized courts of the LEIV, to guarantee the rights of users.<sup>77</sup>

103. The State also stated that ISDEMU provides services to women who face femicide, sexual, economic, physical, symbolic, patrimonial, psychological, and emotional violence and that it has a temporary shelter and a shelter house where the primary needs of women and their children who face violence are met and where they are provided with tools for personal and economic development, as well as social, legal, medical and psychological care. It also indicated that these spaces guarantee educational and recreational care to protect the physical, psychological, and sexual integrity of the users and their children.<sup>78</sup>

104. In this regard, the State indicated that ISDEMU's protection centers have a specialized staff made up of a coordinator, a person in charge of the shelter or shelter house, an administrative liaison, an educator, an orderly, a service collaborator, a psychosocial technician, a social technician, a caregiver, and a service collaborator, and specified the functions of each one. It also indicated that the protection centers have a budget of USD 584,124.84, which includes salaries, payment of goods and services, and food for the users.<sup>79</sup>

105. For its part, the Commission learned information from civil society according to which there are no known advances for the Special Fund for Reparations to Women Victims of Femicide Violence or to guarantee comprehensive reparations for women and girls victims of violence<sup>80</sup> beyond training courses on comprehensive reparations in the year 2024 for judges, prosecutors, specialized prosecutors for women, which, however, it was indicated, would be early on to determine the effectiveness of this measure<sup>81</sup>. In

<sup>75</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, paras. 94-105.

<sup>76</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>77</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>78</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>79</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>80</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024. RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024; Asociación Mujeres Transformando, Response to follow-up questionnaire, October 4, 2024.

<sup>81</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024.



addition, it was pointed out that the Legislative Assembly did not approve a proposed law presented in March 2023 on the Integral Responsibility of the Salvadoran State with the Victims of Femicide and Indirect Victims of Femicide, which contemplated a monthly subsidy, study grants, housing bonds, and free legal advice.<sup>82</sup>

106. It was also pointed out that budget allocations for the care of girls, adolescents and women who have suffered violence have decreased in recent years<sup>83</sup> and that the 2024 National General Budget Guide establishes that ISDEMU would have an allocation of 11.6 million dollars, although by 2023, this amount was 12.2 million dollars. It was also stated that the August 2022 decision to transfer the Ciudad Mujer Program to ISDEMU would have led to a deterioration in the latter; and that, within ISDEMU's organizational chart, between 2022 and 2024, some sub-directorates would have been eliminated, centralizing support services in a single one and with a decrease in the staff that provides care to women.<sup>84</sup>

107. Additionally, the Commission was informed that no progress has been made regarding the reception or temporary shelter services provided by ISDEMU<sup>85</sup> and that the available spaces are designated for the care of returned migrant women<sup>86</sup>. It was even reported that, despite having sought information from ISDEMU about the operation of the shelters, the State denied access to this information to avoid potentially hindering the institution's work, with this reservation in effect since June 2020. However, civil society claimed to have learned about the operation of two facilities: Las Luciérnagas and the shelter for returned migrant women, although the specific percentage of the budget allocated for their operation remains unknown, and these resources were identified as insufficient considering the need for service improvements throughout the national territory<sup>87</sup>. Furthermore, it was noted that, in 2018, REDFEM had proposed a reform for the financing and establishment of shelters, but for the 2021-2024 legislative period, at least 30 files have reportedly been archived in the Commission on Women and Gender Equality. In this context, it was reiterated that the lack of shelters continues to be a significant obstacle in protecting women victims of violence, including those with disabilities.<sup>88</sup>

#### *Analysis and level of compliance with the recommendation*

108. The Commission identifies that, for 2024, no specific measures have been reported that would allow the conclusion of the progress in fulfilling this recommendation. The information reported by the State regarding the LEIV and the Special Reparation Fund had been previously reported. Still, no concrete actions for its creation and practical operation have been reported.

109. In addition, with respect to the claims regarding the services reportedly provided by ISDEMU to women victims of violence, as well as its allocated budget, a specific technical diagnosis is needed to determine whether or not there is still a need to strengthen the system for monitoring protection measures and to guarantee sufficient resources for the operation of the network of shelters. This data is necessary, considering the concerns expressed by civil society regarding the insufficiency of current resources and the number of shelters in operation for the entire territory. Considering the above, the Commission identifies that this recommendation continues to be **partially complied with**.

#### *Measures and information to advance in the fulfillment of the recommendation*

110. The IACHR reiterates that progress in complying with this recommendation requires the creation and implementation of the Special Fund for Reparations to Women Victims of Femicidal Violence; concrete measures to strengthen the system for monitoring protection measures; and specific actions to

<sup>82</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.

<sup>83</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024. Asociación Mujeres Transformando, Response to follow-up questionnaire, October 4, 2024.

<sup>84</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.

<sup>85</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024. RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024.

<sup>86</sup> Asociación Mujeres Transformando, Response to follow-up questionnaire, October 4, 2024.

<sup>87</sup> RED-FEM, Response to the follow-up questionnaire, October 4 and 22, 2024.

<sup>88</sup> RED-FEM, Response to the follow-up questionnaire, October 4 and 22, 2024.



provide sufficient resources to the network of shelters. With regard to the last two points, the Commission invites the State to prepare a specific prior diagnosis that will allow it to visualize the sufficiency or additional needs measures to strengthen the system for monitoring protection measures and the resources of the network of shelters and safe houses to attend to cases at the national level.

**Recommendation No. 19.** Provide periodic training for state officials, particularly those in the judiciary, on how to include a gender perspective and comply with inter-American standards on gender-based violence and discrimination, access to justice for women and girls, investigations with a gender perspective, and due diligence of the State in this matter so as to eradicate impunity in cases of violence against women.

111. For the 2023 follow-up report, the IACHR valued information on training provided by the Prosecutorial Training School of the FGR, the National Council of the Judiciary, the Specialized Training Unit of ISDEMU, and the Directorate for Comprehensive Attention to Women and Access to Justice of the Supreme Court of Justice, including training related to the Spotlight initiative. Additionally, it noted that these activities have been implemented over time, and the FGR and ISDEMU evaluate their results. However, it requested further information on the content and topics of the training reported as mandatory and sustained over time, particularly concerning justice operators, and considered that the recommendation had a **substantial partial level of compliance**.<sup>89</sup>

#### *Information on compliance*

112. For 2024, the State indicated that training sessions—whether initial, ongoing, or specialized—for the prosecutorial staff of the FGR are "indisputably mandatory," and that unjustified non-compliance is a serious offense punishable by suspension, in accordance with the Organic Law of this entity (hereinafter "LOFGR"). In this regard, it noted that the Prosecutorial Training School (hereinafter "ECF") verifies the attendance of prosecutorial personnel each day. The State referenced the 2023-2024 work report of the FGR that details the trained personnel and provided figures such as 534 courses conducted from June 2023 to May 2024 and 35 technical assistances, with 2,179 individuals trained. Additionally, it highlighted the list of cooperating partners for the training of prosecutorial staff, both national and international, and reported an initiative to enhance investigation and prosecution capacities with a human rights approach and gender perspective, benefiting more than 1,000 legal staff and psychology professionals for a comprehensive approach to victims and their families, funded by the Canadian government.<sup>90</sup>

113. Additionally, the State referred to the training sessions on these subjects conducted in 2023 by the National Judicial Center, which included topics on women's labor rights; women and the criminal justice system; women's rights in the jurisprudence of the Inter-American Court of Human Rights; gender perspectives in judicial decisions; Inter-American standards for the protection of women's rights and the criminal justice system; equality and access to justice for women; femicide and suicide by inducement; labor damages with a gender perspective; and ratified ILO conventions.<sup>91</sup>

114. The State also stated that the Specialized Training Unit (hereinafter "UFE") of the Subdirectorates of Public Policy, along with the subdirectorates of the Specialized Care Centers Ciudad Mujer and Territorial Management of ISDEMU, offers specialized training in women's rights for public servants and the general population. It noted that the objectives of the UFE are to contribute to reducing gender inequality and discrimination, and to enhance the State's response to its obligations to respect, protect, and guarantee women's rights, as well as to expand opportunities for women. The State mentioned that the specialized training covers topics such as equality, living free from violence for women, masculinities, and communication for equality, among others, and that these courses have been offered both virtually and in-person. In this regard,

<sup>89</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, paras. 107-115.

<sup>90</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>91</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.



it stated that between 2019 and 2023, the UFE trained 22,038 individuals (12,417 women and 9,621 men), while the subdirectorates of Specialized Care Centers Ciudad Mujer and Territorial Management trained 2,344 individuals (1,487 women and 857 men).<sup>92</sup>

115. For its part, the Commission received information from civil society indicating that, based on public information or data that has been provided to it, training for civil servants is ongoing, particularly in the judiciary, prosecutor's offices, and attorney general's or public defender's offices. For instance, details were shared about training processes conducted in 2023 and 2024 by the National Council of the Judiciary, the FGR, the Supreme Court of Justice, and the PGR on topics encompassing gender perspective, comprehensive reparations, intersectionality, or addressing violence.<sup>93</sup>

116. In addition to the above, civil society organizations reported to the Commission information on the following facts:<sup>94</sup>

- On February 22, 2024, the President of the Republic affirmed in an interview conducted by the director of the organization Moms for Liberty that gender ideology is prohibited in El Salvador due to its promotion of “unnatural, anti-God and anti-family” ideas in education. Furthermore, according to the organizations, the President stated that such ideologies would not be allowed in schools and colleges and that, in addition, the curriculum mustn't include gender ideology<sup>95</sup>. In this regard, the Commission learned of a video in which the President makes these statements<sup>96</sup>.
- The Ministry of Education issued a memorandum on February 28, 2024, in which it would have requested the exclusion of materials and content related to “gender ideology” from public schools under penalty of sanctions and termination of functions<sup>97</sup>. Regarding this allegation, the IACHR also learned of a tweet published on February 27, 2024, by the Minister of Education of El Salvador, which explicitly states the elimination of “any use or trace of gender ideology from public schools”<sup>98</sup>.
- The Ministry of Health has withdrawn material on sexual diversity from health units and HIV clinics<sup>99</sup>.

117. In its observations on the current report, the State requested that the IACHR declare full compliance with this recommendation. In this regard, it noted that the statements made by civil society regarding the President, concerning the educational curriculum, and those of the Ministers of Education and Health exceed the scope of the follow-up to the recommendation. It asserted that the decisions of these authorities reaffirm the State's commitment to guaranteeing the rights of children and adolescents, including access to information and education tailored to their specific needs, alongside the teachings and guidance of parents, which serve as the foundation for their upbringing. Accordingly, the State requested that the Commission restrict its monitoring of the recommendation to elements pertinent to it, excluding aspects that

<sup>92</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>93</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024. FUNDE, Response to follow-up questionnaire, October 4, 2024.

<sup>94</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.

<sup>95</sup> Diariocolatino, Bukele cambia su discurso respecto a la ideología de género, February 29, 2024. Also see: Radioamericahn, Bukele dice que escuelas de El Salvador no existe espacio para la ideología de género. (Available only in Spanish).

<sup>96</sup> Radioamericahn, Bukele dice que escuelas de El Salvador no existe espacio para la ideología de género. (Available only in Spanish).

<sup>97</sup> La Prensa Gráfica, Ministerio de Educación amenaza con despidos si se difunde “ideología de género” en escuelas públicas de El Salvador, February 29, 2024. (Available only in Spanish).

<sup>98</sup> Pineda R, José Mauricio, [@JMauricioPineda], (2024, February 27), “Confirmado: todo uso o rastro de la ideología de género lo hemos sacado de las escuelas públicas”. [Tweet], <https://x.com/JMauricioPineda/status/1762545694190023000?mx=2> (Available only in Spanish).

<sup>99</sup> La Prensa Gráfica, MINSAL retira material sobre diversidad sexual de unidades de salud y clínicas VIH, February 28, 2024. (Available only in Spanish).



do not fall within the training of officials and justice operators, on which, it stated, the State has reported actions taken that have been confirmed by civil society<sup>100</sup>.

118. Furthermore, in these observations, the State affirmed that human rights training is institutionalized and part of public officials' continuous and permanent training. In addition, it indicated that it had implemented a comprehensive training program for justice operators from a gender perspective in coordination with the Attorney General's Office and the Salvadoran Institute for the Development of Women (ISDEMU). In this regard, it complemented the information by noting that, in the last year, more than 1,500 judicial operators received training under the National Training Plan on Human Rights and Gender<sup>101</sup>.

*Analysis and level of compliance with the recommendation*

119. The Commission notes that the State continued to report information on the periodic training of State officials, particularly justice operators. Likewise, based on the topics listed by the State, the Commission recognizes that they seem to address issues from a gender perspective and Inter-American standards regarding gender-based violence and discrimination, access to justice for women, girls, and adolescents, investigations with a gender perspective, and due diligence. Specifically, the Commission identifies compliance efforts by the FGR, the National Judicial Center, and ISDEMU, which were verified by information provided by civil society.

120. For its part, the IACHR has taken note of (i) the facts alleged by civil society consisting of the statement of the President of the Republic and the alleged decisions of the Ministry of Education and the Ministry of Health, as well as their effects on compliance with this recommendation and (ii) the State's request to consider that the statements and decisions mentioned by civil society "exceed the scope of the recommendation", since they are statements by the President, regarding the educational curriculum, as well as by the Ministry of Education and the Ministry of Health.

121. The Commission reiterates that the primary objective of this recommendation is for the State to provide training, particularly for justice operators, on a gender perspective, understood as "a concept that highlights the position of inequality and structural subordination of women and girls to men, based on their gender, and as an essential tool to combat discrimination and violence against women, as well as against individuals with sexual and gender diversity, in accordance with Inter-American standards on the matter."<sup>102</sup>

122. Considering the training measures known to the IACHR since 2022, which have involved justice operators as addressees and, in addition, have developed the topics requested by the recommendation, it declares the cessation of compliance and considers that this recommendation has reached a level of **full compliance**. Notwithstanding the foregoing, the Commission calls upon the State to ensure the continuity and obligatory nature of the training measures requested, ensuring that the notion of a gender perspective is duly disseminated and socialized with the civil servants, including justice operators.

123. For its part, the IACHR has taken note of the President's statements and decisions of the Ministry of Education and the Ministry of Health. As they refer to the prohibition of a "gender ideology" in schools and school curricula, the Commission will request specific information on the scope of these decisions in the framework of recommendation 40 of the Country Report under follow-up<sup>103</sup>.

**Recommendation No. 21.** Strengthen mechanisms for women and girls to access justice, by clarifying legal competences, strengthening resources and capacities, and improving the work of the Specialized Courts for a Life Free from Violence and Discrimination.

<sup>100</sup> State of El Salvador, Note MPOEA-OAS-011/2025, Observations to the draft of Chapter V, February 13, 2025.

<sup>101</sup> State of El Salvador, Note MPOEA-OAS-011/2025, Observations to the draft of Chapter V, February 13, 2025.

<sup>102</sup> IACHR, Thematic Report "Violence and Discrimination against Women, Girls, and Adolescents," OEA/Ser.L/V/II, Doc. 233, November 14, 2019, par. 8.

<sup>103</sup> Recommendation No. 40 requests: "Include content on equality, non-discrimination, and social harmony in school curricula to advance on building a culture based on tolerance and peaceful conflict resolution, inclusion and respect for human rights."



124. For the 2023 follow-up report, the IACHR noted that, since 2022, it recognized the importance of strengthening specialized courts to ensure a life free from violence and discrimination against women. In this regard, it appreciated the training provided, the multidisciplinary and specialized approach, and the improvements in infrastructure, although it recalled that, since 2022, it had been aware of significant congestion and low capacity to handle litigation. Additionally, it noted that the State did not address actions to resolve jurisdictional conflicts between specialized courts and peace and family courts concerning domestic violence, which has been recognized as a challenge for compliance with this recommendation. Based on the information available, the Commission concluded that the recommendation had advanced to a substantial **partial level of compliance**.<sup>104</sup>

*Information on compliance*

125. For the year 2024, the State reported that Legislative Decree No. 286 of 2016 establishes measures to enhance access to justice for women, girls, and adolescents, along with strengthening the specialized jurisdiction for a life free from violence and discrimination against them. It noted that, in the San Salvador department, this jurisdiction has included an investigative court and a sentencing court since July 2017, and, starting in January 2018, a chamber was added; for the departments of Santa Ana and San Miguel, the jurisdiction comprised an investigative court and a sentencing court since January 2018.<sup>105</sup>

126. In addition, the State pointed out that, having identified the greatest congestion of proceedings in the investigative courts in San Salvador and Santa Ana, the judicial body sought to reduce this congestion this way:<sup>106</sup>

- San Salvador increased its staff (four judicial collaborators and one notifier), implemented a support judicial office from July 2020 to April 2021, requested the creation of two new judicial offices, a second court in San Salvador and one for Cojutepeque, and approved that, for four months, the first examining court would stop receiving processes to purge pending cases with a temporarily strengthened staff.
- For Santa Ana, it conducted statistical studies, agreed to implement a back-up judicial office from March to September 2022, changed the jurisdictional authority, extended the back-up judicial office, and strengthened the support staff by the end of 2022.
- In addition, since 2023, it has created two multidisciplinary teams in Cojutepeque and San Francisco Gotera, in addition to the three existing ones in San Salvador, Santa Ana, and San Miguel, to support the courts with technical studies based on gender and to follow up on protection measures imposed in cases of domestic violence and crimes under the LEIV.

127. According to the State, the measures mentioned above significantly reduced the congestion index values in those judicial offices in 2023 because they made it possible to expedite case processing and reduce the inventory of pending proceedings. However, the state indicated that the load of the sentencing courts in Santa Ana and San Salvador increased due to the increase in the flow of cases in the examining courts. In this regard, the State indicated that it is developing additional technical studies to propose actions to increase productivity and speed.<sup>107</sup>

<sup>104</sup>IACHR, *Annual Report 2023, Chapter V: El Salvador*, paras. 117-123.

<sup>105</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>106</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>107</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.



128. For its part, civil society informed the Commission that the judiciary, the FGR, the PGR, the PDDH, the National Civil Police, the IML, MINSALUD, and others have a legal obligation to have specialized care units for women facing violence<sup>108</sup>. In addition, the impact that the creation of the specialized jurisdiction for a life free of violence has had on the treatment of women's inequalities when they access the justice system was recognized, although it was indicated that the challenge of a sufficient budgetary standard remains.<sup>109</sup>

129. Civil society also highlighted that over the past year, state efforts have been made to reduce congestion in specialized jurisdictions aimed at ensuring a life free of violence and discrimination against women. This includes the creation of multidisciplinary teams in Cojutepeque, Cuscatlán, and San Francisco Gotera, Morazán, as well as the establishment of the Directorate of Comprehensive Care for Women and Access to Justice, which is responsible for conducting technical visits to assess conditions for specialized technical support, capacity building, and the reinforcement of support staff, among other functions.<sup>110</sup>

130. Similarly, the RED-FEM noted that in 2021, it conducted a study to evaluate the resolution, pendency, and congestion rates in the two types of specialized courts mentioned in this recommendation: the investigating courts (responsible for the investigation phase) and the sentencing courts (responsible for the final phase of criminal proceedings). The study aimed to assess the capacity of these judicial bodies to handle the cases under their jurisdiction and to identify potential delays or congestion. According to the information provided to the Commission, the study's conclusions were as follows:<sup>111</sup>

- **Examining Courts:**
  - 2021: resolution rate 97%, pendency rate 168%, congestion rate 267%.
  - 2023: resolution rate 107%, pendency rate 94%, congestion rate 192%.
  - 2024: resolution rate 145%, pendency rate 90%, congestion rate 183%.
- **Sentencing courts:**
  - 2021: resolution rate 79%, pendency rate 129%, congestion rate 175%.
  - 2023: resolution rate 60%, pendency rate 157%, congestion rate 253%.
  - 2024: resolution rate 135%, pendency rate 115%, congestion rate 214%.

131. Regarding the analysis of these figures, the Commission was informed that, although in the specialized pre-trial jurisdiction, the data show a significant improvement in the years 2023 and 2024, considering the increase in the resolution capacity and the decrease in accumulation and congestion, this could be explained by the entry into force of two new offices in 2021. Concerning the sentencing instances, although there was an improvement in the resolution capacity, there was also an increase in the accumulation and congestion rates from 2023 to 2024, although it decreased compared to 2021. In any case, civil society identifies that congestion continues to be critical, especially for examining courts, exceeding 100%.<sup>112</sup>

132. In addition, the Commission was provided with figures on the critical situation of violence against women, and it was indicated that these require budgetary and institutional efforts to guarantee access to justice. However, specialized personnel, equipment, training, and clear guidelines for addressing this problem are lacking.<sup>113</sup>

133. Regarding the clarity of material competence, civil society informed the IACHR that, given the number of domestic violence and criminal incidents, the Supreme Court of Justice issued Circular No. 420 in November 2023 for judgeships focused on peace, family, and specialized matters ensuring a life free of violence for women. It stated that this instrument would clarify that violence against women is primarily a criminal

<sup>108</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024.

<sup>109</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024.

<sup>110</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.

<sup>111</sup> RED-FEM, Response to the follow-up questionnaire, October 4 and 22, 2024. Cited: RED-FEM, El Salvador: [Informe de la situación de violencia contra las mujeres](#), 2022.

<sup>112</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024.

<sup>113</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024.



issue. For RED-FEM, this pronouncement acknowledges the seriousness of this violence, but in practice, it fails to ensure simple or effective access to justice and represents a disadvantageous legal treatment for the victims. According to what was reported to the Commission, leaving all acts of domestic violence under the competence of the criminal jurisdiction denies the right to specialization in the matter since not all these acts fit into criminal types.<sup>114</sup>

134. In its observations to the present report, the State reported that on January 14, 2025, it launched the “CIHUATL Mujeres” project, an initiative funded by the European Union, implemented by UN Women and led by the Government of El Salvador through the Salvadoran Institute for the Development of Women (ISDEMU), which will work in coordination with other key institutions responsible for implementing the legal framework, including the Attorney General's Office and the National Civil Police. According to the Government, the project, with an investment of US\$4.12 million, has as its primary objective to reduce the gaps in the implementation of laws from government offices, reduce impunity, and strengthen the legal protection of women, for which this, existing regulations will be reviewed and updated, and the capabilities of the institutions responsible for their enforcement will be enhanced. The State indicated that approximately 4,000 public employees will participate in this process of updating and competency strengthening, as well as in facilitating processes to prevent the revictimization of women<sup>115</sup>.

*Analysis and level of compliance with the recommendation*

135. The IACHR recognizes that the State has continued to make significant efforts to strengthen specialized courts for a life free from violence and discrimination while seeking to reduce congestion levels. However, the IACHR notes that the State claimed the reported measures significantly lowered the congestion index values in these courts in 2023, without providing diagnostic information on these levels. Additionally, the State indicated it would be developing technical studies to propose actions for enhancing productivity and efficiency. Considering this information, along with the figures presented by civil society regarding the resolution rates, pendency, and congestion of both specialized investigative and sentencing courts, the IACHR underscores the importance of monitoring the effectiveness of the measures aimed at bolstering these judicial instances.

136. For its part, the IACHR did not identify State compliance measures for the clarification of competencies between the justices of the peace, family, and specialized courts. In this regard, it recalls that, for the 2021 Country Report, the Commission found that the specialized courts mentioned here would have “an almost universal competence to deal with acts of violence against women, but without the power to hear sexual crimes”. In addition, the information reported by civil society this year indicates that there would have been a decision by the CSJ, and considering the concern expressed by RED-FEM regarding this regulation, it considers it appropriate to request additional information to understand whether this decision contravenes or hinders access to justice for women victims of violence. In the meantime, the Commission concludes that this recommendation continues with a **substantial partial level of compliance**.

*Measures and information to advance in the fulfillment of the recommendation*

137. The IACHR considers that to fully comply with this recommendation, the State must demonstrate that the reported compliance measures have significantly reduced congestion levels in specialized courts addressing issues related to a life free of violence and discrimination. In this regard, the Commission requests the State to provide a reliable assessment of the congestion levels in these courts and to adopt a prompt and effective response based on its findings. Furthermore, the IACHR emphasizes that compliance with this recommendation should involve actions to clarify the competencies of the courts authorized to hear these cases. Additionally, the Commission encourages the State to report on the progress of the technical studies mentioned, which propose actions to enhance the productivity and efficiency of these judicial processes, and

<sup>114</sup> RED-FEM, Response to the follow-up questionnaire, October 4 and 22, 2024. Referred to [Circular No. 420](#) of November 9, 2023 of the Supreme Court of Justice of El Salvador. (Available only in Spanish).

<sup>115</sup> State of El Salvador, Note MPOEA-OAS-011/2025, Observations to the draft of Chapter V, February 13, 2025.



to consider the information provided by civil society as valuable input for implementing institutional strengthening measures.

138. Finally, the Commission welcomes the information provided by the State on the launch of the “CIHUATL Mujeres” project. As this measure was implemented in 2025, it invites additional information that will allow it to assess its relevance to fulfilling the present recommendation.

**Recommendation No. 22.** Review the cases of women who are serving severe prison sentences for aggravated homicide in relation to obstetric emergencies or complications and prioritize requests to commute sentences that they are currently serving.

139. For the 2023 follow-up report, the State asserted that obstetric emergencies are not classified as a crime. The IACHR recalled that, at the beginning of 2023, it identified as a setback in the guarantee of reproductive rights the convictions in El Salvador of women who experienced obstetric emergencies in the context of the absolute criminalization of abortion.<sup>116</sup> Additionally, it requested information on the convictions reviewed since the recommendation was issued, including regarding women who have been released. It also considered relevant the fact that a judge from the Second Sentencing Court of Santa Ana overturned, in October 2023, a 30-year prison sentence following a review requested by the Citizen Group for the Decriminalization of Abortion. Furthermore, it asked the State to clarify whether the prioritization of the commutation of prison sentences applies exclusively to convictions of women for aggravated homicide in the context of the criminalization of abortion. For that year, the Commission concluded that its recommendation remained **partially fulfilled**.<sup>117</sup>

#### *Information on compliance*

140. For the year 2024, the State emphasized that obstetric emergencies or complications at any stage of pregnancy are not criminalized under criminal law and that no policies exist for criminal prosecution regarding these situations. It noted that convictions and prison sentences imposed are for crimes categorized as offenses that protect the right to life and enhance the protection of children, in accordance with its obligations under the Convention. It further indicated that the Criminal Chamber of the Supreme Court of Justice recorded 12 commutations of sentences, of which 11 related to the crime of aggravated homicide, and that the status of these cases is “expired.” It stated that a single case of imperfect homicide also had a favorable outcome and is, therefore, also recorded as “expired.”<sup>118</sup>

141. Similarly, the State reiterated that requests for sentence commutation are prioritized. In this regard, the Ministry of Justice and Public Security has ten working days to decide, starting when it receives the necessary documentation from the National Criminological Council and the Supreme Court of Justice. Additionally, the Special Law on Appeals for Mercy specifies that commutations apply to women’s convictions for aggravated homicide or any crime.<sup>119</sup>

142. Additionally, the State stated that the Penitentiary System fulfills its guarantee responsibilities, emphasizing respect for rights. It noted that the General Directorate of Penal Centers (hereinafter “DGCP”) transferred women deprived of liberty from the Preventive and Punishment Center for Women in Ilopango to the appropriate center in Apanteos to enhance their conditions regarding space, care, and habitability. Furthermore, it has provided health, education, and comprehensive early childhood development for women deprived of liberty who are pregnant or accompanied by their children.<sup>120</sup>

<sup>116</sup> IACHR, Press Release No. 011/23, “[IACHR Calls to Advance the Recognition and Protection of Reproductive Rights in the Region](#),” January 31, 2023.

<sup>117</sup> IACHR, [Annual Report 2023, Chapter V: El Salvador](#), paras. 125-133.

<sup>118</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>119</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>120</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.



143. For its part, the Commission was informed of a communiqué from the Agrupación Ciudadana por la Despenalización del Aborto (Citizens' Group for the Decriminalization of Abortion), according to which, in December 2023, Lilian's release was obtained and that with this decision, a total of 73 women convicted after facing an obstetric emergency would have been released with sentences of up to 50 years in prison for aggravated homicide. Despite the above, it was also noted that "the denunciations and persecution of women facing obstetric emergencies" did not end and that, at that time, there were eleven active cases because the FGR had decided not to archive them and six that were being "processed for obstetric emergencies and that intersect with sexual and reproductive rights, related to maternal death due to ectopic pregnancy."<sup>121</sup>

144. The Commission was also informed of a communiqué issued by the same organization in October 2024 regarding the serious impact that the absolute criminalization of abortion continues to have in the country. It was pointed out that, despite the progress made, in 2024, "a new case arose: a 19-year-old girl was imprisoned after experiencing an obstetric emergency at the hospital where she sought medical attention." In this context, it was indicated that she was "denounced, handcuffed to the stretcher, and transferred directly from the hospital to jail." Furthermore, the Commission learned that, according to this statement, "El Salvador has one of the most restrictive laws in the world on abortion, criminalizing any type of pregnancy termination, even in cases where the mother's life is at risk." It was also noted that this regulatory framework has led to the unjust imprisonment of dozens of women, most of whom are in precarious socioeconomic conditions.<sup>122</sup>

145. In its observations on the present report, the State requested that the IACHR declare full compliance with this recommendation. It indicated that, given that the country report under follow-up was communicated to the State on November 2, 2021, this recommendation is confined to reviewing the cases of women sentenced to imprisonment for actions related to obstetric emergencies, as well as giving priority to the processing of requests for commutation of the sentence in progress, without considering or referring to facts or alleged future cases, but solely to the cases reportedly registered at that time.<sup>123</sup>

146. Furthermore, in its observations, the State affirmed that, based on publicly available information, the IACHR identified that, as of December 2023, 73 women convicted of aggravated homicide would have been released after serving up to 50 years in prison. However, it indicated that the reference to an alleged case registered for October 2024 exceeds the timeframe of this recommendation. The State stated that this recommendation should not be interpreted as an impossibility for the State to prosecute crimes in cases where there are well-founded elements to support a charge for violations of criminal law, particularly in cases involving crimes against children, for whom the State has a reinforced obligation of protection. It also pointed out that the Commission's designation of these cases as emergencies or obstetric complications does not change the legal classification of the crime made by the competent judicial authority, which is aware of the facts presented to it.<sup>124</sup>

#### *Analysis and level of compliance with the recommendation*

147. The Commission reiterates that the recommendation under follow-up is to review the cases of women convicted of crimes related to emergencies or obstetric complications and the priority processing of requests for commutation. The information provided by the State, including its observations on the report, does not allow the IACHR to conclude whether, at this time, there are women with prison sentences for aggravated homicide based on facts related to obstetric emergencies or complications and whether sufficient measures have been adopted to review all these cases.

148. In addition, based on publicly available information, the IACHR identifies that, although in December 2023, the *Agrupación Ciudadana por la Despenalización del Aborto* would have celebrated the release

<sup>121</sup> Agrupación Ciudadana por la Despenalización del Aborto, Celebramos la libertad de Las 17 y más, seguimos luchando para que ninguna mujer sufra las graves consecuencias de la penalización absoluta del aborto, January 23, 2024. (Available only in Spanish).

<sup>122</sup> Agrupación Ciudadana por la Despenalización del Aborto, Organizaciones alertan por un nuevo caso de mujer encarcelada por una emergencia obstétrica en El Salvador, January 23, 2024. (Available only in Spanish).

<sup>123</sup> State of El Salvador, Note MPOEA-OAS-011/2025, Observations to the draft of Chapter V, February 13, 2025.

<sup>124</sup> State of El Salvador, Note MPOEA-OAS-011/2025, Observations to the draft of Chapter V, February 13, 2025.



of a total of 73 women who had faced obstetric emergencies and had been convicted of aggravated homicide with up to 50 years in prison, by October 2024, a new case would have been reported. For the Commission, this last figure leads to the conclusion that there is still pending compliance with this recommendation; in addition, it identifies that the follow-up of this decision requires official information provided directly by the State that is more specific about the measures being adopted to review these cases.

149. The IACHR also recalls that this recommendation was issued in response to a repeated concern of the Commission, based on a series of data, testimonies, and cases known in the framework of its on-site visit, about a context of criminalization of women for the crime of homicide, with the common denominator that the facts they were accused of were related to obstetric complications<sup>125</sup>. For the IACHR, it is crucial to have access to specific official information submitted by the State to understand whether this context persists and whether the requested review measures have been adopted to remedy it. In the meantime, the Commission concludes that this recommendation continues to be **partially complied with**.

*Measures and information to advance in the fulfillment of the recommendation*

150. The IACHR will declare progress in complying with this recommendation when it has sufficient and clear information to conclude that the State has reviewed all cases of convictions of women sentenced to severe prison sentences for aggravated homicide for facts related to obstetric emergencies or complications. In this regard, the IACHR reiterates the request for official information provided directly by the State that allows for a precise understanding of the evolution of the measures of compliance with this recommendation, namely:

- a. The number of women who, from the time the recommendation was issued to the present, have had ongoing prison sentences for aggravated homicide of newborns or unborn children each year. In this regard, please specify for each case whether the State has taken any action to review it and, if so, what that action entailed.
- b. If applicable, explain precisely what measures have been taken to review convictions for aggravated homicide of women to identify cases of obstetric emergencies, including women who are no longer deprived of liberty (among other reasons, because their sentences have been commuted).

151. In addition, the IACHR identifies that information is still pending on the recommendation's component requesting priority processing of ongoing requests for sentence commutation, specifically for these cases.

**Recommendation No. 23.** Take the necessary steps to adapt El Salvador's regulatory framework to comply with inter-American standards on the sexual and reproductive rights of women and girls.

152. For the 2023 follow-up report, the IACHR identified state measures to promote sexual and reproductive health services for girls and adolescents aimed at preventing pregnancy and addressing sexual violence. However, it reiterated that in the country, the absolute criminalization of voluntary termination of pregnancy persists, even when it imposes a disproportionate burden on the exercise of women's rights, facilitates a context of unsafe abortions, and may disregard the respect, protection, and guarantee of life, health, and integrity. Additionally, the Commission noted that there are state measures establishing a distinction in the right to reproductive health based on whether a pregnancy continues and concluded that obstacles remain in women's, girls', and adolescents' access to sexual and reproductive health services, without any

<sup>125</sup> IACHR, Country Report "Situation of Human Rights in El Salvador", OEA/Ser.L/V/II Doc.278/21, October 14, 2021, paras. 198 - 205.



discrimination whatsoever. In this context, it determined that compliance with the recommendation is **still pending**.<sup>126</sup>

#### *Information on compliance*

153. In 2024, the State reiterated that some laws and regulations guarantee access to sexual and reproductive health, along with information and education on the topic. Furthermore, the Ministry of Health implements initiatives like the "Adolescent Friendly Services Strategy," which promotes empathetic and dynamic care in environments tailored to their needs.<sup>127</sup>

154. In addition, the State indicated that, in compliance with the orders of the judgment of the Inter-American Court of Human Rights of November 30, 2021, in the case of *Manuela et al. v. El Salvador*, it created the Technical Guidelines for Compliance with Professional Confidentiality in the National Integrated Health System (hereinafter "SNIS") with technical and ethical provisions of mandatory compliance for the personnel of that system and for professionals in the public and private spheres. According to the latter, the SNIS institutions must guarantee the confidentiality of clinical files, and disclosing such information entails legal, and technical sanctions. Also, the State approved the Protocol for the approach to care in the preconception, prenatal, childbirth, puerperium, and obstetric emergencies from a human rights perspective, with technical and ethical provisions so that sexual and reproductive health care is provided with a human rights approach. For the State, the orders of this sentence "constitute the specific measures that would comply with this recommendation (...)".<sup>128</sup>

155. The State also reported on the (i) Policy for Gender Equality and Equity in Health of 2022, which, according to the State, would have a socialization plan for the east of the country to be developed between 2024 and 2025, and (ii) the *Crece Juntos* Law, which establishes measures for the comprehensive protection of early childhood, children and adolescents, as well as for comprehensive care for pregnancy in girls and adolescents and comprehensive education on sexuality and sexual and reproductive health. In addition, it listed a series of technical guidelines, manuals, and assistance protocols of the Ministry of Health on comprehensive health without specifying which are aimed at complying with this recommendation. Among these, some specifically refer to the sexual and reproductive rights of women, girls, and adolescents, such as the following:<sup>129</sup>

- Technical guidelines on comprehensive care for women with mental and behavioral disorders prevalent in the perinatal period; preconception care and high reproductive risk; psychosocial care in perinatal and early childhood bereavement; neonatal metabolic screening; performance of the technical committee evaluating health care cases of pregnant women, children, and adolescents in imminent danger to life or severe health conditions; and Obstetric Surgical Procedures and Techniques.
- Manuals for the application of the evaluation instrument of the *Nacer con Cariño* maternity model, which is the technical instrument for monitoring the implementation of the *Nacer con*

<sup>126</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, paras. 136-143.

<sup>127</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>128</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>129</sup> In addition to the instruments specifically referring to sexual and reproductive rights of women, girls and adolescents, the State reported on others related to comprehensive health, including that of children and newborns, such as: Grow and learn healthy strategy; safe health care; palliative care; comprehensive habilitation and rehabilitation care; follow-up of events allegedly attributable to vaccination or immunization and programmatic errors; extramural dental care; comprehensive care for children under ten years of age with severe malnutrition; implementation and operationalization of the colostrum therapy strategy, nutritional care and outpatient management of people with malnutrition in the life cycle; compliance with professional confidentiality in the integrated national health system; implementation of Teleinterconsultation and Specialized Teleconsultation; surveillance, prevention and control of infections associated with health care in newborns; open door units in the care of newborns and pediatric population; neonatal metabolic screening; early detection of hearing loss in newborns and infants; cardiac screening of clinically healthy newborns, and Comprehensive Health Care for Adolescents and young people in the RIIS. State of El Salvador, Note MPOEA-OEA-168/2024, Response to IACHR questionnaire, October 23, 2024.



Cariño Law; organization and functions of the Maternal-Perinatal and Childhood Integral Directorate.

- Assistance protocols for the preconceptional, prenatal, delivery, puerperium, newborn and breastfeeding periods in low risk situations at the First Level of Care; and on the approach to care in, prenatal period, delivery, puerperium, and obstetric emergencies from a human rights perspective.

156. Civil society noted that the regulations and policies regarding women's sexual and reproductive health are confined to their maternal and reproductive roles. This is evident in the Crecer Juntos Law for the Integral Protection of Early Childhood, Childhood, and Adolescence of 2021, the Nacer con Cariño Law for a Respectful Birth and Caring, Sensitive Care for Newborns of 2021, and the Amor Convertido en Alimento Law for the Promotion, Protection, and Support of Breastfeeding in 2022.<sup>130</sup>

157. The Commission was also informed that comprehensive and accessible sexual and reproductive health services for adolescents and young people to prevent early pregnancies and early unions have been inconsistent and irregular due to biases surrounding sexuality and restrictions on the right to access and use contraceptive methods<sup>131</sup>. Furthermore, civil society highlighted to the IACHR that, in their view, there is a dominance of “a State vision that promotes the conservative regulation of sexuality, which weakens and delays the implementation of the National Intersectoral Strategy for the Prevention of Pregnancy in Girls and Adolescents 2017-2027 (Enipena), since there is an explicit prohibition and censorship on addressing comprehensive sex education in the public system.”<sup>132</sup> In this context, it was noted that in 2020, the Ministry of Education, Science and Technology (Mineducyt) reportedly withdrew the existing Comprehensive Sexuality Education (EIS) materials from schools. Additionally, the Commission was informed that this action would prevent the student population from accessing information based on scientific evidence and international human rights standards<sup>133</sup>.

158. In its observations to the current report, the State recalled that the Inter-American Court recently issued a judgment in the case of Beatriz et al. v. El Salvador. In this case, it did not impose an obligation on the State to revise its domestic legislation but rather granted a period of one year to adopt “all the regulatory measures necessary to provide guidelines for medical and judicial personnel to act in situations of pregnancies that put the life and health of women at risk.” Therefore, the State points out that, concerning El Salvador, the Inter-American standards have not required a modification to its criminal legislation. On the contrary, the State can comply with this measure through the adaptation of existing protocols, the establishment of a new protocol, or any other regulatory measure that ensures legal certainty in addressing situations like the one in the case. The State requested that the IACHR condition compliance with this measure on the effective execution of the reparations ordered by the Inter-American Court. Once declared compliant by the Court, the Commission should also conclude its follow-up on this recommendation.<sup>134</sup>

#### *Analysis and level of compliance with the recommendation*

159. The IACHR identifies that several measures reported by the State had been previously known. However, the IACHR reiterates the considerations expressed in 2022 and 2023 in the sense of observing that the absolute criminalization of voluntary termination of pregnancy persists even when, as it has stated, its denial in certain circumstances imposes a disproportionate burden on the exercise of women's rights, creates

<sup>130</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024.

<sup>131</sup> RED-FEM, Response to the follow-up questionnaire, October 4 and 22, 2024. In this regard, according to the civil society response, this has been one of the findings of research conducted by both UNFPA, in 2023, and Las Dignas, in 2022.

<sup>132</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024.

<sup>133</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024.

<sup>134</sup> State of El Salvador, Note MPOEA-OAS-011/2025, Observations to the draft of Chapter V, February 13, 2025.



a context that facilitates unsafe abortions, and disregards international obligations to respect, protect and guarantee their rights to life, health and integrity.<sup>135</sup>

160. Additionally, since 2022, the IACHR has identified that measures including the Nacer con Cariño Law, the PIEGS, and the Crecer Juntos Law prioritize maternity protection, creating a distinction in the security and guarantee of the right to reproductive health based on whether a pregnancy continues. In this context, the IACHR believes that there are still restrictions in the regulatory framework and health policies that impede access for women, girls, and adolescents to sexual and reproductive health services without discrimination. Furthermore, the IACHR emphasizes that States have an obligation to provide medical care without discrimination, meaning that under no circumstances can medical care be contingent upon the needs of women who require it.<sup>136</sup>

161. Additionally, in following up on the current recommendation, it is important to reference the recent judgment rendered by the Inter-American Court of Human Rights in the case of Beatriz et al. v. El Salvador. In this case, the Court deemed it necessary for the State to implement, within one year, “all the regulatory measures needed to provide guidelines and action plans for medical and judicial personnel in situations involving pregnancies that jeopardize the life and health of women.” In this context, it was observed that the State could meet this requirement by modifying existing protocols, developing a new protocol, or any other regulatory measure that ensures legal certainty in addressing situations similar to the one presented. Furthermore, the State must incorporate “a gender perspective and consider the standards established by the Court’s jurisprudence.”<sup>137</sup>

162. Regarding the State’s request to limit this recommendation to the adaptation of protocols requested by the Inter-American Court as a guarantee of non-repetition in the case of Beatriz et al. v. El Salvador, the IACHR clarifies that the measures requested by the Court respond to the declaration of international responsibility in a specific case. In contrast, the recommendation of the 2021 Country Report under follow-up pertains to the adaptation of the Salvadoran normative framework in accordance with all relevant Inter-American standards, while considering the findings and concerns that were highlighted previously, specifically:

- (i) “At least 36 women reportedly died from preventable chronic diseases and another 13 from ectopic pregnancies”, which could have been prevented if the women could legally terminate their unsafe pregnancies.
- (ii) The prevalence of discriminatory gender patterns limits education on the subject and access to and distribution of contraceptives, particularly to women, girls, and adolescents, and although emergency oral contraception is legal for women victims of sexual violence, it is being distributed at the discretion of health operators.
- (iii) The IACHR has reiterated its concern about the regulations that criminalize abortion in all circumstances in El Salvador.

163. Considering that this recommendation requires adapting the existing regulatory framework to all the applicable inter-American standards and that no regulatory adaptation measures have been identified to remedy the restrictions on women’s, girls’, and adolescents’ access to sexual and reproductive health services without discrimination, the IACHR concludes that this recommendation remains **pending compliance**.

<sup>135</sup> IACHR, Press Release No. 042/18, IACHR Urges El Salvador to End the Total Criminalization of Abortion, March 7, 2018; Press Release No. 208/21, IACHR Expresses Concern Over the Adoption of Regressive Measures Concerning Sexual and Reproductive Rights in the Americas, August 11, 2021; Report No. 9/20, Case 13.378, Merits Report, Beatriz, El Salvador, March 3, 2020, para.156.

<sup>136</sup> I/A Court H.R., Case of Manuela et al. v. El Salvador. Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs, Judgment of July 27, 2022. Series C No. 461, paras. 192-194.

<sup>137</sup> I/A Court, Case Beatriz Vs. El Salvador, Merits, Reparations y Costs, Serie C No. 549, Sentence of November 22, 2024, par. 212.



*Measures and information to advance in the fulfillment of the recommendation*

164. The IACHR recalls that, according to the 2021 Country Report, it was indicated that the State's obligation to adopt legislation in this area seeks to ensure that women are guaranteed the effective exercise of their sexual and reproductive rights "on the understanding that the denial of voluntary termination of pregnancy in certain circumstances may constitute a violation of the fundamental rights of women, girls and adolescents."<sup>138</sup>

**Recommendation No. 24.** Adopt specific measures in accordance with international standards that guarantee the rights to work and to fair and equitable working conditions for women employed in domestic service and in maquilas, particularly those working in the textile industry from their own homes. It is recommended that the State ratify ILO Conventions 177, 189 and 190, and implement ILO recommendations 184 and 201 on this matter.

165. For the 2023 follow-up report, the IACHR valued the compliance actions focused on guaranteeing the rights of women domestic workers and the recent National Policy on the Co-responsibility of Care. However, regarding women working in the textile sector, the Commission noted that only inspections were reported without specifying additional measures to ensure fair and equitable working conditions. Likewise, it identified that ILO Conventions 177 and 189 had not been ratified and concluded that the recommendation continued to be **partially complied with**.<sup>139</sup>

*Information on compliance*

166. For 2024, the State affirmed that it had sought social protection for women in vulnerable situations to increase their equal participation in productive areas and that, on March 13, 2023, it reformed the Labor Code to guarantee the rights of working women during pregnancy. In addition, it reiterated that the new composition of the Legislative Assembly, which took office on May 1, 2024, until 2027, oversees the analysis for the eventual ratification of international human rights instruments, including the ratification of ILO Conventions 177 and 189, according to human rights recommendations and national priorities.<sup>140</sup>

167. The State also pointed out that the National Policy on Co-responsibility for Care is aimed at children, adults with disabilities or in a situation of dependency, elderly people in a situation of dependency, and people who provide care services, whether paid or unpaid. It indicated that the implementation of this measure is the responsibility of public institutions and that its components and strategic lines include the provision of services for comprehensive care, support for caregivers, knowledge management, improvement of service coverage and quality, infrastructure, professionalization, and decent work, as well as social benefits.<sup>141</sup>

168. The Commission received information from civil society indicating that inequality gaps remain in access to income through the labor market in El Salvador. It was reported that "76.8% of men of working age have had access to paid work, while only 45.5% of women have had such access." Additionally, it was observed that women continue to bear a disproportionate burden of household work and unpaid services, with 34.7% of women in this situation compared to 1.4% of men.<sup>142</sup>

<sup>138</sup> IACHR, *Report on the Situation of Human Rights in El Salvador*, OEA/Ser.L/V/II, Doc. 278, October 14, 2021, para. 205.

<sup>139</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, paras. 145-150.

<sup>140</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>141</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>142</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024. Cited ORMUSA, *Mujer y Mercado Laboral 2023*, 2024. (Available only in Spanish).



169. Similarly, civil society noted that there are no known government measures to enhance the protection, working conditions, and rights of thousands of women employed in the textile industry, whether in maquilas or through home-based work<sup>143</sup>. In this context, it was highlighted that, according to findings from 2023, "45% of female textile workers work between 8 and 12 hours, while 48% of female embroiderers work between 12 and 16 hours. Additionally, 94% of them reported that their wages do not match the time and effort they invest," indicating significant risks for these individuals, making it essential for the state to ensure fair compensation.<sup>144</sup> Furthermore, it was remarked that by 2023, "seven companies in the textile and apparel sector will cease operations in the country, leaving approximately 2,533 workers and their families without daily sustenance."<sup>145</sup>

170. In addition, it was reported that, in terms of salaries, the textile maquila sector in El Salvador shows a worrisome reality in comparison with other formal jobs in the private sector, as well as a salary gap between men and women in the textile maquila of 23.6%, with a much more pronounced disparity than in other sectors of the economy. Also cited was the finding that women in this sector have less access to opportunities for advancement and face challenges such as low wages, precarious working conditions, and lack of adequate social protection<sup>146</sup>. Also, civil society pointed out that, by the first quarter of 2024, the PGR would have registered 93 claims for violation of labor rights in the maquila sector, 70% of which would have been filed by women, and that, by the end of 2023, a proposed law would have been presented by the Union of Home Embroidery Workers in El Salvador (SITRABORDO), with no news on its progress.<sup>147</sup>

171. On the other hand, it was indicated that there was no known ratification process for ILO Conventions 177 and 189<sup>148</sup>. According to what was suggested to the Commission, this lack of ratification has allowed home-based workers and domestic workers to continue to be violated in their rights and to remain at a disadvantage concerning other workers in the country.<sup>149</sup>

*Analysis and level of compliance with the recommendation*

172. The Commission notes that ratification of ILO Conventions 177 and 189 is still pending and that the measures reported by the State are not specific in terms of indicating precisely how the right to work under fair and equitable conditions has been guaranteed for women working in domestic services and maquilas, mainly work in the textile industry under the home-based work scheme. In this regard, the IACHR has taken note of the information provided and has noted that it has referred broadly to the policy of co-responsibility for care without specifying its actual impact or how the State guarantees the labor needs of the women indicated in the recommendation.

173. In addition, the IACHR is concerned about the information provided by civil society that there is an urgent need for protective measures for women working in the textile industry, especially in maquilas and in home-based employment, as well as for domestic service workers. These measures include those aimed at improving these people's working conditions, wages, and adequate social protection. In this context, the Commission identifies that this recommendation continues to be **partially complied with**.

<sup>143</sup> Asociación Mujeres Transformando, Response to follow-up questionnaire, October 4, 2024.

<sup>144</sup> Asociación Mujeres Transformando (Women Transforming Association), Response to the follow-up questionnaire, October 4, 2024. Cited its report, *Mujeres en la Maquila Textil: Cuerpos, Vidas y Resistencias*, October, 31, 2023.

<sup>145</sup> Asociación Mujeres Transformando, Response to follow-up questionnaire, October 4, 2024.

<sup>146</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024. Cited ORMUSA, *Women and the Labor Market 2023*, 2024.

<sup>147</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024.

<sup>148</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024.

<sup>149</sup> Asociación Mujeres Transformando, Response to follow-up questionnaire, October 4, 2024.



*Measures and information to advance in the fulfillment of the recommendation*

174. The IACHR reiterates that progress in complying with this recommendation requires detailed information on the measures adopted to guarantee the rights to work and fair and equitable conditions for women working in domestic service and maquilas, particularly in the textile industry under home-based work. Likewise, the IACHR invites the State to promote the ongoing process for the approval of ILO Conventions 177 and 189 and to specify what actions it has taken to implement recommendations 184 and 201 on this issue.

**2. LGBTI people**

**Recommendation No. 27.** Adopt the measures needed to ensure that the Gender Identity Law is passed and adopted, and that it conforms to Inter-American standards on this matter, as well as adopt the necessary measures to strengthen institutions for the defense and protection of the rights of LGBTI persons.

175. For the 2023 follow-up report, the IACHR acknowledged the training program mandated by the Supreme Court of Justice for the Institute of Forensic Medicine and the adjustments to the latter's protocols aimed at integrating a gender perspective into service delivery. However, it noted a lack of sufficient information to specify the year of adoption. The IACHR also pointed out that the requested compliance measure—approving the gender identity law—had not yet been adopted. Additionally, it recognized the February 2022 decision of the Constitutional Chamber of the Supreme Court of Justice, which provided the Legislative Assembly a year to establish a legal gender recognition procedure that would enable transgender individuals to change their names on their identity documents. Considering the absence of the requested measure, the Commission concluded that this recommendation remained **pending**.<sup>150</sup>

*Information on compliance*

176. By 2024, the State confirmed that a Gender Identity Law had not yet been issued. It noted that since 2020, some transgender individuals have judicially requested name changes under the Name and Natural Person Law, and several individuals, including the executive director of COMCAVIS TRANS, have received favorable resolutions. According to the State, the process of the law mentioned above does not distinguish between cisgender and transgender individuals while aiming to provide a minimum level of legal certainty in this process. It also indicated that the Constitutional Chamber of the Supreme Court of Justice is responsible for monitoring its decision regarding the unconstitutionality of the partial omission of Article 23, paragraph 2 of the Law of the Name of the Natural Person. Additionally, the state stated that in line with its commitment to human rights, it has developed various training programs for justice operators and service providers on the rights of LGBTI individuals.<sup>151</sup>

177. Additionally, the State indicated that it has updated the General, Expert, and Administrative Policy of the Institute of Legal Medicine (hereinafter "IML") and modified its protocols to prevent prejudice based on sexual orientation or gender identity. According to the State, these reforms have fostered an inclusive environment, enhanced training for officials on LGBTI rights, improved access to justice, and increased visibility of the problems faced by LGBTI individuals. The State also noted that there is a program of specialized courses for the medical staff and forensic experts of the IML concerning the reception of complaints, examinations, expert opinions, and medical assessments related to i) the investigation of hate crimes based on sexual orientation and gender identity and expression; and ii) the search for forensic evidence and the presentation of evidence at trial. It further stated that the Supreme Court of Justice has reinforced training on equality and non-discrimination within the manuals for service provision to users of the administration of justice through four directives.<sup>152</sup>

<sup>150</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, paras. 160-170.p

<sup>151</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>152</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.



178. The Commission received information from civil society indicating that, since March 2018, the civil society organizations involved in the Permanent Roundtable for a Gender Identity Law in El Salvador had prepared a preliminary draft. Although this draft was submitted to the Legislative Assembly for review, it was ultimately shelved. Additionally, the Commission was informed that various challenges related to fulfilling this recommendation continue to exist, including the following:<sup>153</sup>

- Failure to update and implement the Policy for the Attention of LGBTI Persons, approved by the Ministry of Justice and Public Security in 2017, includes the institutions in charge of security, including the National Civil Police and the Armed Forces.
- Need for training processes on gender, sexual diversity, and human rights of the LGBTI population for the National Civil Police, emphasizing operational personnel.
- Lack of incorporation of human rights, gender, intersectionality, and inclusion approaches in all manuals, general, and operational plans of the National Civil Police.
- Need for more technical, operational, and material resources for the defense, surveillance, and monitoring of the situation of LGBTIQ+ persons by the PDDH.
- Lack of revision and strengthening of the PGR's Case Registration System to include variables on sexual orientation and gender identity and generate accurate information, make these people visible in providing services and guide decision-making.

*Analysis and level of compliance with the recommendation*

179. The IACHR observes that the compliance measure requested by the recommendation, which consists of the approval of the gender identity law, has yet to be adopted. Furthermore, concerning the update of the General, Expert, and Administrative Policy of the Institute of Legal Medicine (hereinafter "IML"), the Commission notes that more detailed information is required to understand the scope of this measure aimed at strengthening the institutional framework for protecting the rights of LGBTI individuals. In this regard, while it appreciates the assertion regarding the existence of a non-discrimination policy, specific data is necessary regarding implementation and results achieved in this strengthening effort. In this context, the Commission points out that this recommendation is still **pending compliance**.

*Measures and information to advance in compliance with the recommendation*

180. The IACHR reiterates the importance of the State adopting a gender identity law that recognizes not only the change of name and image in identity documents but also the correction of the sex marker in such documents, including birth certificates and passports. The report on implementing this measure will allow for the assessment of progress in complying with this recommendation.

**Recommendation No. 28.** Adopt a comprehensive plan for the protection and guarantee of the human rights of LGBTI persons, from a human security perspective, including their access to justice, education, health and employment, and promote the participation of civil society organizations in its design and formulation.

181. In the 2023 follow-up report, the Commission noted that the State had reported relevant compliance measures in the education sector and welcomed the training processes and implementation of regulations in these centers, along with access measures to financial products for women with diverse sexual orientations or gender identities. However, it pointed out that these do not constitute a specific and focused comprehensive plan according to the recommendation and emphasized the need to implement measures that

<sup>153</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024; cited Cristosal, Study on access to justice for LGBTIQ+ persons, particularly the Trans population, in Guatemala, Honduras and El Salvador, May 2023.



protect and guarantee the rights of LGBTI individuals in all the specified areas, in a participatory manner with civil society organizations. Therefore, it concluded that the recommendation remains **partially fulfilled**.<sup>154</sup>

#### *Information on compliance*

182. By 2024, the State affirmed that the domestic legal system recognizes the equality of all persons before the law, without exceptions, and that it has adopted actions for the prevention of crimes and comprehensive protection. In this regard, it reported applying the "Protocol of Action for the Investigation of Aggravated Crimes for Reasons of Hate for Gender Identity and Expression or Sexual Orientation" of 2020, which seeks to enhance access to justice; as well as the "Policy of Inclusion and Access to Justice aimed at vulnerable population" and the "Protocol of Attention to Population in Vulnerable Situations", both of 2022. It also indicated that the Deputy Prosecutor's Office for Women, Children, Adolescents, and other Vulnerable Groups (hereinafter "FAMNA") continues to promptly investigate crimes against women, children, adolescents, LGBTI population, and other vulnerable groups and noted that FAMNA is comprised of a national directorate; 19 specialized care units (hereinafter referred to as "UAEMNA") at the national level; a unit focused on investigating femicide, and another unit that addresses gender issues.<sup>155</sup>

183. The Commission gathered information provided by civil society, which indicates a lack of progress by the State in implementing a comprehensive protection plan and human rights for LGBTI individuals. In this regard, it was noted that legislative shortcomings persist, such as the recognition of gender identity and protection against discrimination based on gender identity and sexual orientation, considering that proposals of this nature were shelved in 2021. Additionally, it was brought to the Commission's attention that, since 2022, discriminatory government actions have intensified, including non-compliance with court rulings and the lack of visibility of these individuals in public records. Furthermore, an alleged absence of policies guaranteeing equal access to public services was highlighted, along with decisions in the healthcare system that render trans women invisible, such as the Ministry of Health's order from February 2024 to withdraw materials on sexual diversity from health units.<sup>156</sup>

184. Likewise, civil society pointed out that the current Government would have regressed in the implementation of the plan indicated in the recommendation, considering that more than 300 people from the Secretariat of Culture have been dismissed for allegedly promoting agendas incompatible with its vision and withdrawing material on sexual and reproductive health from the curricula, eliminating topics on gender violence and sexual orientation. According to suggests, the primary challenge for recognizing the rights of the LGBTIQ+ population is the approval of a Gender Identity Law, which would enable legal reforms to ensure fundamental rights without discrimination.<sup>157</sup>

185. Likewise, the Commission learned through the Observatory of Human Rights of the LGBTI population in the country, according to which decisions are being adopted that imply important institutional setbacks in the protection of their rights, such as the elimination of the Directorate of Sexual Diversity of the Secretariat of Social Inclusion, the suppression of institutional records to give visibility to people in their diversity.<sup>158</sup>

#### *Analysis and level of compliance with the recommendation*

186. The IACHR warns that the measures reported by the State, in addition to repeating those from previous years, do not constitute a specific and focused comprehensive plan to protect and guarantee the rights of LGBTI persons in terms of the recommendation under follow-up, including access to justice, health, and employment. Nor are there any actions aimed at implementing specific measures from a human security perspective and with the participation of civil society.

<sup>154</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, paras. 172-177.

<sup>155</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>156</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024.

<sup>157</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.

<sup>158</sup> Observatorio de Derechos Humanos de la población LGBTI, *Boletín No. 1 enero - marzo 2024*. (Available only in Spanish).



187. On the contrary, the perception expressed by civil society regarding the recent weakening of the recognition of LGBTI persons in the country is of concern, which in turn indicates the need to strengthen the participation of these actors in the elaboration of the measure requested by this recommendation. Given the need for additional information on the articulation of these protection measures in a Comprehensive Plan that covers all the aforementioned aspects, the IACHR considers that the recommendation remains **partially complied with**.

*Measures and information to advance in the fulfillment of the recommendation*

188. The IACHR urges the State to adopt the Comprehensive Protection Plan indicated in this recommendation. In this regard, it reiterates the importance of this strategy, including all the sectors indicated in the recommendation (health, employment, education, and access to justice), and that its construction guarantees the adequate participation of civil society. Likewise, the IACHR invites the State to identify the time of adoption of the measures that make up this Plan intending to identify whether they are updated and adopted in compliance with this recommendation.

**Recommendation No. 29.** Provide training for state officials, especially judicial staff members, on the rights of LGBTI persons.

189. For the follow-up report for the year 2023, the Commission identified that the State reported a significant number of training activities provided by the Public Prosecutor's Office that involve the rights of LGBTI persons and are aimed at various sectors of the civil service as the executive body, the same entities of the Public Prosecutor's Office and the Supreme Court of Justice. The IACHR also valued the training and education activities for judicial personnel and prison staff and appreciated that several had the support of civil society organizations. However, the Commission identified the need for additional information on the content and scope of the training topics, particularly concerning justice operators. In the meantime, it concluded that the level of compliance with the recommendation was **partially substantial**.<sup>159</sup>

*Information on compliance*

190. By the year 2024, the State referred to training processes on the human rights of LGBTIQ+ persons provided to the civil servants of different entities:<sup>160</sup>

- The Human Rights School of the PDDH developed the Basic Course on Human Rights, for which it specified the type of training, date, place, and beneficiaries of ten training processes, mostly on human rights of the LGBTIQ+ population and HIV, aimed at 285 civil service members from 2021 to June 2024. Of these, three were delivered virtually in 2021, four in person in 2023, and three in person in 2024. The target audience included mainly executive entities, PGR, and PPDH.
- Three training processes (one in 2021, one in 2022, and one in 2023) through 6 training days for personnel of the multidisciplinary teams of the Judicial Branch and the National Civil Police.
- Seven training processes, consisting of 18 workshops for 257 members of the PPDH, were developed with the support of LGBTIQ+ organizations. They addressed issues of sexual diversity, gender, human rights, stigma, and discrimination, hate crimes, psychosocial support for LGBTIQ+ people, gender-based violence, and the current legal framework. Two workshops were held in 2020, two in 2021, one in 2022, and two in 2023.

<sup>159</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, paras. 178-188.

<sup>160</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.



- The PPDH conducted the Course on Equity and Human Rights for People with HIV and the LGBTIQ+ Population to reduce stigma and discrimination, in coordination with FANCAP and USAID. This initiative aimed to enhance the knowledge of technical staff from various public institutions in central, western, and eastern El Salvador. In this context, two training sessions were reported, one in 2023 and the other in 2024, consisting of a total of 10 workshops attended by 268 participants from both the PPDH and other public institutions, including the PGR, the FGR, the National Civil Police, the Salvadoran Social Security Institute, ISDEMU, five municipalities, the Ministries of Justice, Public Security, and Public Health, hospitals, and more.
- The Training, Analysis and Research Center (hereinafter "CEFAI") of the PGR provided nine workshops and courses during the period 2023-2024 with 135 participants from its staff on topics related to the rights of LGBTIQ+ persons, gender-based violence, new masculinities, women with disabilities and women in situations of violence, gender-based violence in women and girls with disabilities.

191. For its part, it was reported to the Commission by civil society that, in response to a request for information to the PGR on training processes on the rights of LGBTI persons, they were informed that, in 2023, 14 processes with 110 hours of duration would have been conducted for 176 women and 74 men and that, in 2024, a process of eight hours would have been conducted for five women. Furthermore, according to the same response, the PGR implemented two instruments to attend to vulnerable populations in 2023-2024, namely, a Policy of Inclusion and Access to Justice in force since 2022, which includes specialized attention to the LGBTI population and training actions to promote their inclusion. In addition, a Protocol of Attention for these populations, from 2023, which seeks to strengthen the mechanisms of attention. In addition, it was reported that, according to this same response, the PGR established dialogues with civil organizations to coordinate human rights programs, conducting workshops in seven departments, focused on non-discrimination and LGBTI rights.<sup>161</sup>

192. In the same line, it was pointed out by civil society that, in another response provided in 2023 by the PGR to a request for information, this entity would have provided 64 hours of continuous training to its staff, benefiting 11 men and 45 women on human rights issues of LGBTIQ+ people and diverse women. According to the same response from the PGR that was reported by civil society, in 2024, eight hours of training would have been conducted, which included five women on diverse voices, needs and challenges of LGBTIQ+ people.<sup>162</sup>

193. Likewise, in terms of challenges for the fulfillment of this recommendation, it was pointed out that one of the main challenges is to overcome the fear caused by hate speech or "anti-rights" towards LGBTIQ+ people, which, according to what was pointed out to the Commission, has limited the request and reception of training on rights, affecting the awareness and adequate response in public services.<sup>163</sup>

#### *Analysis and level of compliance with the recommendation*

194. The IACHR identifies that the State continued with the report of training activities on human rights of LGBTIQ+ persons to officials of various executive entities, the PGR, the PPDH, the Judiciary, the National Civil Police, the FGR, the Salvadoran Social Security Institute, the ISDEMU, municipalities, hospitals, among others; The Commission notes that not all these activities correspond to the year 2024, but some were carried out in the years 2020, 2021, 2022 and 2023, as well.

<sup>161</sup> FUNDE, Response to the follow-up questionnaire, October 4, 2024. According to this organization, this information corresponds to data provided by the PGR in response to a public information request cited as follows: Unidad de Acceso a la Información Pública de la Procuraduría General de la República under reference: 94- UAIP(P)-2024-RES, October 02, 2024.

<sup>162</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024. According to this organization, this information corresponds to data provided by the PGR in response to a public information request cited as follows: PGR, Request Number UAIP /23-09-2024/102, Exp. 102-UAIP(P)-2024, September 30, 2024.

<sup>163</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024.



195. Considering that the State has continued to report training measures, the IACHR identifies the importance of having information confirming how the continuity and obligatory nature of these measures is guaranteed and how they are focused on justice operators. In the meantime, it concludes that this recommendation continues with a **substantial partial level of compliance**.

*Measures and information to advance in the fulfillment of the recommendation*

196. To declare full compliance with this recommendation, the IACHR considers it relevant to have information to confirm (i) the obligatory nature and continuity of the reported measures, with a particular focus on justice operators as addressees, and to indicate (ii) how many of these officials have been trained specifically on the requested topic in the last year.

**Recommendation No. 30.** Create a public statistical record on acts of violence and discrimination against LGBTI persons in El Salvador and ensure the data it contains is appropriately disaggregated and regularly updated.

197. For the 2023 follow-up report, the Commission identified the Automated Management System of the Prosecution Process (hereinafter "SIGAP") of the FGR as a relevant compliance measure. In addition, the Commission took note of the 2022-2023 work report of the FGR in which, according to the State, data on gender-based violence against the LGBTI population would be included; however, it identified that this provides information on crimes related to gender-based violence against women, but not specific data regarding LGBTI persons. Likewise, the IACHR recalled the importance of linking this system with records from other entities and emphasized the importance of the statistical data in this recommendation being useful for preventing, investigating, and eradicating acts of violence and discrimination. In this sense, it concluded that this recommendation continued to be **partially complied with**.<sup>164</sup>

*Information on compliance*

198. For 2024, the State reiterated that the FGR's SIGAP records criminal proceedings, which is useful for decision-making, strategies, and responding to information requests. It explained that SIGAP has been implemented since 2012 and was subsequently modernized to integrate new technologies, improve the availability of information, and facilitate the collection of inputs for case analysis, incidents, geographic areas, and other factors such as vo investigative decisions. In addition, it pointed out that the auxiliary prosecutors must complete fields such as the one related to the condition of the vulnerability of the persons involved in each case to "adopt the necessary measures for their adequate approach," including the LGBTI population. On the other hand, the State pointed out that the Central Reserve Bank (BCR) oversees generating the main statistical data with the following disaggregation: geographic location, income, sex, age, education, family status, ethnicity, migratory status/internal displacement, disability, and other relevant characteristics in national contexts. It noted that with this information, indicators are analyzed, and pertinent information is highlighted.<sup>165</sup>

199. For its part, civil society expressed to the Commission its concern with the fact that violence against LGBTI persons is made invisible as a discriminatory practice; as it was pointed out, this would be highlighted by the fact that the annual reports of violence against women in 2019, 2020 and the first half of 2021 of the National Data System have included data on this type of violence and that, for the annual report of 2021, it was allegedly eliminated. According to what was pointed out to the Commission, this implies a setback in the recognition of violence against these people. In addition to the above, civil society organizations reported information to the Commission about the following events:<sup>166</sup>

<sup>164</sup> IACHR, Annual Report 2023, Chapter V: El Salvador, December 31, 2023, paras. 190-194.

<sup>165</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>166</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024.



- On February 22, 2024, the President of the Republic stated in an interview conducted by the director of the organization Moms for Liberty that gender ideology is prohibited in El Salvador because it promotes “unnatural, anti-God, and anti-family” ideas in education. Furthermore, as the organizations pointed out, the president stated that these ideologies would not be allowed in primary and secondary schools and that, furthermore, it is important that the curriculum does not include gender ideology.<sup>167</sup> In this regard, the Commission became aware of a video in which the President makes these statements.<sup>168</sup>
- The Ministry of Education issued a memorandum on February 28, 2024, in which it allegedly requested the exclusion of materials and content related to “gender ideology” from public schools under penalty of sanctions and dismissal<sup>169</sup>. Regarding this specific allegation, the IACHR also became aware of a tweet published on February 27, 2024, by the Minister of Education of El Salvador, explicitly stating the elimination of “any use or trace of gender ideology from public schools.”<sup>170</sup>
- The Ministry of Health had removed material on sexual diversity from health units and HIV clinics<sup>171</sup>.

200. Additionally, the Commission learned more information from civil society highlighting challenges in obtaining data on violence against LGBTIQ+ individuals. In this context, a study was referenced showing that, in 2020 and 2021, the National Civil Police provided some statistics; however, a trend of concealing information was later identified. Furthermore, it was observed that the PGR lacks the tools to inclusively identify individuals served, and the PDDH acknowledged the absence of a monitoring system for LGBTIQ+ rights violations, although both entities noted their collaboration to raise awareness and prevent discrimination within their institutions. Moreover, it was mentioned that a lack of interest in LGBTIQ+ rights has hindered the establishment of monitoring units to compile statistics, leaving civil society organizations with international support to generate the data.<sup>172</sup>

#### *Analysis and level of compliance with the recommendation*

201. The Commission recalls that the content of the recommendation requests the adoption of data related to acts of violence and discrimination against LGBTI persons in the country with specific characteristics, namely, that they are (i) statistical, (ii) public, (iii) periodically updated, (iv) duly disaggregated. In this sense, it identifies that the SIGAP of the FGR had been reported as a state measure of compliance and that, although it is indicated that the auxiliary prosecutors must complete fields such as whether the individual involved in each case belongs to the LGBTI population to “adopt the necessary measures for their adequate approach”, this information is not sufficient to conclude an advance in the level of compliance with this recommendation insofar as it does not allow concluding how the four characteristics indicated are met. The same is true of the information provided concerning the data generated by the BCR.

<sup>167</sup> Quoted: Diariocolatino, [Bukele cambia su discurso respecto a la ideología de género](#), February 29, 2024. (Available only in Spanish). Also see: Radioamericahn, [Bukele dice que escuelas de El Salvador no existe espacio para la ideología de género](#), (Available only in Spanish).

<sup>168</sup> Radioamericahn, [Bukele dice que escuelas de El Salvador no existe espacio para la ideología de género](#), February 27, 2024. (Available only in Spanish).

<sup>169</sup> La Prensa Gráfica, [Ministerio de Educación amenaza con despidos si se difunde “ideología de género” en escuelas públicas de El Salvador](#), February 29, 2024. (Available only in Spanish).

<sup>170</sup> Pineda R, José Mauricio, [@JMauricioPineda], (2024, February 27), “Confirmado: todo uso o rastro de la ideología de género lo hemos sacado de las escuelas públicas”. [Tweet], <https://x.com/JMauricioPineda/status/1762545694190023000?mx=2>. (Available only in Spanish).

<sup>171</sup> La Prensa Gráfica, [MINSAL retira material sobre diversidad sexual de unidades de salud y clínicas VIH](#), February 28, 2024. (Available only in Spanish).

<sup>172</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024, cited its [Estudio sobre el Acceso a la Justicia de las Personas LGBTIQ+, especialmente de la Población Trans en Guatemala, Honduras y El Salvador](#), May 2023. (Available only in Spanish).



202. In addition, the Commission considers it pertinent to emphasize the importance of allocating resources for the collection and analysis of the statistical data requested in the recommendation and that, recognizing the fundamental and historical role of civil society in these tasks, there should be mechanisms for receiving information from these groups to encourage joint and participatory work for the analysis and design of laws, policies, programs, and other decisions.<sup>173</sup>

203. Likewise, the IACHR has noted the concerns expressed by civil society regarding a perceived trend of concealment of information regarding acts of violence against LGBTI persons and calls on the State to make efforts to collect this information, considering that it is essential to identify and make progress in combating this type of violence. Consequently, the Commission determines that this recommendation continues to be **partially complied with**.

*Measures and information to advance in compliance with the recommendation*

204. The IACHR will conclude that this recommendation has attained the level of compliance when it has sufficient information regarding efforts to collect and systematize data on violence against LGBTIQ+ persons that are (i) statistical, (ii) public, (iii) periodically updated, (iv) duly disaggregated, and (v) related to acts of violence and discrimination against LGBTI persons in the country. In this regard, the IACHR reiterates its invitation to clarify how existing registries, or those under construction, ensure coordination between entities in order to have unified and reliable statistics on acts of discrimination and violence against LGBTI persons. Likewise, for the IACHR it is essential that these registries include a broadened notion of acts of violence and discrimination against LGBTI persons and therefore invites to specify what type of acts are included in the reported registries.

**Recommendation No. 31.** Adopt measures necessary to strengthen access to justice for LGBTI victims of violence through a coordinated effort between organizations under the executive branch and the Office of the Public Prosecutor.

205. In the 2023 Follow-up Report, the IACHR valued the relevance of the instruments reported by the FGR to strengthen the investigation of crimes against LGBTI persons, as well as the inter-institutional and consultation efforts for the development of the reported Protocols of action in the investigation and legal assistance. For its part, the IACHR was informed of research presented by civil society that concluded that significant challenges persist in access to justice for LGBTI persons. The IACHR invited the State to continue with the establishment of a plan of action articulated between the Executive and the Public Prosecutor's Office that leads to increased access to justice for these people. In this sense, it reiterated the call to strengthen this inter-institutional strategy and considered that this recommendation continues to be **partially complied with**.<sup>174</sup>

*Information on compliance*

206. For the year 2024, the State reiterated that the FGR has an Action Protocol for the Investigation of Aggravated Crimes on Grounds of Hatred of Gender Identity and Expression or Sexual Orientation, dated November 2020, with guidelines for the investigation and proof of aggravating circumstances on the grounds of hatred of gender identity and expression or sexual orientation, and the special status of the victim of aggravated crimes on those grounds. It indicated that this document involves other institutions, so the Prosecutor Training School of the FGR has developed workshops with the National Civil Police and the IML and has socialized the instrument with its staff.<sup>175</sup>

<sup>173</sup> IACHR, *Thematic Report: Advances and Challenges Toward the Recognition of the Rights of LGBTI Persons in the Americas*, OEA/Ser.L/V/II.170, Doc. 184, Dec. 7, 2018.

<sup>174</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, December 31, 2023, paras. 196-205.

<sup>175</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.



207. For its part, the Commission received information provided by civil society, according to which access to justice for LGBTI persons continues to be limited in the country due to the opacity of information management and deficient data records in the justice sector.<sup>176</sup>

208. It was particularly highlighted that much of the data regarding this population is allegedly subject to confidentiality and that the Judiciary would not have provided data on gender identity and sexual orientation in cases of hate-motivated homicide, given that this information is not regulated by the Law on Access to Public Information (hereinafter "LAIP"). Additionally, it was noted that civil society, through the Observatorio Nuestra Mirada LGTBI, has proposed legal frameworks, protections, legal support, awareness programs, and inclusion in public policies to combat discrimination. However, many LGBTI individuals still do not report abuses due to a lack of confidence in institutions, fear of reprisals, ignorance, discrimination, and complications in the procedures.<sup>177</sup>

209. For its part, civil society pointed out the importance of promoting training and sensitization of state personnel, avoiding religious prejudices, and improving sexual and reproductive health education for young people, currently hindered by the Ministry of Education.<sup>178</sup>

*Analysis and level of compliance with the recommendation*

210. The Commission notes that the information provided by the State does not allow it to identify progress in fulfilling this recommendation, given that the Protocol of Action from the FGR was issued prior to the publication of the 2021 Country Report. The effectiveness of this measure will depend on the State reporting how it has contributed to the effective strengthening of access to justice for LGBTI victims of violence, through a coordinated effort among various institutions of the Executive and the Public Prosecutor's Office.

211. Furthermore, in line with the concerns expressed by civil society regarding the statements and decisions of government authorities, the Commission identifies that the facts reported regarding the denial of protection of sexual orientation and gender identity represent an essential obstacle to progress in the implementation of this recommendation. In this regard, it is recalled that the requested strengthening would consist of a coordinated effort between the various institutions of the Executive and the Public Prosecutor's Office. In this sense, the Commission considers that this recommendation continues to be **partially complied with**.

*Measures and information to advance in compliance with the recommendation*

212. To guide compliance with this recommendation, the IACHR emphasizes the importance of the State strengthening an inter-institutional action plan between the entities that make up the Public Prosecutor's Office and the Executive bodies that are relevant to enhancing access to justice for LGBTI persons, considering the challenges diagnosed around this issue. Likewise, with respect to the reported protocols, it invites you to provide additional information regarding their recent implementation and results obtained to assess whether these constitute specific measures of compliance with this recommendation.

### 3. People in the Context of Human Mobility

**Recommendation No. 32.** Pass a comprehensive regulatory framework on forced displacement that includes lasting solutions as part of the framework for implementing the MIRPS and guarantees the

<sup>176</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024.

<sup>177</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024.

<sup>178</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.



provision of support and advisory services on comprehensive coordination mechanisms for protecting human rights.

213. For the follow-up report for the year 2023, the IACHR noted that the framework referred to in this recommendation is additional to the Special Law for the Comprehensive Care and Protection of Persons in Conditions of Internal Forced Displacement of 2020, as it refers to normative actions of accompaniment and advice on comprehensive protection coordination mechanisms, within the framework of the MIRPS. The Commission considered that the measures reported by the State, including the agreement for actions focused on women and the Protocol for Comprehensive Care for Applicants and Refugees, can contribute to the objective of the recommendation. However, it requested information on their content and additional measures, such as, for example, the regulation of the Inter-Institutional Technical Commission for the Care and Protection of Persons in Conditions of Internal Forced Displacement or the Special Law of 2020. In this sense, it considered that the recommendation was **partially complied with**.<sup>179</sup>

#### *Information on compliance*

214. In 2024, the State recalled that El Salvador joined the Regional Integrated Framework for Protection and Solutions (MIRPS) in 2019, committing to address forced displacement as part of this initiative for Central America and Mexico. In this framework, it noted the creation of a National Response Plan featuring 49 commitments in areas such as protection, health, education, and employment for displaced persons, refugees, and asylum seekers. Among the advancements, it highlighted the approval of the Law for the Integral Protection of Internally Displaced Persons in 2020 and the strengthening of the Commission for the Determination of Refugee Status (referred to as “CODER”) to expedite asylum applications. Additionally, it noted the implementation of visits and information sessions coordinated with the General Directorate of Migration and Alien Affairs at border points and the international airport.<sup>180</sup>

215. In addition, the State indicated that, to assist the victims of displacement, the Ministry of Justice and Public Security implemented psychological, social and legal support programs. It also stated that it has collaborated with the Ministry of Education for the school inclusion of displaced minors and has created Urban Centers for Welfare and Opportunities (hereinafter “CUBO”) in various localities, achieving the recovery of territories and, according to the Directorate of Attention to Victims, a decrease in cases of forced displacement due to violence. It also noted that four care centers called “*A Tu Lado*” were established in several cities to provide information services, legal advice, psychological care, and case management for the displaced population and asylum seekers, with 2,910 people assisted in 2024.<sup>181</sup>

216. In addition, the State reported that it has also made progress in implementing the Protocol for Comprehensive Care for Applicants and Refugees, launched in 2023, which seeks to ensure dignified treatment for those seeking protection in the country. In this regard, it stated that this protocol is part of the national efforts aligned with the MIRPS, in collaboration with UNHCR, to strengthen regional cooperation and share the responsibility to protect displaced persons in the region.<sup>182</sup>

217. For its part, the IACHR received information provided by civil society according to which, in response to a request for information made to the Presidential House in 2022, it was informed that there is a project in process for the drafting of the regulations of the Special Law for the Attention and Integral Protection of Persons in Conditions of Internal Forced Displacement or a regulatory framework for the operation of the Inter-Institutional Technical Commission for the Attention and Protection of Persons in Conditions of Internal

<sup>179</sup> IACHR, Annual Report 2023, Chapter V: El Salvador, December 31, 2023, paras. 207-216.

<sup>180</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>181</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>182</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024. Cited: UNHCR, El Salvador: Monthly Report No. 3, March 2024. (Available only in Spanish).



Forced Displacement. However, it was noted that its content is unknown, as well as progress on the installation of the Inter-Institutional Commission mentioned above.<sup>183</sup>

*Analysis and level of compliance with the recommendation*

218. The IACHR positively values the information provided by the State regarding the creation of the National Action Plan with commitments for the operationalization of the protection of forcibly displaced persons and refugees in areas such as protection, health, education, and employment, as well as the actions reported by the Ministry of Justice and Public Security and the Ministry of Education to provide psychological, social and legal support mechanisms, and in education.

219. Despite this information, the Commission recalls that this recommendation is focused on the approval of a comprehensive regulatory framework on enforced displacement within the framework of the MIRPS that is aimed at guaranteeing the accompaniment and advice of the comprehensive coordination mechanisms for the protection of human rights, which may consist of the regulations of the Special Law adopted in 2020 or with a regulatory framework for the operation of the Inter-Institutional Technical Commission for the Attention and Protection of Persons in Conditions of Internal Forced Displacement, on which the State did not report information regarding its operation. Considering the type of compliance measure requested, the Commission considers that this recommendation continues to be **partially complied with**.

*Measures and information to advance in the fulfillment of the recommendation*

220. The IACHR will declare progress in the fulfillment of this recommendation when it has information indicating the adoption of a specific regulatory framework that is comprehensive on forced displacement and includes durable solutions within the framework of the implementation of the MIRPS, which may consist of the regulation of the Special Law adopted in 2020 or a regulatory framework for the operation of the Inter-Institutional Technical Commission for the Attention and Protection of Persons in Conditions of Internal Enforced Displacement.

**Recommendation No. 34.** Strengthen transnational coordination around the search for disappeared and deceased migrants, including strengthening mechanisms for collecting, storing and analyzing forensic data and genetic information banks, and improving consular services for Salvadorans abroad, especially those in need of international protection.

221. For the follow-up report of 2023, the Commission considered that the State had implemented several actions to strengthen consular services for Salvadoran persons abroad, a component of which, was declared fully complied with. Regarding the component of the recommendation that requests measures to strengthen transnational coordination in the search for missing and deceased migrants, as well as the strengthening of mechanisms for collecting, guarding and analyzing forensic data and genetic banks, the IACHR identified documentation efforts by CONABÚSQUEDA and the Vice-Ministry of Diaspora and Human Mobility of the Ministry of Foreign Affairs. However, it pointed out that, in order to advance in compliance with said components, actions are needed to strengthen the systematization of this data and transnational coordination with authorities in other countries. In this regard, it considered that the recommendation had advanced to a **partial level of compliance**.<sup>184</sup>

*Information on compliance*

222. For 2024, the State reported that it had implemented various measures to strengthen the search for and assistance to missing migrants. It indicated that the Protocol of Assistance and Humanitarian Management is implemented through the Ministry of Foreign Affairs to provide support to Salvadorans abroad,

<sup>183</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.

<sup>184</sup> IACHR, Annual Report 2023, Chapter V: El Salvador, December 31, 2023, 223-233.



and the Forensic Data Bank of Missing Migrants has been strengthened, with DNA sampling days in 2024 to identify remains of migrants who died in migratory route. In addition, it was indicated that the Ministry of Foreign Affairs also participates in the Foreign Support Mechanism for Search and Investigation (hereinafter "MAEBI"), in which it collaborates with Mexico to report crimes against nationals in their passage through that country and to carry out searches for Salvadorans in hospitals and shelters.<sup>185</sup>

223. The State also indicated that it has strengthened its consular services, expanding its presence abroad with 19 new representations in the last five years, including consulates in the U.S., Mexico, and Europe, for 103 diplomatic representations and consulates worldwide. It also indicated that it has improved the issuance of passports in 81 consulates, reducing delivery times to 45 minutes; that consular offices provide comprehensive care to migrant children and adolescents with their families in Mexico and the United States, and that the Vice-Ministry of Diaspora and Human Mobility is working on projects to expand and improve consular services.<sup>186</sup>

224. Regarding the search for missing persons, the State indicated that CONABÚSQUEDA carried out a mission to Honduras in November 2023 for inter-institutional coordination on Salvadorans who disappeared in that country. It also stated that the project to strengthen this search commission, in collaboration with the Guatemalan Forensic Anthropology Foundation and USAID, aims to set up a bank of genetic profiles of persons who disappeared during the armed conflict and the systematization of information in the Single Registry of Missing Children and Adults (RENIPAD), to make progress in the identification and location of missing persons.<sup>187</sup>

225. For its part, the Commission received information from civil society, according to which the PDDH has a Department for the Care of Migrants and instructions on how to begin the search for a missing family member in migratory transit. It was also indicated that the Ministry of Foreign Affairs, together with the Regional Center on Migration (hereinafter "CRM") and the International Committee of the Red Cross (hereinafter "ICRC") holds workshops to coordinate the identification and transfer of deceased migrants and the search for missing persons in this context, considering requests from the Committee of Relatives of Deceased and Disappeared Migrants (hereinafter "COFAMIDE"). However, it was noted that this committee has approached Mexican authorities but has received minimal response.<sup>188</sup>

226. In addition, civil society pointed out that El Salvador's Forensic Data Bank of Unaccounted Migrants is an inter-institutional effort that began work in August 2010 and is made up of the Ministry of Foreign Affairs, COFAMIDE, the PDDH and the Argentine Forensic Anthropology Team (EAAF).<sup>189</sup>

#### *Analysis and level of compliance with the recommendation*

227. The IACHR recalls that, as of 2023, it declared the component of this recommendation related to the strengthening of consular services for Salvadoran persons abroad to be fully complied with, although it values the information provided in 2024 by the State regarding this objective, including the implementation of the Protocol for Assistance and Humanitarian Management to provide support to Salvadorans abroad.

228. Regarding the component of the recommendation that requests measures to strengthen transnational coordination in the search for missing and deceased migrants, as well as the strengthening of mechanisms for the collection, custody, and analysis of forensic data and genetic banks, the Commission identifies as relevant measures the actions for taking samples for the Forensic Data Bank of Missing Migrants, as well as the participation in MAEBI and the CONABÚSQUEDA mission to Honduras. However, it identifies the importance of additional information demonstrating the results of these and other strengthening actions, specifying how, in practice, transnational coordination in the search for migrants has been optimized.

<sup>185</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>186</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>187</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>188</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.

<sup>189</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.



Considering the importance of additional efforts to strengthen these mechanisms, the Commission considers that this recommendation continues to be **partially complied with**.

*Measures and information to advance in the fulfillment of the recommendation*

229. The IACHR identifies that progress in compliance with this recommendation requires specific measures and information indicating the practical results of the reported measures, including the strengthening of the Forensic Data Bank of Missing Migrants, participation in the MAEBI or CONABÚSQUEDA's coordination with authorities in other countries. Likewise, it will be helpful to specify how civil society or relatives of migrants reported missing participate in implementing these compliance measures.

**Recommendation No. 35.** Adopt comprehensive programs and specific measures to guarantee the rights of internally displaced populations in safety and with dignity, and to place guaranteeing these rights at the core of any strategies to prevent forced migration, particularly the rights to housing, work, education and health.

230. For the 2023 follow-up report, the IACHR highlighted the role of the Internal Forced Displacement Unit of the PGR, reported by the State and recognized by civil society, in providing assistance to this population and offering them protection and solutions to their situation. In addition, it highlighted the relevance of some initiatives reported to prevent and identify the risks of forced displacement, as well as efforts in school insertion of children and teenagers; access to job training programs; immediate health care, and assistance to migrant women. Likewise, the IACHR identified that, although a decrease in the percentage of forced internal displacement was reported, a significant number of cases would continue to be reported, as well as obstacles in guaranteeing and respecting the human rights of internally displaced persons. The Commission considered that the recommendation was **partially complied with**.<sup>190</sup>

*Information on compliance*

231. By 2024, the State indicated that, since the approval of the Special Law for the Attention and Integral Protection of Internally Displaced Persons in 2020, it has implemented various measures to protect this population. It indicated that the PGR established the Internal Forced Displacement Unit (hereinafter "UDFI"), which identifies, assists and offers solutions to displaced persons. It reported that between August 2023 and May 2024, the UDFI benefited 1,788 people through legal advice, psychological support, and humanitarian aid, in addition to facilitating access to labor rights, housing, and basic services to improve their living conditions and prevent further displacement.<sup>191</sup>

232. The State also reported launching the Linkage Project to reintegrate returned minors, financed by the MIRPS Fund and supported by the OAS. The project provides seed capital for entrepreneurship and scholarships in technical areas, benefiting families and promoting their economic autonomy. Likewise, it stated that in the labor field, the "My First Job" program, in collaboration with UNHCR, facilitates the inclusion of displaced youth in the labor market, reaching 616 hires with the support of 184 companies and reinforcing their social inclusion.<sup>192</sup>

233. Likewise, the State reported that in September 2024, the National Council for Early Childhood, Childhood and Adolescence (hereinafter "CONAPINA") signed an agreement with UNHCR to strengthen the protection of displaced and vulnerable children. The agreement includes the implementation of the Growing Together Act, the development of care protocols, and the improvement of safe spaces for psychosocial support. In addition, it stated that UNHCR works with the State and civil society in remodeling and technical support for

<sup>190</sup> IACHR, Annual Report 2023, Chapter V: El Salvador, December 31, 2023, 235-248.

<sup>191</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>192</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.



the comprehensive care of children affected by violence and displacement, ensuring safe spaces and promoting durable solutions for this population at risk.

234. Likewise, the State again referred to the establishment of the “A tu lado” support centers (also reported in the framework of recommendation number 32) in San Salvador, Santa Ana, San Vicente and San Miguel to orient and provide specialized services to persons in mobility conditions, including those internally displaced.<sup>193</sup>

235. For its part, the Commission received information provided by civil society according to which some roadmaps for the care of displaced persons with the participation of State institutions at the district level have been promoted by organizations such as EDUCO and Cristosal in seven municipalities and that there is no evidence of policies to promote access to housing, work, health and education especially aimed at the needs of the population at risk and/or in a situation of displacement.<sup>194</sup>

236. In addition, the IACHR accessed additional information from civil society according to which, although the State report entitled “A New El Salvador”, dated 2024, indicates that the Directorate for Attention to Victims of the Ministry of Justice and Public Security attends to internally displaced persons, this type of displacement would now involve, under the exception regime, State agents as the perpetrators. According to what was indicated to the Commission, this would make it difficult for victims to seek help from government institutions, instead receiving support from human rights organizations.<sup>195</sup>

237. Additionally, it was noted that, from the beginning of the regime until June 2024, the organizations registered 985 victims of forced displacement. It was also reported that, despite the existence of a 2020 law that protects internally displaced persons, no regulations have been implemented to define prevention and action routes, limiting support to victims; and it was indicated that, in 2023, forced displacement increased compared to 2022, with threats as the main cause, followed by violence against women and abuse of authority. According to civil organizations, 72% of the cases identify the National Civil Police as responsible, followed by gangs and other state agents. Likewise, according to a civil society registry, in 2023, 588 cases of displacement were reported, while in 2024, 472 cases were registered.<sup>196</sup>

238. In its observations to this report, the State requested “greater methodological rigor for the incorporation of information from sources such as civil society organizations,” considering that it does not identify the basis for the claim that internal displacement in El Salvador “now involves state agents as perpetrators under the state of emergency.” El Salvador reiterated that it has promoted programs for the reintegration of returned migrants and internally displaced persons within the framework of the National Reintegration Plan, although it indicated that the main achievement in terms of human mobility has been the drastic improvement in security through the Territorial Control Plan. He also indicated that the unprecedented reduction in violence has transformed the country, with the result that migration for security reasons has practically disappeared as a determining factor in human mobility. In addition, he pointed out that the strengthening of security has generated confidence in the population, which is reflected in a notable decrease in forced internal displacements and in the return of Salvadorans who now find a stable and safe environment for their development.<sup>197</sup>

<sup>193</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>194</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.

<sup>195</sup> Servicio Social Pasionista(SSPAS), Response to follow-up questionnaire, October 4, 2024. Cited: El Salvador, Cristosal registra 946 víctimas de desplazamiento forzado en el régimen de excepción, December 15, 2023. (Available only in Spanish). La Prensa Gráfica, Reportan 946 casos de desplazamiento forzado por régimen, December 23, 2023. (Available only in Spanish).

<sup>196</sup> Servicio Social Pasionista(SSPAS), Response to follow-up questionnaire, October 4, 2024. Cited: El Salvador, Cristosal registra 946 víctimas de desplazamiento forzado en el régimen de excepción, December 15, 2023. La Prensa Gráfica, Reportan 946 casos de desplazamiento forzado por régimen, December 23, 2023. (Available only in Spanish).

<sup>197</sup> State of El Salvador, Note MPOEA-OEA-011/2025, Observations on the draft of Chapter V, February 13, 2025.



*Analysis and level of compliance with the recommendation*

239. The IACHR notes that the State continued to report the relevance of the role of the UDFI of the PGR as a mechanism to provide assistance and protection to persons in situations of forced internal displacement, as well as a considerable number of benefits in terms of legal advice, psychological support and humanitarian aid. It also values positively the program “My First Job” which, in collaboration with UNHCR, facilitates the inclusion of displaced youth in the labor market, as well as the agreement signed in 2024 between CONAPINA and UNHCR to strengthen the protection of displaced and vulnerable children for the implementation of the Growing Together Act, the development of care protocols and the improvement of safe spaces for psychosocial support. Likewise, the IACHR identifies the relevance of the support spaces “A tu lado” to provide specialized attention to the population in conditions of mobility, including internal displacement.

240. In addition, the Commission has taken note of measures reported regarding the reintegration of returned migrants, although, as reported, their relevance to the implementation of this recommendation is unclear, considering that the latter refers specifically to persons in a condition of forced internal displacement and who, therefore, have remained in their own country.

241. The IACHR has also taken careful note of the concerns expressed by civil society that the levels of forced internal displacement in the country are still high and are motivated, among other reasons, by the effects of the emergency regime. This concern is heightened by the fact that this situation makes it difficult for government institutions to receive support. In this sense, despite the State measures reported, for the Commission, obstacles persist in guaranteeing and respecting the human rights of internally displaced persons that require the strengthening of comprehensive programs and measures to guarantee their rights. In this regard, it considers that the recommendation under follow-up continues to be **partially complied with**.

*Measures and information to advance in the fulfillment of the recommendation*

242. The IACHR identifies that progress in complying with this recommendation depends on reliable information that makes it possible to conclude that the measures reported by the State are sufficient, in terms of results, to provide attention to persons in conditions of forced internal displacement in the country. In this sense, the Commission urges the realization of a comprehensive diagnosis that considers the concerns expressed by civil society regarding the causes of forced internal displacement, the increase in these cases, and that allows to understand to what extent the reported measures should be strengthened or new instances of attention should be created.

**Recommendation No. 36.** Adopt a public policy that aims at guaranteeing an effective, human rights centered reintegration process for returnee migrants, especially those in vulnerable situations and/or with a particular need for protection, such as children, victims of human trafficking, people with disabilities, LGBTI persons and people with medical needs.

243. For the follow-up report for the year 2023, the Commission took note of the Productive Reintegration Program with Psychosocial Attention, assistance spaces offered by the Department of Attention to Migrant Persons, and programs for young, returned migrants. Likewise, it valued the Human Mobility Policy presented by the Ministry of Foreign Affairs and the International Organization for Migration (hereinafter “IOM”) and identified the importance of knowing its content to comprehensively assess the actions to address the conditions and needs of children, victims of trafficking, persons with disabilities, LGBTI persons, the elderly and persons with medical needs, under the terms of this recommendation. The Commission considered that this recommendation advanced to a level of **partial compliance**.<sup>198</sup>

<sup>198</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, December 31, 2023, paras. 250-256.



*Information on compliance*

244. For the year 2024, the State indicated that, in November 2023, it launched the Human Mobility Policy that addresses the reintegration of returned migrants, especially the most vulnerable, such as children, the elderly, and those with specific protection needs. It also noted that the development of this policy underwent the following stages: agenda building and identification of the situation to be addressed, with a situational diagnosis in 2022; and design and/or formulation, with two phases of consultation. It also informed that the action plan of this policy has indicators and annual goals for each of its strategic lines and is consistent with the National Coordination Mechanism on Human Mobility, of 2023, and the National Implementation Plan of the Global Compact for Safe, Orderly and Regular Migration, of 2024. In addition, it indicated that a software to monitor the development of this measure is under construction, as well as an evaluation and follow-up plan.

245. Likewise, the State indicated that, as of 2023, it is formulating the National Plan for the Reintegration of Returned Persons 2025-2029, which coordinates efforts for sustainable reintegration and human rights, aligned with the Global Compact for Safe, Orderly and Regular Migration.<sup>199</sup>

246. The State also indicated that, in order to facilitate the reintegration of the persons mentioned in this recommendation, it has implemented projects such as “Reintegratech”, which offers digital training to young returnees to improve their job opportunities, and the Project for Change for Returnees, which trains young people in commerce, increasing their employability in coordination with local companies. It also reported that the “Transforming Lives” credit line offers financing to returnees to start or expand their businesses, and that, for the elderly, psychosocial care days have been organized and food kits and basic needs have been delivered.<sup>200</sup>

247. Likewise, the State referred to projects such as the inauguration of the Rincón Azul Store at the airport, which sells products made by returned entrepreneurs, and the “Cancillería Certifica” program to guarantee the quality of their products. In this regard, it was indicated that the Ministry of Foreign Affairs has also established agreements with national organizations to strengthen support to returnees in sectors such as technology, agriculture and housing, in order to create a support network for their economic and social reintegration.<sup>201</sup>

248. For its part, the Commission received information provided by civil society according to which the National Directorate for Attention to Victims and Forced Migration of the Ministry of Justice and Public Security faces difficulties in effectively addressing displacement and forced migration, mainly due to a lack of budget and the absence of a concrete plan of action. In addition, it was noted that, although there are regulations such as the Special Law for the Attention and Integral Protection of Persons in Condition of Internal Forced Displacement, its implementation is limited, since the necessary regulations to operationalize its provisions have not yet been adopted.<sup>202</sup>

249. It was also noted that civil society organizations make up for some of the governmental shortcomings and provide assistance to affected persons, but that it is necessary to strengthen institutional responses to meet the needs of migrants and displaced persons, who still lack adequate institutional support. It was also pointed out that the main challenges include the allocation of an adequate budget and the development of a regulation that specifies the roles of each institution involved, thus ensuring a coordinated and effective response to protect people in vulnerable situations.<sup>203</sup>

250. In its observations to this report, the State asked the IACHR to declare the level of substantial partial compliance with this recommendation, taking into account the development of the Human Mobility Policy and its implementation; the construction of the National Plan for the Reintegration of Returnees 2025-

<sup>199</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>200</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>201</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>202</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.

<sup>203</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.



2029; the reported projects in the areas of training and employability; financial support and entrepreneurship; comprehensive assistance and care; and institutional strengthening and intersectoral cooperation.<sup>204</sup>

*Analysis and level of compliance with the recommendation*

251. The IACHR values positively the information provided by the State regarding the stages that have taken place for the development of the Human Mobility Policy and its implementation in 2023. It also identifies that, according to publicly available information, this initiative was launched with the support of the International Organization for Migration (IOM), as a “crucial framework for the care and protection of Salvadorans on the move, as well as for the sustainable reintegration of returnees”<sup>205</sup>. On this matter, the Commission recognizes that the development of this Policy may contribute to the development of this recommendation and, in this sense, invites the State to report its results.

252. The Commission values the construction of the National Plan for the Reintegration of Returned Persons 2025-2029, which is under development and is awaiting the next stages of its design and implementation, specifically, its impact on benefiting migrant returnees in vulnerable situations, such as children, the elderly, persons with disabilities, LGBTI persons, and victims of trafficking. Considering that this plan is under development, the Commission invites the State to continue sharing information about its progress and invites the establishment of special mechanisms on its internal evaluation and identification of results.

253. Likewise, the IACHR values positively the projects reported by the State in the areas of training and employability; financial support and entrepreneurship; assistance and comprehensive care; and institutional strengthening and intersectoral cooperation. In this sense, the Commission identifies that the adoption of relevant measures on this recommendation continues and considers that the recommendation has advanced to a level of **substantial partial compliance**.

*Measures and information to advance in the compliance with the recommendation*

254. In order to advance in the full compliance with this recommendation, the IACHR invites the State to share information on the development and evaluation of the Human Mobility Policy and the National Plan for the Reintegration of Returned Persons 2025-2029, especially with respect to its differentiated coverage of the needs of each of the groups identified in the recommendation, namely children, victims of trafficking, persons with disabilities, LGBTI persons, the elderly and persons with medical needs.

#### 4. Human rights defenders

**Recommendation No. 37.** Adopt a legal framework for the protection and defense of human rights defenders and implement a comprehensive policy for the protection of human rights defenders, taking all necessary measures to put an end to the stigmatization and degrading accusations emanating from the State or its agents in order to prevent violence against journalists, human rights defenders and in accordance with Inter-American standards that establish special responsibilities for public authorities in the exercise of their freedom of expression.

255. For the 2023 follow-up report, the IACHR indicated that it was not aware of any actions in compliance with the recommendation. Regarding the adoption of a normative framework, it recalled that, despite the fact that a proposal has been presented, the bill for the recognition and comprehensive protection of human rights defenders and for the guarantee of the right to defend human rights, it was shelved. In addition, it noted with concern allegations regarding the increase in threats, harassment, persecution and violations of

<sup>204</sup> State of El Salvador, Note MPOEA-OEA-011/2025, Observations on the draft of Chapter V, February 13, 2025.

<sup>205</sup> OIM Norte de Centroamérica, Gobierno de El Salvador y OIM presentan Política de Movilidad Humana, December 1, 2023. (Available only in Spanish).



personal freedom and integrity against human rights defenders, especially journalists and women, as well as regulations and administrative practices that would hinder their work. In this sense, the Commission emphasized the need for comprehensive policies and specialized programs for the protection of the persons mentioned in the recommendation, which would also be supported by the reduction of the number of aggressions against them and the suppression of hostile or dangerous environments for their work. In addition, it considered that the recommendation was **pending compliance**.<sup>206</sup>

#### *Information on compliance*

256. By 2024, the State indicated that it has an institutional structure to protect human rights defenders and journalists. It stated that the FGR investigates crimes against these groups, rigorously applying the law without discrimination. It also stated that the State implements mechanisms for complaints and protection against harassment and reprisals, including possible abuses of force by State agents and that, in this regard, it created the Office of Citizen Attention for Internal Control (hereinafter "ODACCI") within the National Civil Police, which handles complaints of human rights violations committed by both operational and administrative personnel. According to the State, these efforts underscore the State's commitment to the protection of these fundamental actors.<sup>207</sup>

257. For its part, the Commission received the information provided by civil society according to which there are no state measures to stop the stigmatization and attacks against human rights defenders, nor a regulatory or adequate framework or a comprehensive policy to ensure their safety. In this regard, it was pointed out that the current government has weakened the protection of these persons through legal reforms and an intensive use of the exception regime. Among the reported effects of these measures are the severe restriction of guarantees of freedom of expression and other fundamental rights, the accusations of these people, and difficulties in accessing a fair defense.<sup>208</sup>

258. It was also highlighted that human rights organizations and defenders of democracy face state surveillance and persecution and that the emergency regime, implemented in 2022, has led to arbitrary detentions and abuses of power, affecting mainly vulnerable populations. In addition, some recent reforms that implied greater restrictions were specified.<sup>209</sup> In this regard, it was stated to the IACHR that initiatives such as the proposed law on "Foreign Agents" seek to control the activities and finances of civil organizations, requiring additional oversight and restricting their operations. According to what was stated to the Commission, this legislation reflects a context of systematic repression that hinders the joint work between institutions and civil society, seriously affecting the rule of law and democracy in the country.<sup>210</sup>

259. Likewise, it was pointed out to the Commission that women defenders, in particular, face discrimination and violence, often with the institutional support of hate speeches, and that there are no specific

<sup>206</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, December 31, 2023, paras. 258-284.

<sup>207</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>208</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024. Asociación Mujeres Transformando, Response to follow-up questionnaire, October 4, 2024. Fundación Cristosal, Response to follow-up questionnaire, October 4, 2024; Servicio Social Pasionista (SSPAS), Response to follow-up questionnaire, October 4, 2024; the latter cited Mesa por el Derecho a Defender Derechos, *Informe de agresiones contra personas defensoras y periodistas: análisis de casos 2023*, May 2024 (available only in Spanish) and noted that, according to this report, from "2020 to 2023, 693 aggressions against defenders and journalists were registered, mainly in the areas of defense of freedom of expression, women's rights, and defense of the environment and territory, with state agents being the ones who are indicated as mostly responsible (46.5%) during 2023, being stigmatizing statements the most frequent aggression modalities (42 cases), followed by arbitrary detention (12) and restriction to the journalistic exercise (12)".

<sup>209</sup> RED-FEM, Response to the follow-up questionnaire, October 4 and 22, 2024; some cases from 2024 were reported regarding detentions of women linked to the defense of human rights while pregnant, as well as cases opened against the Movimiento de Víctimas del Régimen de Excepción (Movir) and the Comité de Familiares de Personas Presas y Perseguida Política en El Salvador (Copappes). Asociación Mujeres Transformando, Response to the follow-up questionnaire, October 4, 2024.

<sup>210</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024.



norms to guarantee their rights.<sup>211</sup> In addition, differential effects of discrimination and violence were noted with respect to defenders of land, natural resources and labor rights.<sup>212</sup>

260. In its observations to the present report, the State indicated that it reaffirms its commitment to the protection of human rights, guaranteeing safe conditions for human rights defenders and promoting policies that ensure respect and dignity for the victims of violence. In this regard, it requested recognition that:

- The Territorial Control Plan has been a key factor in the protection of human rights defenders and in guaranteeing the rights of gang victims.
- The eradication of criminal structures has improved security for those who work to defend fundamental rights, eliminating threats and risks that in the past limited their work.
- The strengthening of the justice system has guaranteed more effective access to protection for victims of gang violence, ensuring that they can report incidents without fear of reprisals.
- The creation of specialized courts for organized crime has made it possible to speed up legal proceedings against gang members, providing effective justice for those affected by these criminal groups.

261. On the other hand, regarding initiatives such as the proposed “Foreign Agents” law, the State affirmed that although a draft Foreign Agents Law was presented to the Legislative Assembly in 2021, this measure was not intended to affect social organizations, but rather to promote transparency in foreign funding, as part of the Government's commitment to ensure that international cooperation activities contribute to economic and social development, and to guarantee that the resources channeled into the country achieve the best results and are oriented towards the priorities of the Government, for the benefit of the real needs of the population. In addition, he indicated that the content and scope of this law were not new on the international scene, and that countries with a long democratic tradition and important partners of El Salvador have similar laws. It clarified that this law was not approved and that any promotion of an initiative of this nature will be subject to prior consensus with the relevant national actors and must observe the law-making process provided for in the Constitution. In addition, the State indicated that the information on this law does not correspond to the time frame that was defined with the Commission prior to the issuance of the report on its *in loco* visit.<sup>213</sup>

#### *Analysis and level of compliance with the recommendation*

262. The Commission recalls that the follow-up of this recommendation is aimed at establishing whether the State has adopted a legal framework for the protection and defense of human rights defenders and whether it has implemented a comprehensive protection policy in their favor. From the information provided by the State, the IACHR does not identify concrete measures aimed at this purpose. Although the State reported the creation of the Office of Citizen Attention for Internal Control (hereinafter “ODACCI”) within the National Civil Police, as well as the Territorial Control Plan, the eradication of criminal structures, the strengthening of the justice system and the creation of specialized courts for organized crime, the IACHR requests additional and detailed information that will allow it to conclude that these are effective protection measures, in the terms indicated by the recommendation.

263. On the other hand, the IACHR shares the concern of civil society regarding the context of threats, harassment, persecution and violations of freedom and integrity against human rights defenders that has been reported<sup>214</sup>. For the Commission, these positions reinforce the importance and urgency of adopting compliance measures. In this sense, it concludes that the recommendation is still **pending compliance**.

<sup>211</sup> RED-FEM, Response to follow-up questionnaire, October 4 and 22, 2024; cited: ORMUSA: [Estudio sobre situación actual de las mujeres como defensoras de derechos humanos en El Salvador](#), July 11, 2023. (Available only in Spanish). Asociación Mujeres Transformando, Response to follow-up questionnaire, October 4, 2024.

<sup>212</sup> Asociación Mujeres Transformando, Response to follow-up questionnaire, October 4, 2024.

<sup>213</sup> State of El Salvador, Note MPOEA-OEA-011/2025, Observations on the draft of Chapter V, February 13, 2025.

<sup>214</sup> RED-FEM, Response to the follow-up questionnaire, October 4 and 22, 2024. Asociación Mujeres Transformando, Response to the follow-up questionnaire, October 4, 2024. Cristosal Foundation, Response to the follow-up questionnaire, October 4, 2024. Pasionista



*Measures and information to advance in compliance with the recommendation*

264. As in 2022 and 2023, the IACHR reiterates the need for the State to adopt a legal framework for the protection and defense of human rights defenders and to implement a comprehensive policy in their favor. These must include protection measures that support the work carried out by defenders, activists, and journalists and, at the same time, guarantee adequate treatment of cases that result in human rights violations. Likewise, the IACHR insists on the need for the State to urgently adopt all necessary measures to put an end to the stigmatization and degrading accusations against journalists and human rights defenders, considering the context described above.

**Recommendation No. 38.** Carry out effective and due diligence investigations in order to identify, prosecute and punish those materially and intellectually responsible for crimes against human rights defenders.

265. For the follow-up report for the year 2023, the IACHR recalled that its Report on the Situation of Environmental Human Rights Defenders in Northern Central American Countries, published by the IACHR in April 2023, noted that information on crimes against human rights defenders is limited in the country. Thus it is not possible to have an approximate number of attacks and other acts of violence committed against them, and that the lack of investigation and punishment of those responsible for these crimes has led to high rates of impunity. In this context, the IACHR identified no known State measures to comply with this recommendation and concluded that the recommendation is still **pending compliance**.<sup>215</sup>

*Information on compliance*

266. By the year 2024, the State affirmed that it has an institutional framework to guarantee the free exercise of the work of human rights defenders and pointed out that the criminal prosecution of threats or attempts against the life, integrity, security or any other right of these persons is effectively carried out by the FGR, regardless of the actors or perpetrators. It indicated that this entity processes with due diligence any complaint or illegal act brought to the prosecutor's attention, including those against human rights defenders and pointed out that this entity is part of the national system for the protection of human rights. The State pointed out that the prosecutorial functions and services are deployed throughout the national territory, free of charge, through the Prosecutor's Offices located in each departmental capital and in peripheral cities, and through the Specialized Investigation Units. In addition, it stated that the State has submitted its observations and different requests regarding particular cases under processing by the IACHR, within the framework of precautionary measures granted, and that it is awaiting a response.<sup>216</sup>

267. In its observations to this report, the State pointed out that the Territorial Control Plan has been a key instrument in the protection of human rights, having dismantled the criminal structures that for decades systematically violated the rights of thousands of Salvadorans. It stated that, due to this strategy, the main perpetrators of human rights violations have been brought to justice and are facing legal proceedings in compliance with current legislation. In addition, he indicated that this plan has managed to drastically reduce the rates of violence, preventing the gangs from continuing to operate with impunity; that specialized courts have been established for organized crime, and that the justice system has been strengthened with effective measures that guarantee due process, allowing the victims of these crimes to access justice in a more agile and secure manner. He pointed out that the State's commitment to guaranteeing human rights includes the protection of human rights defenders, who can now carry out their work without fear of reprisals from criminal structures. In this sense, he asked the IACHR to recognize these advances, highlighting the importance of the Territorial Control Plan as a model of success in the fight against crime and the protection of human rights, and

Social Service (SSPAS), Response to the follow-up questionnaire, October 4, 2024; the latter cited Mesa por el Derecho a Defender Derechos, Informe de agresiones contra personas defensoras y periodistas: análisis de casos 2023, May 2024.

<sup>215</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, December 31, 2023, paras. 286-291.

<sup>216</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.



affirmed that El Salvador has a solid institutional framework that guarantees the free exercise of the work of defending human rights.<sup>217</sup>

*Analysis and level of compliance with the recommendation*

268. In the framework of the follow-up of this recommendation, the IACHR has taken note of the State's claims, and the information provided on the Territorial Control Plan. However, it does not identify specific measures of compliance in terms of investigation and institutional strengthening for the prosecution and punishment of those materially and intellectually responsible for crimes against human rights defenders, which is the specific object of this recommendation. With regard to the Territorial Control Plan, the information provided is not sufficient to verify how, in practice, this measure has involved carrying out effective investigations with due diligence in order to identify, prosecute and punish the perpetrators and masterminds of crimes against human rights defenders. In this sense, it identifies that this recommendation is still **pending compliance**.

*Measures and information to advance in the compliance with the recommendation*

269. Reiterating the guidelines for implementation of this recommendation from previous years, the IACHR urges the State to take the necessary actions to carry out investigations to identify, prosecute and punish the individuals responsible both materially and intellectually for crimes committed against human rights defenders. These actions should include a transparent registry of complaints and events related to these crimes, with the purpose of evaluating how the investigation, prosecution and punishment activities contribute to combating impunity in cases of this nature.

## 5. Indigenous Peoples and People of African Descent

**Recommendation No. 46.** Generate statistical data on the indigenous population and persons of African descent at a national level, by including questions in the population census that contribute to identifying and registering these groups.

270. In Chapter V of the 2023 Annual Report, the IACHR appreciated the fact that a census is being prepared that will consider international recommendations on indigenous and Afro-descendant persons. It also reiterated its concern about the absence of data and statistics on the human rights situation of the Afro-descendant population and tribal communities and called on the State to address the need to compile detailed and updated statistical information to serve as a basis for the formulation of public policies. In addition, it stressed the importance of including self-identification as Afro-descendant in all data collection systems and of using the category of ethno-racial origin instead of the terms race, ethnicity or lineage. Consequently, it considered that this recommendation is **pending compliance**.<sup>218</sup>

*Information on compliance*

271. For the year 2024, the State affirmed that the Central Reserve Bank (hereinafter "BCR") launched the VII Population Census and VI Housing Census, highlighting those 17 years had passed without updated data on the number of Salvadorans living in the territory. In this regard, it indicated that this instrument allowed for the collection of "disaggregated demographic information with a territorial approach on the characteristics of the population and its environment" and facilitates the monitoring of social policies on income and social protection, as well as the improvement of labor policies with a rights-based approach.

<sup>217</sup> State of El Salvador, Note MPOEA-OEA-011/2025, Observations on the draft of Chapter V, February 13, 2025.

<sup>218</sup> IACHR, Annual Report 2023, Chapter V: El Salvador, December 31, 2023, paras. 293-296.



272. The State also stated that the Ministry of Culture is currently conducting a population census under the direction of the Central Reserve Bank and that the latter has consulted “in a timely manner” with organizations of indigenous peoples and Afro-descendants, as well as with the Ministry of Culture, in order to receive input that will ensure the proper formulation of the census instrument with respect to these groups, and clarified that the census process is underway. Additionally, the State indicated that the Ministry of Culture is conducting a census of the linguistic community of speakers of the Náhuat language in El Salvador.<sup>219</sup>

273. In its observations to this report, the State indicated that it has concluded its VII Population and VI Housing Census, which included a question for the self-identification of the Salvadoran population. It stated that, according to the results of this census, 68,148 people consider themselves to belong to an indigenous people, which represents 1.1% of the total population. It reported that, according to the disaggregated data, the identified indigenous population is as follows: 43.2% Nahuat Pipil; 20.4% Lenca; 9.2% Kakawira (Cacaopera); 5.9% Maya Chortí; 3.2% Maya Pocomames; 0.3% Xinca; 0.2% Mangué and 0.1% Mixe or Alagüilac. In addition, it reported that among the recognized indigenous languages spoken by the population are Nahuat with 1,135 speakers, Pisbi (Cacaopera) with 24 speakers and Potón (Lenca) with 32 speakers. According to the State, this progress in the learning and preserving the Nahuat language is possible thanks to the efforts of communities and teaching projects that seek to revitalize this cultural jewel. In addition, he mentioned that this data includes both native speakers and neo-Nahuatl speakers, who have recently learned the language. Likewise, according to the population census, 23,690 people self-identify as African descent, of whom 13,183 are women and 12,507 are men.<sup>220</sup>

*Analysis and level of compliance with the recommendation*

274. The Commission positively values the information provided by the State during the year 2024 and notes that, thanks to recent census measures, relevant data on the indigenous population and people of African descent have been updated. In this regard, it is not clear to the Commission if the VII Population Census and VI Housing Census of the BCR would be the same or additional to the one reported by the Ministry of Culture, so it invites the State to provide information in this regard.

275. The IACHR recalls that the issuance of this recommendation was based on the need to improve the collection of disaggregated statistical information on the different peoples that exist in the country, which include the Nahua, Pipil, Lenca, Kakawira and Maya Chortí peoples, as well as the need for a legal framework for greater protection of their rights; in addition, at the time, it regretted the scarce information available on Afro-descendants. Considering the importance of compliance measures and that the censuses were effectively carried out, yielding relevant statistical data for the populations indicated in the recommendation, the IACHR concludes that this recommendation has advanced to a level of **partial compliance**.

*Measures and information to advance in the fulfillment of the recommendation*

276. To make progress in complying with this recommendation, the IACHR requests additional information on:

- (i) the details of the design, implementation and analysis of the censuses carried out, specifying whether there was consultation and participation of indigenous peoples and people of African descent in the design of the methodology and, if so, the details of its implementation.
- (ii) the measures that the State will continue to implement to generate comprehensive statistical records regarding the persons indicated in the recommendation, which will be useful in the adoption of measures to respond to their particular needs.

<sup>219</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>220</sup> State of El Salvador, Note MPOEA-OEA-011/2025, Observations on the draft of Chapter V, February 13, 2025.



**Recommendation No. 47.** Ratify the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance, and the International Labor Organization Convention 169 on Indigenous and Tribal Peoples.

277. For the follow-up report for the year 2023, the State informed that it is analyzing the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance, as well as the Convention on Indigenous and Tribal Peoples 169 of the International Labor Organization to decide whether to refer them to the Legislative Assembly for consideration and possible ratification. It reiterated the importance of ratification of these instruments and, in the meantime, concluded that the recommendation was **pending**.<sup>221</sup>

*Information on compliance*

278. For the year 2024, the State indicated that the ratification process of international instruments requires various consultations on constitutional aspects, legality and other analyses. In this regard, it indicated that the referral to the Legislative Assembly of ILO Convention 169 and the Inter-American Convention mentioned in this recommendation.<sup>222</sup>

*Analysis and level of compliance with the recommendation*

279. In view of the absence of updated information on the ratification of the instruments mentioned in the recommendation, the IACHR reiterates what it stated in its follow-up report of 2022, indicating that this constitutes an indispensable step for the respect and guarantee of all human rights, and the prevention and eradication of all forms of discrimination. As the aforementioned Inter-American Convention and ILO Convention have not been ratified, the IACHR considers that this recommendation is **pending compliance**.

*Measures and information to advance in the fulfillment of the recommendation*

280. The Commission reiterates its invitation to the State to promote the ratification of both instruments and to inform the Commission on the substantial progress of this process.

**F. Economic, social, cultural and environmental rights**

**Recommendation No. 39.** Promote the adoption of measures to implement Inter-American standards on business and human rights.

281. For the previous follow-up report, the State reported on the monitoring of labor rights by the General Directorate of Labor Inspections; the employment promotion policies of the Ministry of Labor and Social Welfare; the fiscal policy 2019-2024 that seeks to modernize the tax system and actions of the Ministry of Environment and Natural Resources (hereinafter "MARN") on extractive activities. For its part, the IACHR and its REDESCA highlighted its concern about the impact of megaprojects and metal mining on the environment in a country with scarce water availability. The Commission considered that the recommendation was pending compliance and requested specific measures to promote standards regarding (i) extractive activities, (ii) provision of essential public services, and (iii) fiscal or tax policies, considering vulnerable individuals and groups.<sup>223</sup>

<sup>221</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, paras. 298-300.

<sup>222</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>223</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, December 31, 2023, paras. 302-310.



*Information on compliance*

282. For the year 2024, the State pointed out that, as part of the second mandate of the current government, the El Salvador Economic Plan has been implemented, which includes three stages:

- The first seeks to develop a food security approach through the installation of AgroMercados and the construction of food supply centers.
- The second is about technology and focuses on boosting macroeconomic growth, within which the State highlighted the first Tier III certified Commercial Data Center in the country that will offer advanced services such as colocation, public and private cloud, and dedicated spaces for people.
- The third seeks to strengthen the country's logistics infrastructure through an investment of US\$1,615 million, which, according to the government, is the most significant to date in El Salvador.

283. With respect to essential public services, the State pointed out that the Salvadoran Water Authority (hereinafter "ASA") issued the Special Regulation for the Determination of Fees for the Use and Development of Water Resources, according to which the Water Boards and community organizations that provide water distribution services for human consumption will not pay any fee. The State indicated that this measure especially benefits inhabitants of rural areas, where a large number of populations of indigenous and Afro-descendant descent are located.<sup>224</sup>

284. For its part, the Commission learned information from civil society according to which the MARN is in charge of implementing the regulatory framework for the respect and guarantee of human rights in the face of business activities, including extractive industries. According to information obtained by an organization that responded to the IACHR questionnaire, the MARN reported to have presented, in June 2022, the National Environmental Policy, valid for 5 years.<sup>225</sup> According to this information, this policy seeks to "address the main environmental challenges and problems affecting Salvadoran society today," such as "the negative implications on the natural hydrological regime, the impact of climate change, environmental sanitation, damage to (...) biodiversity and the degradation of unique and vulnerable ecosystems (...) and the need for a more energetic and effective environmental management".<sup>226</sup>

285. The Commission was also informed that the general purpose of the National Environmental Policy is to "incorporate sustainability criteria into the development model in the face of major climate and environmental challenges" and, in addition, its specific objectives, problems to be addressed and strategic guidelines were indicated, namely, the management of water resources to ensure their security over time; climate risk management and the transition to a low-carbon economy; the integration of biodiversity into economic and social development activities; and the promotion of environmental management that favors the protection and conservation of resources.<sup>227</sup>

286. According to the information provided to the IACHR, although the policy is broad and addresses important concerns, it is insufficient to guarantee human rights in the face of extractive activities with unfavorable conditions for the right to water and a healthy environment. In this regard, it was indicated

<sup>224</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>225</sup> Foro del Agua El Salvador, Response to the follow-up questionnaire, October 4, 2024. In this regard, this organization noted that the information on this national policy was provided by MARN in response to a previously made request (which was allegedly admitted by the entity on October 2, 2024, through reference No. MARN-2024-00238).

<sup>226</sup> Foro del Agua El Salvador, Response to the follow-up questionnaire, October 4, 2024. In this regard, this organization quoted excerpts from the response issued by MARN (which was allegedly admitted by the entity on October 2, 2024, through reference No. MARN-2024-00238).

<sup>227</sup> Foro del Agua El Salvador, Response to follow-up questionnaire, October 4, 2024.



to the Commission that this policy would have the following shortcomings that prevent full compliance with the recommendation under follow-up:<sup>228</sup>

- It allegedly does not make direct reference to the structural causes of the ecological crisis, but rather “attributes the deterioration of environmental conditions to the absence of an adequate territorial planning framework and an excessive institutional framework”. According to the report, “the policy allegedly does not identify the bases of a neoliberal economic model, based on extractivism and overexploitation of natural resources, as the main cause of ecological injustice”.
- The application of this policy is allegedly taking place in a context of strengthening of the neoliberal model which, according to what was pointed out to the Commission, would facilitate the “conditions for extractivist companies to develop their economic activity”. In this regard, it was pointed out, for example, the opinion of the Legislative Assembly of September 2, 2024 to create the Directorate of Territorial Planning and Construction to reduce the processing time of construction permits; provisions on income tax exemption for investors in construction; the exoneration of water use fees for the sugarcane agro-industry or an eventual reactivation of the extractive activity of Metallic Mining.

287. In addition, in this regard, information was provided to the IACHR on the concern of civil society regarding the granting of environmental permits to companies and industries that allegedly degrade life in the territory. In this regard, the following cases were:<sup>229</sup>

- A surf tourist circuit that would be carried out in territories of the Icacal community, Intipuca, in the department of La Unión;
- The use of 100 blocks for solar panels and electricity generation to feed a bitcoin mining plant in Finca Santa Adelaida, affecting the communities of Chorro Arriba, Chorro Abajo, Cuntán and Cuyagualo, in the district of Izalco, Sonsonate Este, department of Sonsonate;
- The mega-project of the Pacific Airport that allegedly caused the forced displacement of numerous families without fair compensation and that was allegedly initiated without an approved environmental impact study. It was pointed out that, although the Autonomous Port Executive Commission (CEPA) is conducting the environmental analysis, the work is underway with irreversible damage to the communities, flora and fauna, and that the airport is being built in a wetland area protected by the Ramsar Convention, crucial for the regulation of the biosphere and water recharge, and a vital wildlife corridor.

288. Likewise, information collected by REDESCA suggests possible situations of persecution against activists opposed to gold and other metals mining, which in turn could have potential effects on water use and the environmental situation.<sup>230</sup> In 2017, El Salvador's legislature voted to ban gold and other metals mining in what was considered a historic event. However, five activists, who were instrumental in the campaign against mining because of its effects on water, were charged for events that occurred in the 1980s unrelated to the issue and placed under house arrest.<sup>231</sup> Although the charges against these individuals were finally dropped in October,<sup>232</sup> this situation raises the possibility of persecution of activists opposed to possible attempts to reverse the ban on gold mining.

#### *Analysis and level of compliance with the recommendation*

289. Based on the information provided by the State, the IACHR values the adoption of the El Salvador Economic Plan and the exemption of the water resources fee for water boards and community

<sup>228</sup> Foro del Agua El Salvador, Response to follow-up questionnaire, October 4, 2024.

<sup>229</sup> Foro del Agua El Salvador, Response to follow-up questionnaire, October 4, 2024.

<sup>230</sup> Truthout, [Champions of El Salvador's Historic Mining Ban Face Legal Persecution](#), January 11, 2024.

<sup>231</sup> Truthout, [Champions of El Salvador's Historic Mining Ban Face Legal Persecution](#), cited above.

<sup>232</sup> The Guardian, [Environmentalists acquitted after contentious murder trial in El Salvador](#), October 19, 2024.



organizations that provide water distribution services for human consumption with benefits for rural inhabitants. For its part, the Commission has taken careful note of the information provided by civil society regarding the importance of the National Environmental Policy, as well as its alleged insufficiency to guarantee human rights in the face of extractive activities. It also takes note of possible persecution of activists opposed to extractive activities linked to gold mining. In this regard, the Commission urges the State to assess the concerns expressed and to indicate the concrete measures it has adopted to incorporate standards on business and human rights with respect to these activities. Pending this specific information, the Commission identifies that this recommendation remains **pending compliance**.

*Measures and information to advance in the fulfillment of the recommendation*

290. The IACHR recalls that the analysis of compliance with this recommendation is based on identifying concrete State measures that implement Inter-American standards related to business and human rights, specifically with regard to extractive activities, the provision of essential public services and fiscal policies or tax practices, with special consideration for individuals and groups in situations of vulnerability.<sup>233</sup>

**Recommendation No. 40.** Include content on equality, nondiscrimination and social harmony in school curricula to advance on building a culture based on tolerance and peaceful conflict resolution, inclusion and respect for human rights.

291. For the previous follow-up report, the State reported that the Ministry of Education, Science and Technology (hereinafter "MINEDUCYT") has integrated human rights issues into the school curriculum through the subject Moral, Civility and Civics (hereinafter "MUC") and teacher training. It also noted that, under the "My New School" program, the social studies subject in the third cycle of basic education is being reformed, with a focus on human rights. In addition, the Commission learned that, as of 2022, the Inclusive Education program integrates content for students with disabilities and technical assistance for teachers. The IACHR determined that this recommendation has advanced to be partially complied with and requested information on the time, manner, place and results of the implementation of the program and reformed curricular content on equality, non-discrimination and citizen coexistence.<sup>234</sup>

*Information on compliance*

292. By the year 2024, the State reported that the curricula for the Second Cycle of Basic Education and Secondary Education in the subject of Social Studies include themes of equality, non-discrimination and citizen coexistence; that all educational levels integrate critical and responsible participation in society as a competency, and that the "grade and unit objectives" as well as the "content and achievement indicators" seek that students participate in the family, school and society.<sup>235</sup>

293. In addition, the State pointed out that the "My New School" curriculum renewal process is underway for all programs and subjects at different educational levels, which seeks that the Third Cycle of Basic Education integrates themes of equality, non-discrimination and citizen coexistence to the subject of Social Studies, at a theoretical and practical level, with content on interculturalism, human rights and citizen participation. Regarding the latter, it pointed out that the new curricula began in 2024 and that the curricular reform will be carried out gradually in the other educational levels.<sup>236</sup>

294. The State also pointed out that the entire student population of the Third Cycle of Basic Education, as well as the teaching staff, have textbooks with the new contents for the Social Studies subject at the national level in the public sector. It pointed out that the contents of the Third Cycle Social Studies Program

<sup>233</sup> IACHR, [Annual Report 2023, Chapter V: El Salvador](#), December 31, 2023, para. 310.

<sup>234</sup> IACHR, [Annual Report 2023, Chapter V: El Salvador](#), December 31, 2023, paras. 312-317.

<sup>235</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>236</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.



include topics such as national and international mechanisms and instruments and institutions to guarantee human rights; collective and specific rights; political and cultural transformations, including women's rights; guarantees for a dignified life; citizen actions to promote the rights of vulnerable populations; defense mechanisms and citizen participation. Finally, the State clarified that the subject Moral, Civility and Civics in El Salvador was incorporated into the national curriculum as of Legislative Decree No. 278 of 2016 and that its implementation began as of 2018.<sup>237</sup>

295. For its part, the IACHR heard allegations from civil society regarding alleged statements by state authorities, including representatives of the Ministry of Education, Health and Culture, contrary to the promotion of educational content on equality and non-discrimination, specifically with regard to diverse sexual orientations and gender identity.<sup>238</sup>

296. In its observations to the present report, regarding the allegations made by civil society on statements made by state authorities that they consider contrary to the promotion of educational content on equality and non-discrimination, specifically with regard to diverse sexual orientations and gender identity, the State noted that the recommendation refers to a specific measure related to the school curriculum. In this sense, it pointed out that the objective element of analysis should be the inclusion or not of such content in the school curriculum, and not what is related to statements by public officials. In addition, the State confirmed that the statements cited correspond to the values and vision of the Government of the current President.<sup>239</sup>

*Analysis and level of compliance with the recommendation*

297. The Commission identifies that the "My New School" curriculum renewal process for all programs and subjects at different educational levels is a relevant measure to comply with this recommendation. Considering that it began with the integration of equality, non-discrimination and citizen coexistence in the subject of Social Studies in the Third Cycle of Basic Education, as of 2024, the IACHR encourages the completion of the process for the other educational levels, provided that it is in accordance with Inter-American human rights standards.

298. In this regard, the Commission identifies the importance that this process be used as a mechanism to enhance the inclusion of the contents indicated in the recommendation within the school curriculum. In this sense, it invites that, in addition to completing its implementation, the Commission be informed about mechanisms that ensure its sustainability and, in addition, the measurement and monitoring of its results.

299. Also, considering the allegations made by civil society regarding the lack of inclusion of content related to the rights of LGBTIQ+ persons, the Commission requests specific information explaining how this reform process ensures the inclusion of Inter-American standards that prevent any type of discrimination or violence against these persons, based on their sexual orientation and gender identity or expression.

300. For its part, the IACHR has taken note of the State's observation that the objective element of analysis of this recommendation should be the inclusion or not of content in the school curriculum, and not the statements of public officials. In this regard, the IACHR identifies that the prohibition stated by the President

<sup>237</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>238</sup> The reported facts were as follows: in September 2022, the Ministry of Education allegedly censored educational content on sexual orientations in the "Aprendamos en casa" slot on Channel 10, which is state-owned media; on February 7, 2024, the Minister of Education allegedly published on his X account the message: "all use or all traces of gender ideology we have removed from public schools"; on February 28, 2024, the Ministry of Health allegedly ordered to remove from health units all material related to sexual diversity to specify the gender identity of patients; on June 17, 2024, the Ministry of Culture allegedly censored the play "Immoral" of the queer collective Proyecto Inari, qualifying it as not suitable for families and canceling its second performance; on June 27, 2024, the President announced in his X account the dismissal of more than 300 people from the Ministry of Culture pointing out that dismissals impacted "those who promote agendas that are not compatible with the vision of this Government....". Red Feminista frente a la Violencia contra las Mujeres (RED-FEM), Response to the follow-up questionnaire, October 4, 2024.

<sup>239</sup> State of El Salvador, Note MPOEA-OAS-011/2025, Observations to the draft of Chapter V, February 13, 2025.



of the Republic of a gender ideology in schools<sup>240</sup>; the information on an alleged memorandum from the Minister of Education on February 28, 2024 excluding materials and content related to “gender ideology” from public schools, and his statement of February 27, 2024 informing the elimination of “any use or trace of gender ideology from public schools”<sup>241</sup> does have an impact on the analysis of compliance with this recommendation. For this reason, the Commission invites the State to provide specific information on the scope of the prohibition indicated by the authorities with respect to the school curriculum and the specific material that has been eliminated, if any.

301. For the IACHR, it is relevant to have this information in order to assess whether the prohibition of the material referred to by these authorities has any impact on the inclusion in the school curriculum of issues of equality, non-discrimination, coexistence, tolerance and peaceful conflict resolution, inclusion and respect for human rights. Pending this information, the Commission considers that this recommendation remains **partially complied with**.

*Measures and information to advance in the fulfillment of the recommendation*

302. The Commission invites the State to report on progress in the implementation of the “My New School” curriculum renewal process or similar processes that develop the components of the recommendation at the different educational levels. In addition, to guarantee and report on its mechanisms for sustainability and internal measurement and follow-up, with a view to ensuring its continuity over time, as well as its results. Also, considering the allegations made by civil society regarding the lack of inclusion of content related to the rights of LGBTIQ+ persons, the Commission requests specific information to explain whether this reform process ensures the inclusion of the Inter-American standards that prevent any type of discrimination or violence against these persons based on their sexual orientation and gender identity or expression. In addition, it invites the State to specify, if applicable, the scope of the material or the prohibition of what the authorities have indicated as “gender ideology”.

**Recommendation No. 41.** Recognize the human right to drinking water and sanitation within the country’s legal system, promote the comprehensive and coordinated administration of water as a public good using a rights-based approach, and ensure that water-use permits and agreements with companies on this resource do not jeopardize the effective realization of the human right to water.

303. In the previous follow-up report, the IACHR assessed progress in the implementation of the General Law on Water Resources (hereinafter “LGRH”); in the adoption of the Special Regulation for the Determination of Fees for the Use and Development of Water Resources and the Guidelines for Transparency in the Canon; in the socialization of the LGHR by the ASA, and in the latter’s support to the water boards. In this sense, it identified progress in the recognition of the right to drinking water and sanitation, and in the administration of the resource as a public good from a rights-based approach. In turn, it awaited the adoption of the General Regulations of the LGHR; it identified challenges to ensure that water use permits and agreements with companies do not jeopardize this right and considered that the recommendation advanced to the level of **substantial partial compliance**.<sup>242</sup>

<sup>240</sup> Diariocolatino, [Bukele cambia su discurso respecto a la ideología de género](#), 29 February 2024; Radioamericah, Bukele dice que escuelas de El Salvador no existe espacio para la ideología de género; Radioamericah, Bukele dice que escuelas de El Salvador no existe espacio para la ideología de género.

<sup>241</sup> La Prensa Gráfica, [Ministerio de Educación amenaza con despidos si se difunde “ideología de género” en escuelas públicas de El Salvador](#), February 29, 2024. Pineda R, José Mauricio, [@JMauricioPineda], (2024, February 27), “Confirmed: all use or trace of gender ideology we have removed from public schools.” [Tweet], <https://x.com/JMauricioPineda/status/1762545694190023000?mx=2>.

<sup>242</sup> IACHR, [Annual Report 2023, Chapter V: El Salvador](#), December 31, 2023, paras. 319-327.



*Information on compliance*

304. For 2024, the State indicated that the LGRH issued guidelines for water management policies to consider the needs of rural and indigenous populations and respect the traditional and cultural uses of this resource. It also reiterated information provided in 2023 according to which the ASA issued the “Special Regulation for the determination of fees for the use and exploitation of water resources” which establishes that the Water Boards and community organizations that provide the service of water distribution for human consumption will not pay fees, with special benefit for inhabitants of rural areas, and communities of indigenous and Afro-descendant descent.<sup>243</sup>

305. In addition, the State indicated that it had issued guidelines for water supply activities to apply the coefficient based on the social interest or purpose of its use and exploitation for the cultivation or production of food that make up the basic food basket or for the generation of public electric power. These guidelines state that the administration of this resource must consider the regular, permanent and free access that every person must have to a quantitatively and qualitatively adequate and sufficient food supply.<sup>244</sup>

306. The State also indicated that the ASA and the National Aqueduct and Sewer Administration (hereinafter “ANDA”) signed an Interinstitutional Cooperation Agreement to coordinate technical, legal, administrative, scientific and financial efforts to ensure the application of the regulations in force. In addition, it stated that ANDA will allocate US\$4,940,000 million, from the fees for the use of the resource, to initiatives that improve the access and quality of water and sanitation services.<sup>245</sup>

307. Likewise, the State indicated that the ASA attends to requests from natural or legal persons to use and exploit the water resource for purposes other than domestic use, for which it must determine the availability of the resource, in accordance with the priority uses established by the LGRH or possible effects on other sources of supply. Within this process, the dissemination and publication of these processes in newspapers and other digital platforms and municipalities is foreseen (Art. 77 LGRH), and citizens may oppose the issuance of the authorization (Art. 78 LGRH) when they consider that there is a possible infringement. The State pointed out that, once the authorization is issued, the ASA can carry out water audits (Art. 86 LGRH) or determine liability for non-compliance with the conditions set in the authorization.<sup>246</sup>

308. For its part, the Commission learned that on October 3, 2024, the ASA responded to a request for information from an organization stating that the General Regulations of the LGRH are being prepared and that they will include water planning. In addition, it was pointed out that this law establishes the aspects to be regulated by the secondary regulation.<sup>247</sup> On this matter, although the importance of adopting such regulation was recognized, concern was expressed that it has not been approved, almost three years after the adoption of the LGRH and more than two years since its entry into force, and that its elaboration is part of an “opaque, inconsistent process, without information and without citizen and community participation”, without the participation of organizations working for the human right to water, sustainability and water justice. In this regard, particularly, the El Salvador Water Forum (composed of two hundred Rural and Urban Water Boards and sixty civil society organizations) regretted not having been invited to participate, despite being active in the implementation of the LGRH with the presentation of complaints, requests and briefs before the ASA.<sup>248</sup>

<sup>243</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>244</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>245</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>246</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>247</sup> On these aspects, articles 18.1 (attributions of the president of the ASA); 27.a (attributions of the Executive Directorate of the ASA); 35.d (Subsectors and Competent Entities, in matters of Water for industrial, agro-industrial, recreational and other purposes); 46.2 (Compliance indicators on design, elaboration and application of planning instruments); 47 final paragraph (specific objectives and content of water planning); 48.3 (Criteria to formulate the National Integrated Water Resources Management Plan); 67 final paragraph (requirements to authorize water transfers); 73 final paragraph (Scope of Authorizations); 86.1 (Water Audits); 98 final paragraph (exploration permit and information on exploration results); 110 final paragraph (fee for use and exploitation of water resources); 113 (fee for discharge); 115.2 (costs of obtaining the requested information and studies); 116 (fee for use of public water assets); 123 final paragraph (guidelines for the use and conservation of water resources); and 136.e (proportionality and basis for sanctions). Foro del Agua El Salvador, Response to the follow-up questionnaire, October 4, 2024.

<sup>248</sup> Foro del Agua El Salvador, Response to follow-up questionnaire, October 4, 2024.



309. As to whether the State has taken actions to allow the participation of civil society in the implementation and regulation of the LGRH, it was reported to the IACHR that the ASA had responded to the El Salvador Water Forum that the Sub-Directorate of Territorial Management of that entity would be in charge of promoting it. However, the concern that only 486 water boards (out of a total of almost 2,500 water boards registered in 2015) have been submitted for registration in the National Registry of Water Resources, created by the ASA, was reported to the Commission, while at the same time that 18,731 companies have completed the registration of their respective water source before the same entity. According to what was reported to the Commission, this situation responds to the fact that the LGRH is being implemented with “a clear anti-communal bias (...) characterized by a policy that treats companies and water boards as equals, despite having different purposes and there existing tremendous technical, legal and, above all, financial asymmetries between both (...)”.<sup>249</sup>

310. In this regard, the Commission heard the request of the Water Forum of El Salvador that (i) the Sub-Directorate of Territorial Management of the ASA comply with the LGRH and implement a program of information, technical and financial support that responds to the needs of the water boards and addresses the deficiencies of these organizations in their legalization process. In addition, concern was expressed that (ii) despite the “opposition” mechanism of the LGRH that allows a person or community to expose if they are affected by a project authorization, the ASA has eliminated other participation mechanisms and maintains the confidentiality of information for up to seven years on inter-institutional cooperation agreements with ANDA for the financing of works, activities and projects, by limiting the social audit.<sup>250</sup>

311. Finally, the Water Forum of El Salvador requested a response to its requests, such as the one presented to the ASA with a proposal of the contents for a General Regulation of Attention to Rural and Urban Water Boards, the result of the discussion with more than one hundred rural and urban water boards of the departments of San Salvador, La Libertad, Cuscatlán, La Paz, Chalatenango and Morazán. The same was requested in relation to a proposal presented on July 30, 2024, where it is demanded that, in view of the food crisis, the Regulation for the Determination of Fees be reformed so that there is a symbolic canon for the use of water for food irrigation. Finally, it pointed out the absence of the appointment of the civil society representative in the ASA Board of Directors.<sup>251</sup>

#### *Analysis and level of compliance with the recommendation*

312. The IACHR identifies that the State reiterated, as of 2023, the “Special Regulation for the determination of fees for the use and development of water resources”. In addition, it positively values the adoption of guidelines so that water management policies consider the needs of rural and indigenous populations and respect the traditional and cultural uses of this resource; so that water supply activities apply the coefficient based on the interest or social purpose of its use and exploitation for cultivation or food production or the generation of public electricity, as well as the allocation of investment for improvements to water and sanitation services.

313. For its part, the Commission recalls that, since the year 2023, it identified challenges regarding the component of the recommendation that calls for ensuring that use permits and agreements with companies on water resources do not jeopardize the effective realization of the human right to water. In this regard, it took note of the drafting of the General Regulation of the LGRH, which, according to information provided by civil society, is still in the formulation phase.

314. The Commission identifies this instrument as an opportunity to develop guidelines on the signing of water agreements in favor of companies and to emphasize the participation of civil society in the administration of water resources, as well as access to information on the granting of permits, signing of agreements, project financing, among other matters. However, the allegations of civil society regarding the

<sup>249</sup> Foro del Agua El Salvador, Response to follow-up questionnaire, October 4, 2024.

<sup>250</sup> Foro del Agua El Salvador, Response to follow-up questionnaire, October 4, 2024.

<sup>251</sup> Foro del Agua El Salvador, Response to follow-up questionnaire, October 4, 2024.



opacity and restriction of this process, and the lack of participation of the Water Forum of El Salvador, are of concern. For the Commission, it is essential that the regulation of this tool is aimed at guaranteeing the participation of civil society in the regulation of water use permits and agreements with companies, considering that the objective is to ensure that the effective realization of the human right to water is not put at risk. Considering the importance of strengthening this component of the recommendation, the IACHR considers that the recommendation continues to be complied with at a **substantial partial level**.

*Measures and information to advance in the fulfillment of the recommendation*

315. The IACHR will assess progress in compliance with the recommendation when the State (i) proves that it has provided civil society with spaces for effective participation in the process of implementation and regulation of the General Law on Water Resources, which requires guaranteeing access to information regarding the administration of this public good and (ii) provides information on measures adopted to ensure that water use permits and agreements with companies on this resource do not jeopardize the effective realization of the human right to water, considering the perspective of civil society.

**Recommendation No. 42.** Promote the negotiation and adoption of a treaty in cooperation with neighboring countries to guarantee the necessary measures for preventing, regulating and overseeing the comprehensive, sustainable management of shared, transboundary water basins, placing the human right to water at the core of this action.

316. For the 2023 follow-up report, the State highlighted that it is analyzing, together with riparian countries, transboundary water protection measures and referred to studies with Honduras on the behavior of the Ocotepeque; project management in the Central American Integration System (SICA) and the Central American Commission on Environment and Development (CCAD); updating the Regional Climate Change Strategy (ERCC), and a possible accession to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes. The Commission noted that the recommendation remained partially complied with, for which it recalled that, although in 2022 it was aware of the treaty on the integrated management of transboundary watersheds with Guatemala, it would be awaiting information on the negotiation of a treaty with Honduras under the terms of the recommendation.<sup>252</sup>

*Information on compliance*

317. For the year 2024, the State pointed out that the LGRH created the International Watercourse Management Committee that will be integrated by a representative of the ASA, the MARN, as well as the Ministries of Housing, Agriculture and Livestock (hereinafter "MAG"), National Defense, Local Development and Foreign Affairs. It pointed out that this makes it possible, as requested by law, for the State to negotiate and sign international treaties and conventions on international drainage basins or transboundary basins facing international watercourses, in accordance with the Constitution and applicable international principles. The State noted that both ASA and the International Watercourse Management Committee received a visit of an expert from the Water Convention Secretariat; and participated in the Water Conference in New York in 2023 and in the Working Group on Monitoring and Evaluation of the Water Convention in Switzerland.<sup>253</sup>

318. For its part, the IACHR received information from civil society indicating that the MARN allegedly reported on Transboundary Development initiatives to promote the Participatory Master Plan for the Trifinio Region and the Development of Climate Resilient Regional Value Chains that Strengthen Ecosystem Water Services and Generate Rural Income in the Tri-national Basin of the Lempa River in the Trifinio. In addition, regarding whether the State has promoted the participation of civil society to ensure the integrated and sustainable management of shared transboundary water basins, the Commission received information

<sup>252</sup> IACHR, [Annual Report 2023, Chapter V: El Salvador](#), December 31, 2023, paras. 329-337.

<sup>253</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.



according to which the British Embassy in the country, in coordination with the Government, presented the project “Resilient and Biodiverse Landscapes of Northern Mesoamerica” which seeks to allocate 2 million dollars to the Trifinio Plan in Metapán. It was also noted that in June 2024, leaders of the countries of the Trifinio region renewed their commitment to the Trifinio Plan’s cross-border cooperation, sustainable development and Central American integration.<sup>254</sup>

*Analysis and level of compliance with the recommendation*

319. The IACHR recalls that, since 2022, the IACHR has been aware of the conclusion of a treaty on the integrated management of transboundary watersheds between the Republic of El Salvador and the Republic of Guatemala,<sup>255</sup> for which reason it had been awaiting information on the negotiation of a treaty with Honduras on similar terms. In this sense, the Commission identifies that the State has adopted actions relevant to the management of transboundary waters, although specific information is required on the referred negotiation, as well as on the effective functioning of the International Watercourse Management Committee referred to in the LGRH. According to the information provided, this body will make possible the negotiation and signing of treaties and agreements with respect to international drainage basins or transboundary basins facing international watercourses. Considering its importance in achieving the objective stated in the recommendation, the IACHR identifies that this recommendation continues to be **partially complied with**.

*Measures and information to advance in the fulfillment of the recommendation*

320. The Commission reiterates that progress in the fulfillment of this recommendation will be based on actions to promote the adoption of a cooperation treaty with Honduras that will allow for coordinated action in the face of various challenges in this area. In addition, considering the most recent information from the State, the Commission invites the State to report on the functioning of the International Watercourse Management Committee referred to in the LGRH and on its efforts to negotiate and adopt agreements on the integrated and sustainable management of shared transboundary water basins.

**Recommendation No. 43.** Ratify the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).

321. For the 2023 follow-up report, the State reported that it was analyzing the ratification of the Escazú Agreement, while civil society indicated that no measures had been taken in this regard and criticized the approval of environmental permits for projects in protected areas that could negatively affect the environment and the rights of local communities, which would generate concerns about the right to a healthy environment and reprisals against community opposition leaders. The IACHR considered that this recommendation remained pending and urged the State to strengthen the approval process of the aforementioned agreement.

*Information on compliance*

322. For the year 2024, the State indicated that the Escazú Agreement continues in the analysis stage and round of consultations. In addition, it indicated that “the ratification of international treaties is part of an exercise of national sovereignty” and requires a process provided for in the Constitution with phases of consultations with various institutions and analysis of constitutional and legality aspects, which, in addition, may require control between different agencies.<sup>256</sup>

<sup>254</sup> Foro del Agua El Salvador, Response to follow-up questionnaire, October 4, 2024.

<sup>255</sup> IACHR, *Annual Report 2022 - Chapter V of El Salvador*, March 11, 2023, para. 230.

<sup>256</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.



323. For its part, civil society indicated to the Commission that the State has not taken steps to adhere to or ratify the Escazú Agreement, although its approval is being discussed since 2019 and despite its relevance in guaranteeing access to information and protecting environmental defenders. In this regard, it was pointed out that the ratification of this instrument would provide useful legal instruments in favor of transparency, public participation and access to justice in environmental matters.<sup>257</sup>

324. Particularly, it was indicated to the Commission that the relevance of this agreement lies in the fact that an increase in the difficulties to access public information has been identified as a result of the use of reserved classification of information, which is allegedly blocking access to data on projects, activities and state investments for several years. Additionally, it was pointed out that there would be government opposition to adhere to the Escazú Agreement as it would run counter to extractive megaprojects, infrastructure and tourism and considering an alleged existence of smear campaigns against environmental defenders from the State.<sup>258</sup>

*Analysis and level of compliance with the recommendation*

325. The IACHR reiterates that the Escazú Agreement is a key instrument that is complementary to the instruments and obligations of the Inter-American system on environmental rights and that, according to what REDESCA stated in its 2022 annual report, “reinforces principles and obligations established in Inter-American norms and jurisprudence on the right to a healthy environment, highlighting the need to guarantee the so-called access rights to ensure their validity, such as the effective protection of the right of individuals to defend the environment”.<sup>259</sup> Pending progress towards the adoption of the Escazú Agreement, the IACHR considers that this recommendation is still **pending compliance**.

*Measures and information to advance in the compliance with the recommendation*

326. The IACHR reiterates that progress in compliance with this recommendation requires strong measures aimed at the ratification of the Escazú Agreement.

**G. The right to Freedom of Expression**

**Recommendation No. 48.** Take the necessary measures to ensure a safe working environment for journalists and respect for the independence of the media. In particular, ensure that official advertising and frequency allocation are guided by democratic criteria and in accordance with international human rights standards. Also incorporate measures to ensure that state media operate under international standards on public media.

327. For the 2023 follow-up report, the IACHR welcomed the decision of the Legislative Assembly in November 2023 to decriminalize the dissemination of messages alluding to gangs, although it noted the need for other measures to strengthen civic space and provide adequate conditions for the work of defenders and journalists, considering the prevalence and seriousness of reports of attacks against them. Likewise, the Commission highlighted that additional information was needed on the two remaining components of the recommendation, namely the application of democratic criteria for official advertising and the allocation of frequencies, and international standards on public media versus state-owned media; it also concluded that the recommendation was still **pending compliance**.<sup>260</sup>

<sup>257</sup> Foro del Agua El Salvador, Response to follow-up questionnaire, October 4, 2024.

<sup>258</sup> Foro del Agua El Salvador, Response to follow-up questionnaire, October 4, 2024. Cited Centro de Estudios para la Democracia (CESPAD), El Salvador: exigiendo Escazú pese al cierre del espacio cívico, 2023.

<sup>259</sup> IACHR, *REDESCA 2022 Annual Report*, March 6, 2023, para. 356.

<sup>260</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, December 31, 2023, paras. 355-367.



*Information on compliance*

328. For 2024, the State affirmed that it rejects any aggression or attack on the free exercise of freedom of expression and that El Salvador has a “duly structured institutional framework to guarantee the free exercise of the work of human rights defenders”, including journalists and communicators. It also indicated that the Attorney General’s Office of the Republic (hereinafter “FGR”) rigorously prosecutes crimes against these persons and that, as part of social control in a democratic rule of law, “there are several digital and written newspapers, and totally independent media, some of them with a critical line towards the Government”.<sup>261</sup>

329. In addition, the State indicated that, in accordance with the Telecommunications Law, the General Superintendence of Electricity and Telecommunications (hereinafter “SIGET”) has the function of planning, administering, monitoring and controlling the radio spectrum. It pointed out that this entity has updated the regulation to ensure that access to spectrum frequencies is equitable and non-discriminatory, which includes sound and television broadcasting. It also indicated that it has facilitated citizen participation in the concession of the radio electric spectrum, and has guaranteed that interested parties have access to frequencies and contribute to the diversity of the media.<sup>262</sup>

330. The State also indicated that SIGET promotes access to information and participation in the assignment processes, for which it publishes the forms and requirements through digital channels. It also indicated that it ensures that its actions support a rational and sustainable use of the spectrum in an inclusive telecommunications environment aligned with international standards. According to the State, these actions “consolidate the conditions for journalists and human rights defenders to carry out their work in a context that respects and protects the principles of freedom of expression and access to information”.<sup>263</sup>

331. The Commission also received information from civil society indicating the ineffectiveness of measures to protect journalists and eradicate violence against them. Likewise, an alleged systematic refusal to investigate the facts of espionage against journalists and members of civil society organizations was alleged, both by the Presidential Commissioner for Human Rights and Freedom of Expression<sup>264</sup> as well as by the Court of Auditors of the Republic and even judicial authorities<sup>265</sup>. According to what was reported, this hinders the public from knowing if there was a bidding procedure or if the company that provides espionage services through the spy software Pegasus was hired illegally.<sup>266</sup>

332. In particular, the Commission obtained information on a decision of the Disputes Chamber of the Supreme Court of Justice, which reportedly confirmed the inadmissibility of a lawsuit filed against decisions of the Court of Auditors. The latter, in turn, allegedly declared the inadmissibility of carrying out a special examination to investigate the alleged use of public funds for the acquisition of espionage services. In this regard, it was reported that the court based its decision on serious considerations such as “it cannot examine acts of which it gained knowledge in the exercise of the auditing function” and that “the administrative litigation courts cannot directly protect human rights regulated in international treaties”.<sup>267</sup>

<sup>261</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>262</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>263</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>264</sup> SSPAS, Response to follow-up questionnaire, October 4 and 22, 2024.

<sup>265</sup> The Cristosal Foundation indicated that it has filed requests to investigate the alleged use of public funds for espionage; however, it indicated that authorities of the Court of Accounts of the Republic have refused to exercise oversight powers and judicial authorities have refused to admit a lawsuit against this refusal. Fundación Cristosal, Response to the follow-up questionnaire, October 4, 2024.

<sup>266</sup> Fundación Cristosal, Response to follow-up questionnaire, October 4, 2024.

<sup>267</sup> Particularly, reference was made to the decision of reference 20-22-RA-SCA of the Administrative Litigation Chamber, dated March 29, 2023 (notified on April 13, 2023) which denied an appeal filed on October 31, 2022 for the admission of a complaint against unfavorable acts of the agencies of the Court of Accounts of the Republic. The challenged decisions allegedly were (i) the declaration of inadmissibility of a complaint filed on February 8, 2022 before the Department of Citizen Participation of the Court of Accounts of the Republic to investigate the allocation of funds for the acquisition of *Pegasus* or the contracting of the company *NSO Group Technologies Ltd* and (ii) the confirmation of this declaration by the Management Body of the Court of Accounts of the Republic. Fundación Cristosal, Response to the follow-up questionnaire, October 4, 2024.



333. In terms of figures, the Commission and its Office of the Special Rapporteur for Freedom of Expression (RELE) received information according to which, in 2023, 311 attacks on the press were recorded, with an increase of 66% over the year 2022; it also indicated that, from March to May 2024, 50 cases of different types of attacks on journalists were recorded, about which, as it was pointed out to the Commission, a context of impunity prevails that allows the repetition of these acts and leads to self-censorship of journalists.<sup>268</sup> The Commission also received reports from civil society organizations on attacks on journalists in the digital sphere. Between October 1, 2023 and January 10, 2024, 4,057 attacks were recorded on social networks, of which 655 (16%) were directed at women journalists.<sup>269</sup> According to publicly available information, attacks against the press occur in a context of increasing harassment, threats and stigmatization, including by high-ranking State officials, with the alleged aim of delegitimizing journalistic work.<sup>270</sup>

334. In addition, the IACHR received information from civil society according to which the reforms to the Special Law for the Intervention of Telecommunications, of November 2022, facilitate the wiretapping of individuals considered to be opponents, including people who practice journalism. According to this information, with this reform, the State does not need the Pegasus *malware*, since an order from the prosecutor's office without exhaustive grounds is sufficient. It was also stated that "the lack of access to public information and impunity on the part of the State have made it impossible to investigate these espionage acts".<sup>271</sup>

335. In addition to the latter, recent reports from civil society organizations have expressed their concern and demanded that the Government be held accountable for the revelations of a journalistic investigation, according to which high-ranking State officials have agreed to establish a center for espionage against journalists and political opponents.<sup>272</sup>

336. Finally, the IACHR and its Special Rapporteurship learned of public reports of limitations on private correspondence, intimidation tactics such as financial audits and allegations of manipulation of official advertising. These practices are denounced as a strategy to silence critical media. According to civil society reports, government advertising is mostly allocated to media favorable to the Government, while being reduced or withdrawn from those that criticize the administration.<sup>273</sup>

337. In its observations to the present report, the State indicated that it reaffirms its commitment to freedom of the press and expression, guaranteeing that journalists and media outlets can operate without undue restrictions. It indicated that the reports that question the situation of press freedom in El Salvador lack technical and methodological rigor, presenting unverified data or biased interpretations that do not reflect the reality of the country. In this sense, it requested to take into account reliable sources and to recognize the State's respect for the principles of pluralism of information and the free exercise of journalism. It also indicated that the country has promoted an environment where the media have unrestricted access to public information, and where protection mechanisms for journalists have been strengthened, guaranteeing their safety and the development of their work without interference. It urged the IACHR to recognize these advances and to consider information based on evidence and technical methodologies to prepare its reports.<sup>274</sup>

<sup>268</sup> On these figures, the [report on freedom of the press 2023](#) and the [first quarterly report of aggressions against journalists in El Salvador 2024](#), both from the Centro de Monitoreo de Agresiones Contra Periodistas of APES, were cited. SSPAS, Response to the follow-up questionnaire, October 4 and 22, 2024. (Available only in Spanish).

<sup>269</sup> APES, [Informe sobre violencia digital basada en género hacia mujeres periodistas](#), 2024; La Prensa Gráfica, [Informe señala violencia digital contra periodistas en El Salvador](#), January 24, 2024; Infobae, [Estudio señala que mujeres reciben 16 % de ataques en X contra periodistas en El Salvador](#), January 24, 2024. (Available only in Spanish).

<sup>270</sup> (IAPA), [IAPA and CPI warn of worsening press freedom in El Salvador](#), September 13, 2024. (Available only in Spanish).

<sup>271</sup> SSPAS, Response to follow-up questionnaire, October 4 and 22, 2024.

<sup>272</sup> El Faro, [Presidencia ordenó una operación de espionaje contra periodistas y políticos](#), November 7, 2024; Asociación de Periodistas de El Salvador (APES), [La APES exige al Gobierno que rinda cuentas sobre revelación de plan para espiar a periodistas](#), September 20, 2024. (Available only in Spanish).

<sup>273</sup> Inter American Press Association (IAPA), [IAPA and CPI warn of worsening press freedom in El Salvador](#), September 13, 2024. (Available only in Spanish).

<sup>274</sup> State of El Salvador, Note MPOEA-OAS-011/2025, Observations to the draft of Chapter V, February 13, 2025.



338. Likewise, in its observations, the State indicated that the civil society information on the reforms to the Special Law for the Intervention of Telecommunications of November 2022 and its possible misuse by the FGR, makes abstract evaluations of the internal legislation of El Salvador, without any basis in concrete facts to support such considerations.<sup>275</sup>

*Analysis and level of compliance with the recommendation*

339. The Commission recalls that the first component of the recommendation calls for measures to guarantee a safe working environment for journalists and for the independence of the media. In this regard, the IACHR has taken note of the State's rejection of any aggression or attack on the free exercise of freedom of expression and its affirmation of the existence of an institutional framework that, as indicated, guarantees the free exercise of the work of journalists and communicators.

340. However, the IACHR expresses its concern with the allegations coming from civil society indicated above regarding the continued prevalence of attacks on journalists, as well as the hostile climate that has prevailed since 2023 for the exercise of journalistic work in the country.<sup>276</sup> In this regard, the IACHR and RELE reiterate that journalism is the primary and principal manifestation of freedom of expression and that those who practice journalism and the media keep society informed on matters of public interest and contribute to the existence of a broad, robust and pluralistic public debate.<sup>277</sup> Likewise, the Commission has repeatedly held that an independent and critical press is a fundamental element for the validity of the other freedoms that make up the democratic system and the rule of law. For this reason, States have the obligation to create the conditions for journalists to be able to exercise their function freely, independently and safely.<sup>278</sup>

341. Considering the concerns expressed and the imperative need for the protection of journalism, the Commission identifies that the information submitted by the State does not identify practical measures of compliance that demonstrate due attention or adequate investigation of the facts that impede a safe working environment for journalism and for the independence of the media. Of particular concern to the Commission is the information provided by civil society regarding the alleged prevalence of a systematic refusal to investigate acts of espionage against journalists, on which it calls for a diligent approach<sup>279</sup>.

342. With respect to the second component of this recommendation, namely the application of democratic criteria for official advertising and frequency allocation, the IACHR has taken note of the State's assertion that SIGET is in charge of planning, managing, monitoring and controlling the radio spectrum and that it updated the regulation to ensure equitable and non-discriminatory access. The Commission appreciates this information; however, in order to determine its relevance to compliance with this component, it identifies the need for information that specifies the content and results of the actions reported by SIGET regarding the democratization of frequency allocation.

343. Finally, with respect to the third component of the recommendation on the application of international public media standards to state media, the Commission does not identify specific information on state measures that contribute to its compliance. Considering the lack of identification of measures aimed at implementing the three components of the recommendation, the Commission considers that this recommendation remains **pending compliance**.

<sup>275</sup> State of El Salvador, Note MPOEA-OAS-011/2025, Observations to the draft of Chapter V, February 13, 2025.

<sup>276</sup> RELE, Annual Report 2023, OEA/Ser.L/V/II, Doc. 386, December 6, 2023, para. 644.

<sup>277</sup> RELE, Annual Report 2023, OEA/Ser.L/V/II, Doc. 386, December 6, 2023, para. 660.

<sup>278</sup> IACHR, Inter-American Legal Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, para. 8 and para. 165 et seq.

<sup>279</sup> SSPAS, Response to follow-up questionnaire, October 4 and 22, 2024. Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.



*Measures and information to advance in the fulfillment of the recommendation*

344. The IACHR reiterates that progress in compliance with this recommendation requires the adoption of practical measures that (i) guarantee a safe working environment for journalists, as well as respect for the independence of the media (considering the hostile context for the practice of journalism that has been denounced); (ii) the application of democratic criteria on official advertising and frequency allocation, and (iii) international public media standards for state-owned media.

**Recommendation No. 49.** Guarantee the right of access to public information in accordance with the guidelines of the Inter-American legal framework and adopt the necessary measures to remove the barriers that impede its effective compliance.

345. In the 2023 follow-up report, the IACHR took note of the measures reported by the State, including the Law on Access to Public Information (hereinafter "LAIP") and the functions of the Institute for Access to Public Information (hereinafter "IAIP"). However, it expressed its concern about the allegations made by civil society regarding limitations to the right of access to information through the classification of information as reserved used by the three branches of government, which allegedly has a differentiated impact with respect to information on citizen security. The Commission considered that it is essential to address the allegations of inordinate and disproportionate use of classification of information as reserved and urged the State to identify and overcome barriers to access to public information. For these reasons, it considered that the recommendation is **pending compliance**.<sup>280</sup>

*Information on compliance*

346. For the year 2024, the State affirmed that access to public information is a fundamental right that arises from freedom of expression and consists of the power to "seek, receive and disseminate data, ideas or information of any kind, public or private, that are of 'public interest' (...)" as a mechanism for social control of public administration. It indicated that it is governed by the principle of maximum disclosure, according to which the information held by the obligated entities is public and its dissemination is unrestricted, except for the exceptions established by law, for which it cited the IACHR, the Inter-American Court of Human Rights, as well as the Principles on the Right of Access to Information of the Inter-American Juridical Committee.<sup>281</sup>

347. In addition, the State pointed out that the right of access to public information is subject to restrictions under the LAIP, including the one that indicates that it may be limited in the case of information classified as reserved. In this regard, it explained that this reservation applies when there are legitimate objectives, values or legal rights that could be equal or more relevant than the referred right and that could be harmed by the publication of the information, especially when it is a superior legal right.<sup>282</sup>

348. Likewise, the State explained that the classification of information as subject to reserve is established by law and not "in a whimsical manner or due to circumstances that are not expressly detailed in the Constitution or the Law". It pointed out that this figure seeks to "balance transparency in public administration with the protection of legitimate interests, such as national security and the protection of personal data" and that the IAIP determines that for this limitation to be valid, it is required to comply with the criteria of legality (that the reserve is established by law); reasonableness (that the adoption of this limitation is reasoned and justified to reduce arbitrariness in the actions of officials), and temporality (that the restriction is subject to a term defined by law).<sup>283</sup>

<sup>280</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, December 31, 2023, paras. 369-378.

<sup>281</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>282</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>283</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.



349. Likewise, the State indicated that the classification of information as reserved requires compliance with one of the grounds for exception in Article 19 of the LAIP and that it must be determined that the “release of the information could effectively threaten the legally protected interest and that the harm that could be caused by the release of this information would be greater than the public interest in knowing the information”. In addition, it indicated that access to public information admits two exceptions, namely, “when the disclosure of the information may cause harm to a legally protected public interest, such as public safety or national security” or when “the need to preserve the private life and patrimony of individuals” is identified.<sup>284</sup>

350. Also, the State stated that any person can use two mechanisms to report a possible disproportionate use of the reserve classification, namely:<sup>285</sup>

- The appeal before the obligated entity or the IAIP (to require the obligated entity to deliver the requested information when the denial was unjustified). The State pointed out that this appeal may be filed by itself or through a representative and that the IAIP may confirm the resolution of the information officer of an obligated entity or revoke or modify such resolution.
- The sanctioning procedure, according to which the IAIP may hear and process administrative sanctioning procedures against public servants and/or officials who have incurred in any violation of the LAIP. In this regard, it indicated that one of the serious infractions indicated by this law consists of “Invoking as reserved information that does not comply with the characteristics indicated in the LAIP”. In this regard, the State clarified that this infraction only proceeds when the Institute has determined by means of a legal opinion that the information is of a public nature.

351. For its part, the Commission learned of civil society concerns about the opacity and lack of transparency in the country's public administration and the refusal of institutions and political actors to provide information that by law should be done *ex officio*.<sup>286</sup> In this regard, it was pointed out that the following are among the types of impediments to access to information:

- *Formal*: When mandatory forms are required or unfounded requirements on lack of coincidence of the applicant's signature with the *Documento Único de Identidad* (Single Identity Document);
- *Unavailability of information*: When there is a lack of response; delivery in formats that cannot be processed; outdated information in transparency portals and indexes of reserved information; and
- *Substantive*: With declarations of classifications of reserved information, non-existence, deregulation of norms that allow access to information through guidelines of the entity in charge, new jurisprudential criteria or the creation of laws that do not establish its obligatory nature, such as the lack of access to procurement information as of the new Public Procurement Law.<sup>287</sup>

352. Regarding findings that report these shortcomings in access to information, it was reported that, according to a January 2024 report by Transparency International, on the perception of corruption in 2023, El Salvador fell 10 positions in the world ranking due to the weakening of the LAIP, the outdated transparency portals of public institutions and the lack of justification in the classification of information as

<sup>284</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>285</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.

<sup>286</sup> SSPAS, Response to follow-up questionnaire, October 4 and 22, 2024; Fundación Cristosal, Response to follow-up questionnaire, October 4, 2024.

<sup>287</sup> Fundación Cristosal, Response to follow-up questionnaire, October 4, 2024.



reserved. In this sense, El Salvador is allegedly in 126th place out of 180, with a score of 31 out of 100, which is allegedly its lowest score since 2012.<sup>288</sup>

353. In addition, it was informed that, according to a civil society study, “out of 1,463 information requests made by 15 entities (including civil society organizations and media) between June 2019 and December 2023, only 394 obtained a response”, which, as it was pointed out, implies that more than 73% of the information requests were not answered favorably by the obligated entities and that “of the information that was delivered, 15% obtained a partial response”. In addition, it was stated that, of the lists reviewed, “34.7% (508) of the requests are related to the use of public resources and contracting”, followed by information on sources of financing and purpose.<sup>289</sup>

354. In the same vein, it was reported to the Commission that the Report on Freedom of Expression 2023 “*Pienso dos veces antes que aparezca mi nombre*” of the University Observatory of Human Rights (hereinafter “OUDH”) of the Universidad Centroamericana José Simeón Cañas reported that, of 1455 requests for information from citizens, less than 50% were answered satisfactorily and that, in many cases, only a link was provided without substantive information.<sup>290</sup> The OUDH also analyzed 18 public institutions in relation to the *ex officio* delivery of information in 2023 and concluded that “most of these institutions refuse to share information”.<sup>291</sup> Likewise, it was noted that the country registers setbacks according to the *Open Budget Survey* on access to budget information, opportunities for participation and oversight of public resources, positioning it as the country with the least budget transparency in the region. In addition, it was noted that the level of opportunities for public participation in budget approval process was extremely low.<sup>292</sup>

355. Likewise, the Commission received information from civil society according to which the excessive denial of information is accompanied by an inoperability of the IAIP<sup>293</sup> and that there has been a recent structured blocking of access to information from the social network accounts of the ministries for civil society and the media.<sup>294</sup> Additionally, the Commission received information from the Water Forum of El Salvador according to which the difficulties to access public information have increased, due to the use of the classification of information as reserved, which is allegedly “blocking access to data on projects, activities and state investments for several years, generally justified with unconvincing arguments”. In this regard, it was noted that several requests for information from this organization have been denied.<sup>295</sup>

356. Finally, the IACHR received some information that was allegedly obtained in response to a request to the IAIP according to which, from 2019 to June 2024, 9 sanctions were allegedly imposed for the very serious infraction of “delivering or disseminating reserved or confidential information”; 236 sanctioning procedures were allegedly carried out, 80% initiated by complaints; 120 appeals were allegedly filed for “classification of information as reserved”, 107 for “refusal to provide information due to non-existence of information”, 105 for “partial provision of information”, 72 for “reserved information” and 68 for “lack of response”. In addition, it was pointed out that from January 2023 to August 2024, the IAIP would have heard 205 appeal processes, 90 of which were allegedly resolved in favor of the citizen.<sup>296</sup>

<sup>288</sup> SSPAS, Response to follow-up questionnaire, October 4 and 22, 2024, which cited: La Prensa Gráfica, El Salvador es cada vez menos transparente y brinda menos acceso a la información, según especialistas, September 27, 2024. Fundación Cristosal, Response to the follow-up questionnaire, October 4, 2024. (Available only in Spanish).

<sup>289</sup> SSPAS, Response to follow-up questionnaire, October 4 and 22, 2024, which cited: OUDH, Quarterly Bulletin January-March 2024. The information would have been submitted by Cristosal. Fundación Cristosal, Response to follow-up questionnaire, October 4, 2024.

<sup>290</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.

<sup>291</sup> El Caribe, Alertan libertad de expresión está en “grave situación” en El Salvador, July 23, 2024. (Available only in Spanish)

<sup>292</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.

<sup>293</sup> In this regard, it was noted that the Citizen Action report on the IAIP’s performance in 2023 revealed that, for that year, it resolved only 131 cases. Fundación Cristosal, Response to the follow-up questionnaire, October 4, 2024.

<sup>294</sup> Cristosal Foundation, Response to follow-up questionnaire, October 4, 2024.

<sup>295</sup> Foro del Agua El Salvador, Response to follow-up questionnaire, October 4, 2024.

<sup>296</sup> It was noted that this response was given in response to Request UAIP Reference 046-2024 of October 2, 2024. FUNDE, Response to the follow-up questionnaire, October 4, 2024.



*Analysis and level of compliance with the recommendation*

357. Despite the information provided by the State, the Commission recalls that the importance of this recommendation lies in promoting actions that, in a context of shortcomings in access to public information, demonstrate an unequivocal strategy and intention of the State to guarantee the right of access to public information. In this regard, the Commission reiterates its concern about the allegations of civil society regarding limitations to the right of access to information through the figure of reserve used by various State agencies, as well as the shortcomings that have been identified in the diagnoses on transparency and access to information.

358. The IACHR reiterates that it is essential that the State effectively address the allegations presented regarding the disordinate and disproportionate use of the classification of information as reserved as a mechanism that limits access to public information. In this sense, it invites the State to identify the alleged barriers, including the figure of the reserved information, and to adopt the necessary measures so that these do not hinder access to information, as well as to provide the maximum amount of information in an *ex officio* manner, in accordance with the obligation of active transparency. Pending these advances, the IACHR considers that this recommendation is still **pending compliance**.

*Measures and information to advance in the fulfillment of the recommendation*

359. The IACHR reiterates that it is essential that the State identify the obstacles and limitations present in access to public information and, based on this prior diagnosis, adopt the necessary compliance measures. These may consist of the adoption of regulations or institutional strengthening tools to combat the obstacles identified.

**Recommendation No. 50.** To give its consent for a working visit by the Office of the Special Rapporteur for Freedom of Expression of the IACHR, which would allow that Office to monitor and gather information directly on the situation of the right to freedom of expression in El Salvador.

360. For the 2023 follow-up report, the State expressed its willingness to facilitate the monitoring of the situation of the right to freedom of expression through the Office of the Special Rapporteur for Freedom of Expression (RELE) of the IACHR, responding to written requests and holding dialogues. However, the State pointed out that conversations with different actors should not be limited to a physical space and that the visit is one more means of gathering information. The Commission invited the State to continue the dialogue and facilitate the collection of information in the field and concluded that the compliance with the recommendation remained **pending**.<sup>297</sup>

*Information on compliance*

361. For the year 2024, the State indicated that it will maintain a dialogue with the Commission through the figure of the Presidential Commissioner for Human Rights and Freedom of Expression, including RELE. It indicated that it will maintain its permanent collaboration with the Commission and will generate opportunities for rapprochement in accordance with its national interests and priorities.<sup>298</sup>

*Analysis and measures to advance in the implementation of the recommendation*

362. The IACHR invites the State to continue a dialogue and to establish joint working mechanisms to identify information on the situation of the right to freedom of expression in El Salvador. In addition, it reiterates the importance of enabling spaces to gather information directly on site and to have conversations

<sup>297</sup> IACHR, [Annual Report 2023, Chapter V: El Salvador](#), December 31, 2023, paras. 381-384.

<sup>298</sup> State of El Salvador, Note MPOEA-OAS-168/2024, Response to IACHR questionnaire, October 23, 2024.



with a variety of actors, including representatives of the State and members of civil society, on issues related to its mandate. In this sense, the Commission considers that the recommendation remains **pending compliance**.

### III. SUMMARY TABLE OF THE LEVEL OF COMPLIANCE WITH RECOMMENDATIONS

363. The following table shows the level of compliance by the State of El Salvador with respect to the 38 recommendations of the Report on the Human Rights Situation in October 2021 that were analyzed in this follow-up report:

Subject of the recommendation	Number recommendation	2023 Level of compliance	2024 Level of compliance
Memory, truth and justice	4	Pending	Pending
	5	Partial	Partial
	6	Pending	Pending
	7	Pending	<b>Partial</b>
	8	Partial	Partial
	9	Partial	Partial
	10	Partial	Partial
	11	Partial	Partial
Prevention of torture and other cruel, inhuman or degrading treatment or punishment	16	Pending	Pending
Operation of the Office of the Attorney General of the Republic	17	Substantial partial	<b>Partial</b>
<b>Discrimination</b>	26	Pending	Pending
<b>Particular group situations - Women</b>	18	Partial	Partial
	19	Substantial partial	<b>Total</b>
	21	Substantial partial	Substantial partial
	22	Partial	Partial
	23	Pending	Pending
	24	Partial	Partial
	25	Total	
<b>Particular group situations - LGBTI people</b>	27	Pending	Pending
	28	Partial	Partial
	29	Substantial partial	Substantial partial
	30	Partial	Partial
	31	Partial	Partial
<b>Situations of particular groups - people in the context of human mobility</b>	32	Partial	Partial
	33	Total	
	34	Partial	Partial
	35	Partial	Partial
	36	Partial	<b>Substantial partial</b>
<b>Situations of particular groups - human rights defenders</b>	37	Pending	Pending
	38	Pending	Pending
	46	Pending	<b>Partial</b>



<b>Situations of particular groups - indigenous peoples and people of African descent</b>	47	Pending	Pending
<b>DESCA</b>	39	Pending	Pending
	40	Partial	Partial
	41	Substantial partial	Substantial partial
	42	Partial	Partial
	43	Pending	Pending
	44	Total	
	45	Partial (cessation of monitoring)	
<b>Right to freedom of expression</b>	48	Pending	Pending
	49	Pending	Pending
	50	Pending	Pending

#### IV. CONCLUSIONS

364. Full compliance with the IACHR's recommendations by OAS Member States is essential to ensure the full enjoyment of human rights in the region and to strengthen the effectiveness of the Inter-American Human Rights System. In the exercise of its mandate to follow up on these decisions, the Commission prepares reports in which it identifies the progress, challenges and setbacks in the adoption of the compliance measures that, through its various working mechanisms, it has requested of the States.

365. This follow-up report analyzes the implementation of the recommendations that the Commission issued in its country report on the "Situation of Human Rights in El Salvador," approved by the IACHR on October 14, 2021.<sup>299</sup> The recommendations analyzed were formulated based on the findings and information obtained by the IACHR before, during and subsequent to its on-site visit carried out from December 2 to 4, 2019. These were addressed to the State to guide it in addressing structural human rights problems affecting the country that require a diligent response.

366. In the aforementioned country report, the IACHR included 50 recommendations on the following thematic areas: three related to citizen security; eight on memory, truth and justice; one on prevention of torture and other cruel, inhuman or degrading treatment or punishment; one on the functioning of the Attorney General's Office; one on discrimination; seven on women; five on LGBTIQ+ persons; five on persons in the context of human mobility; five on persons deprived of liberty; two on behalf of human rights defenders; two on indigenous peoples and Afro-descendants; seven on ESCR; and three on freedom of expression.

367. After the publication of the country report, the IACHR prepared two follow-up reports on these recommendations through chapters V of its annual reports corresponding to the years 2022<sup>300</sup> and 2023.<sup>301</sup> This follow-up report is the third to be published in relation to 38 recommendations out of the 50 issued and excludes follow-up on twelve of these decisions, namely:

<sup>299</sup> IACHR, *Country Report "Situation of Human Rights in El Salvador"*, OEA/Ser.L/V/II Doc.278/21, October 14, 2021.

<sup>300</sup> IACHR, *Annual Report 2022, Chapter V: El Salvador*, March 11, 2023.

<sup>301</sup> IACHR, *Annual Report 2023, Chapter V: El Salvador*, December 31, 2023; IACHR, *Report State of Emergency and Human Rights in El Salvador*, June 28, 2024.



- three on citizen security<sup>302</sup> and five on the rights of persons deprived of liberty<sup>303</sup> considering that, during the year 2024, the IACHR published two reports that have an impact on this follow-up.<sup>304</sup>
- four additional recommendations, namely one on women, one on people in the context of mobility and two on ESCR, due to the fact that in previous years it declared the cessation of its follow-up.<sup>305</sup>

368. Based on the General Guidelines for Follow-up on IACHR Recommendations and Decisions, this follow-up report identifies the compliance measures adopted, progress made, and challenges regarding the implementation of the recommendations analyzed.<sup>306</sup> For its preparation, the IACHR received information both from the State of El Salvador and from some civil society organizations. In addition, it relied on the relevant information it has learned through its monitoring of the human rights situation in the country. For each recommendation, the Commission culminated its diagnosis by indicating the specific information that the State has not yet submitted or the measures that have yet to be adopted to determine progress in the level of compliance with the recommendation.

369. For this follow-up report, the Commission concluded that, of the 38 recommendations analyzed, one has a level of total compliance (3%); 4 have a level of substantial partial compliance (10%); 19 are partially compliant (50%), and 14 are pending compliance (37%). In addition, it determined that, for the year 2024, five of these decisions had a change in their level of compliance, namely, recommendation number 7 advanced from pending to partial compliance; recommendation number 19 from substantial partial to full compliance; recommendation number 36 from partial to substantial partial; and recommendation number 46 from pending to partial. In addition, two recommendations, numbers 17 and 29, regressed in their level of compliance from substantial partial to partial. The IACHR reiterates to the State the importance of effectively complying with the recommendations that have not been fully complied with. Below are the main findings of the IACHR regarding compliance with the recommendations, according to the following thematic areas.

370. Regarding the **recommendations on memory, truth and justice:**

- The adoption of a National Reconciliation Law on transitional justice is still pending. Its elaboration should be speedy, participatory and consider contributions from victims and civil society (recommendation number 4).
- There has not been a significant increase in the number of cases prosecuted for serious human rights violations perpetrated during the armed conflict. A substantial partial level of compliance will be assessed when most of these facts are in the stage of prosecution and punishment (recommendation number 5).
- Ratification of the Inter-American Convention on Forced Disappearance of Persons, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (recommendation 6) is pending.
- The Ministry of National Defense reported partial measures to systematize the documentation of the security forces that acted during the armed conflict and progress was made in a cooperation agreement between the national search commissions and the Supreme Court of Justice. However, there is a lack of

<sup>302</sup> Recommendations No. 1, 2 and 3 of the Report.

<sup>303</sup> Recommendations No. 12, 13, 14, 15 and 20.

<sup>304</sup> IACHR, Report State of Emergency and Human Rights in El Salvador, June 28, 2024; IACHR, Follow-up Report: Recommendations on Persons Deprived of Liberty, Guatemala, Honduras and El Salvador, OEA/Ser.L/V/II Doc. 126/24, June 7, 2024. (Available only in Spanish).

<sup>305</sup> Recommendations No. 25, 33, 44 and 45.

<sup>306</sup> IACHR, General Guidelines for Follow-up on Recommendations and Decisions of the Inter-American Commission on Human Rights, OEA/Ser.L/V/II. Doc.385/23 (second edition), Nov. 20, 2023. (Available only in Spanish).



actions on access to this documentation and for the reconstruction of destroyed archives or documents not generated that legally should have been produced (recommendation number 7).

- There are partial measures on the adoption of the regulatory framework of the national policy for the search for persons, although the issuance of a law on the disappearance of persons and regulation of the national data bank, exhumation processes and the rights of family members are pending. Also, the project "Improvement in the identification and Closure for Missing Persons" , which will seek to implement a genetic profile bank, was valued (recommendation number 8).
- It is important for the State to have a specific diagnosis to identify whether the functional load of the CNB, CONABÚSQUEDA and the IML can be adequately developed with the budget and resources at its disposal (recommendation number 9).
- Despite the relevance of Executive Decree No. 204 of 2013, this measure does not supplement a state reparation policy that contemplates the different impacts suffered by the victims, in accordance with Inter-American human rights standards; the adoption of this policy remains pending (recommendation number 10).
- The CNB and CONBÚSQUEDA continue to offer some reparation measures with the scope of satisfaction that allow the participation of family members, civil society, national and international organizations and state entities. However, it is important to increase state efforts to open spaces for listening to the victims, guaranteeing their real and effective inclusion (recommendation 11).

371. Regarding recommendation number 16 on the **prevention of torture and other cruel, inhuman or degrading treatment or punishment**, the report identified that the ratification of the Optional Protocol to the Convention on this matter is still pending, as well as the creation of the National Mechanism for the Prevention of Torture. Regarding recommendation number 17 related to the **functioning of the State Attorney General's Office**, it determined a setback in its level of compliance based on information received indicating a decrease in the budget allocated to the entity. Regarding recommendation number 26 on **non-discrimination**, it noted that the ratification of the Convention against all Forms of Discrimination and Intolerance is still pending.

372. On the recommendations related to **women's issues**:

- A technical diagnosis is needed to determine whether or not there is still a need to strengthen the system for monitoring protection measures and to increase resources for the network of shelters, as well as to adopt the measures indicated by its findings (recommendation number 18).
- The IACHR reported the continuity of training for State officials, particularly justice operators, on the gender perspective and Inter-American standards on gender-based violence and discrimination. The IACHR declared that it will no longer monitor this recommendation, although it urged the State to maintain the continuity, obligatory nature and gender perspective of these training measures for civil servants. (recommendation number 19).
- Efforts continue to be made to strengthen the specialized courts for a life free of violence and discrimination, and to reduce congestion levels. However, the effectiveness of measures to strengthen these judicial instances should be monitored and measures to clarify the competencies of justices of the peace, family and specialized courts should be reinforced (recommendation number 21).
- There is no clear information on whether, at this time, there are women with prison sentences for aggravated homicide based on facts related to obstetric emergencies or complications and whether sufficient measures have been taken to review all of these cases (recommendation number 22).



- The absolute criminalization of voluntary termination of pregnancy persists even when its denial in certain circumstances imposes a disproportionate burden on the exercise of women's rights, creates a context that facilitates unsafe abortions, and disregards international obligations to respect, protect and guarantee their rights to life, health and integrity (recommendation number 23).
- Ratification of ILO Conventions 177 and 189 is still pending, and protection measures are urgently needed for women working in the textile industry, especially in maquilas and in the home-based sector, as well as for domestic service workers (recommendation number 24).

373. On the recommendations related to **LGBTI persons**:

- The Gender Identity Law has not been adopted to recognize not only the change of name and image in identity documents, but also the rectification of the sex marker in identity documents, including birth certificates and passports (recommendation number 27).
- Beyond isolated actions, it is necessary to advance, in a specific and focused manner, in the adoption of a comprehensive plan to protect and guarantee the rights of LGBTI people, including access to justice, health and employment (recommendation number 28).
- Training activities on the human rights of LGBTIQ+ persons were reported for civil servants of different executive entities, the PGR, the PPDH, the Judicial Branch, the National Civil Police, the FGR, the Salvadoran Social Security Institute, the ISDEMU, municipalities, hospitals, among others, although not all correspond to the year 2024. However, there are concerns about the impact that an exclusionary State agenda on issues of sexual orientation and gender identity could have on the specific content of the training programs provided to civil servants (recommendation number 29).
- The adoption of data related to acts of violence and discrimination against LGBTI persons in the country complying with specific characteristics, namely, that they be (i) statistical, (ii) public, (iii) periodically updated, (iv) duly disaggregated, is important (recommendation number 30).
- It is necessary to emphasize the strengthening of an inter-institutional action plan between the entities that make up the Public Prosecutor's Office and the executive entities that are relevant to strengthening access to justice for LGBTI persons (recommendation number 31).

374. Regarding the recommendations related to the issue of **people in the context of human mobility**:

- The creation of the National Action Plan with commitments for the operationalization of the protection of forcibly displaced persons and refugees in the areas of protection, health, education and employment was valued, although a comprehensive regulatory framework on forced displacement with durable solutions is needed, within the framework of the implementation of the MIRPS (recommendation number 32).
- Progress was made in the collection of samples for the Forensic Data Bank of Missing Migrants, as well as participation in MAEBI and the CONABÚSQUEDA mission to Honduras. However, information is needed on their results and other strengthening actions, specifying how, in practice, transnational coordination in the search for migrants has been optimized (recommendation number 34).
- The relevance of assistance and protection actions for internally displaced persons, the program "My First Job" on labor inclusion of displaced youth and the support spaces "At your side" were recognized. Also, the persistence of obstacles in guaranteeing and respecting the human rights of internally displaced persons was identified, which requires the strengthening of comprehensive programs (recommendation number 35).



- The information on the development of the Human Mobility Policy and its implementation in 2023, as well as the construction of the National Plan for the Reintegration of Returned Persons 2025-2029 was positively valued, and it was considered that it is important to establish special mechanisms on its internal evaluation and identification of results (recommendation number 36).

375. Regarding the recommendations on human rights defenders, the report identifies the importance of a legal framework for the protection and defense of human rights defenders and a comprehensive protection policy in their favor (recommendation number 37), as well as shortcomings in the investigation and institutional strengthening for the prosecution and punishment of those materially and intellectually responsible for crimes against human rights defenders (recommendation 38).

376. In relation to the recommendations regarding **indigenous peoples and persons of African descent**, the follow-up report welcomed the conduct of censuses that made it possible to update statistical data on indigenous peoples and Afro-descendants, requesting details on the methodology applied and whether there was consultation and participation of the populations in question (recommendation 46). In addition, ratification of the Inter-American Convention against Racism, Racial Discrimination and Related Intolerance and Convention 169 of the International Labor Organization on Indigenous and Tribal Peoples is still pending (recommendation 47).

377. Regarding the recommendations on **economic, social, cultural and environmental rights**, this follow-up report:

- Values the adoption of the El Salvador Economic Plan and the exoneration of the water resources canon for water boards and community organizations that provide water distribution services for human consumption. It also stressed the importance of strengthening the National Environmental Policy to guarantee human rights in the face of extractivist activities (recommendation 39).
- Identifies the curriculum renewal process "*Mi Nueva Escuela*" as a relevant compliance measure that should be implemented at all educational levels. In addition, it took note of the allegations made by civil society regarding the lack of inclusion of content related to the rights of LGBTIQ+ persons (recommendation 40).
- Notes the adoption of guidelines so that (i) water management policies consider the needs of rural and indigenous populations and (ii) water supply activities apply the coefficient based on the social interest or purpose of its use and exploitation for cultivation or food production or generation of public electricity. In addition, it reiterated challenges to ensure that use permits and agreements with companies on water resources do not jeopardize the effective realization of the human right to water and the importance of drafting the General Regulations of the LGRH (recommendation 41).
- Recognizes relevant actions in the management of transboundary waters, although it reiterated that actions are required to promote the adoption of a cooperation treaty with Honduras that would allow for coordinated action in the face of various challenges in this area. It also requested information on the functioning of the International Watercourse Management Committee referred to in the LGRH and on its efforts to negotiate and adopt agreements on the integrated and sustainable management of shared transboundary water basins (recommendation 42).
- Notes that ratification of the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean or "Escazú Agreement" (recommendation 43) is still pending.

378. Regarding the recommendations related to **freedom of expression**, this follow-up report:



- Highlights the need for practical compliance measures that demonstrate due attention and proper investigation of facts that impede a safe working environment for journalism and media independence. It notes the concern with the alleged prevalence of a systematic refusal to investigate acts of espionage against journalists and calls for them to be addressed diligently. In addition, it requests information on the content and results of the actions reported by SIGET regarding the democratization in the allocation of frequencies and does not identify actions on the application of international standards of public media to the operation of state media (recommendation number 48).
- Indicates the importance of promoting actions that, in a context of shortcomings in access to public information, demonstrate an unequivocal strategy and intention of the State to guarantee the right of access to public information. In addition, it reiterates its concern regarding allegations of limitations to the right of access to information (recommendation number 49).
- Invites the State to continue a dialogue and to establish joint working mechanisms to identify information on the situation of the right to freedom of expression in El Salvador (recommendation number 50).

379. Finally, the Commission is grateful for the information provided by both the State and civil society organizations for the preparation of this follow-up report. It also reiterates its willingness to provide technical assistance to promote the implementation of the recommendations analyzed, in accordance with applicable Inter-American standards.



## PARTIAL REASONED VOTE OF COMMISSIONER CARLOS BERNAL PULIDO ON CHAPTER V EL SALVADOR OF THE 2024 ANNUAL REPORT

With all due respect for my colleagues and in accordance with Article 19.1 of the Rules of Procedure of the Inter-American Commission on Human Rights ("the Commission" or "the IACHR"), I hereby submit a partial reasoned vote on certain points raised by the majority of the plenary of the Commission in Chapter V on the State of El Salvador ("the Chapter" or "Chapter V-El Salvador") of the 2024 Annual Report (the "Report" or the "Annual Report").

I emphasize the relevance of this chapter of the annual report for the observance and guaranteeing of human rights in the region. Nevertheless, in this explanation of my vote I will analyze, in particular, references made in the Chapter to sexual and reproductive rights, abortion, gender identity, comprehensive sexual education, and use of language.

In particular, I will state that Chapter V: (i) contains considerations that pose a risk to pregnant women and ignore the comprehensive needs of women; (ii) non-existence of an obligation to guarantee the rectification of the sex marker on identity documents for persons who identify as transgender; and (iii) contains problematic considerations regarding measures taken by the State in connection with comprehensive sex education for children and adolescents.

### **1. Chapter V contains considerations that pose a risk to pregnant women and ignore women's comprehensive needs (*necesidades integrales de las mujeres*)**

Next, I will address the following issues: (i) the non-existence of the right to abortion and the extent to which the state may regulate this matter (*margen de configuración estatal*); (ii) the lack of protection of the unborn; (iii) the violation of the principle of subsidiarity and lack of protection of the unborn in relation to so-called obstetric emergencies; and (iv) inaccuracies/lack of precision of the Report with respect to considerations on special protection measures granted by the State to pregnant women.

#### **1.1. Non-existence of the right to abortion and state leeway with respect to the criminalization of abortion**

In paragraph 161, the majority of the Commission stated that "However, the IACHR reiterates the considerations expressed in 2022 and 2023, in the sense of observing that the absolute criminalization of voluntary termination of pregnancy persists even when, as it has stated, its denial in certain circumstances imposes a disproportionate burden on the exercise of women's rights, creates a context that facilitates unsafe abortions, and disregards the international obligations to respect, protect, and guarantee their rights to life, health and integrity."

In addition, paragraphs 164 and 165 stated that:

"164. Regarding the State's request to limit this recommendation to the adaptation of protocols requested by the I/A Court H.R. as a guarantee of non-repetition in the case of Beatriz et al. v. El Salvador, the IACHR clarifies that the measures requested by the Court are in response to the declaration of international responsibility in a specific case. For its part, the recommendation of the 2021 Country Report under follow-up refers to the adaptation of the Salvadoran regulatory framework in accordance with all applicable inter-American standards, and considering the findings and concerns that were pointed out at the time, namely:



(i) That "at least 36 women had reportedly died from preventable chronic diseases and another 13 from ectopic pregnancies", which could have been prevented if the women had had the possibility of legally terminating their unsafe pregnancies;

(ii) That the prevalence of discriminatory gender patterns limits education on the subject and access to and distribution of contraceptives, particularly to women, girls and adolescents, and that, although emergency oral contraception is legal for women victims of sexual violence, it is reportedly being distributed at the discretion of health operators.

(iii) That the IACHR has reiterated its concern about the regulations that criminalize abortion in all circumstances in El Salvador

165. Considering that this recommendation requires the adaptation of the existing regulatory framework to all applicable inter-American standards, and that no regulatory adaptation measures have been identified to remedy the restrictions to access, without discrimination, of women, girls and adolescents to sexual and reproductive health services, the IACHR concludes that compliance with this recommendation is still pending."

First, as I did regarding the 2022 and 2023 reports, I reiterate that there are no binding sources in international law -and especially in the American Convention or other treaties that make up the inter-American system- that contemplate (i) the so-called right to abortion or (ii) a corresponding obligation for states to provide abortion services. That said, states have ample leeway - by virtue of the principles of subsidiarity or complementarity and representative democracy - to take measures to protect the life of the unborn child - which is indeed protected by the American Convention<sup>307</sup>- including, although it is not the only means, the use of criminal law.

Regarding the non-existence of the right to abortion, former I/A Court H.R. Judge Eduardo Vio Grossi established in his opinion partially dissenting from the judgment in the case of *Manuela et al. v. El Salvador*:

"In this regard, it is indisputable that (...) there is no inter-American or international legal norm, whether conventional, international custom, or general principle of law, that recognizes abortion as a right. There are only resolutions of international bodies, most of which are made up of international officials and not representatives of States: decisions which, in addition to not being binding, are not interpretative of current international law but rather reflect aspirations for it to change in the direction they suggest."<sup>308</sup>

In fact, in the case of *Beatriz v. El Salvador* in which the supposed existence of a "right to abortion" was alleged by the IACHR and the victims' representation, it is worth noting that, in the judgment, the Court did not establish the existence of such a right.<sup>309</sup> This is further evidence of the non-existence of a binding legal source from which an alleged right to abortion is derived.

That said, I emphasize that this leeway derived from the non-existence of a right to abortion and the convergence of competing rights is increased thanks to the fact that it is incumbent upon States to define punishable conducts and their consequences, and to the automatic referral made, according to the I/A Court H.R., by Article 7.2 of the American Convention to domestic law in matters related to deprivation of liberty - legal exception principle (*principio de reserva de ley*)-.<sup>310</sup>

In addition, I also emphasize that the sections in which such assessments are formulated are not such as to prove unequivocally the existence, in the inter-American System, of a clear and binding parameter that could

<sup>307</sup> ACHR. Article 4.

<sup>308</sup> Partially Dissenting Opinion of Judge Eduardo Vio Grossi, Inter-American Court of Human Rights, Case of *Manuela et al. v. El Salvador*, Judgment of November 2, 2021, (Preliminary Objections, Merits, Reparations, and Costs). Paragraph 13

<sup>309</sup> I/A Court H.R. Case of *Beatriz et al. v. El Salvador*. Merits, Reparations, and Costs. Judgment of November 22, 2024. Series C No. 549.

<sup>310</sup> I/A Court H.R. Case of *Romero Feris v. Argentina*. Merits, Reparations, and Costs. Judgment of October 15, 2019. Series C No. 391. Par. 77.



serve as a basis for rejecting the models of criminalization of abortion as negative. The conventional parameter that does exist and that is mandatory is Article 4 of the ACHR which, as I have said on other occasions, contemplates protection of the right to life from conception and demands the existence of regulatory frameworks that do not leave pregnant women devoid of all protection.

This is relevant if one bears in mind that, based on a close reading of Articles 31, 76, and 77 of the American Convention, it is only through consensus -- provided by the States signing and ratifying amendments or treaties -- that international obligations can arise that are in addition to those already contemplated in the ACHR.

Thus, I conclude that, in the absence of a right to abortion in the inter-American human rights system (IHRS) and given the absence of clear rules regarding criminalization models, States have considerable leeway in this regard.

Likewise, I emphasize that the Report did not substantiate the claim that the prohibition of abortion leads to the consequences mentioned, or why it is an absolute prohibition in the State of El Salvador.

## 1.2. Lack of protection for the unborn in the Report

Secondly, I emphasize that references to abortion ignore the other person whose right to life is also protected by conventions: the unborn person. Thus, they ignore the necessary balance that must exist between competing rights of all internationally protected persons. In this regard, it should be noted that pregnant women are also subjects of law and holders of the right to life. A pronouncement on abortion always implies a position on a practice that necessarily implies the termination of the life of a dignified human being and that Article 4 of the ACHR protects, so it is necessary to expressly recognize the rights of the unborn person as part of the weighing up of considerations required in any case of abortion.

In this regard, Article 1.2 of the ACHR clearly establishes that, for the purposes of the Convention, a "person" is every human being.<sup>311</sup> Thus, in light of the Convention, human rights are not only recognized for persons who have already been born, but must be protected for all individuals from conception, who are to be considered human beings. Moreover, the I/A Court H.R. itself, in its advisory opinion 22, indicated that, unquestionably, the term "person" is equivalent to the term "human being" for the purposes of the ACHR.<sup>312</sup>

In light of the above, it is clear that the unborn person (*persona en gestación*) is a human being.<sup>313</sup> Furthermore, the Universal Declaration on the Human Genome and Human Rights states that "the human genome underlies the fundamental unity of all members of the human family, as well as the recognition of their inherent dignity and diversity. In a symbolic sense, it is the heritage of humanity."<sup>314</sup>

The consequence of recognizing the unborn as a person/human being is that he/she becomes a holder of rights. Thus, the ACHR establishes in its articles on rights the formula "Every person (...)." <sup>315</sup> Likewise, the instruments for the protection of human rights generally recognize the ownership of rights by members of the human species, especially the right to life.<sup>316</sup>

Furthermore, in the Artavia Murillo judgment, the I/A Court H.R. determined that "the protection of the right to life is not absolute, but gradual and incremental as the development of the fetus progresses." This implies that, irrespective of the concepts of gradualness and incrementality (with which I take issue), the Court has

<sup>311</sup> ACHR. Article 1.2 "For the purposes of this Convention, person means every human being."

<sup>312</sup> I/A Court H.R. OC-22/16. Ownership of rights of legal persons in the inter-American human rights system. Advisory Opinion of February 26, 2016. Series A. No. 22. Par. 48.

<sup>313</sup> Kaluger, G., and Kaluger, M., Human Development: The Span of Life, The C.V. Mosby Co., St. Louis, 1974, pp. 28-29.

<sup>314</sup> Universal Declaration on the Human Genome and Human Rights. Article 1.

<sup>315</sup> American Convention on Human Rights. Articles 4, 5, 7, 8, 10, 11, 12, 13, 14, 16, 18, 20, 21, 22, 24, and 25.

<sup>316</sup> International Covenant on Civil and Political Rights. Preamble, par. 3; American Convention on Human Rights, par. 3. Preamble; African Charter on Human and Peoples' Rights: Preamble, par. 6; Geneva Declaration on the Rights of the Child. Preamble, par. 1; American Declaration of the Rights and Duties of Man. Article 1; Universal Declaration of Human Rights. Preamble, par. 1; Declaration of the Rights of the Child. Preamble, par. 2; European Convention on Human Rights. Preamble, par. 2.



already established that persons in gestation must be protected by the State in their "right to life." In the same vein, in the *Cuscul Pivaral* case,<sup>317</sup> the I/ A Court H.R. applied the ACHR to a fetus (*persona en gestación*) and also applied Article 19 of the ACHR, thus recognizing the legal status of the fetus as a child.

In the same vein, I emphasize that the preamble of the Convention on the Rights of the Child states that the child needs protection and care both before and after birth.<sup>318</sup> This implies that in light of the Convention on the Rights of the Child (CRC), the unborn child is a child in need of special care. This was reiterated in the preparatory work for the International Covenant on Civil and Political Rights.<sup>319</sup>

### 1.3. Inadequate approach to the use of contraceptive methods

Paragraph 164 included the following:

"ii) That the prevalence of discriminatory gender stereotypes limits education on the subject and access to and distribution of contraceptives, particularly to women, girls and adolescents, and that, although the emergency oral contraceptive is legal for women victims of sexual violence, it is being distributed at the discretion of health operators."

In this regard, I emphasize that it is not enough that the use of contraceptive methods be approved to guarantee women's sexual and reproductive rights, but that these measures must be accompanied by education and awareness-raising measures on the use of contraceptive methods in general, information on the specific physical effects they entail, and their impact on the right to health. I emphasize that freedom in decision making is not limited to the provision of options. True freedom comes when sufficient information is provided to make decisions.

In this regard, the World Health Organization has indicated that the choice of contraceptive methods will depend on **"the person's general state of health"**, among other criteria.<sup>320</sup> This is important, since it shows that **not every method is suitable for every person** and that, in this context, the supply of such methods may represent a health risk in specific cases. Thus, it is essential that people receive adequate guidance on existing contraceptive methods so that they can make an informed choice of the most appropriate option for them.

Only with proper guidance can it be guaranteed that people who use contraceptive methods give their informed consent, an essential guarantee that derives from the text of the Convention.<sup>321</sup> With respect to informed consent, the Inter-American Court has stated that:

"the concept of informed consent consists in a prior decision to accept or to submit to a medical act in the broadest sense, which has been freely obtained – in other words, without threats or coercion, improper induction or incentives – and given after obtaining **adequate, complete, reliable, comprehensible and accessible information, provided that this information has really been understood, which would allow the individual to give their full consent.** Informed consent is the positive decision to submit to a medical act resulting from a decision process, or prior, free and

<sup>317</sup> I/A Court H.R. Case of Cuscul Pivaral v. Guatemala. Judgment of August 23, 2018. "That said, the Court has indicated that extreme poverty and the lack of adequate medical care for women during pregnancy and postpartum are causes of high maternal mortality and morbidity. Therefore, States must implement appropriate health policies that allow it to provide assistance with suitably qualified personnel during births; policies to prevent maternal mortality by providing adequate prenatal and postpartum controls, and legal and administrative instruments relating to health policies that record cases of maternal mortality adequately. The Court has also recognized that, under Article 19 of the Convention, the State must assume its special position of guarantor with greater care and responsibility and take special measures focused on the principle of the best interest of the child."

<sup>318</sup> Convention on the Rights of the Child, Preamble.

<sup>319</sup> "The main reason for providing in paragraph 4 [now Article 6(5)] of the original text that the death penalty should not be applied to pregnant women was to save the innocent life of the unborn child." United Nations. General Assembly, Report of the Third Committee on the Draft International Covenants on Human Rights. A/3764. P. 40.

<sup>320</sup> Family planning. Contraception methods. <https://www.who.int/news-room/fact-sheets/detail/family-planning-contraception>.

<sup>321</sup> I/A Court H.R. Case I.V. v. Bolivia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 30, 2016. Series C No. 329.



informed choice, which constitutes a two-way mechanism of interaction in the physician-patient relationship.”<sup>322</sup>

In relation to this, in the case of *I.V. v. Bolivia*, the Court criticized the fact that the victim never had the possibility of knowing and weighing up alternative contraceptive methods.<sup>323</sup> In this case, the I/A Court H.R. emphasized the importance of people having the necessary data to make an informed decision. In this framework, the Court highlighted the importance of free choice of addressing the effects or impacts of the method.<sup>324</sup>

Thus, the autonomy of individuals in the choice of contraceptive methods can only be guaranteed when they have the capacity to consent to their use or non-use based on the necessary information.

#### **1.4. Obstetric emergencies: violation of the principle of subsidiarity and lack of protection of the unborn child**

In paragraphs 141 to 152, the Commission reiterated the recommendation in which it asked El Salvador to review cases of women sentenced to severe prison sentences for aggravated homicide, related to alleged obstetric emergencies or complications, and to give priority to processing ongoing requests for commutation of sentences. In particular, in paragraph 151, it stated:

"Likewise, the IACHR recalls that this recommendation was issued in response to the Commission's repeated concern, based on a series of data, testimonies, and cases it heard about in connection with its on-site visit, regarding a context of criminalization of women for the crime of homicide, with the common denominator that the facts they were accused of were related to obstetric complications. For the IACHR, it is important to have access to specific official information submitted by the State to understand whether this context persists and whether the requested review measures have been adopted to remedy it. Based on the information it received, the Commission finds that compliance with this recommendation has been partial."

In this regard, I reiterate that I fully agree that the State should not condemn women for obstetric emergencies or complications. What I disagree with is that a body such as the Commission should interfere in an intense manner in national criminal proceedings and decisions, without sufficient factual and legal grounds for doing so, and, moreover, through considerations that place the right to life of newborn children in serious danger.

First, I am concerned about this recommendation because (i) it disregards the principle of subsidiarity, and (ii) it paints a picture of illegitimacy with respect to all convictions imposed by the State in these cases -even when they may be properly substantiated-.

Logically, the majority's rejection of the sentences imposed leads to the need to revoke those sentences. That is, it implies a pronouncement by which the majority position seeks to replace the national authority and considers that the persons convicted in the cases did not commit the crimes envisaged in domestic law, and therefore the State should not individualize or enforce any penalty against them. Therefore, the majority position far exceeded the limits on the inter-American Commission's sphere of confidence. In effect, the Commission acted like a *fourth criminal instance*, without any type of motivation and in a scenario in which such an assessment is not appropriate.

---

<sup>322</sup> I/A Court H.R. Case *I.V. v. Bolivia*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 30, 2016. Series C No. 329.

<sup>323</sup> *Ibid.*

<sup>324</sup> I/A Court H.R. Case *I.V. v. Bolivia*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 30, 2016. Series C No. 329.



In this regard, the jurisprudence of the I/A Court H.R. recognizes that not even this Court, as the highest authority of the regional human rights system, can replace the national authority in assigning individual punishments for crimes envisaged under domestic law.<sup>325</sup>

This erroneous position with which I take issue not only resulted in a manifest violation of the principle of subsidiarity or complementarity, but also severely jeopardized the legal right to life of newborn children. If the convicted persons really committed crimes, then the majority's rejection of those convictions would constitute a disastrous precedent of denying protection of human life.

As on other occasions, I recall that the State has a particular duty to protect the rights of children. From this duty derives the international obligation to investigate, prosecute, and punish human rights violations against children.<sup>326</sup> This is a consideration that must be taken into account in the analysis of these cases, where there are serious concerns about the arbitrary deprivation of life of newborns.

### **1.5. Inaccuracies/lack of precision with respect to special protection measures granted by the State to pregnant women**

Paragraph 162 stated that:

"In addition, since 2022, the IACHR has ascertained that measures such as the Nacer con Cariño Law, PIEGS, or the Crecer Juntos Law prioritize maternity protection, establishing a distinction in the protection and guaranteeing the right to reproductive health, depending on whether a pregnancy continues or not. In this regard, the IACHR considers that there are still restrictions in the regulatory framework and in health policies that hinder the access of women, girls, and adolescents to sexual and reproductive health services without discrimination. In this regard, the IACHR reiterates that States have the obligation to provide medical care without discrimination, which implies that under no circumstances may conditions be imposed on the provision of medical care for women who require it."

The report did not clearly state how exactly these measures prioritize maternity, and how this approach could be discriminatory. The protection of pregnant women, in certain contexts, implies a differentiated treatment for them, guaranteeing that they receive adequate and reinforced medical care, taking into account both their well-being and that of the fetus (*persona en gestación*). It is important to emphasize that prioritizing maternity protection should not, in principle, be considered a discriminatory act. On the contrary, pregnant women require special protection measures<sup>327</sup> and are entitled to receive them from the State<sup>328</sup>, as this is essential for their health and that of their child. In this regard, with regard to the prioritization of protection, I reiterate to the Commission that not all unequal treatment is discriminatory.<sup>329</sup> The distinction discussed in this case must be analyzed in light of criteria of reasonableness and proportionality, and not just taken for granted.

---

<sup>325</sup> I/A Court H.R. Case of Usón Ramírez v. Venezuela. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 20, 2009. Series C No. 207. Par. 87. I/A Court H.R. Case of García Ibarra et al. v. Ecuador. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 17, 2015. Series C No. 306. Par. 167.

<sup>326</sup> I/A Court H.R. Case of Rochac Hernández et al. v. El Salvador. Merits, Reparations, and Costs. Judgment of October 14, 2014. Series C No. 285. Paragraph 135; I/A Court H.R. Case of V.R.P., V.P.C., et al. v. Nicaragua. Preliminary Objections, par. 292; I/A Court H.R. Case of Guzmán Albarracín et al. v. Ecuador. Merits, Reparations, and Costs. Judgment of June 24, 2020. Series C No. 405. Par. 120, Merits, Reparations, and Costs. Judgment of March 8, 2018. Series C No. 350. par. 164.

<sup>327</sup> I/A Court H.R. Case of the Xákmok Kásek Indigenous Community v. Paraguay Merits, Reparations, and Costs. Judgment of August 24, 2010. Series C No. 214. Par. 233.

<sup>328</sup> I/A Court H.R. Case of the Sawhoyamaya Indigenous Community v. Paraguay. Merits, Reparations, and Costs. Judgment of March 29, 2006. Series C No. 146. Par. 177.

<sup>329</sup> I/A Court H.R. Case I.V. v. Bolivia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 30, 2016. Series C No. 329. Par. 240.



## 2. No obligation to guarantee the rectification of the sex marker on identity documents for persons who identify as transgender

Paragraph 182 of the report states "the IACHR reiterates the importance of the State adopting a gender identity law that recognizes not only the change of name and image in identity documents, but also the rectification of the sex marker in identity documents, including birth certificates and passports." This is reiterated in paragraph 367 of the recommendations. In this regard, I reiterate that the American Convention does not expressly contemplate a right to gender identity, nor is there a binding instrument in the inter-American system that establishes an obligation to adapt identification documents to gender identity.

As I have indicated, recognizing new rights that are not in the Convention through an interpretation that does not follow the procedures established in the Convention itself would undermine Articles 31, 76, and 77, ignoring the original will of the States that ratified the Convention.

Therefore, any pronouncement in which any of the organs of the IHRS applies a right that is not established in the binding instruments of international law that govern its activity will be an act violating the literal meaning of the American Convention and will exceed the scope of the competencies of the IACHR or the I/A Court H.R., as the case may be. Such an irregular constitutive act would also undermine the principles of good faith and *pacta sunt servanda*.<sup>330</sup>

In light of the above, given that there is no right under the Convention to gender identity that is binding on States, it is possible to affirm that there are no correlative obligations to recognize this right either.

On the other hand, although I am not unaware that OC-24/17 asserted the existence of the so-called "right to gender identity" and a supposed obligation to adapt identification documents to gender identity in the terms indicated in this Chapter, I emphasize that the Advisory Opinions of the I/A Court H.R. are not entitled to contemplate rights or obligations other than those expressly contemplated by the American Convention.<sup>331</sup>

In this regard, first, Article 68 of the Convention is clear in stating that the States are obliged to comply with the decisions rendered by the Court, "in any case in which they are parties." This provision is important in that (i) it is the only one that refers to the legal value of the Tribunal's pronouncements and (ii) it expressly limits the binding nature of those pronouncements to the States party to a case, thus limiting the addressee of the obligations -the State party to a case- and the context in which the pronouncement is issued -that is, litigation-. This position has also been supported by some exponents of legal doctrine (*sectores de la doctrina*), also based on the principle of State consent as the basis of conventional law.<sup>332</sup>

Secondly, specifically regarding OC-24/17, consideration should be given to Article 64 of the ACHR, which limits the competence of the Court to issue advisory opinions regarding the Convention or treaties of the inter-American system. Thus, given that OC-24/17 establishes alleged rights not contemplated in the ACHR, nor in any other treaty of the ISHR, their binding nature is even more questionable.

Thirdly, to derive obligations or so-called rights not contemplated in the Convention, based exclusively on an advisory opinion, would contravene the principle of *pacta sunt servanda* that governs international treaty law, by virtue of which States are only bound to comply with that to which they have expressed their consent.<sup>333</sup>

<sup>330</sup> Vienna Convention on the Law of Treaties. Article 26.

<sup>331</sup> I/A Court H.R. Gender identity, and equality and non-discrimination with regard to same-sex couples. State obligations in relation to name change, gender identity, and rights derived from a same-sex relationship (interpretation and scope of Articles 1(1), 3, 7, 11(2), 13, 17, 18, and 24, in relation to Article 1 of the American Convention on Human Rights). Advisory Opinion OC-24/17, November 24, 2017. Series A, No. 24.

<sup>332</sup> Systematization of the criticisms in: González Domínguez, P. (2017). The doctrine of conventionality control in light of the principle of subsidiarity. Constitutional Studies 15(1), 55-98.

<sup>333</sup> Vienna Convention on the Law of Treaties.



Fourth, although the I/A Court H.R. has affirmed that advisory opinions are parameters of conventionality control,<sup>334</sup> I emphasize that an open and transparent inter-American dialogue is still needed to further discuss this position, which is not expressly derived from the American Convention, or any other international instrument that is binding upon States. I call attention to the fact that there is still no consensus regarding this matter, either in the States of the region or in academic circles; for that reason, important constitutional courts still refrain from invoking the notion of conventionality control and from incorporating advisory opinions as a parameter.<sup>335</sup>

Finally, I note that some authors have indicated that broadening the effects of advisory opinions could facilitate distortions in the way the inter-American system operates and, thus, weaken it, since (i) it entails equating decisions issued as part of the Court's advisory functions with the text of the convention itself,<sup>336</sup> and (ii) it blurs the differences between the jurisdictional and advisory functions of the Court. Some have even pointed out that these interpretations by the Court generate legal uncertainty, since there is no certainty as to the effects associated with the issuance of advisory opinions.<sup>337</sup>

On the contrary, as I have stated in previous explanations of my votes, gender identity, based on *self-determination* or *self-perception*, poses serious risks to the rights of individuals, in general, and, in particular, to population groups with special inter-American protection, such as women. Insisting that States change even the sex markers on identity documents increases these risks, as it completely dilutes gender differentiation and hampers implementation of affirmative measures for women.

The Commission must deliberate deeply on this matter, from a human rights perspective and with a differential approach, in order not to harm or frustrate affirmative measures in favor of women or other population groups with special inter-American protection.

If it is enough for a person to state that he/she *perceives herself* as a woman for the State to automatically recognize her as such, without any additional regulation or reasonable requirement, affirmative measures in favor of women will most likely lose their effectiveness, and the States will end up erasing the very identity of women and of any other population group.

On this, the then Judge Elizabeth Odio Benito was clear, explaining that:

"[...] the central subject of feminism (and, in this case, of violence against women because they are women) is women and the specific oppression they suffer, its origin and impact. If we confuse the feminist struggle and replace the subject of feminism, if the subject of feminism ceases to be the biological woman but rather a strange and confusing variable of subjective identities, we must consider and prepare to deal with the more than foreseeable negative impact it would have on decades of feminist struggle and theory. And not only feminism would disappear, but also the theory of human rights, which is also based not on feelings or self-perceptions, but on objective and scientific categories. Thus, one might ask: if sex, a material and scientific category, disappears, absorbed by "gender identity", an individual subjective perception, what would gender-based violence be based on? And what is the female sex reduced to? How would rape and other crimes of sexual violence against women be documented? How would the violence suffered by trans people be documented if the change of sex is something confidential that cannot be documented? What about wage differentials? What about discrimination in access to education at all levels, formal and informal? There are many, many more questions. But these few are enough to show the chaos and the regression we are facing."<sup>338</sup>

<sup>334</sup> I/A Court H.R. Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection. Advisory Opinion OC-21/14 of August 19, 2014. Series A No. par. 41. 31.

<sup>335</sup> Ramírez, F. G. (2023). A critical look at conventionality control. *Journal of Law and Social Sciences*, (28), 101-142; Palacios, D. L. (2017). Inter-American conventionality control at the national level: a notion still under construction. *Revista Direito e Práxis*, 8, 1389-1418.

<sup>336</sup> Colombo, I. (2022). A critical analysis of the doctrine of conventionality control. *Omnia. Law and Society*, 5 (1), pp. 83-116.

<sup>337</sup> Colombo, I. (2022). A critical analysis of the doctrine of conventionality control. *Omnia. Law and Society*, 5 (1), pp. 83-116.

<sup>338</sup> I/A Court H.R. Case of Vicky Hernández et al. v. Honduras. Merits, Reparations, and Costs. Judgment of March 26, 2021. Series C No. 422. Partially dissenting opinion of Judge Odio Benito, Par. 15.



I take advantage of the considerations of then Judge Elizabeth Odio Benito to insist on the defense of the value that exists in being biologically female or male, which is not equivalent to *reducing* the identity of a person only to his or her biological sex.

Therefore, if international human rights law erases biological sex and measures with a differential approach based precisely on the criterion of biological sex, it would deprive the protection of population groups such as women of any rational basis. If the majority position is maintained in the promotion of absolute legal recognition of *self-perceived* or *self-determined* gender identity, it will hinder -if not nullify- the effectiveness of countless special protection measures.

### 3. Considerations regarding measures taken by the State in relation to comprehensive sex education for children and adolescents

Paragraphs 116 and 202 of the report indicate:

"In addition to the above, civil society organizations reported to the Commission information regarding the following facts:

- That, on February 22, 2024, the President of the Republic stated in an interview conducted by the director of the organization Moms for Liberty that a gender ideology is prohibited in El Salvador, due to its promotion of "unnatural, anti-god, and anti-family" ideas in education. In addition, according to the organizations, the president stated that these ideologies would not be allowed in schools and colleges and that it is also important that the curriculum does not include gender ideology. In this regard, the Commission was told about a video in which the President makes these statements.
- That the Ministry of Education issued a memorandum on February 28, 2024 in which it reportedly requested that materials and contents related to "gender ideology" be banned from public schools. Persons contravening this ban would be subject to punishment or dismissal. Regarding this specific allegation, the IACHR was also informed about a tweet published on February 27, 2024 by the Minister of Education of El Salvador, explicitly announcing the elimination of "any use or trace of gender ideology from public schools."

In the same vein, paragraph 186 stated: "Likewise, civil society told the Commission that the current Government had reportedly decided not to go ahead with the plan indicated in the recommendation, given that more than 300 people from the Secretariat of Culture had reportedly been dismissed for allegedly promoting agendas incompatible with its vision and that material on sexual and reproductive health had been removed from the curricula, which no longer addressed topics relating to gender violence and sexual orientation. According to this information, the main challenge for recognition of rights of the LGBTIQ+ population is the approval of a Gender Identity Law, which would allow legal reforms to guarantee basic rights without discrimination."

Finally, paragraph 305 included the following: **"Also, considering the allegations made by civil society regarding the lack of inclusion of content related to the rights of LGBTIQ+ persons, the Commission requests specific information to explain whether this reform process ensures the inclusion of the inter-American standards aimed at preventing any type of discrimination or violence against these persons, based on their sexual orientation and gender identity or expression.** In addition, it invites the State to specify, where applicable, the scope of the material or the prohibition of what the authorities have called "gender ideology." This is reiterated in paragraphs 302 and 380.

In this regard, I will make reference to the fact that with these considerations: (i) the IACHR jeopardizes the duty to protect the best interests of children and adolescents and to avoid hypersexualization and (ii) the IACHR omitted the right of parents to choose the education of their children.



### 3.1. The IACHR jeopardizes the duty to protect the best interests of children and adolescents and to prevent hypersexualization

With these considerations, the majority of the Commission's members failed to consider a risk that derives from its considerations on comprehensive sex education (CSE) for the best interests of children and adolescents: hypersexualization.

The IACHR failed to mention that the best interests of children and adolescents is a guiding principle that should govern all state actions. Indeed, this principle is enshrined in binding instruments of the Universal Human Rights System (UHRS), the Inter-American Human Rights System (IAHRS), and the European Human Rights System (EHRS).

In the UHRS, the best interests of the child are enshrined in the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Indeed, the CRC states in Article 3.1 that "[i]n all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." and the CEDAW, in Article 5.b, enshrines the obligation of States parties to "ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases."

In the inter-American system, the American Convention on Human Rights establishes that "[e]very minor child has the right to the measures of protection required by his condition as a minor on the part of his family, society, and the state."

This principle has been extensively developed by the Committee on the Rights of the Child in General Comment 14. In that Comment, the Committee held that the best interests of the child is an umbrella term that encompasses three dimensions, namely: (i) a fundamental right of the child, (ii) a basic and interpretative principle and (iii) a procedural rule<sup>339</sup>.

Regarding the content of this principle, the Committee held that it implies that any action involving a child must consider the best interests of the child as a primary consideration.<sup>340</sup> Hence, according to the Committee, the application of this principle means that not only should the interests of the child be considered, but also that his or her interests should take precedence whenever they conflict with other principles or interests.

Accordingly, all public policies implemented by States within the framework of their functions must take into account the interests of children and adolescents as an essential consideration. As a public policy, Comprehensive Sexuality Education must also be governed by the best interests of the child.

In this regard, I would like to point out a growing concern regarding sex education policies, that is, the hypersexualization of children and adolescents. Hypersexualization represents a risk that disproportionately affects the childhood population. This has been recognized by the Committee on the Rights of the Child in General Comment 20, which states that "[t]he digital environment can also expose adolescents to risks, including (...) **over-sexualization**."<sup>341</sup> This has been reiterated by the Committee in several reports, in which it has stated that hypersexualization is a problem that must be addressed by the States, since it jeopardizes the rights of children and adolescents.<sup>342</sup>

<sup>339</sup> Committee on the Rights of the Child. General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, par. 1. CRC/C/GC/14,

<sup>340</sup> Committee on the Rights of the Child. General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, par. 1. CRC/C/GC/14,

<sup>341</sup> General Comment No. 20 (20) on the implementation of the rights of the child during adolescence,

<sup>342</sup> Consideration of the reports submitted by States parties under article 44 of the Convention. Fifth periodic reports of States parties due in 2012; Committee on the Rights of the Child. Combined fifth and sixth periodic reports submitted by the Plurinational State of Bolivia under article 44 of the Convention, due in 2015.



Sex education, therefore, should be a means to prevent the hypersexualization of children and adolescents<sup>343</sup> and not a mechanism to promote it. Consistent with this, the ECtHR has established that for sex education to be in keeping with the Convention, it must aim to provide children with **correct, accurate, objective, and scientific knowledge on the subject, presented in an age-appropriate way.**<sup>344</sup>

Complaints about the hypersexualization of educational materials have been filed all over the world; this calls for strict regulation by the States and vigilance and research in these matters.<sup>345</sup> In the United States, multiple bills have been introduced to establish the right of parents to know the education their children receive in matters such as gender identity.<sup>346</sup> In addition, many States have banned educational materials that include references contrary to the best interests of the child.<sup>347</sup>

### 3.2. The IACHR omitted parents' rights to choose their children's education

In its considerations, the IACHR completely omitted the right of parents to choose their children's education. In this regard, I draw attention to the wording of Article 12.4 of the ACHR, which states that "[p]arents or guardians, as the case may be, have the right to provide for the religious and moral education of their children or wards that is in accord with their own convictions." (Bold added).

The same guarantee has been provided for in the International Covenant on Civil and Political Rights<sup>348</sup>, the International Covenant on Economic, Social and Cultural Rights<sup>349</sup>, the Convention on the Rights of the Child,<sup>350</sup> and the Additional Protocol to the European Convention on Human Rights.<sup>351</sup> According to the ECHR, the **right of parents to choose their children's education, including sex education**, is an aspect of the right to respect for private and family life protected by the ECHR.<sup>352</sup>

Thus, there is a consensus on the existence and recognition of this parental right. The Inter-American Commission has understood that the right of parents to choose the education of their children (i) must be interpreted in conjunction with the rights of children and adolescents, especially the right to education<sup>353</sup> and (ii) must respect the provisions of the inter-American instruments that establish that education must be oriented to train children to respect human rights, public freedoms, and tolerance.<sup>354</sup>

Of course, I agree with those criteria. However, it must not be forgotten that: (i) all types of education must be respectful of the best interests of children as a guiding principle, and (ii) the right of parents to choose the education of their children is derived from the right to education of children itself; therefore, there is a false dilemma in considering that these two rights are incompatible.

<sup>343</sup>Universidad de la Sabana. The hypersexualization of childhood. <https://www.unisabana.edu.co/portaldenoticias/al-dia/la-hipersexualizacion-de-la-infancia/>.

<sup>344</sup>ECHR. Case of Macatè v. Lithuania.

<sup>345</sup> See: Quadatrin Mexico. Imponen ideología de género e hipersexualización en libros: asociaciones. (They impose gender ideology and hypersexualization in books: associations.) 2023. <https://mexico.quadratrin.com.mx/imponen-ideologia-de-genero-e-hipersexualizacion-en-libros-asociaciones/>; Debate. New Ministry of Education (SEP) textbooks teach about inclusion, and physical pleasures? (*¿y placeres del cuerpo?*) 2023. <https://www.debate.com.mx/cultura/Nuevos-libros-de-texto-de-la-SEP-ensenan-sobre-inclusion-y-placeres-del-cuerpo-20230802-0073.html>; Infobae. Inappropriate content in SEP books: parents show pages that "promote hypersexualization." 2023. <https://www.infobae.com/mexico/2023/08/29/contenido-inapropiado-en-libros-de-la-sep-papas-exhiben-paginas-que-promueven-la-hipersexualizacion/>; Texas Values. Austin ISD Sex-Ed Curriculum, <https://txvalues.org/wp-content/uploads/2014/04/AISD-Sex-Ed-Curriculum-Presentation-final.pdf>; Foxnews. Transgender lesson gets New York 7th-grade teacher suspended. 2023. <https://www.foxnews.com/us/transgender-lesson-gets-new-york-7th-grade-teacher-suspended>.

<sup>346</sup> See: <https://www.future-ed.org/legislative-tracker-2023-parent-rights-bills-in-the-states/>.

<sup>347</sup> See: <https://www.kmuw.org/education/2023-12-18/kansas-school-district-restricts-books-that-mention-nudity-sexual-orientation-or-gender-identity/>; <https://www.cbsnews.com/news/florida-public-schools-ban-teach-gender-identity-sexuality/>; <https://www.cnn.com/2023/05/27/politics/iowa-law-gender-identity-book-ban/index.html>.

<sup>348</sup> Article 18.4.

<sup>349</sup> Article 13.3.

<sup>350</sup> Article 14.2.

<sup>351</sup> Article 2.

<sup>352</sup> ECHR, Kjeldsen, Busk Madsen and Pedersen, par. 53; Dojan et al, cited above, paras. 78–83.

<sup>353</sup> IACHR. Study: Inter-American Standards on Freedom of Religion and Belief.

<sup>354</sup> IACHR. Study: Inter-American Standards on Freedom of Religion and Belief.



Thus, the ECtHR, in its interpretation of Article 2 of Protocol No. 1, has stated that<sup>355</sup> the right of parents to respect for their philosophical and religious convictions is based on the fundamental right to education. According to the European Court of Human Rights, although entitlement to this right rests with the parents, it also rests with the children, who have the right to education and teaching.<sup>356</sup>

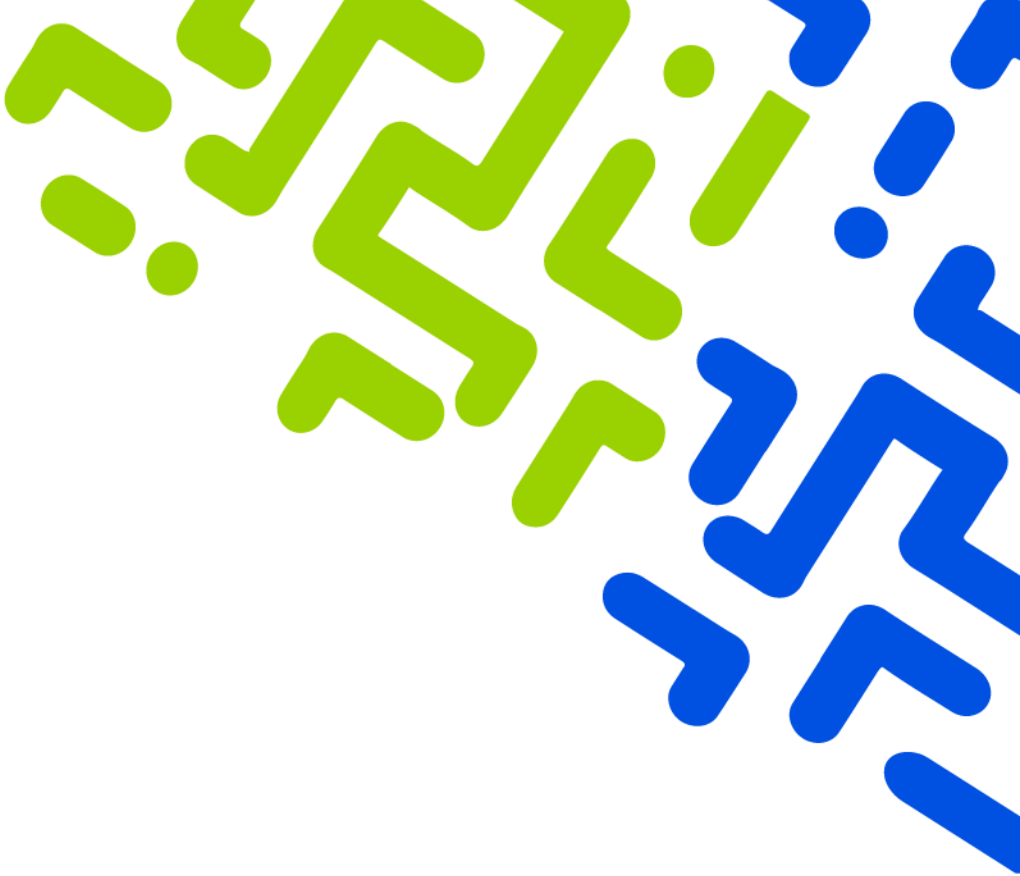
Undoubtedly, this right affects sex education for children and adolescents because sex education, like any other type of education, must be framed within the scope of protection of conventional law, recognized by international human rights law, which grants parents the right to choose the education of their children, in accordance with Article 12.4 of the Convention. However, the Commission did not take this right into account in its report.

---

<sup>355</sup> The general principles enunciated by the ECtHR are mainly derived from the judgments handed down in the following cases: *Kjeldsen, Busk Madsen and Pedersen v. Denmark* (ECtHR 1976/5); *Campbell and Cosans v. United Kingdom* (ECtHR 1982/1); *Valsamis v. Greece* (ECtHR 1996, 70), and *Folgero et al. v. Norway* (ECtHR 2007/53).

<sup>356</sup> Case of *Kjeldsen, Busk Madsen and Pedersen v. Denmark* (STEDH 1976/5 of December 7, section 52).





# **Follow-Up of Recommendations in Country or Thematic Reports**

---

**México**





## **CHAPTER V: MEXICO**

<b>I.</b>	<b>INTRODUCTION .....</b>	<b>1047</b>
<b>II.</b>	<b>FOLLOW-UP OF RECOMMENDATIONS .....</b>	<b>1048</b>
A.	Citizen Security .....	1048
B.	Disappearances and enforced disappearances .....	1057
C.	Torture .....	1068
D.	Extrajudicial executions .....	1074
E.	Access to justice .....	1083
F.	Affectation of particular groups .....	1092
1.	Personas LGBT .....	1092
2.	Women .....	1094
3.	Children and adolescents .....	1100
4.	Indigenous peoples .....	1102
5.	Persons deprived of liberty .....	1105
6.	Migrants and people facing forced internal displacement .....	1111
7.	Human rights defenders .....	1114
8.	Freedom of expression .....	1116
9.	Access to information .....	1124
G.	Protection Mechanism for Human Rights Defenders and Journalists .....	1127
<b>III.</b>	<b>SUMMARY TABLE OF THE LEVEL OF COMPLIANCE WITH THE RECOMMENDATIONS .....</b>	<b>1138</b>
<b>IV.</b>	<b>CONCLUSIONS .....</b>	<b>1140</b>



## CHAPTER V

# FOLLOW-UP TO RECOMMENDATIONS MADE BY THE IACHR IN ITS COUNTRY OR THEMATIC REPORTS

## NINTH FOLLOW-UP REPORT ON RECOMMENDATIONS MADE BY THE IACHR IN THE 2015 REPORT ON THE SITUATION OF HUMAN RIGHTS IN MEXICO<sup>1</sup>

### I. INTRODUCTION

1. The purpose of this chapter is to follow up on the recommendations issued in the report "Situation of Human Rights in Mexico," approved on December 31, 2015 by the Inter-American Commission on Human Rights (hereinafter "Commission," "Inter-American Commission," or "IACHR") in compliance with Article 59(9) of its Rules of Procedure. In accordance with this provision, through Chapter V of its Annual Report, the Commission will follow up on the measures adopted to comply with the recommendations made in the Country Report. Through this monitoring, the main current problems identified in the field of human rights in the United Mexican States (hereinafter "Mexico", "Mexican State" or "State") are addressed. These are related to citizen insecurity and militarization, disappearances, torture, access to justice and impunity, the situation of freedom of expression, as well as the situation of particular groups.

2. At the invitation of Mexico, the IACHR conducted an *on-site* visit to the country between September 28 and October 3, 2015. The IACHR prepared the Report on the Situation of Human Rights in Mexico (hereinafter "Country Report") with a series of recommendations to the Mexican State, drawing on the findings and information obtained before, during, and after the visit. The Country Report was based on the investigations carried out ex officio, the information provided by the State, the inputs from the different mechanisms through which the IACHR has followed up on the situation in the country, as well as journalistic articles, decisions, and recommendations of specialized international organizations, among others, in accordance with the provisions of Article 59, paragraph 5, of its Rules of Procedure.

3. During the years following the publication of the Country Report, the IACHR prepared follow-up reports on the recommendations, which were incorporated into Chapters V of the Commission's Annual Reports for the years between 2016 and 2023. These follow-up reports included, as appropriate, the observations submitted by the Mexican State and civil society.

4. For the preparation of this ninth follow-up report, in a communication sent on September 4, 2024, the IACHR asked the State to submit information on the compliance measures adopted in the last year on the recommendations contained in the Country Report. Mexico's response was received on September 30 and October 1 through the Inter-American SIMORE. The Commission appreciates and appreciates the information received which was included in this follow-up report. At the same time, the IACHR appreciates the information provided by civil society organizations.<sup>2</sup>

5. In accordance with Article 59(10) of its Rules of Procedure, on January 16, 2025, the IACHR transmitted the report to the State, which submitted its observations on February 15 and 28, 2025<sup>3</sup>, the

---

<sup>1</sup> In accordance with the provisions of Article 17.2 of the Commission's Rules of Procedure, Commissioner José Luis Caballero Ochoa, a Mexican national, did not participate in the discussion, investigation, deliberation, and approval of this report.

<sup>2</sup> The IACHR received information from the Agustín Pro Juárez Human Rights Center (Centro Prodh); the Foundation for Justice and the Democratic Rule of Law (FJEDD); Marisol Méndez Cruz, Jerónimo del Río and Fabienne Cabaret; Services and Advice for Peace (SERAPAZ); Idehas Strategic Litigation in Human Rights; and Ku'kay Organization.

<sup>3</sup> State of Mexico, [Observations and comments of the Mexican State on the draft Chapter V 2024 on the follow-up to the recommendations made by the Inter-American Commission on Human Rights in the report "Situation of Human Rights in Mexico."](#)



pertinent parts of which were incorporated into the final version of this Report. This follow-up report was finally approved by the IACHR on March 19, 2025.

6. This follow-up report is divided into 7 sections devoted to consideration of the most recent measures adopted by the State to comply with the Commission's recommendations, and the remaining challenges in terms of implementation. Compliance with the recommendations has been evaluated in accordance with the IACHR's General Guidelines for Follow-up on Recommendations and Decisions<sup>4</sup>. Each section refers to the recommendations issued by the IACHR, in accordance with its thematic axes. The report presents, first, a synthesis of the information known to the IACHR and its analysis in the latest follow-up report for 2023. After this summary, the report covers the information that has been known to the IACHR in 2024 through different sources, including the State and civil society organizations, as well as the information that the Commission has collected in monitoring the general human rights situation in the country.<sup>5</sup> The report then presents an analysis of the level of compliance and refers to the main progress and implementation challenges identified by the Commission, according to the information known during 2024. The analysis of each recommendation culminates with a diagnosis by the IACHR of the specific information that the State has not yet submitted or of the measures that remain to be adopted to determine progress in the level of compliance with the recommendation. Finally, the IACHR presents its conclusions regarding the progress and challenges in complying with the recommendations of the Country Report, as a whole.

## II. FOLLOW-UP OF RECOMMENDATIONS

### A. Citizen Security

**Recommendation No. 1:** Develop a concrete plan for the gradual withdrawal of the Armed Forces from public security tasks and for the recovery of these tasks by the civilian police.

7. In Chapter V of the 2023 Annual Report, the IACHR received information that the Supreme Court of Justice of the Nation (SCJN) invalidated the transfer of the powers of the National Guard (GN) to the Ministry of National Defense (SEDENA), stressing that the GN should be under civilian control in accordance with Article 21 of the Constitution. Despite this, the IACHR was informed by civil society organizations that, in practice, the GN was still under the control of SEDENA, and that the President of the Republic had expressed his intention to present a new constitutional initiative to assign the GN back to SEDENA; and stressed that the participation of the Armed Forces in public security tasks had expanded, which had generated concerns in the international community. The IACHR welcomed the SCJN's decision, but expressed concern that recent legislative reforms could contravene international standards and strengthen the military presence in public security tasks. For this reason, the Commission reiterated its call on the Mexican State to limit the militarization of citizen security and strengthen civilian security forces, in line with international human rights commitments<sup>6</sup>, and concluded that compliance with the recommendation was pending.

#### *Compliance Information*

8. In 2024, the State submitted information on the National Public Security Strategy, stating that it would have made it possible to rebuild the social fabric of communities affected by violence, as well as to recover society's trust in police institutions. The State reported on the coordination and permanent work

February 16, 2025; State of Mexico, [Observations and comments of the Mexican State on the draft Chapter V 2024 on the follow-up to the recommendations made by the Inter-American Commission on Human Rights in the report "Situation of Human Rights in Mexico"](#), February 28, 2025.

<sup>4</sup> IACHR, [General Guidelines for Follow-up on Recommendations and Decisions of the Inter-American Commission on Human Rights](#), OEA/Ser.L/V/II.173 Doc. 177, September 30, 2019.

<sup>5</sup> To this end, the IACHR has made use of information gathered during public hearings, investigations conducted ex officio, inputs from the petition and case mechanisms and precautionary measures, and responses to requests for information submitted under the authority established in Article 41 of the American Convention on Human Rights; as well as information received from other public sources, and the decisions and recommendations of specialized international organizations, among others.

<sup>6</sup> IACHR, [Annual Report, Chapter V](#), Mexico, 2023, paras. Verses 8-12.



efforts of the Security Cabinet and the Roundtables for Peacebuilding, (these roundtables would have been promoted in the 32 states and in 266 regions of the country), as well as the coordination with prosecutors' offices and prosecutors' offices in the states. Mexico highlighted that, comparing the figures for June 2024 with those of December 2018, the theft of hydrocarbons would have been reduced by 94.2%; kidnapping by 62.9%; total theft by 34.8%; and vehicle theft decreased by 50.3%. The daily average of victims of intentional homicide would have decreased 18% in the same period. In the same sense, the State highlighted the creation in 2019 of the GN; a force that, as of June 30, 2024, would have 133,102 elements, of which 81.5% are deployed throughout the national territory to protect the life, integrity and property of Mexicans. He added that, in December 2018, 73.7% of the population considered their city unsafe; while, by March 2024, this figure would have decreased to 61%, according to figures from the National Institute of Geography and Statistics (INEGI).<sup>7</sup>

9. The State stressed that the Special Peacebuilding Strategy would prioritize addressing the causes of violence through social programs, recovery of public spaces, and community networks. In December 2020, the State promoted this security strategy in the 15 municipalities with the highest rate of intentional homicides; By 2021, this strategy was expanded to the 50 municipalities that account for 49% of the incidence of this crime. With respect to the Armed Forces (FFAA), the State only said that they assist the civilian population in cases of disasters and assist in public security tasks and support the construction of infrastructure and public works.

10. For their part, civil society organizations reported that on February 5, 2024, the former head of the Executive presented a package of constitutional reform initiatives to the Congress of the Union, among which was the affiliation of the GN to SEDENA. After the 2024 elections, in which the ruling political party obtained a qualified majority in the legislative branch, the constitutional reform that made the GN part of SEDENA was approved. This reform provides that: the head of the executive may use the Permanent Armed Forces at his discretion and at any time in tasks of public security, internal security and external defense, even in times of peace; the incorporation of the GN into the Permanent Armed Forces; the power of the GN to carry out investigative work under the command of the Public Prosecutor's Office; the application of military jurisdiction to the GN; the power of the Legislative Branch to issue secondary provisions on the participation of the Armed Forces in internal security and public security tasks; it contemplates that even in times of peace, Congress and the Executive may grant all kinds of functions to the Permanent Armed Forces; and admits the possibility of a military member participating in the presidential elections, with the simple fact of not being on active duty six months before the election. The new head of the GN will be a Major General, appointed by the head of the Federal Executive at the proposal of the head of SEDENA.

11. Civil society organizations expressed their concern about the approval of the reform because it shows progress in the militarization of Mexico. In this sense, the organizations said that the impact of the transfer of the GN to SEDENA would reinforce a logic of security and containment instead of a focus on the protection of human rights, which could generate an increase in practices of harassment, repression and violation of rights.

#### *Analysis and level of compliance with the recommendation*

12. The Commission emphasizes that this recommendation establishes the need to develop a concrete plan for the gradual withdrawal of the Armed Forces from public security tasks and their transfer to the civilian police. This mandate seeks to safeguard the civilian character of the institutions in charge of guaranteeing public security. However, the recent regulatory framework in Mexico, which militarizes the National Guard by integrating it into SEDENA, represents a direct breach of this recommendation. The Mexican State has chosen to consolidate a security model based on militarization, as evidenced by the 2024 reform that transfers operational and administrative control of the National Guard to SEDENA. This approach contravenes the recommendations of international organizations such as the IACHR, which repeatedly referred to the risks inherent in the use of military forces in public security tasks, including the lack of training in human rights and

---

<sup>7</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 1](#), Chapter V, September 30 and October 1, 2024.



the increase in violations of these rights<sup>8</sup>. In the same vein, it is noted that the Office of the United Nations High Commissioner for Human Rights (OHCHR) expressed "the potential impact of this modification on the increase in forced disappearances and impunity is extremely worrying."<sup>9</sup>

13. Despite international recommendations, Mexico lacks a clear and structured plan to return public security tasks to civilian police. Instead of moving towards the professionalization of these institutions, the budget and resources allocated to their strengthening have decreased, while the resources allocated to the Armed Forces have increased significantly<sup>10</sup>. This trend is evidence of a clear failure to comply with the IACHR's recommendation. In turn, the structural weakening of the civilian police reflects a serious omission by the State in its duty to guarantee public security through competent civilian institutions. According to INEGI data,<sup>11</sup> less than 30% of municipal police have the basic levels of professional certification. This lag, far from being addressed, is aggravated by the growing dependence on the military model. The militarization of the National Guard and the lack of a concrete plan for the gradual withdrawal of the Armed Forces from public security tasks constitute a direct violation of Recommendation No. 1 of this report. This situation perpetuates an ineffective and human rights-based security model. In light of the foregoing, taking into consideration the General Guidelines for Follow-up on Recommendations and Decisions of the Inter-American Commission on Human Rights<sup>12</sup>, and noting that the Mexican State has implemented a series of actions and conduct that repeatedly ignore, hinder, or impede compliance with this recommendation, the IACHR concludes that the recommendation has **not been complied with**.

*Measures and information to advance the implementation of the recommendation*

14. The Committee takes note of the information provided in the area of the national security strategy. However, this strategy, like the measures reported by the State, does not refer to or provide for the design and implementation of a plan that would allow the withdrawal of the Armed Forces from public security functions. In this regard, the IACHR invites the State to submit information related to the specific object of the recommendation. Beyond a security strategy in abstract terms, it is necessary for the State to report on how such a strategy or any other reported action would be guaranteeing a plan for the gradual withdrawal of the Armed Forces.

**Recommendation No. 2:** Strengthen the capacity of the police to carry out public security tasks in accordance with international human rights standards.

15. In 2023, the State reported to the IACHR that it trained thousands of elements in human rights and allocated resources for the training of public security personnel; but the IACHR received information that the Secretariat of Security and Citizen Protection lacked the infrastructure to control the GN, which had led to a strengthening of SEDENA to the detriment of civilian bodies. Despite the training, the IACHR considered that it was insufficient due to the lack of labor guarantees, budget, and human resources for civilian bodies, maintaining the recommendation as pending compliance. The IACHR urged the State to provide more information on measures to strengthen police forces and to ensure that civilian forces have the necessary conditions to perform their functions adequately and safely.<sup>13</sup>

<sup>8</sup> Process [The UN expressed its deep concern about the militarization of public security in Mexico](#), September 17, 2024.

<sup>9</sup> OHCHR, [Mexico: UN experts\\* express concern over proposed constitutional reform that would imply a greater role for the Armed Forces in matters of public security](#), September 24, 2024.

<sup>10</sup> CIDE [Budgets and Public Security: An Assessment of Public Spending](#), 2023.

<sup>11</sup> INEGI, [National Diagnosis of the Municipal Police](#), August 7, 2024.

<sup>12</sup> IACHR, [General Guidelines for Follow-up to Recommendations and Decisions of the Inter-American Commission on Human Rights](#), OEA/Ser.L/V/II.173 Doc. 177, September 30, 2019.

<sup>13</sup> IACHR, [Annual Report, Chapter V](#), Mexico, 2023, paras. 19 and 20.



*Compliance Information*

16. In 2024, the State said that the professionalization of public security forces focused on strengthening the standardization of training and certification, to raise the quality of police forces. He reported that the Single Police Certificate (CUP) would validate that the elements meet requirements such as initial training, evaluation of competencies, academic performance and confidence control. He clarified that, as of March 2024, 390,694 certificates would have been issued, reaching 75.7% of the total of 515,862 items. This progress, according to Mexico, includes 59% in the federal police, 88.4% in the state police, and 78.9% in the municipal police. Regarding training, the State reported that between 2019 and 2024, more than 20 thousand curricula would have been validated, benefiting more than one million elements. 16,301 continuing education programs were implemented, covering essential topics such as police function, first responder, forensic science, effectiveness in first acts of investigation, gender violence, attention to victims, human rights, civic justice and crime prevention. In addition to this, he stressed that the Professional Career Service promotes stability and professionalization in public security institutions, with the implementation of regulations and manuals in several entities and municipalities to ensure quality and confidence in the police service. On the other hand, the State emphasized that the National Model of Police and Civic Justice would promote coordination between the three levels of government to strengthen local police forces.<sup>14</sup>

17. On the other hand, the State reported that the strategy would have focused on prevention, with a 25.7% increase in the resources of the Public Security Contribution Fund (FASP) and the incorporation of the Fund for the Strengthening of Public Security Institutions (FOFISP). Investment in infrastructure for women victims of gender-based violence has increased care capacity by 43.5%, from 287,000 women served in 2018 to more than 412,000 in 2023.<sup>15</sup>

*Analysis and level of compliance with the recommendation*

18. The information provided by the State shows that the capacity of the police has been strengthened through increases in their budget, social security guarantees and training programmes. However, the state's decision to continue deploying armed forces for public security functions reflects the persistence of challenges that prevent the police from assuming all of these functions, so the recommendation remains **pending**.

*Measures and information to advance the implementation of the recommendation*

19. The Commission reiterates its call on the Mexican State to comply with its international human rights commitments by adopting the necessary measures to limit the militarization of citizen security. It also urges the State to rethink its security strategy, strengthening the civilian security forces in accordance with international standards and establishing a plan for their gradual withdrawal from the Armed Forces.

**Recommendation No. 4:** Take steps to ensure that federal and state officials refrain from issuing public statements on the legality of the actions of the security forces in cases that may constitute an improper use of force before the results of an investigation are available.

20. In Chapter V of the 2023 Annual Report, the State reported on the training of 154 officials of the Attorney General's Office (FGR) in human rights. For their part, civil society organizations reported that the head of the Executive made anticipated public statements defending the actions of the Armed Forces in cases of human rights violations, even in the face of evidence of their participation in crimes such as homicides and disappearances. The IACHR valued the training but expressed its concern about the anticipated statements of senior officials on the legality of the actions of the armed forces before a judicial resolution and maintained the

<sup>14</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 2](#), Chapter V, September 30 and October 1, 2024.

<sup>15</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 2](#), Chapter V, September 30 and October 1, 2024.



recommendation as partially complied with. The Commission urged the State to avoid these statements and to report on the measures adopted to limit this type of positioning, in line with international recommendations.<sup>16</sup>

### *Compliance Information*

21. In 2024, the State reported that the FGR trained 5,274 public servants of that institution in human rights.<sup>17</sup> The State also reported that federal and state officials would not be allowed to issue public statements on the legality of the actions of the security forces. The State said that these officials must adhere to the provisions of the General Law on Social Communication and the agreement establishing the Federal Government's Social Communication Policy, published in the Official Gazette of the Federation on May 17, 2019; which would have the purpose of establishing the public policy of social communication that the agencies and entities of the Federal Public Administration must observe. Mexico specified that Article 20, paragraph B, section I, of the Constitution provides for the right of any accused person to be presumed innocent until proven guilty. Similarly, he clarified that the National Code of Criminal Procedure states in its numeral 113 section XVI that every accused person has the right not to be exposed to the media.<sup>18</sup>

22. For their part, civil society organizations expressed that advance declarations on the legality of the actions of various security forces continue to be made. In particular, they referred to the events related to the arbitrary deprivation of the life of a group of migrants in Chiapas, committed on October 2, 2024, and regarding which, SEDENA would have released a press release in which it reported that a day earlier, in a patrol, elements of the Army had detected two pickup trucks "like those used by criminal groups in that region." and that upon hearing detonations, two elements of the Army activated their weapons, stopping the march of one of the pickup trucks<sup>19</sup>. According to the official statement, there were 33 migrants in the van, of whom four were killed at the time and two more died in the hospital.<sup>20</sup> In relation to this case, the IACHR recognizes that President-elect Claudia Sheinbaum said two days later that it was an "unfortunate event and must be investigated and punished"; and that "such a situation cannot be repeated."<sup>21</sup>

23. Another example referred to by civil society organizations is related to the pronouncement issued in September 2024 by the National Human Rights Commission (CNDH), on the case of the extrajudicial execution of the girl Heidi Mariana, committed by military agents in Nuevo Laredo, Tamaulipas in 2022; in which the agency stated that "it does not have evidence that directly links SEDENA with the events that led to the tragic death of the minor",<sup>22</sup> without having issued a recommendation.<sup>23</sup>

### *Analysis and level of compliance with the recommendation*

24. Although the Commission appreciates the information reported in relation to the regulations that regulate and prohibit public statements by State officials on the legality of the Armed Forces, the information reported by civil society organizations shows that in practice the regulation referred to by the State would not be applied. due to the fact that advance statements on the actions of the Armed Forces by various actors continue. For the foregoing, the IACHR maintains **partial compliance** with the recommendation.

<sup>16</sup> IACHR, [Annual Report, Chapter V](#), Mexico, 2022, paras. Verses 22-24.

<sup>17</sup> State of Mexico, Observations and comments of the Mexican State on the draft Chapter V 2024 on the follow-up to the recommendations made by the Inter-American Commission on Human Rights in the report "Situation of Human Rights in Mexico," February 16, 2025.

<sup>18</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 4](#), Chapter V, September 30 and October 1, 2024.

<sup>19</sup> Government of Mexico, [SEDENA reports on events that occurred in Chiapas](#), October 2, 2024.

<sup>20</sup> Centro Prodh, Follow-up on compliance with the recommendations of the Report "Situation of Human Rights in Mexico", October 2024.

<sup>21</sup> El País, [Mexican Army kills six migrants](#), October 2, 2024.

<sup>22</sup> CNDH, [Position of the CNDH in the face of accusations made by Mr. Raymundo Ramos, regarding the resolution of the case of the girl Heidi M.](#) Pronouncement DGDDH/029/2024, September 2, 2024

<sup>23</sup> Centro Prodh, Follow-up on compliance with the recommendations of the Report "Situation of Human Rights in Mexico", October 2024.



*Measures and information to advance the implementation of the recommendation*

25. The IACHR invites the State to provide specific information on how it would be dealing with those cases where an anticipated position on the legality of the actions of the security forces was accredited. It is important that, beyond the existing regulation, public officials are sensitized about the implications of a public statement validating the legality of a fact that has not yet been elucidated in the framework of a judicial process.

**Recommendation No. 5** Adopt and implement accountability measures by a body independent of all security forces in relation to public security operations and tasks where there is deprivation of life.

26. In Chapter V of the 2023 Annual Report, the State informed the IACHR of the adoption of guidelines for the legitimate use of force by the Federal Ministerial Police and the corresponding training. At the same time, civil society organizations highlighted a failure to issue detailed reports on the use of force, since only 40 reports were registered out of the 421 that should have been issued according to the regulations. The organizations reported that the State had not implemented the creation of an independent observatory ordered by the Inter-American Court in the case "Women victims of sexual torture in Atenco," to monitor accountability in the use of force. The IACHR highlighted the discrepancy between the State's information and that provided by civil society, determining that the recommendation was pending compliance. The Commission urged the State to ensure a commitment not only to normative, but also to effective implementation, and to establish an independent body to ensure impartiality in the accountability and processing of information on the use of force.<sup>24</sup>

*Compliance Information*

27. In 2024, the State reiterated the adoption of an intelligence-focused approach to combat violence. The State specified the reduction of 36.7% in the number of femicides and 21.4% in intentional homicides between December 2018 and July 2024. The State made explicit the 82% decrease in kidnappings. He added that the Public Security Contribution Fund (FASP) would have improved information systems and thus reduced the incidence of crime. The State stated that various protocols of action and manuals on the use of force had been implemented by the National Guard. In the same vein, the National Public Security Strategy would seek to coordinate efforts and prioritize respect for human rights. The National Registry of Detentions reports more than 1.4 million arrests, showing a slight decrease compared to previous periods. The Federal Institute of Public Defenders reportedly provided legal services and support to detainees, resulting in numerous releases and improvements in prison conditions. The State maintained that the National Public Security Program 2022-2024 would include indicators that evaluate the performance of the security forces in relation to crime reduction and respect for human rights and reported that the CNDH is the body responsible for receiving complaints against public officials.<sup>25</sup>

*Analysis and level of compliance with the recommendation*

28. The information reported accounts for a security strategy and figures related to the reduction of some crimes. However, this recommendation calls on the State to implement accountability measures by an independent body in cases of deprivation of life by security forces. The information provided by the State does not report any actions or progress related to the formation of an independent body of accountability. With regard to the work of the CNDH, although it is an autonomous constitutional body, the CNDH is not the competent body for accountability processes, since its functions focus primarily on receiving complaints about alleged human rights violations, formulating recommendations and conciliation processes. Nor is the Public

<sup>24</sup> IACHR, [Annual Report, Chapter V](#), Mexico, 2023, paras. Verses 27-31.

<sup>25</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 5](#), Chapter V, September 30 and October 1, 2024.



Defender's Office the body in charge of this function. By virtue of the foregoing, the IACHR maintains the recommendation as **pending compliance**.

*Measures and information to advance the implementation of the recommendation*

29. To advance in compliance with the recommendation, a state commitment is required, not only in the regulatory framework, but also in the implementation of the regulation provided in the matter. The IACHR emphasizes that accountability must be led by a body independent of the security forces to ensure the impartiality of the processing of the information reported. Similarly, it is essential that the records in which the existence of the use of force is accredited be prepared in accordance with the reports issued by the competent institutions and that these be verified and used in order to adopt the corresponding investigative measures.

**Recommendation No. 6** Ensure that, in cases of enforced disappearance, extrajudicial executions and torture, the lines of investigation not only respond to the material authorship but also include the responsibility of the chain of command.

30. In accordance with Chapter V of the 2023 Annual Report, the State informed the IACHR that the general rules of authorship and participation in criminal matters are also applied to determine responsibility for crimes of forced disappearance, torture, and other inhuman treatment, and highlighted the publication of protocols for the investigation of these crimes. However, civil society organizations highlighted the lack of progress in the investigation of the chain of command in emblematic cases such as that of the Women of Atenco, and reported that, in 2020 and 2021, no senior commander was sentenced for torture or forced disappearance. The IACHR considered that the information provided by the State was repetitive and did not reflect concrete progress in practice, maintaining the recommendation with partial compliance. The Commission urged the State to adopt measures to ensure the effective investigation of the chain of command and to report actions, protocols, and data that demonstrate progress in the implementation of this recommendation, including applicable judicial precedents.<sup>26</sup>

*Compliance Information*

31. In 2024, the State reported that Article 258 of the National Code of Criminal Procedure (CNPP) establishes the right of victims and injured parties to challenge the omissions of the Public Prosecutor's Office during the initial investigation. This would include omissions that prevent clarifying the facts and assigning responsibilities in the chain of command, which would include those who directly carried out the acts and those who, due to their hierarchy, had a legal duty to act. The SCJN said that the omissions of the Public Prosecutor's Office can affect due diligence and has interpreted that the control judges must ensure that the investigation observes the standards of due diligence of Articles 8.1 and 25 of the American Convention on Human Rights (ACHR). According to the State, these norms and precedents would ensure that both the direct perpetrators and those who, by virtue of their hierarchical position, were able to facilitate or enable the acts that violate human rights are investigated.<sup>27</sup>

32. The State also reported that the SCJN updated the Protocol for Trying Cases of Torture and Ill-Treatment, which provides a guide for judges based on standards of protection of the rights to due process, integrity, and access to justice. The protocol underscores the prohibition of the use of unlawful evidence obtained through torture and requires that investigations include the identification of responsibilities in the chain of command, as set out in Articles 8.1 and 25 of the ACHR. The SCJN would have promoted training for jurisdictional personnel on the Istanbul Protocol, thus strengthening the application of these norms and ensuring that investigations of torture and human rights violations comply with international standards of due

<sup>26</sup> IACHR, [Annual Report, Chapter V](#), Mexico, 2023, paras. Verses 33-37.

<sup>27</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 6](#), Chapter V, September 30 and October 1, 2024.



diligence and justice, contemplating the adequate investigation of responsibility in the chain of command.<sup>28</sup> Civil society organizations, for their part, reported that, in the *Rosendo Radilla Case*, no senior civilian or military commander had been sentenced for torture or forced disappearance, according to the public sentences, and that the investigation into disappearance would continue to focus on seeking direct <sup>29</sup>material authorship. The State added in its observations to this Report that in 2023 a work was published that analyzes the legal framework regarding State obligations with respect to acts of forced disappearance. He also reported on the resolution of various judicial actions that develop criteria in matters of disappearance.<sup>30</sup>

*Analysis and level of compliance with the recommendation*

33. For the Commission, it is pertinent to analyze the content of the recommendation in order to determine the level of compliance of the State. In this regard, the recommendation provides for the need to ensure that the lines of investigation not only respond to the material authorship of the facts, but also that the investigation of hierarchical responsibilities must be guaranteed. The IACHR emphasizes that the mere normative regulation at the federal level does not ensure *per se* that the State guarantees the exhaustion of this line of investigation. The IACHR emphasizes that the possibility for victims to challenge omissions in the investigation does not represent progress in complying with the recommendation. Notwithstanding the foregoing, the IACHR welcomes the information reported regarding the update of the SCJN Protocol for Trying Cases of Torture and Ill-Treatment, which requires that investigations include the identification of responsibilities in the chain of command in cases of torture. However, there is no mention of similar instructions or training for cases of enforced disappearance or extrajudicial executions, nor are any relevant judicial decisions identified. Therefore, the IACHR determines that the recommendation continues to be **partially complied with**.

*Measures and information to advance the implementation of the recommendation*

34. In order to guide the implementation of this recommendation, the Commission reiterates to the State the need to adopt measures to ensure in practice the investigation of the chains of command in cases of torture, forced disappearance, and extrajudicial executions. The IACHR invites the State and civil society to report on the actions and measures adopted, including protocols or any institutional strengthening action in this regard, as well as disaggregated data that allow for a quantitative evaluation of the progress made in the investigations and the forecast of the responsibility of the chain of command in the investigative hypotheses. The Commission invites examples of judicial precedents that apply the responsibility of the chain of command in cases of enforced disappearance, torture, and extrajudicial executions.

**Recommendation No. 7** Create systems for information, compilation, and analysis of data regarding the violence that affects the different groups addressed in this report, such as women, children and adolescents, migrants, human rights defenders, justice operators, LGBT persons, indigenous peoples, and persons deprived of liberty.

35. In Chapter V of the 2023 Annual Report, it was reported that the State had transmitted to the IACHR the publication of disaggregated prison information notebooks and statistical documents on violence against women and discrimination. The State mentioned the SCJN's resolution on the National Law on the Registration of Detentions and the implementation of a differential approach in the Homologated Investigation Protocol for crimes of forced disappearance and torture. However, civil society organizations reported the lack of disaggregated data by SEDENA and FGR and denied the existence of complete records on victims. They also highlighted the setback in transparency with the suspension of statistical reports from the Investigation Unit

<sup>28</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 6](#), Chapter V, September 30 and October 1, 2024.

<sup>29</sup> Centro Prodh, Follow-up on compliance with the recommendations of the Report "Situation of Human Rights in Mexico", November 2024.

<sup>30</sup> State of Mexico. Observations and comments of the Mexican State on the draft Chapter V 2024 on the follow-up to the recommendations made by the Inter-American Commission on Human Rights in the report "Situation of Human Rights in Mexico", February 28, 2025.



of crimes for migrants. The IACHR valued the aforementioned publications but stressed that the recommendation continued to be partially complied with due to the lack of adequate information systems and the insufficiency of disaggregated data on the part of security and justice institutions. The Commission urged the State to design institutional diagnoses with methodologies that allow for the collection and analysis of disaggregated data, and to ensure coordination among institutions to update a uniform registry that reflects the current human rights context in Mexico.<sup>31</sup>

### *Compliance Information*

36. In 2024, the State highlighted that it would have implemented information and data analysis systems supported by the censuses and indicators of the National Institute of Statistics and Geography (INEGI) to address violence affecting women, girls, boys, adolescents, migrants, human rights defenders, LGBT people, indigenous peoples, and people deprived of liberty. The National Census of Federal Human Rights and the National Census of Federal Law Enforcement of INEGI provide data on the violence that affects these groups. The National Census of the Federal Penitentiary System would provide information on people deprived of liberty, including data disaggregated by gender and ethnicity, which makes it possible to identify patterns of violence and discrimination that affect specific groups such as indigenous peoples and LGBT people. The State specified that the National Population and Housing Census and the National Survey on the Dynamics of Relationships in Households (ENDIREH) are fundamental tools for obtaining data on domestic and gender-based violence and violence against children and adolescents. ENDIREH, for example, would make it possible to analyse intimate partner violence and other forms of violence faced by women in their homes and communities. The National Survey on Discrimination (ENADIS) provides data on discrimination and structural violence affecting LGBTI, indigenous, migrant and other vulnerable groups. The State reported that the National Public Security Program 2022-2024 has compliance indicators, which evaluate the reduction in crimes such as homicides, femicides, and kidnappings, as well as the effective implementation of action protocols, such as the proportional use of force and respect for human rights.<sup>32</sup>

### *Analysis and level of compliance with the recommendation*

37. The Commission values positively the information provided by the State, which allows it to account for a solid information system that contributes to the analysis of data regarding violence against groups in vulnerable situations. The IACHR invites the State to guarantee and strengthen the functioning of INEGI, which is an institution that exemplifies good practices in the systematization and processing of information. In this regard, the Commission concludes that this recommendation advances to **full compliance** and ceases its monitoring.

**Recommendation No. 8** Reorient the approach to the drug issue in Mexico from an approach of militarization and "frontal combat" using the public force, to one with a comprehensive perspective, of human rights and public health on addictions and consumption without distribution purposes.

38. Within the framework of Chapter V of the 2023 Annual Report, the Mexican State reported the creation of the National Commission on Mental Health and Addictions (CONASAMA) to guarantee mental health care and prevent addictions with a focus on human rights and implement prevention campaigns. However, civil organizations criticized the lack of progress in the legalization of the recreational use of marijuana and said that government campaigns stigmatize consumers, reinforcing a prohibitionist approach. The IACHR valued the efforts in public health but considered that the approach is still partial and needs a comprehensive rethinking that prioritizes human rights in drug policy.<sup>33</sup> It therefore concluded that the recommendation was in **partial compliance**.

<sup>31</sup> IACHR, [Annual Report, Chapter V](#), Mexico, 2023, paras. 39-45

<sup>32</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 7](#), Chapter V, September 30 and October 1, 2024.

<sup>33</sup> IACHR, [Annual Report, Chapter V, Mexico](#), 2023, paras. 51-54.



*Compliance Information*

39. In 2024, the State reported that, within the framework of the public policies implemented, it would have prioritized the prevention of addictions, focusing on mental health and the comprehensive development of communities. This approach would seek to address associated risk factors such as violence, inequality, and lack of opportunities. He added that, through educational programs and community activities, healthy lifestyles would be promoted. On the other hand, the State reported that, from September 2023 to June 2024, CONASAMA has been instrumental in the implementation of prevention, treatment, and rehabilitation programs; and has carried out training in mental health and addictions, training more than 12,000 professionals at the first level of care and 20,000 participants in the course "Mental Health for All People". During this period, 3,185 discharges were made from psychiatric hospitals, and in 2023, the commemoration of international days resulted in educational and awareness-raising events that would reinforce the importance of mental health. The State reported the development of various educational tools, such as a guide for teachers and an online portal that offers resources on psychoactive substances. The @prende.mx platform has facilitated the course "Strategy in the Classroom: Prevention of Addictions", which has trained 7,435 people. He specified that seminars were held for teachers and sessions with experts in prevention.<sup>34</sup>

40. The State reported that the Ministry of Public Education (SEP) would have carried out 2.8 million activations and talks, reaching 4.5 million students with the support of more than 275,000 teachers. 14 prevention campaigns that would have reached 1.2 million people would have been disseminated through mass media, including radio and television spots, as well as graphic materials aimed at different audiences. In this same period, the Specialised Medical Units would have provided 323,424 consultations, covering both the treatment of consumers of psychoactive substances and the promotion of healthy lifestyles, benefiting more than 2.7 million people. The "Lifeline", a telephone guidance service, would have provided 44,229 attentions, offering support to those who face problems related to addictions. 98 community coalitions have been formed that have developed 4,338 advocacy actions, strengthening interaction between community members and improving their environments. Trainings under the mhGAP (*Mental Health Gap Action Programme*) programme have strengthened the skills of non-specialist health personnel, training more than 15,000 professionals. These initiatives seek to ensure comprehensive and effective mental health and addiction care, thus strengthening the capacity of the health system to face these crucial challenges in Mexican society.<sup>35</sup>

*Analysis and level of compliance with the recommendation*

41. The Commission welcomes the adoption of public policies that prioritize mental health care, as well as the creation and strengthening of tools for free access to people with addiction problems. The IACHR recognizes the importance of accompanying this type of public policy with awareness-raising measures and educational programs that provide information related to drug use from a public health and human rights perspective. In this regard, the Commission concludes that the recommendation is moving towards **full compliance**. Notwithstanding the foregoing, the IACHR emphasizes that the problem of the militarization of public security is a latent concern for the IACHR, which will continue to be the subject of the Commission's follow-up since its analysis of Recommendation 1 of this report.

**B. Disappearances and enforced disappearances**

42. The Commission emphasizes that the detailed analysis of the problem of disappearance and forced disappearance will be carried out in a specific thematic report of the IACHR, which will be published in the first half of 2025. In preparing this report, the Commission has received extensive information from the

<sup>34</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 8](#), Chapter V, September 30 and October 1, 2024.

<sup>35</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 8](#), Chapter V, September 30 and October 1, 2024.



State and civil society. Notwithstanding the foregoing, a general study in relation to recommendations 9, 10, 11, 12 and 13 of the 2015 Country Report is presented below.

**Recommendation No. 9** Adopt a General Law on Disappearance and Enforced Disappearance, and adopt all necessary measures to ensure that, at both the federal and state levels, legislation and practices are in line with international standards in this area.

43. Within the framework of Chapter V of the 2023 Annual Report, the Mexican State reported on the creation of the Office of the Special Prosecutor for Forced Disappearance and the National Search Commission (hereinafter "CNB"), within the framework of the General Law on Forced Disappearance of Persons, Disappearance Committed by Individuals and the National System for the Search of Persons (hereinafter, "General Law of Disappearance"). Despite these advances, civil organizations referred to the lack of a public identification policy and the omission in the creation of the National Forensic Data Bank (BNDF), which perpetuated the forensic crisis. The IACHR appreciated the State's efforts but expressed concern over the resignation of the head of the CNB and the lack of coordination between authorities, which had hindered effective compliance with the General Law on Disappearances.<sup>36</sup> As a result, the Commission concluded that the recommendation remained in partial compliance.

#### *Compliance Information*

44. In 2024, the State reiterated information on the National Search System (hereinafter, "SNB" or "Search System") as the mechanism established in Mexico to address the situation of disappeared persons, and whose main objective is the establishment of public policies and procedures among authorities at all levels of government for the search. Location and identification of missing and unlocated persons.<sup>37</sup>

45. The State referred to the first session of the SNB in 2024, held on February 2, in which the regulations and guidelines for the search for persons were discussed, as well as training criteria for public servants; and the guidelines for the operation and functioning of the SNB were presented, information on the National Registry of Disappeared and Unlocated Persons (hereinafter "National Registry of Disappeared Persons" or "RNPDO"), and the search actions carried out between October 1, 2023 and January 29, 2024. In the second session, on May 6, the State reported that it discussed the CNB's work strategies and RNPDO's technological update plan, advances in human identification, agreements under review, and collaboration with local search commissions (hereinafter "CLB"). The State highlighted that, from October 2023 to January 2024, the CNB organized a total of 278 searches in 19 states. He added that 236 days of individualized search and 42 of generalized search were organized. The State reported that the CNB increased the number of searchers from 19 in 2023 to 124 in May 2024. Between February and April 2024, the 124 searchers carried out 1,088 search actions, achieving 63 living locations and 47 forensic findings; and implemented processes for the identification of deceased persons found in sheltered spaces and graves, using advanced scientific techniques, in collaboration with the United Nations Population Fund (UNFPA).<sup>38</sup>

46. During the period from October 2023 to January 2024, the CNB served 63 groups and 191 people, prioritizing states such as Guerrero, where urgent care was provided due to Hurricane Otis. The meetings included the participation of families, groups, local prosecutors' offices, the CNDH, the Executive Commission for Attention to Victims (CEAV), UNFPA, and the Office in Mexico of the United Nations High Commissioner for Human Rights (OHCHR), with the aim of improving coordination and attention to victims of disappearance in the country. The State reported that, since 2019, a federal subsidy program has been implemented for the creation and consolidation of Local Search Commissions, benefiting 20 commissions initially and extending to the 32 states from 2023. As of February 1, 2024, the CNB would have been part of the

<sup>36</sup> IACHR, [Annual Report, Chapter V, Mexico](#), 2023, paras. 57-65.

<sup>37</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 9](#), Chapter V, September 30 and October 1, 2024.

<sup>38</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 9](#), Chapter V, September 30 and October 1, 2024.



National Network of Searchers, with 149 members: 20 in the central team, based in the national headquarters and 129 with assignment in 29 states, who carry out their functions in collaboration with the respective local commissions.<sup>39</sup>

47. For their part, civil society organizations informed the Commission of the current context of the Search System and the National Search Commission in particular; and they mentioned that from August 24 to October 4, 2023, there was an interim in the direction of the CNB, which is not provided for in the law. Subsequently, on October 5, 2023, the SEGOB opened the public call to appoint the new head of the CNB<sup>40</sup>. On October 23, 2023, the new National Search Commissioner was appointed<sup>41</sup>. The organizations stressed that this appointment process was controversial and lacked transparency, because the profile of the current incumbent would not accredit the requirements established in the General Law on Disappearances to occupy such a position<sup>42</sup>. In the same vein, they reported that various organizations and the Office of the United Nations High Commissioner for Human Rights regretted that "the appointment process did not have the levels of consultation, participation, transparency and scrutiny desirable and encouraged by some victims and national and international human rights organizations."<sup>43</sup> In this sense, they said that the consultation process represented a setback to the public scrutiny that had been carried out in the previous appointment. In addition, organizations indicated that in recent media reports reported that the profile of the current head of the CNB had been proposed and supported by public officials of the National Human Rights Commission (CNDH).<sup>44</sup>

48. The organizations stressed that the head of the National Search Commission would not have experience in the matter, nor would she have carried out related activities in her sector in the last two years, as stipulated. Moreover, in recent press reports it has been reported that the person in charge of the CNB and people who are now part of the CNB do not meet the profiles described for the positions or the requirements stipulated in the law regarding experience in the field;<sup>45</sup> and that in addition the staff of the Commission has been reduced by more than 80%.<sup>46</sup>

49. The organizations reported that, after the appointment of the current head, more than 100 people from the institution had been fired and/or forced to resign, who would have specializations in anthropology, archaeology and genetics, as well as medical, dactyloscopic, forensic, psychology and social work personnel, as well as experts in legal issues and international <sup>47</sup>relations. In the same vein, 40 persons assigned to the National Center for Human Identification (hereinafter, "CNIH" or "Identification Center"), who had the obligation to implement the massive search approach provided for in the General Law on Disappearances, were

<sup>39</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 9](#), Chapter V, September 30 and October 1, 2024.

<sup>40</sup> SEGOB, [The Ministry of the Interior publishes a call to appoint the new head of the CNB](#), October 5, 2023.

<sup>41</sup> SEGOB, [Government of Mexico appoints Teresa Guadalupe Reyes Sahagún as the new head of the CNB](#), October 23, 2023.

<sup>42</sup> Ku'kay Organization, Follow-up on compliance with the recommendations of the Report "Situation of Human Rights in Mexico", October 2024.

<sup>43</sup> Centro Prodh, Follow-up on compliance with the recommendations of the Report "Situation of Human Rights in Mexico", October 2024; OHCHR, [2/2 We encourage that this process does not have an even greater impact and that spaces for listening and participation are opened and, based on dialogue, exchange and an open and professional attitude, trust is built, regressions are avoided and progress is deepened](#), October 23, 2023.

<sup>44</sup> Centro Prodh, Follow-up on compliance with the recommendations of the Report "Situation of Human Rights in Mexico", October 2024; Political Environment, [National Center for Human Identification, in critical situation](#), January 16, 2024; El Financiero, [Does the CNB employ a person under investigation for corruption?](#), November 10, 2023.

<sup>45</sup> Centro Prodh, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", de octubre de 2024; A dónde van los desaparecidos, [Acometen despidos masivos en la CNB... y dan direcciones a funcionarios sin experiencia](#), 11 de enero de 2024; La Lista, [Perfiles sin experiencia llegan a la Comisión Nacional de Búsqueda de Personas](#), 16 de enero de 2024.

<sup>46</sup> Centro Prodh, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024; La Lista, [La Comisión Nacional de Búsqueda reporta 88% menos trabajadores que en 2023](#), 1 de febrero de 2024.

<sup>47</sup> Milenio, [Dejan 104 funcionarios la Comisión Nacional de Búsqueda; despidos y renuncias, las causas](#), 1 de febrero de 2024.



terminated from their posts, which has been considered as the beginning of the dismantling of the institutional framework in the field of searching.<sup>48</sup>

50. Similarly, organizations reported that the CNB would continue to fail to comply with the General Law on Disappearances because no progress had been made with the issuance of the regulation. The organizations reported that, in the first session of the National Search System in 2024, the head of the CNB would have confirmed the absence of progress in the issuance of the regulation and would have transmitted to them that they would only have an initial draft, which is not public, nor would it have been shared with the members of the SNB<sup>49</sup>. On the other hand, they said that the National Citizen Council ordered by the General Law on Disappearances is not properly in office since the Senate would not have issued the call; and, therefore, families do not have participation in the SNB<sup>50</sup>.

*Analysis and level of compliance with the recommendation*

51. The IACHR had recognized multiple advances in the implementation of the General Law on Disappearances in recent years. However, it notes with concern the institutional weakening of the CNB and the National Search System in general. The State reported statistical information on the number of searches, findings, meetings, and attention to groups. However, in order to comply with the recommendation, it is necessary to ensure that such actions are in line with international standards in this area and that their institutionality is ensured. In this regard, the Commission is concerned about the alleged dismissals of specialists. In particular, these dismissals affect the performance of the CNB and the Identification Center and prevent compliance with international obligations in the field of forensic search and identification.

52. On the other hand, although the CNB continues to operate, according to information provided by civil society organizations, its operation would not be in line with international standards on the matter, due to the lack of participation of families in the search processes and the decision to designate the Ministry of Welfare as the entity responsible for the process of updating the National Registry of Missing and Unlocated Persons<sup>51</sup>, since the general law establishes the coordination, operation and functioning of this registry as the exclusive power of the CNB<sup>52</sup>. This would be aggravated in the face of the allegations of civil society that refer to the possible illegitimate alteration of the RNPDO and given that the Identification Center would no longer be in operation, the consolidation of the National Search System and the effective implementation of the General Law on Disappearances would have been reversed. Thus, despite the progress reported in previous years, by 2024 severe setbacks are identified that would ignore the obligations provided for in the General Law on Disappearances and would be in contravention of international obligations contracted by Mexico in terms of the disappearance of persons. In view of the foregoing, the IACHR considers that this recommendation is backwards to **pending compliance**.

*Measures and information to advance the implementation of the recommendation*

53. In order to comply with this recommendation, the IACHR reiterates the need to have information on the CNB's lack of personnel and on the operation of the Identification Center, indicating how it would be guaranteed that the CNB's operations are carried out by professionals with specialized skills in the search for persons, forensic identification, or related disciplines, thus ensuring that the operation of the SNB is in accordance with international standards. In addition, the State is invited to report on the strategies for collaboration between the prosecutors' offices to guarantee the creation of records in an approved manner and thus allow for the creation and effective administration of the Federal Forensic Registry, in accordance with

<sup>48</sup> Animal Político, [Más de 100 despidos, presiones y rechazo para renovación de contratos prevalecen en la Comisión Nacional de Búsqueda](#), 1 de febrero de 2024.

<sup>49</sup> Centro Prodh, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.

<sup>50</sup> SEGOB, [Segunda Sesión Ordinaria del SNB de 2024](#), 6 de mayo de 2024, min. 1:43:00.

<sup>51</sup> Gobierno de México, [Conferencia del Presidente](#), 13 de noviembre de 2023.

<sup>52</sup> [Ley General en Materia de Desaparición Forzada de Personas, Desaparición Cometida por Particulares y del SNB](#), artículo 53.



the provisions of the General Law on Disappearances. Finally, the Commission invites the State to submit information on the process of updating the RNPDO and on the conduct of the census of disappeared persons.

**Recommendation No. 10** Establish mechanisms for the immediate search for disappeared persons throughout the national territory.

54. For Chapter V of the 2023 Annual Report, the State reported the use of INTERPOL tools, such as Yellow Notices, and the implementation of the Alba Protocol and the Amber Alert to coordinate the search for missing persons, with 255 notifications made. However, civil organizations highlighted problems of fragmentation and delays in the immediate search, with the obligation to wait 72 hours to accept complaints. The IACHR welcomed the progress but noted that the implementation of the National Protocol and collaboration between authorities presented challenges, maintaining substantial partial compliance with the recommendation. The Commission urged the State to improve coordination and ensure the effective application of urgent search mechanisms throughout the country.<sup>53</sup>

#### *Compliance Information*

55. In 2024, the State reported that the Homologated Search Protocol (hereinafter, "PHB") was published on October 6, 2020 and entered into force on January 6, 2021. The State specified that this protocol would highlight the obligations of the authorities in the search for disappeared persons and would have been implemented with the support of training for personnel of the National Search Commission, local search commissions, and relatives of victims. He reported that the PHB defines five types of search: immediate search, individualized search, pattern search, generalized search and family search. For its part, the Standardized Protocol for the Investigation of Crimes of Forced Disappearance (hereinafter, "IHP") would seek to establish a systematic approach to investigate crimes of forced disappearance and by individuals. The National Code of Criminal Procedure (CNPP) would establish a legal framework that regulates the investigation of crimes, ensuring that the State conducts diligent and effective searches. According to Mexico, the CNPP obliges the authorities to carry out thorough investigations, protect the rights of victims, and prevent impunity. Finally, the State clarified that the CNB, in collaboration with state and federal authorities, collectives, and relatives of disappeared persons, had developed regional strategies that address specific contexts. An example of this is the regional search program in the northeast of the country, which covers Coahuila, Durango, Nuevo León and Tamaulipas, in order to coordinate actions between different institutions to achieve effective searches.<sup>54</sup> The State reported that on October 3, 2024, the General Operating Guidelines of the Amber Alert Mexico Program were published.<sup>55</sup>

56. In addition, in its observations on this report, the State added that the Federal Ministerial Police (PFM), through the International Police Affairs Unit and INTERPOL, strengthened its actions in the search for and location of disappeared persons. As part of its work, it has created a specialized area within the Directorate of International Police Liaison and Cooperation, responsible for managing the publication of INTERPOL Yellow Notices, used to locate victims of disappearance in Mexico and abroad. INTERPOL Mexico coordinated a Training Session with the INTERPOL General Secretariat's Specialized Group on Notices and Broadcasts. In this regard, in the last four years, 1,512 Yellow Notices have been issued, registering 178 in 2021, 359 in 2022, 426 in 2023 and 549 in 2024.<sup>56</sup>

<sup>53</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 68-71.

<sup>54</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 10](#), Chapter V, September 30 and October 1, 2024.

<sup>55</sup> El Estado agregó en sus observaciones al presente Informe que, en 2023 se publicó una obra que analiza el marco jurídico en materia de obligaciones estatales respecto a actos de desaparición forzada. Además, informó de la resolución de diversas acciones judiciales que desarrollan criterios en materia de desaparición.

<sup>56</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 16 de febrero de 2025.



57. Civil society organizations, however, reported deficiencies in the design and implementation of search plans. In this regard, they said that they had requested the preparation of search plans from the local search commissions and the National Search Commission, including through the promotion of urgent actions requested from the Committee on Enforced Disappearances, without these being drawn up. They added that in the cases in which the preparation of search plans was achieved, they did not guarantee the minimum requirements provided for in national regulations and, specifically, in the Homologated Search Protocol. The organizations also highlight a lack of coordination between the CNB and local commissions, which is due to a lack of training, constant changes in personnel, and a lack of strategy by state, among other problems<sup>57</sup>. In relation to the lack of professional training, the organizations expressed that it would be a constant in public servants from public prosecutors to experts<sup>58</sup>. The organizations mentioned that fragmentation would persist in the search and investigation processes that would affect the obtaining of results in terms of immediate searches.<sup>59</sup>

58. On the other hand, organizations indicated that the Attorney General's Office and state prosecutors' offices would continue not to implement the Homologated Search Protocol. In this regard, they reported that, in the second session of the National Search System of 2024, the integration of the commission, implementation, monitoring, evaluation, and updating of this Protocol, provided for in section 9.1 of the instrument, was addressed; and that it would have been reported that the state prosecutors' offices would not implement the Homologated Search Protocol and that they would apply, instead, the investigation protocol.<sup>60</sup> In addition, they stressed that the representation of the FGR voted against the Homologated Search Protocol.<sup>61</sup>

#### *Analysis and level of compliance with the recommendation*

59. The Commission analyzes compliance with this recommendation in conjunction with the previous recommendation; in the sense that, although the Homologated Search Protocol represents progress, the General Law on Disappearances provides for the need for these searches to be carried out in compliance with the principles of due diligence with respect to the interests of the Disappeared Protocol differential and specialized approach, joint participation, among others. However, the information reported would account for the persistence of the lack of coordination between authorities, as well as the discontent and disagreement on the part of civil society derived from this lack of coordination and the delay in the implementation of immediate search actions. Although the General Law and the PHB have complied with the establishment of immediate search mechanisms, there is not enough information that these are applied throughout the territory. Moreover, the State only reports one plan in the northeast region of the country. Therefore, the IACHR maintains that the recommendation is in **substantial partial compliance**.

#### *Measures and information to advance the implementation of the recommendation*

60. In relation to compliance with this recommendation, the Commission invites the State to continue with the design and implementation of regional search plans and to ensure compliance with the urgent actions of the United Nations Committee on Enforced Disappearances, especially with regard to the need to develop search plans. The IACHR calls on the State to provide information that clearly indicates in which states immediate search mechanisms have been implemented, indicating whether there are territories in the country where their adoption is still necessary. In addition, the IACHR invites the authorities participating in the processes of immediate search for disappeared persons to act in an articulated manner, ensuring that the mechanisms for immediate search are carried out effectively. The IACHR invites the State to promote collaboration between the prosecutors' offices and the search commissions for the deployment of immediate

<sup>57</sup> Idheas, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.

<sup>58</sup> FIDH, Idheas, EMAF, Desapariciones de mujeres y violencia por razón de género en Guerrero: el lado invisibilizado de la guerra contra las drogas, 2023, págs. 9-10 y 20-23.

<sup>59</sup> FJEDD, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.

<sup>60</sup> SEGOB, [Segunda Sesión Ordinaria del SNB de 2024](#), 6 de mayo de 2024, min. 1:35.00.

<sup>61</sup> SEGOB, [Segunda Sesión Ordinaria del SNB de 2024](#), 6 de mayo de 2024, min. 1:40.00



search actions. In this regard, in order to move forward with compliance with the recommendation, the State could report on the measures adopted to strengthen this coordination and to ensure that the immediate search mechanisms established in the PHB are applied without delay throughout the national territory.

**Recommendation No. 11:** Improve the National Registry of Disappeared Persons as a single registry of disappearances and also allow a person to be registered as a victim of forced disappearance. A database must contain personal information of missing persons, necessary personal information, primarily genetic and cell samples, from relatives of missing persons with their consent, and genetic information and cell samples from the bodies of any unidentified persons who were deprived of life. Such personal information must be protected on the Registry's portal in accordance with international standards on access to information.

61. In Chapter V of the 2023 Annual Report, the IACHR learned about the operation of several key registries, such as RENAPEFA and REFOFE, for the identification of deceased and disappeared persons. However, civil organizations stressed that the creation and operation of the National Forensic Data Bank (hereinafter, "BNDF") and other associated registries are still pending, with interconnection and transparency problems, and criticized a census announced in July 2023 for its lack of consultation with the CNB and the potential revictimization of relatives of the disappeared. The IACHR observed that, despite the progress, significant challenges persisted in the implementation and coordination of these mechanisms, maintaining partial compliance with the recommendation. The State was urged to guarantee the effectiveness and transparency of the registries and to report on the process of updating the National Registry of Missing and Unlocated Persons (RNPDO).<sup>62</sup>

#### *Compliance Information*

62. In 2024, the State reported that the CNB would have almost quadrupled its search actions compared to previous years. Regarding the main advances of the RNPDO, he highlighted the interoperability between institutions and the technological updating and quality of the data. On the other hand, the State submitted information related to the location of persons, noting that, as of May 1, 2023, more than 895 million records had been consulted for cross-referencing of information; of which, 114.22 million are from the COVID vaccine registry; 122.9 million from the single registry of beneficiaries (PUB); 18.4 million state governments; 160.5 million in Plataforma México of the Ministry of Public and Citizen Security; 190 million in the National Population Registry (RENAPO); and 280.2 million in the Mexican Institute of Social Security (IMSS). The State specified that the CNB, in collaboration with the local search commissions of various states (Baja California Sur, Coahuila, Durango, Hidalgo, Michoacán, Morelos, Nayarit, Nuevo León, San Luis Potosí, Sinaloa and Sonora), was part of the Mass Graves Module (MFC).<sup>63</sup>

63. In its observations on this report, the State added that the Attorney General's Office has made progress in identifying disappeared persons through the creation and operation of the National Genetic Information Base (BaNIG), which stores data on family members and unidentified persons. Likewise, the National Forensic Data Bank (BNDF), in operation since May 29, 2023, integrates ten interconnected information systems, including the National Registry of Unidentified and Unclaimed Deceased Persons (RENAPEFA), Amber Alert and the National Genetic Information Base (BaNIG). In addition, the FGR signed an agreement with the Ministry of the Interior on June 13, 2024, to interconnect the BNDF with the National Registry of Missing and Unlocated Persons.<sup>64</sup>

64. Civil society organizations indicated that the National Forensic Data Bank would continue to be unconsolidated, as well as various registries mandated by the General Law on Disappearances and that they would not be properly integrated. In the same vein, following the execution of the amparo judgment issued by

<sup>62</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 73-81.

<sup>63</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 11](#), Chapter V, September 30 and October 1, 2024.

<sup>64</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 16 de febrero de 2025.



the First District Court of the Auxiliary Center of the Ninth Region and confirmed by a Collegiate Court, in the lawsuit filed by Olimpia Montoya Juárez, sister of Marco Antonio Montoya, disappeared in the state of Guanajuato, against the failure of the FGR to create and operate the BNDF and the National Registry of Unidentified Deceased Persons, It would be possible to identify the omissions that persist and that lead to genetic information continuing to be processed in a fragmented manner. Thus, by April 2024, the FGR would have reported that there are already nine information resources interconnected to the BNDF Search System, namely: a) the National Registry of Unidentified and Unclaimed Deceased Persons; b) the *ante-mortem* and *post-mortem* database; c) the Amber Alert; (d) the National Register of Mass Graves and Clandestine Graves; (e) the National Genetic Information Base; (f) the Federal Forensic Registry; (g) the Strategic Monitoring System on Criminal Expressions (SINIED); (h) the National Information System; Nominal (SININ); and (i) the National Registry of the Crime of Torture (RENADET). On this, organizations reported that the interconnection that some of these registries would have would not ensure that they have the adequate and substantive information necessary that the registries of missing persons should have.<sup>65</sup>

65. In relation to the census carried out within the framework of the National Registry of Missing and Unlocated Persons, civil society organizations conveyed that the government's alleged strategy was aimed at reducing the number of disappeared persons to 12,377, which would minimize a much greater crisis; using a very high criterion to prove a disappearance. And they reported that after the publication of this review, various omissions were denounced by the victims, even in cases that have had complaints at the national and international level.<sup>66</sup> In this context, various organizations and groups promoted actions to resolve the alleged errors of the Registry. However, they clarified that this would imply an effort from each family, which would generate uncertainty and anxiety.<sup>67</sup> In the same vein, they reported that on March 18, 2024, the federal government filed a review of the records, in which it stopped using some of the questioned categories not included in the law.<sup>68</sup> However, they stressed that, as of March 2024, the RNPDO had a record of 114,815 missing persons, about whom it was stated that 15,158 people had been located and 99,729 people would still be "in the process of being searched". The organizations said that there are currently two versions of the

<sup>65</sup> Centro Prodh, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024; Quinto Elemento Lab, [México rebasa las 5 mil 600 fosas clandestinas](#), 9 de octubre de 2023. Al respecto, el Centro Prodh enlistó los siguientes ejemplos:

I. Registro Nacional de Personas Fallecidas No Identificadas y No Reclamadas. Al corte del 31 de marzo de 2024, se contaba únicamente con 490 registros, frente a los 46.731 cuerpos que, de acuerdo con el último informe del INEGI quedaron rezagados para identificación, solo del año 2022. Es decir, el avance es sumamente lento e insuficiente respecto de la dimensión de la crisis forense y en términos de la debida diligencia para la búsqueda e identificación de las personas desaparecidas.

II. Base de datos *ante mortem* y *post mortem*. De acuerdo con la FGR, al corte del 31 de marzo se contaba con 134.449 registros en esta base; sin embargo, no precisa la autoridad responsable que realizó el registro.

III. Alerta Amber. FGR indica que contará la misma fecha que los registros previos, con 1.498 registros sobre niñas, niños o adolescentes desaparecidos o desaparecidas. Sin embargo, de acuerdo con el Registro Nacional de Personas Desaparecidas y No Localizadas, para abril de 2024 había más de 17.000 niñas, niños o adolescentes víctimas de desaparición (es decir, no se cuenta con la información de más de 15 mil niños, niñas o adolescentes).

IV. Registro Nacional de Fosas Comunes y Fosas Clandestinas. En particular, la FGR ha informado que, para el fin de marzo de 2024, únicamente se ha interconectado la información de fosas clandestinas, es decir, el Registro de Fosas Comunes establecido en la Ley General continúa sin existir. Adicionalmente, se tiene registro de 1.789 fosas clandestinas, cifra que contrasta con la información hecha pública en 2023 por la CNB, que tenía registro de, al menos, 2.863 fosas clandestinas desde el año 2006; mientras que ejercicios académicos y periodísticos dan cuenta de que la cifra es todavía mayor, pues se han documentado inclusive más de 5.600 fosas clandestinas.

V. Base Nacional de Información Genética. De acuerdo con la información proveída, la base cuenta con 9.374 registros, sin que se pueda distinguir si se trata de registros de muestras de referencia de familiares de personas desaparecidas o de cuerpos o restos pendientes de identificar. Adicionalmente, la cifra dista de los registros con los que una auténtica base a nivel nacional de información genética debería contar: es decir, al menos 52 mil registros de cuerpos, así como las muestras de referencia de las familiares de personas desaparecidas.

<sup>66</sup> Proceso, [Tiene censo de AMLO otros datos... equivocados](#), 22 de enero de 2024; Aristegui Noticias, [Hija de Rafael Ramírez Duarte explica cómo autoridades se disculparon tras informar falsos indicios de localizarlo](#), 29 de marzo de 2024.

<sup>67</sup> En el caso del Centro Prodh, informaron que llevaron a cabo una sesión informativa junto al medio digital "A dónde van los desaparecidos", para ofrecer herramientas para verificar el estatus del caso de los registros y ofrecer asesorías consecuentes con formatos para presentar solicitudes de revisión ante la CNB. Cfr. Centro Prodh, [Cómo buscar y qué hacer en caso de que tu familiar no esté o sus datos sean erróneos en el RNPDO](#), 15 de febrero de 2024.

<sup>68</sup> Gobierno de México, [Versión estenográfica. Conferencia de prensa del presidente Andrés Manuel López Obrador](#), 18 de marzo de 2024.



RNPDNO, the "statistics" version and the "new version of public consultation" that would still have errors in the records of missing persons.<sup>69</sup>

*Analysis and level of compliance with the recommendation*

66. The Commission notes with concern the contradictory information from various authorities on the consistency of the RNPDNO and the impact that this lack of definition has on the families of disappeared persons in Mexico. In this sense, the creation of a registry is one of the many tools mandated by the General Law on Disappearances. The creation of databases and the flow of information between them must serve the ultimate purpose of finding the whereabouts of missing persons. To this end, the General Law on Disappearances mandates the creation of four registries: 1. RNPDNO; 2. The National Forensic Data Bank (BNDF); 3. the National Registry of Graves (common and clandestine), and 4. The National Registry of Deceased, Unidentified and Unclaimed Persons. The authorities in charge of creating and coordinating these registries are the CNB — in the case of the RNPDNO — and the FGR — in the case of the other three registries. However, until November 2024, only the RNPDNO, created by the CNB, existed and was in operation.

67. The IACHR emphasizes that, after the creation and implementation of the aforementioned registries, the State has the obligation to guarantee their coordination, systematization, and interconnection. This must be done in a way that allows the effective cross-referencing of information with the hundreds or thousands of databases existing at the different levels of government, ensuring at all times the adequate protection of personal data and focusing exclusively on the search for missing persons. Considering that, with the exception of the RNPDNO, the provisions of the law regarding the operation of the other registries have not been complied with, it is still impossible to achieve the necessary interconnection between them. Added to this situation is the concern generated by the revision of the RNPDNO data and the use of categories not contemplated in the General Law of Disappearance. While the State has not reported on concrete measures aimed at consolidating and strengthening the registries established by law, the Commission concludes that the recommendation remains **partially complied with**.

*Measures and information to advance the implementation of the recommendation*

68. In order to comply with this recommendation, the IACHR reiterates its call from previous years, in which it calls on the State to complete the creation and effective implementation of the Forensic Data Bank, the Registry of Unidentified and Unclaimed Deceased Persons, the National Registry of Graves, and the Exhumation Program. On the other hand, it is important for the State to inform the Commission of the process of updating the RNPDNO and/or, where appropriate, of the conduct of the aforementioned census, considering that the recommendation highlights the importance of having a single registry. Similarly, in light of the recommendations issued by the UN Committee on Enforced Disappearances, it is crucial "to ensure that the different institutions report on the cases of disappeared persons that they know of and that the RNPDNO clearly identifies the phenomenon of disappearances of people in a regular or irregular migratory situation and is interoperable with existing migrant registries".<sup>70</sup> The Commission reiterates that the creation and strengthening of the National Registry of Disappeared Persons must guarantee its transparency and access by family members. In the case of the implementation of a census, it would be necessary to make public the procedure of the alleged data purification and the mechanisms by which the registry of disappeared persons would be carried out, transmitting to the public which is the authorized civil service and what are the questions that will guide its realization.

**Recommendation No. 12** Strengthen existing mechanisms for early warning and urgent search in cases of disappearance of women and girls to ensure their effective implementation at the federal, state, and municipal

<sup>69</sup> Centro Prodh, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.

<sup>70</sup> ONU, Comité contra la Desaparición Forzada, Informe sobre su visita a México en virtud del artículo 33 de la Convención, 12 de abril de 2022.



levels. Likewise, strengthen the National Registry of Data on Missing or Disappeared Persons so that it provides accurate and reliable information on missing and forcibly disappeared women and girls.

69. Within the framework of Chapter V of the 2023 Annual Report, the State reported that the Alba Protocol and the Amber Alert are in operation throughout Mexico, with differentiated approaches according to gender and the condition of children and adolescents. However, civil organizations highlighted problems in the homologation of the Alba Protocol, its lack of dissemination and adequate resources for its implementation. The IACHR welcomed the inclusion of differentiated approaches in the Standardized Search Protocol, but noted that the State had not submitted recent updates on measures for the approval of the Alba Protocol. Therefore, the recommendation remained in substantial partial compliance. The IACHR urged the State to standardize the application of these protocols and to ensure their effective implementation in all states.<sup>71</sup>

#### *Compliance Information*

70. In 2024, the State reported that the PHB includes a section entitled "Differentiated Search Guidelines," which would summarize the specific actions to be taken when missing or missing persons belong to vulnerable groups, such as migrants, people with disabilities, women, children, adolescents, human rights defenders, and journalists, among others. This would be intended to distinguish the conditions of vulnerability associated with disappearance in order to be considered as central axes in the search processes. The State specified that when searching for persons from indigenous peoples, an intercultural perspective must be used that guarantees the right to participation and information of their communities, which would include the availability of interpreters and traditional authorities as representatives of the families in the search process.<sup>72</sup>

71. According to the State, in the case of missing persons from the LGBTI population, street populations, or sex workers, the authorities should recognize that their closest link may be community-based, so that the rights of participation and information granted by the General Law should be extended to the members of these populations, ensuring that they are included in the search process. In addition, the gender approach would make it possible to analyze the dynamics of power and vulnerability associated with sexual and gender identity in cases of disappearance. The State reported that prosecutors' offices and search commissions would be responsible for mapping gender-related patterns of disappearances. Thus, the Alba Protocol would establish guidelines for the differentiated search for women, and the CNB, together with the National Commission to Prevent and Eradicate Violence against Women (CONAVIM), would have worked to harmonize this protocol in the 32 states. Although some state protocols would still apply a 72-hour deadline for the search, he clarified that the Homologated Search Protocol and the Additional Protocol for the Search for Children and Adolescents (PANNA) would require an immediate response.<sup>73</sup>

72. Within the framework of the PHB, the State stated that the authorities would have a reinforced duty of diligence in the search for children and adolescents, applying the best interests of the child. On the other hand, the Amber Alert would represent a national mechanism for the rapid search for missing minors, which involves various authorities and sectors of society. According to Mexico, when the disappearance of a minor is reported, the search strategy would be coordinated immediately, deciding whether to activate the Amber Alert. In this way, the strengthened mechanisms would allow for a faster, more coordinated response adapted to the needs of vulnerable groups, ensuring accurate and reliable information on missing women and girls.<sup>74</sup>

<sup>71</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 84-87.

<sup>72</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 12](#), Chapter V, September 30 and October 1, 2024.

<sup>73</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 12](#), Chapter V, September 30 and October 1, 2024.

<sup>74</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 12](#), Chapter V, September 30 and October 1, 2024.



*Analysis and level of compliance with the recommendation*

73. The Commission welcomes the strengthening of search protocols and alerts that ensure a differentiated approach that addresses the particularities of the various groups in vulnerable situations. In this sense, the first part of the recommendation advances to **full compliance**. However, the IACHR reiterates its concern regarding the challenges identified in relation to the Registry of Disappeared Persons, which were developed in the analysis of the previous recommendation. In this regard, although this recommendation has been fully complied with, the IACHR will continue to monitor the strengthening of the Registry of Disappeared Persons in the context of the follow-up to Recommendation 11 of this Report.

**Recommendation No. 13** To heed the recommendations of the GIEI in accordance with the powers conferred in its mandate, specifically its repeated request to meet with members of the Army, as well as to visit Battalion 27 and continue with the investigations in the case. Consider the use of similar mechanisms for other cases of serious human rights violations.

74. In 2023, the State highlighted progress in the Ayotzinapa case, such as the Commission for Truth and Access to Justice in the Ayotzinapa Case (COVAJ) recognizing the State crime and new lines of investigation; and mentioned the identification of three students and the reactivation of searches. However, civil society organizations expressed concern about the lack of significant progress, the deteriorating relationship with families, and the refusal of the armed forces to collaborate with the GIEI, which withdrew due to obstacles in accessing crucial information. The IACHR welcomed the creation of COVAJ and the Special Unit for Investigation and Litigation for the Ayotzinapa Case of the Public Prosecutor's Office (UEILCA), but noted that the GIEI had faced serious difficulties in its work, including the refusal of the Armed Forces to hand over documents. The Commission considered that, despite some progress, the recommendation remained partially implemented due to the lack of full cooperation and the need for additional measures to guarantee justice and access to information.<sup>75</sup>

*Compliance Information*

75. In 2024, the State reported that COVAJ had implemented a comprehensive model focused on victims. In this regard, he clarified that COVAJ had held 79 meetings to evaluate the progress of the case. The State referred to the publication of the Second Report in September 2023; and the publication of an *addendum* in October. The State highlighted that 191 search actions were carried out at facilities under military control between September 2023 and June 2024. As a result of these investigations, 124 people were arrested, of which 35 would be members of the criminal organization "Guerreros Unidos", and 70 police officers from different corporations and former public servants. In terms of prosecution, 48 working sessions would have been held with new informants, and collaboration with the government of Israel in the process of extradition of Tomás Zerón would continue. According to information provided by the State, 5,677 consultations were provided to the families of the victims, who would continue to receive support from social programs.<sup>76</sup>

76. For their part, civil society organizations related to the case reiterated their concern, because there would be little progress in the investigation process during the last year. To this would be added a deterioration of the relationship with the families of the 43 disappeared students with the authorities. The organizations stressed that after the departure of the GIEI there would not have been similar mechanisms. Similarly, they specified that, based on the latest GIEI report in which it was denounced that the Armed Forces had not cooperated in providing all the required information, the families would have promoted various actions of complaint and litigation so that the requested intelligence information be sent<sup>77</sup>: in particular, an undetermined number (at least 800) of reports from the Regional Intelligence Fusion Center. According to the

<sup>75</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 89-97.

<sup>76</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 13](#), Chapter V, September 30 and October 1, 2024.

<sup>77</sup> Centro Prodh, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024; El País, [El GIEI se despide del 'caso Ayotzinapa' apuntando nuevamente al Ejército](#), 25 de julio de 2023; Centro Prodh, [Poder Judicial ordena al Ejército no destruir documentos del caso Ayotzinapa](#), 3 de septiembre de 2023.



organizations, despite these efforts, the information has not yet been provided, which would end up further deteriorating the dialogue between the families and the federal authorities. On the other hand, the organizations said that the authorities sought to impose the burden of searching for information on the families themselves. In this regard, they conveyed that in June 2024 the Federal Government delivered to the families 15 pages of the more than 800 that the families had requested in writing to the President of the Republic. The folios delivered would confirm that there would still be more information in the military archives that would have to be delivered.<sup>78</sup> The organizations reported that these documents would transcribe telephone taps made in communications of people possibly related to the events, which would reinforce the need for all information related to them to be made available. In addition, they reported that, in a meeting with federal authorities, including the then President of the Republic, it was said that there were just over 600 pages that the Army unilaterally determined were not relevant<sup>79</sup>. Finally, the Inter-American Commission learned that on December 4, the victims' relatives had a first meeting with President Claudia Sheinbaum. According to the representatives, the President "was clear on the need to rebuild the dialogue";<sup>80</sup> and offered "a new route to continue with the investigations of the whereabouts of the students, with the formation of a team of experts who will use technology, and to make a new review of the current files".<sup>81</sup>

#### *Analysis and level of compliance with the recommendation*

77. The IACHR welcomes the efforts of the new administration to resume dialogue and trust with the families, and the implementation of measures aimed at guaranteeing resources and experts to the judicial authorities in charge of the investigation. Notwithstanding the foregoing, the Commission observes with concern the lack of progress in the investigation reported by the families and their representatives, as well as the departure of the GIEI, which decided not to continue its work in Mexico as a result of "a systematic concealment of information by SEDENA."<sup>82</sup> The families and their representatives have the right to access information related to the case, regardless of the relevance with which the authorities qualify them.

78. However, taking into account that the recommendation provides that the State guarantees the GIEI the possibility of meeting with the Army and that the Group is no longer in operation, compliance with this recommendation is devoid of substance, so **that its follow-up is considered closed**. The foregoing does not mean that the State's obligations in relation to the rights of the victims and their families in the Ayotzinapa area have been fulfilled; however, the IACHR will continue to follow up on these obligations within the framework of Precautionary Measure 409/14 and its monitoring functions.

### C. Torture

**Recommendation No. 14** Adopt a General Law on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and adopt all necessary measures to ensure that, at both the federal and state levels, legislation and practices are in conformity with international standards on the subject, in particular the Inter-American Convention to Prevent and Punish Torture.

79. In Chapter V of the 2023 Annual Report, the State reported that the Attorney General's Office established the Operating Guidelines of the National Registry of the Crime of Torture (hereinafter, "RENATED") and has a Specialized Prosecutor's Office for the investigation of torture. However, civil organizations reported a high incidence of physical and psychological torture during detentions, according to the National Survey of

<sup>78</sup> Centro Prodh, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024; Centro Prodh, [Familiares de Ayotzinapa y organizaciones acompañantes precisan información difundida recientemente sobre el caso Ciudad](#), 27 de junio de 2024.

<sup>79</sup> Centro Prodh, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.

<sup>80</sup> La Política Online, [Las familias de Ayotzinapa se reunieron por primera vez con Sheinbaum: "Fue un buen inicio"](#), 4 de diciembre de 2024.

<sup>81</sup> El Universal, SEGOB supervisa búsqueda de los 43 normalistas de Ayotzinapa, 18 de diciembre de 2024.

<sup>82</sup> Animal Político, ["Es imposible continuar el trabajo": GIEI deja caso Ayotzinapa y denuncia obstáculos de militares en la investigación](#), 25 de julio de 2023.



the Population Deprived of Liberty (ENPOL 2021); and highlighted the lack of publication of the National Program to Prevent and Punish Torture (hereinafter, "PNCT"), despite the fact that the Ministry of the Interior presented the Strategy against Torture. The IACHR considered that, although progress has been made in the creation of the necessary legislation and structures, significant challenges remain, including the effective application of the General Law to Prevent, Investigate, and Punish Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (hereinafter, "General Law against Torture" or "LGT") and the publication of the PNCT. Compliance with the recommendation was therefore maintained at a partial level. The Commission stressed the need to harmonize local legislation with international standards and to ensure the full implementation of the General Law on the matter.<sup>83</sup>

### *Compliance Information*

80. In 2024, the State reported on the implementation of the National Strategy Against Torture (ENCT), which would aim to articulate a public policy to address this crime under two axes: (1) prevention of torture; and (2) care, assistance and comprehensive reparation for victims of torture. The ENCT is made up of 66 lines of action focused on the prevention and care of torture and six on the care, assistance and comprehensive reparation of victims of the crime of torture. 18 agencies and administrative units of the Federal Public Administration participate in its implementation, as well as the 32 states. Thus, the strategy would focus on the protection and promotion of human rights. Similarly, Mexico highlighted that, in October 2023, all states would join the ENCT. In this context, actions such as the National Training Program on Torture 2024-2025 have been implemented, which would seek to train public servants in the prevention and fight against torture and explained the establishment of the 2024 Annual Work Program and the 2024 National Campaign Against Torture, whose main objective would be to raise awareness among citizens and government personnel about the eradication of this crime.<sup>84</sup>

81. The State referred to the Annual Report on Results, which provides for an evaluation of the impact of these measures in the coming years. He added that the National Campaign Against Torture "Mexico Without Torture", launched in June 2024, would aim to make the problem of torture visible and prevent its occurrence through communications aimed at society and public servants. This campaign would include images and messages that would reinforce the importance of respecting human rights and promoting a zero-tolerance policy towards torture. Additionally, within the framework of the International Day in Support of Victims of Torture, a virtual meeting was held that brought together authorities from the 32 states. Finally, the State mentioned that the Mechanism for Follow-up on Cases of Sexual Torture Committed against Women is a body created to monitor and accompany women victims of sexual torture, with a special focus on those who are deprived of their liberty.<sup>85</sup>

82. For their part, civil society organizations reported that, seven years after the publication of the General Law against Torture (LGT), only one state of the republic, Oaxaca, would have a harmonized law on the matter; without there being a coordinated action to promote such a law in all entities; and that this has been recognized by the Follow-up Mechanism on Cases of Sexual Torture.<sup>86</sup> In relation to the National Program against Torture (PNT), between 2019 and 2021 a group of organizations worked on proposals with the various responsible authorities, including the SEGOB and the FGR. However, given the failure of the Attorney General's Office to publish the Program in accordance with Article 70 of the Law – which establishes that it should be published 180 days after the publication of the law – various organizations have filed legal appeals that continue to be heard. The organizations highlight that, seven years after the publication of the General Law

<sup>83</sup> CIDH, [Informe Anual. Capítulo V](#), México, 2023, párrs. 99-102.

<sup>84</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 14](#), Chapter V, September 30 and October 1, 2024.

<sup>85</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 14](#), Chapter V, September 30 and October 1, 2024.

<sup>86</sup> SEGOB, [Primer Informe anual de actividades 2023-2024. Mecanismo de seguimiento de casos de tortura sexual cometida contra las mujeres](#), 2024.



against Torture, the PNT has not been published and warn that the National Strategy against Torture, presented by the SEGOB, would not comply with the provisions of the LGT.<sup>87</sup>

*Analysis and level of compliance with the recommendation*

83. The IACHR reiterates its analysis of 2023<sup>88</sup>, in that the first component of this recommendation requesting the adoption of a General Law on the matter would be fully complied with, since said law was published in the DOF on June 26, 2017.<sup>89</sup> However, the recommendation also calls for measures to ensure that legislation and practices are in line with international standards in this area. The available information provided to this Commission shows important challenges in this regard. Similarly, the Commission notes that the State did not provide updated information related to legislative harmonization at the local level in accordance with the General Law to Prevent, Investigate, and Punish Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (General Law against Torture) and international standards on the matter. Finally, in the context of the application of the LGT, the Commission reiterates its concern over the statements that, according to the information provided, the FGR would have made in the sense of the "material impossibility for the publication of the PNCT."<sup>90</sup> Consequently, the IACHR concludes that this recommendation maintains a **partial level of compliance**.

*Measures and information to advance the implementation of the recommendation*

84. In order to comply with this recommendation, it is necessary for the State to provide information related to the progress made in harmonizing legislation at the local level with international standards to prevent and punish torture, taking into account the progress reported in previous years. This will allow the application of the LGT and the fight against torture to be carried out transversally throughout the institutional apparatus of the State. Similarly, it is essential that the State comply with the second component of the recommendation related to the effective application of the General Law against Torture, and this implies complying with the publication of the National Program against Torture (PNCT), under the terms of Article 70 of that law.<sup>91</sup>

**Recommendation No. 17** Investigate cases in which judges have not ordered an investigation when there are allegations or indications of torture or ill-treatment. Ensure that the Istanbul Protocol is implemented at the national level by competent and independent authorities in an expeditious manner and under risk of sanctions.

85. Within the framework of Chapter V of the 2023 Annual Report, the IACHR learned about the National Registry of the Crime of Torture (RENADET), a tool for the investigation and collection of data on cases of torture and cruel treatment. However, civil organizations highlighted that, from January 2006 to October 2022, at least 33,768 cases related to torture were registered, with an estimated total number of 50,523 files nationwide. The IACHR stressed that compliance with the recommendation required progress in the investigation of cases where judges have not ordered investigations into allegations of torture, as well as the application of the Istanbul Protocol. Although measures and training had been implemented, the information available was not sufficient to confirm full compliance. Therefore, the level of compliance was considered partial, and the IACHR urged the State to provide information on the mechanisms for investigating cases of torture and the application of the Istanbul Protocol in all relevant cases.

<sup>87</sup> CIDH, [Periodo de Sesiones 178 - 8\) Combate a la tortura en México](#), Audiencia, 4 de diciembre de 2023.

<sup>88</sup> CIDH, [Informe Anual. Capítulo V](#), México, 2023, párr. 101.

<sup>89</sup> Diario Oficial de la Federación, [Decreto por el que se expide la Ley General para Prevenir, Investigar y Sancionar la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes; y se reforman, adicionan y derogan diversas disposiciones del Código Penal Federal, de la Ley de la Comisión Nacional de los Derechos Humanos, de la Ley del Sistema Nacional de Seguridad Pública y de la Ley de Extradición Internacional](#), 26 de junio de 2017.

<sup>90</sup> SEGOB, [Estrategia Nacional contra Tortura](#), 27 de junio de 2023, pág. 13.

<sup>91</sup> CIDH, [Informe Anual. Capítulo V](#), México, 2023, párr. 102.



*Compliance Information*

86. In 2024, the State said that the SCJN had strengthened its protection of the right not to suffer torture and to humane treatment through resolutions that would require due diligence in the investigation of acts of torture and updated the "Protocol for Trying Cases of Torture and Ill-Treatment," which guides judges on due process and access to justice. Mexico also reported that the SCJN had promoted training on the Istanbul Protocol and its application. It was also highlighted that the Federal Institute of Public Defenders (IFDP), since 2019, has a Technical Secretariat for Combating Torture, in charge of dealing with cases of torture and ill-treatment. In its observations on this report, the State reported that the IFDP has a Forensic Sciences Area (ACF), which provides opinions and advice following this protocol in cases of torture and cruel treatment. In 2024, the IFDP organized workshops on evidentiary exclusion, led by litigation experts, to strengthen strategies to ensure the elimination of evidence obtained by illicit means, the inputs of which are being used to develop new guidelines. In addition, the CJF has issued bulletins to promote the use of the Istanbul Protocol, strengthening the effective documentation of torture and cruel treatment. In addition, within the framework of the FORTAJUS-DH project, 12 standards have been developed to facilitate the identification of international obligations in the field of torture and 21 indicators to measure their compliance.<sup>92</sup>

87. According to the State, this body has developed projects to adequately document the exclusion of evidence obtained under torture and other human rights violations in judicial proceedings. To date, he has obtained 33 favorable sentences in amparo for the benefit of torture survivors and has prosecuted three cases for this crime. From 2022 to 2023, the IFDP filed various legal actions in defense of 345 people in prison conditions that constituted acts of torture, achieving immediate suspensions to attend to these cases<sup>93</sup>.

*Analysis and level of compliance with the recommendation*

88. The IACHR emphasizes that the content of this recommendation is twofold, the first in relation to the promotion of the investigation in cases with allegations or indications of torture, the second related to the application of the Istanbul Protocol at the national level, so that investigations are diligent. In this regard, although the State reported information on measures aimed at preventing torture and highlighted the IFDP's actions in dealing with cases of torture, the State did not submit information related to how it proceeds or what measures it has implemented to initiate investigation proceedings against judges who did not order investigations into possible acts of torture. Similarly, the second aspect of the recommendation is related to recommendation 14, which calls for the implementation of measures to ensure the harmonization of international standards in this area at the federal and state levels. The Commission emphasizes that, of the 32 states in Mexico, only one would have a harmonized law on the matter, so it could not be inferred that the application of the Istanbul Protocol is guaranteed throughout the country. Therefore, the recommendation remains **partially complied with**.

*Measures and information to advance the implementation of the recommendation*

89. In order to comply with this recommendation, the IACHR invites the State to provide information related to the mechanisms implemented to guarantee the investigation of cases where there are indications of torture, when judges have not ordered such investigations, including the results generated by these investigations. Information should be reported on ongoing judicial proceedings to ensure the implementation of the Istanbul Protocol in all cases where there are allegations or indications of torture.<sup>94</sup>

<sup>92</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 16 de febrero de 2025.

<sup>93</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 17](#), Chapter V, September 30 and October 1, 2024.

<sup>94</sup> CIDH, [Informe Anual. Capítulo V](#), México, 2023, párr. 112.



**Recommendation No. 18** Establish the mandatory use of cameras and other security protocols during interrogations and patrols as a preventive measure against torture and other cruel, inhuman and degrading treatment.

90. According to Chapter V of the 2023 Annual Report, the State said that it had held meetings with the Armed Forces and police corporations to address the implementation of body cameras, including their placement in detention areas, and that it was working to strengthen the training of personnel in this area. However, civil society organizations reported that in 2020 and 2021 only 435 and 110 cameras had been granted to state public security agents, respectively, compared to a total of 174,536 agents nationwide. The IACHR observed that, in practice, the mandatory use of cameras and other security protocols in interrogations was not guaranteed. Although it welcomed the State's initiatives, it determined that these were only a first step to comply with the recommendation, which was still pending compliance. The IACHR urged the State to submit information on the progress made in the implementation of cameras and to take the necessary legislative actions to ensure the regulation and mandatory use of cameras in interrogations.<sup>95</sup>

*Compliance Information*

91. In 2024, the State reported that it had adopted measures within its National Strategy against Torture to ensure the prevention of torture in the context of interviews. And it reiterated the information provided in the framework of compliance with recommendation 17.<sup>96</sup>

*Analysis and level of compliance with the recommendation*

92. The IACHR positively values the measures reported by the State to prevent torture. However, the content of this recommendation addresses the specific measure of establishing the mandatory use of cameras and other security protocols in interrogations and patrols. The State did not report information related to that measure. In 2023<sup>97</sup>, the State reported that meetings had been held for the implementation of these chambers. However, for 2024, the State did not report concrete information. Pending information on updated compliance measures, the IACHR concludes that compliance with this recommendation is still **pending**.

*Measures and information to advance the implementation of the recommendation*

93. In order to comply with the recommendation, the Commission invites the State to submit information on the progress and results of the initiatives to implement the use of cameras in interrogations. Similarly, it is necessary to carry out sufficient, indispensable and timely actions at the legislative level to guarantee the regulation of the mandatory use of cameras and other security protocols in interrogations.<sup>98</sup>

**Recommendation No. 19** Establish guidelines for federal and state application on the compilation of uniform statistics on serious human rights violations. In particular, the State must improve the system for collecting information in a disaggregated manner, with a consistent and transparent methodology.

94. For Chapter V of the 2023 Annual Report, the State stated that, since 2017, INEGI had been generating information annually on the management and performance of public agencies in the field of human rights through the National Human Rights Census and the National Survey of Adolescents in the Criminal Justice System (ENASJUP). The State implemented a protocol for cases of torture and a Classifier of Acts Violating Human Rights was being developed. However, the IACHR observed that the National Survey of the Population Deprived of Liberty (ENPOL) only processed data on persons deprived of liberty and did not cover serious human rights violations in a uniform manner. Despite the advances, the available information did not fully

<sup>95</sup> CIDH, [Informe Anual. Capítulo V](#), México, 2023, párr. 114.

<sup>96</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 18](#), Chapter V, September 30 and October 1, 2024.

<sup>97</sup> CIDH, [Informe Anual. Capítulo V](#), México, 2023, párrs. 114 y 115.

<sup>98</sup> CIDH, [Informe Anual. Capítulo V](#), México, 2023, párr. 117.



comply with the recommendation, which led to classifying compliance as partial. The State was urged to expand data collection and ensure transparency in the collection of statistics on serious human rights violations.<sup>99</sup>

#### *Compliance Information*

95. In 2024, the State reported that INEGI presented the results of the 2023 National State Human Rights Census (CNDHE) and the Federal National Human Rights Census (CNDHF). These censuses would provide information on the management and performance of the CNDH and the Public Human Rights Organizations (OPDH) in each state, focusing on functions of government, training, dissemination, defense and protection of human rights. Its objective would be to support the design, implementation, monitoring and evaluation of public policies at the national level. According to the National Census, in 2022, 156,743 alleged human rights violations were recorded. Of these, 23,749 were reported to the CNDH and 132,994 to the OPDH.<sup>100</sup>

#### *Analysis and level of compliance with the recommendation*

96. The IACHR resumes its analysis made in recommendation 7, in the sense of positively evaluating the information provided by the State, which allows it to account for a solid information system that contributes to the analysis of data related to violence against groups in vulnerable situations. The IACHR invites the State to guarantee and strengthen the functioning of INEGI, which is an institution that exemplifies good practices in the systematization and processing of information. In this regard, the Commission concludes that this recommendation is moving towards **full compliance**.

#### **Recommendation No. 20** Eliminate arraigo and flagrante delicto from the Mexican legal system.

97. For Chapter V of the 2023 Annual Report, the State referred to the initiation of internal files to study compliance with the judgments of the Inter-American Court of Human Rights (IACHR Court) in the cases "García Rodríguez et al. v. Mexico" and "Tzompaxtle Tecpile et al. v. Mexico,"<sup>101</sup> in order to evaluate the measures that the Judiciary should adopt to align arraigo and pretrial detention with those judgments. However, civil society organizations reported that, eight months after the ruling in the García Rodríguez case<sup>102</sup>, the figures of arraigo and informal pretrial detention had not been eliminated from the Mexican Constitution (on this subject, see Recommendation No. 50). Although the jurisprudence established by the Inter-American Court of Human Rights had begun to be applied judicially, the recommendation was considered partially complied with due to the lack of legislative progress to eliminate the *arraigo*. The Commission suggested that the State organize public forums to discuss the elimination of this legal figure and take concrete actions to that end<sup>103</sup>.

#### *Compliance Information*

98. In 2024, the State reported that the use of *arraigo* would have decreased since 2013. Thus, he reported that, in 2022, it was used in only 25 cases nationwide. Since the constitutional reform of June 18, 2008, the admissibility of arraigo was limited only to organized crime crimes. The SCJN's criterion has been that the exclusive competence to legislate on matters of organized crime corresponds to the Federation and, therefore, it determined that it is only the power of the Federation to legislate in relation to *arraigo*. This would imply

<sup>99</sup> CIDH, [Informe Anual. Capítulo V](#), México, 2023, párrs. 119-122.

<sup>100</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 19](#), Chapter V, September 30 and October 1, 2024.

<sup>101</sup> Corte IDH. Caso Tzompaxtle Tecpile y otros Vs. México, Excepción Preliminar, Fondo, Reparaciones y Costas, Sentencia de 7 de noviembre de 2022, Serie C No. 470.

<sup>102</sup> Corte IDH, Caso García Rodríguez y otro Vs. México, Excepciones Preliminares, Fondo, Reparaciones y Costas, Sentencia de 25 de enero de 2023, Serie C No. 482.

<sup>103</sup> CIDH, [Informe Anual. Capítulo V](#), México, 2023, párrs. 124-126.



that, after the aforementioned constitutional reform, no federal entity would be empowered to legislate on this figure.<sup>104</sup>

99. For their part, civil society organizations reported to the Commission that the State had not adopted legislative measures to eliminate the concept of *arraigo* from the Mexican Constitution. The organizations reported that, in the face of Congress' refusal to comply with the judgments of the Inter-American Court, the Judiciary has begun to apply, through jurisprudence, the established inter-American standards<sup>105</sup>.

*Analysis and level of compliance with the recommendation*

100. There is no information reported to the Commission that accounts for initiatives aimed at eliminating the concept of *arraigo* from the Mexican legal system. In this regard, the Commission maintains **partial compliance with the recommendation**.

*Measures and information to advance the implementation of the recommendation*

101. The Commission reiterates what it has stated above to the effect that compliance with this recommendation can only be achieved with the legislative elimination of *arraigo*. The Commission suggests that the State implement forums for public and democratic debate to continue the discussion on the elimination of this legal figure, which has been used to favor practices of torture, accompanied by forceful actions that achieve the objective of this recommendation.<sup>106</sup>

## D. Extrajudicial executions

**Recommendation No. 21** In any act in which there is deprivation of life by members of the security forces, carry out an exhaustive inquiry and investigation in accordance with international standards, and that investigations from the scene of the crime be carried out by experts who are not members of police or military agencies.

102. For Chapter V of the 2023 Annual Report, the State reported that, under the General Law against Torture, victims have the right to be evaluated by doctors or psychologists of their choice; and that medical-psychological opinions must comply with the Istanbul Protocol. However, civil society organizations reported the lack of a public policy to address extrajudicial executions perpetrated by security forces, which would complicate the identification and follow-up of these cases, and reported that the State had not created the Special Commission of Multidisciplinary Investigation recommended for cases of massacres and disappearances of migrants. Although the State provided details on the rights of victims in cases of torture, the lack of updated information and specific measures for cases of deprivation of life by security forces led the Commission to consider the recommendation as pending compliance. It was suggested that the State provide data on thorough investigations and the participation of independent experts in these cases.<sup>107</sup>

*Compliance Information*

103. In 2024, the State referred to the Homologated Police Report (hereinafter "IPH") as an essential tool for police institutions, as it allows for the standardized documentation of information related to the availability of people and objects after police interventions. Its objective is to improve the efficiency of these procedures, guarantee due process and use the data for intelligence work that supports ministerial procedures. Between May 2019 and March 2024, 29.3 million reports were registered, with 1.4 million new records in the

<sup>104</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 20](#), Chapter V, September 30 and October 1, 2024,

<sup>105</sup> Intersecta, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", del 11 de septiembre de 2024; Corte IDH, Caso García Rodríguez y otro Vs. México, Excepciones Preliminares, Fondo, Reparaciones y Costas, Sentencia de 25 de enero de 2023, Serie C No. 482.

<sup>106</sup> CIDH, [Informe Anual. Capítulo V](#), México, 2023, párr. 127.

<sup>107</sup> CIDH, [Informe Anual. Capítulo V](#), México, 2023, párrs. 129-130.



last period, of which 57% have a cartographic reference. In cases of interventions that result in injuries or deaths, the IPH requires a detailed report on the use of force, describing the conduct that motivated the use of force and the proportional level used, as established in articles 10 and 11 of the National Law on the Use of Force.<sup>108</sup>

104. For their part, civil society organizations reported to the Commission that there is no public policy for dealing with cases of executions involving security forces. Cases of extrajudicial executions would continue to be investigated for the crime of homicide, so that there would be no differentiation or particular measures when the perpetrators are public servants. According to the information provided, this situation would complicate the identification of cases and their follow-up; there would be no collaboration of the Armed Forces in the investigations of cases involving their members; and prosecutors' offices would have a tendency to minimize the impact of such events<sup>109</sup>. The organizations reported that, to date, the State has not created the special multidisciplinary investigation commission recommended by the United Nations Committee on Enforced Disappearances, in April 2022, for cases of massacres and disappearances of migrants, which should be made up of national and international experts to support investigations with a regional perspective<sup>110</sup>.

*Analysis and level of compliance with the recommendation*

105. The information provided does not reflect a specific measure aimed at guaranteeing exhaustive inquiry and investigation in cases where members of the security forces are involved in cases of extrajudicial executions. Although the Homologated Police Report represents a first step in the documentation of these cases, there is no information on the follow-up of the investigation processes and how its application has impacted the clarification of responsibilities. In this regard, the recommendation remains **partially complied with**.

*Measures and information to advance the implementation of the recommendation*

106. In accordance with the provisions of 2023, the IACHR reiterates that compliance with the recommendation requires measures that promote the investigation of the crimes in question. The Commission considers it important that specific data be provided on how a thorough investigation is being ensured in accordance with international standards. It is appropriate for the State to provide information on those cases in which independent experts participated.<sup>111</sup>

**Recommendation No. 22** Ensure that the Armed Forces record the numbers of people killed and injured in their operations and that the corresponding investigations are opened when appropriate.

107. For Chapter V of the 2023 Annual Report, the State reported that, through the National Federal Human Rights Census (CNDHF) of the INEGI, information would be collected on human rights violations in which SEDENA and SEMAR are presumed responsible. The State reported that INEGI collects data on people who have died, been injured, and detained during confrontations with public security elements through several national censuses. However, civil society organizations highlighted that, despite the progress in recording figures on people affected by the Armed Forces, the quality of the information reported remained deficient, with inconsistencies and stigmatization. The Commission positively valued the State's efforts in data collection but determined that the information provided was not sufficient to demonstrate improvements in public policies related to the attention and investigation of these cases. Accordingly, the recommendation was

<sup>108</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 21](#), Chapter V, September 30 and October 1, 2024,

<sup>109</sup> Centro Prodh, FJEDD; Marisol Méndez Cruz, Jerónimo del Río y Fabienne Cabaret, SERAPAZ, *Idheas Litigio Estratégico en Derechos Humanos y Organización Ku'kay*; Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.

<sup>110</sup> Comité Contra la Desaparición Forzada, Informe sobre su visita a México al amparo del artículo 33 de la Convención. Observaciones y segunda parte de las recomendaciones (art. 33 párr. 5), párr. 50, 12 de abril de 2022; FJEDD, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", del 19 septiembre de 2023.

<sup>111</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párr. 132.



considered to be in substantial partial compliance. The State was urged to provide specific details on the operation and methodology of the Census, as well as on measures to improve the recording and investigation of cases related to the use of force.<sup>112</sup>

#### *Compliance Information*

108. In 2024, the State reported that, within the framework of the National Human Rights Information System (SNIGSPIJ), INEGI began in 2014 the Information Collection Program on Public Agencies for the Protection and Defense of Human Rights in Mexico, with the aim of systematizing and standardizing the data of the CNDH and the 32 state public agencies. The program was developed until 2016, when the review began to create an instrument that would capture information on violations and complaint procedures. In 2017, the Federal National Human Rights Census (CNDHF) was implemented, as part of the Specialized Technical Committee on Human Rights. Since then, the census has been carried out annually. The CNDHF uses existing classifications and catalogues and develops its own to standardise concepts and support comparative analysis. The data is collected through public informants in the CNDH, including specific roles to ensure the validity and officialization of the information. In this sense, INEGI's 2023 National State and Federal Human Rights Census identifies alleged human rights violations by security and justice agencies.<sup>113</sup>

109. However, civil society organizations indicated that there is no adequate registry of people deprived of life or injuries derived from the actions of the Armed Forces and that the Armed Forces do not comply with the detailed reports on the use of force as mandated by the National Law on the Use of Force<sup>114</sup>.

#### *Analysis and level of compliance with the recommendation*

110. The State reiterated the information related to the compilation of statistical information on human rights violations, which had already been evaluated positively in previous years—<sup>115</sup> and which is even valued with respect to other recommendations of this same report. However, the State did not provide information specifically related to the provisions of this recommendation, regarding the need for the Armed Forces to record figures on people killed and injured in their operations. Nor did the State transmit information on the opening of investigations into these events. In this sense, it is identified that there is not enough information to update the level of implementation of the recommendation. Accordingly, the Commission determines that the recommendation remains in **substantial partial compliance**.

#### *Measures and information to advance the implementation of the recommendation*

111. In order to comply with this recommendation, the IACHR reiterates the importance of having specific information on the existence of a registry of dead and injured persons derived from the actions of the Armed Forces, and on how its findings impact the opening of corresponding investigations.<sup>116</sup>

**Recommendation No. 23** Establish a national registry on the location of unidentified remains buried in cemeteries throughout the country with causes of violent death. It is also recommended to search for clandestine graves in states that have registered high levels of violence.

112. Within the framework of Chapter V of the 2023 Annual Report, the State informed the Commission about the beginning of the operation of the National Forensic Data Bank (BNDF) and the National Registry of Unidentified and Unlocated Deceased Persons (RENAPEFA) as of May 29, 2023, with a gradual

<sup>112</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 134-137.

<sup>113</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 22](#), Chapter V, September 30 and October 1, 2024.

<sup>114</sup> Centro Prodh, FJEDD, Marisol Méndez Cruz, Jerónimo del Río y Fabienne Cabaret; SERAPAZ, Idheas Litigio Estratégico en Derechos Humanos y Organización Ku'kay; Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.

<sup>115</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 134-137.

<sup>116</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 136-137.



implementation of the National Registry of Clandestine Graves (RENAFO). The State mentioned that the main difficulty lies in the quality of the information and the lack of standardization between states and the central government. Civil society organizations highlighted the lack of an effective national registry, and delays in the implementation of forensic search and identification mechanisms, despite the law in force for six years. The IACHR recognized the State's efforts, but considered that the recommendation remained partially complied with, due to the need for effective coordination between authorities and significant progress in the implementation of the searches and search mechanisms. The State was urged to provide additional information on the operation of these databases and the activities involved in the search for clandestine graves.

### *Compliance Information*

113. In 2024, the State said that in 2020 the CNB created the Mass Graves Module (MFC), a database that centralizes and standardizes information on bodies and remains buried in mass graves in Mexico. This system periodically compares the information with the Registry of Missing Persons (RNPDO) to find possible matches. Matches are evaluated to eliminate false positives and, if viable, investigated with local authorities. The MFC is updated through the systematization of burial and exhumation records provided by the cemeteries. The State reported that, between September 2023 and July 2024, the mass graves of 41 cemeteries have been reviewed, systematizing a total of 42,445 burials. The State reported the registration of 1,408 alternative data, such as variations in names, dates and folios. The National Forensic Data Bank concentrates the databases of the states and the Federation; as well as other databases that have relevant forensic information for the search and identification of missing and unlocated persons. Based on the General Law, it is the responsibility of the Attorney General's Office to coordinate the operation and centralize the information of the National Forensic Data Bank, as well as to administer the Federal Forensic Registry<sup>117</sup>. In its observations on this report, the State added that the Criminal Investigation Agency (AIC) of the Attorney General's Office is part of the National Exhumation Plan, making progress in the creation of protocols for controlled exhumations, with the objective of improving the identification of deceased persons in mass and clandestine graves. The AIC has worked on the consolidation of the National Registry of Common and Clandestine Graves (RENAFO), which collects information on municipal cemeteries and findings of clandestine graves identified by law enforcement institutions.<sup>118</sup>

114. The civil society organizations in turn reported that, to date, the National Registry of Mass Graves and Clandestine Graves, stipulated in Article 4, paragraph XXII of the General Law on Disappearances, which should concentrate information in relation to the mass graves that exist in the cemeteries and cemeteries of all the municipalities of the country, has not been consolidated. as well as the clandestine graves that the Prosecutor's Office and the Local Prosecutor's Offices and Prosecutors' Offices locate. Article 135 of the law provides that a National Program of Exhumations and Forensic Identification must be created, under the responsibility of the Attorney General's Office, which must contain, at least, the list of all the cemeteries and cemeteries in the country, as well as information on the number of unidentified bodies buried in each one and the corresponding circumstances and contexts. However, according to the information sent by the FGR, the Registry of Mass Graves, as regulated by law, would continue to do not exist.<sup>119</sup>

### *Analysis and level of compliance with the recommendation*

115. The IACHR reiterates what it said in 2023, in that it recognizes that institutional efforts have been made by the Mexican State to address the crisis of disappearance of persons and human identification, which have included the implementation of the BNDF and RENAPEFA. The Commission notes positively that

<sup>117</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 23](#), Chapter V, September 30 and October 1, 2024.

<sup>118</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 16 de febrero de 2025.

<sup>119</sup> Centro Prodh, FJEDD; Marisol Méndez Cruz, Jerónimo del Río y Fabienne Cabaret, SERAPAZ, Ideas Litigio Estratégico en Derechos Humanos y Organización Ku'kay; Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.



the gradual implementation of RENAFO has begun. However, the IACHR once again observes a lack of coordination between authorities. The Commission is struck by the fact that, as in recommendation 14, although the law establishes the FGR as the competent authority—due to the characteristics of its competencies and investigative powers—these initiatives are being addressed by other state entities that lack the same powers. In this regard, although the actions implemented are positively valued, the IACHR maintains that this recommendation is in **partial compliance**.

*Measures and information to advance the implementation of the recommendation*

116. Recalling the guidance provided in the last annual report, the IACHR considers that, although there are several databases reported by the State of unidentified remains, it is necessary to have records in which the information dialogues in a coordinated manner to promote the exchange of information; and with an objective and transparent methodology that facilitates access to information for people who are looking for their disappeared relatives. The Commission invites the State to provide additional information on how the databases that have been designed in relation to the location of remains of persons who died in violent deaths and clandestine graves work effectively.<sup>120</sup>

**Recommendation No. 24** Establish an autonomous national forensic services institution with adequate infrastructure, adequate human and financial resources, and standardized protocols applicable at the national level.

117. For Chapter V of the 2023 Annual Report, the State informed the Commission that the established expert procedure must follow a scientific or technical methodology according to current legislation, and that progress had been made in the implementation of the National Center for Human Identification (hereinafter, "CNIH" or "National Identification Center") and the Protocol for the Identification of Human Remains (PHB). However, the Extraordinary Forensic Identification Mechanism (MEIF) had a limited operation and was unable to sign coordination agreements with the prosecutors' offices or clearly define its operational destination. Civil society organizations reported the lack of an independent national forensic services institution and the ineffective operation of the National Identification Center due to coordination and resource problems. The IACHR appreciated the progress made in the National Identification Center and the PHB, but considered that the forensic identification policy was still unclear and that the MEIF had not shown significant results. Therefore, the recommendation was updated to substantial partial compliance. The Commission reiterated the need for an independent national forensic institution and requested information on the autonomy and effectiveness of human identification centres.<sup>121</sup>

*Compliance Information*

118. In 2024, the State reported that the National Identification Center, in coordination with the CNB, is carrying out the forensic search for the identification of bodies and human remains, applying a massive approach and through forensic genetics, 15 brigades have been carried out to take genetic samples in eight states from 3,749 families of 1,466 victims; and, at the time of the presentation of the Report, 3,518 referential genetic profiles have been processed, of which 1,102 have been delivered to relatives and 2,416 are in the process of being delivered. The State reported that, in collaboration with the United Nations Population Fund (UNFPA), 290 necrofingerprint records were digitized in three states. The CNIH reported 299 lophoscopic hits, which allowed the restitution of 12 individuals to their families in different states. In the area of genetics, 22 matches were registered, of which three remains of deceased people were returned to their families.<sup>122</sup>

119. For their part, civil society organizations recalled that in May 2022 the General Law on Disappearances had been amended to create the National Center for Human Identification, as an administrative

<sup>120</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párr. 143.

<sup>121</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 145-147.

<sup>122</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 24](#), Chapter V, September 30 and October 1, 2024.



unit, with technical-scientific independence, attached to the National Search Commission, which was to safeguard information aimed at human identification. And that this information, once processed, should be sent to the competent authority and made known to the families concerned.<sup>123</sup> However, they stressed that, after the changes in the ownership of the CNB, the National Identification Center would have begun to be dismantled and, with it, the proposal to generate massive schemes<sup>124</sup>. The organizations reported that the representative of the FGR during a session of the National Search System acknowledged that, in 2023, the institution's expert services genetically identified only 35 people and 4 with fingerprint crosses,<sup>125</sup> in the face of the crisis of tens of thousands of missing people in the country. Additionally, according to public information, 40 of the 59 specialists hired for the National Identification Center would have been dispensed with<sup>126</sup>. Finally, they stressed that since the CNIH was created as an administrative unit attached to the CNB with powers limited to those established in the General Law on Disappearances, the systems of expert and forensic services in the country were not reformed with the creation of the National Identification Center, so they would continue to depend on the mostly from the Attorney General's Office and state prosecutors' offices.<sup>127</sup>

#### *Analysis and level of compliance with the recommendation*

120. The IACHR notes with concern the information highlighted by civil society that the recently created National Identification Center is being dismantled, that there have been layoffs of personnel, and that the personnel who remain attached to it lack professionalization. In 2023, the IACHR had already announced that, in order to advance in the level of compliance with this recommendation, it was essential to strengthen the National Identification Center. However, the available information does not distinguish new actions from such strengthening, but only decisions that would affect its operation and viability. Therefore, the IACHR considers it necessary to go back in the level of compliance with this recommendation to **partial compliance**.

#### *Measures and information to advance the implementation of the recommendation*

121. Compliance with the recommendation in question implies the creation of a national institution of forensic services independent of the organs of law enforcement and administration of justice and, where appropriate, the creation of counterpart institutions at the State level<sup>128</sup>. While the human identification centers pointed in this direction, the IACHR invites the State to report on their current operation, functioning, and capacities, together with the level of autonomy that these institutions enjoy to meet the standard required by the recommendation.

**Recommendation No. 25:** Carry out all processes of exhumation and identification of remains with strict adherence to the dignified treatment of the victims' relatives by the authorities of all levels of government involved in the process.

122. For Chapter V of the 2023 Annual Report, the Commission learned about the application of the Protocol for the Identification of Human Remains (PHB) and the Internal Guide for Comprehensive Attention to Victims. The Forensic Commission identified 72 remains of migrants in San Fernando and 96 remains in

<sup>123</sup> Ley General de Desaparición, art. 4, párr. V Bis y art. 53 XXVI, *Quarter*.

<sup>124</sup> Gobierno de México, [Centro Nacional de Identificación Humana, institución única al servicio de la sociedad](#), 9 de agosto de 2022.

<sup>125</sup> SEGOB, [Primera Sesión Ordinaria del SNB de 2024](#), 2 de febrero de 2024, min. 3:05.00.

<sup>126</sup> FJEDD, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", del 19 septiembre de 2023. Centro Prodh, FJEDD, Marisol Méndez Cruz, Jerónimo del Río y Fabienne Cabaret, SERAPAZ, Idheas Litigio Estratégico en Derechos Humanos y Organización Ku'kay; Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024; Milenio, [Dejan 104 funcionarios la Comisión Nacional de Búsqueda; despidos y renuncias, las causas](#), 1 de febrero de 2024; Animal Político, [Más de 100 despidos, presiones y rechazo para renovación de contratos prevalecen en la Comisión Nacional de Búsqueda](#), 1 de febrero de 2024; Aristegui Noticias, Desmantelamiento del CNIH abona a incertidumbre en búsqueda de personas desaparecidas en México, 5 de febrero de 2024.

<sup>127</sup> Centro Prodh, FJEDD, Marisol Méndez Cruz, Jerónimo del Río y Fabienne Cabaret, SERAPAZ, Idheas Litigio Estratégico en Derechos Humanos y Organización Ku'kay; Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.

<sup>128</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párr. 149.



Cadereyta and the Organic Statute of the FGR was published, creating the Special Prosecutor's Office for the Investigation of Crimes Related to Migrants and Refugees. Civil society organizations highlighted the publication of the new Guidelines for the External Support Mechanism for Search and Investigation (MAEBI), but expressed concern about the lack of clarity in coordination; and obstacles faced by the Forensic Commission due to lack of support and collaboration. The IACHR welcomed the State's efforts to treat the victims with dignity and considered that the recommendation was moving towards partial compliance, asking the State to report on the results of the implementation of the protocols.<sup>129</sup>

### *Compliance Information*

123. In 2024, the State said that the dignified treatment of family members in the exhumation and identification processes is a priority for the CNB. The State reported that, at the Third Ordinary Session 2024 of the SNB, it was emphasized that this administration would have stopped seeing the victims of disappearance as simple statistics, recognizing their histories and families. Finally, the State reported data related to the number of searches and meetings with groups and family members<sup>130</sup>. The State added in its observations on this report that, out of a total of 72 remains of migrants located in San Fernando, the Forensic Commission has been able to identify three. Likewise, with respect to the remains identified in Cadereyta, the Commission has confirmed the identity of 17.<sup>131</sup>

### *Analysis and level of compliance with the recommendation*

124. The Commission considers it necessary to insist that the information provided be related to specific measures and/or actions to comply with the recommendation. In this sense, although prioritizing dignified treatment of families and victims and expressing that victims are not a statistic are valued as positive statements, the State does not report concrete actions from which it could be verified that dignified treatment is guaranteed in exhumation and identification processes. Therefore, in the absence of tangible information, the recommendation remains in **partial compliance**.

### *Measures and information to advance the implementation of the recommendation*

125. To guide the implementation of this recommendation, the IACHR invites the State to adopt and report on concrete measures and/or actions that guarantee results from the implementation of its protocols on the dignified return of human remains to the families and to report to the Commission on these advances.

**Recommendation No. 26** Continue and deepen the work of the Forensic Commission for the Identification of Remains in cases found on migrant routes. Adopt the necessary measures for the creation of the Transnational Mechanism for Access to Justice for Migrants and their Families, as well as the creation of a Special Prosecutor's Office for Crimes of Violence against Migrants at the federal level.

126. For Chapter V of the 2023 Annual Report, the State reiterated the approval in 2022 of the Guidelines of the Foreign Support Mechanism for Search and Investigation (MAEBI) by the National Search System. These guidelines allow Mexican embassies, consulates, and attaché offices to act as points of contact for families of persons who have disappeared abroad, making it easier to report disappearances and obtain information from their countries of residence. The IACHR welcomed these guidelines to improve coordination and cooperation in the search for missing migrants, but considered that the recommendation continued to be partially complied with due to the lack of additional information on the effectiveness of the MAEBI, the Forensic

<sup>129</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 151-154.

<sup>130</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 25](#), Chapter V, September 30 and October 1, 2024.

<sup>131</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 28 de febrero de 2025.



Commission, and the Special Prosecutor's Office. The IACHR requested updated information on the implementation and functioning of these entities in order to evaluate compliance with the recommendation.<sup>132</sup>

### *Compliance Information*

127. In 2024, the State stated that migrants have the right to access to justice, regardless of their nationality or migratory status. Thus, the Office of the Special Prosecutor for Migration Crimes (FEDPMR) of the Office of the Attorney General of the Republic is responsible for investigating and prosecuting federal crimes committed against migrants, and coordinating actions for the reparation of damage to victims. Mexico highlighted that there are currently eight states with Specialized Prosecutor's Offices for Attention to Migrants. The State reported that the Legal Advisory Unit of the Federal Institute of the Public Defender's Office also offers specialized services for migrants and labor matters. The State recalled that, in May 2022, the Roundtable for the Search for Missing Migrants had been established, which has coordinated efforts with authorities in Honduras and several Latin American countries to search for missing persons in transit through Mexico. The State clarified that MAEBI was created to strengthen collaboration between various Mexican authorities and their counterparts abroad.<sup>133</sup>

128. For their part, civil society organizations reported that the MAEBI Guidelines, published in the Official Gazette of the Federation on December 14, 2022, would constitute an adequate measure to guarantee the implementation and effectiveness of the MAEBI. The foregoing, given that they make explicit legal obligations of the agencies in charge of receiving and attending to reports of disappearances and define lines for the attention to victims and follow-up of cases, as well as for articulation between countries. On the other hand, according to the organizations, the Guidelines would guarantee the application of the MAEBI to all countries in the region and reported that the Forensic Commission would continue to map victims of the three massacres that were the object of its mandate (the massacre of 72 migrants, the clandestine graves of San Fernando, the massacre of Cadereyta) and that, At the time of sending this report, it would have been able to identify, notify and repatriate/deliver the bodies of 97 victims<sup>134</sup>.

### *Analysis and level of compliance with the recommendation*

129. The IACHR appreciates the information provided that accounts for the creation of a Specialized Prosecutor's Office for Migration Crimes at the national level. The IACHR also recognizes that the MAEBI would have guidelines that would guarantee its operation and that the work of the Forensic Commission would continue to be carried out properly. The Commission therefore concludes that this recommendation is moving towards **full compliance**.

**Recommendation No. 27:** Implement a national mechanism to facilitate the exchange of forensic information on the unidentified remains of missing Mexicans and Central Americans in Mexico with the forensic banks of missing migrants that have been developed in the region.

130. For Chapter V of the 2023 Annual Report, the State reiterated the implementation of the Registry of Disappeared Persons (RNPDO) within the National Public Security System, the approval of the Bases of Collaboration for several registries, including the National Forensic Data Bank (BNDF), the National Registry of Unidentified and Unclaimed Deceased Persons, the National Registry of Mass Graves and Clandestine Graves, and the National Genetic Information Base; and highlighted the participation of the Unit for the Investigation and Litigation of Crimes of Forced Disappearance (UIDPM) in the search for missing migrants convened by the CNB. However, civil society organizations reported that the Roundtable for the Search for Missing Migrants has not been installed or publicly convened, and that the progress of the Inter-

<sup>132</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 156- 158.

<sup>133</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 26](#), Chapter V, September 30 and October 1, 2024.

<sup>134</sup> FJEDD, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.



Institutional Working Group Specialized in the Search for Foreign Migrants is not known. The IACHR appreciated the implementation of the Roundtable but stressed the need for actions to include the participation of the families of the disappeared. The recommendation was considered partially complied with due to the lack of information on how the records would facilitate data sharing with forensic banks in the region. The IACHR requested additional information on the effectiveness of the Roundtable and the specific measures for the exchange of forensic data with other countries.

#### *Compliance Information*

131. In 2024, the State reported that the General Law on Disappearances provides for coordination between different levels of government to search for missing and unlocated persons and incorporates a differentiated approach and special measures for the search for migrants. The law mandates the creation of various institutions, including the National Search System and the RNPDO. The State highlighted that, in November 2021, a roadmap was approved to prepare the Regulations of the General Law on Disappearances in collaboration with the families of the victims, civil society organizations, and authorities. Subsequently, in December 2022, the Guidelines of the Foreign Support Mechanism for Search and Investigation (MAEBI) were approved, which will allow Mexican embassies and consulates to operate as windows for relatives of foreigners who have disappeared in Mexico to report and report cases from their country, as well as request information and initiate procedures related to their rights. In May 2022, the Search Table for Missing Migrants was established, which includes the Inter-Institutional Working Group and the MAEBI. Between September 2022 and June 2023, meetings were held with Honduran authorities to coordinate efforts in the search for missing persons in their transit through Mexico. The State reported that three regional roundtables were held with consulates and embassies of several Latin American countries, and a National Meeting of Local Search Commissions to exchange best practices and design strategies for the search for migrants. Finally, the State specified that, in 2023, the CEAV coordinated with the Ministry of Foreign Affairs to follow up on cases of Hondurans recognized as victims of crime in Mexico.<sup>135</sup>

132. For their part, civil society organizations reported that the operating guidelines of the Search Table for Missing Migrants are pending publication, which hinders its operation. The process of approving the draft guidelines, worked on jointly by the organizations and the National Search Commission, would have been hindered since the change of its head. However, organizations, together with committees of relatives from Central America, have held several meetings with the new administration of the CNB to promote the guidelines, which would have been complex in 2024 due to the institutional paralysis generated by the presidential electoral process.<sup>136</sup>

#### *Analysis and level of compliance with the recommendation*

133. The IACHR welcomes the State's efforts to establish mechanisms for the exchange of forensic information and the creation of platforms to coordinate the search for disappeared persons. However, there is still a need to ensure effective implementation that integrates the participation of victims' families and ensures adequate data sharing with forensic banks in the region. Therefore, the IACHR concludes that this recommendation continues to be **substantially partially complied with**.

#### *Measures and information to advance the implementation of the recommendation*

134. The IACHR invites the State to increase transparency regarding the results achieved by the Inter-Institutional Working Group. The Commission recommends strengthening the exchange of forensic

<sup>135</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 28](#), Chapter V, September 30 and October 1, 2024.

<sup>136</sup> Centro Prodh, FJEDD, Marisol Méndez Cruz, Jerónimo del Río y Fabienne Cabaret, SERAPAZ, Ideas Litigio Estratégico en Derechos Humanos y Organización Ku'kay; Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.



information with regional databases to ensure better coordination and more effective results in the identification of human remains.

## E. Access to justice

135. The Commission took cognizance of and closely monitored the constitutional reform of the judiciary, published on September 15, 2024, which has a direct impact on the right of access to justice. Although recommendations 29, 30, 31, 32, 33, 34, and 35 of this Report are framed in the area of access to justice, the detailed analysis of judicial reform is carried out in Chapter IV A of the IACHR's 2024 Annual Report.

**Recommendation No. 29** Establish a coherent plan for cooperation between the federal and state law enforcement authorities in the investigation of serious human rights violations, with a comprehensive vision, specific protocols, and the adoption of technical-professional, rather than political, criteria in attracting investigations by the federation.

136. In Chapter V of the 2023 Annual Report, the IACHR learned about the implementation of the General Law against Torture through inter-institutional collaboration, the preparation of the Strategic Plan for the Prosecution of Justice, and coordination with the Armed Forces and police corporations, and workshops given by the Office of the Special Prosecutor for Human Rights. However, civil society organizations highlighted the lack of adequate policies to address serious human rights violations, deficiencies in coordination between the FGR and the states in cases of migrants, and the prevalence of impunity in massacres of migrants. The IACHR appreciated the State's efforts but concluded that additional information was required on inter-institutional cooperation and the results of the investigations, maintaining partial compliance with the recommendation.<sup>137</sup>

### *Compliance Information*

137. In 2024, the State reported that the National Conference on Law Enforcement (CNPJ) would have established itself as a forum in which prosecutors and prosecutors share information, best practices, and experiences aimed at improving the investigation of crimes. Between April 1, 2023 and March 31, 2024, the CNPJ held the XLVIII and XLIX plenary assemblies and held eight regional sessions, in which 90 agreements were adopted; such as the homologation of the criminal type of femicide, the creation of collaboration bases for forensic records, and the development of an investigation protocol under the National Model of Police and Civic Justice. Within the framework of the "Zero Impunity" strategy, collaboration between security and law enforcement authorities has been promoted, allowing the arrest of more than 84,000 members of criminal gangs, of which approximately 10,000 belong to criminal organizations. In the field of femicides, between July 2022 and March 2024, 1,149 femicides were arrested and 401 convictions were issued, achieving a 41.5% reduction in the crime of femicide compared to December 2018.<sup>138</sup>

### *Analysis and level of compliance with the recommendation*

138. The IACHR recognizes the State's progress in creating spaces for cooperation and coordination between different levels of government and in the implementation of strategies aimed at combating serious human rights violations. However, it is still necessary to evaluate the effectiveness of inter-institutional collaboration to guarantee the investigation and punishment of all crimes involving serious human rights violations in a comprehensive manner. Therefore, the IACHR concludes that the recommendation remains in **partial compliance**.

<sup>137</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 168-169.

<sup>138</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 29](#), Chapter V, September 30 and October 1, 2024.



*Measures and information to advance the implementation of the recommendation*

139. The IACHR recommends that the State increase transparency regarding the concrete results of the National Conference on Law Enforcement and strengthen accountability in the implementation of agreements and protocols. The Commission suggests that efforts be intensified to address cases of forced disappearance, particularly against migrants and other high-impact crimes in which impunity persists.

**Recommendation No. 30** Adopt specific protection measures for victims, their families, representatives, witnesses, experts, and defenders who participate in the investigation or search for justice when they are at risk. Guarantee access to the files for family members and legal representatives. Impose appropriate sanctions in cases of retaliation against any of these individuals.

140. In Chapter V of the 2023 Annual Report, the IACHR learned about the application of the Protection Mechanism and the collection of data by INEGI on complaints of human rights violations and victim protection measures. However, civil society organizations denounced an alleged internal policy in the Mechanism to reduce expenses, which would have led to the withdrawal of protection measures for people at risk. The IACHR valued the existing regulatory framework but stressed the need to strengthen protection measures and to receive additional information on access to files and sanctions for reprisals, concluding that the recommendation remained partially complied with.<sup>139</sup>

*Compliance Information*

141. By 2024, the State reported that it would have included a new strategy that provides for the responsibility of the perpetrator in the comprehensive reparation of the damage and guarantees the non-repetition of the facts. In the event that the perpetrator lacks the resources to repair the damage, the State would have assumed the responsibility of providing subsidiary compensation. Between 2021 and 2023, the CEAV would have managed 21,069 files and offered 280,309 services to 32,783 victims. From May 2019 to March 2024, the CEAV would have issued 1,255 resolutions of reparation for human rights violations, benefiting 5,308 victims. As of June 2024, the National Registry of Victims (RENAVI) would register 75,863 people, and between January 2023 and June 2024, 19,246 new people would have been registered as victims.<sup>140</sup> She also stressed that the Inter-Ministerial Commission against Trafficking in Persons, coordinated by the Ministry of the Interior, would have worked to prevent and eradicate this crime and its violations related to human rights, with a gender perspective. In 2023, 1,967 public servants would have been trained in this area. The State reported the establishment of a roundtable dedicated to trafficking in persons, reaching a total of 22 meetings as of March 2024, which would have led to 99 agreements and made it possible to identify 60 targets related to criminal trafficking groups.<sup>141</sup>

142. The State added in its observations on this Report that the CEAV maintains 35,832 active legal advice and representation files. During 2024, 1,019 files were concluded and 155,631 legal services were granted, benefiting 7,483 women and 14,017 men in the situation of victim.<sup>142</sup>

*Analysis and level of compliance with the recommendation*

143. The IACHR recognizes the State's significant progress in creating and strengthening mechanisms for the protection and comprehensive care of victims, as well as the increased financial support for the Protection Mechanism. However, further strengthening of protection measures and transparency in the

<sup>139</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 173-174.

<sup>140</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 30](#), Chapter V, September 30 and October 1, 2024.

<sup>141</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 30](#), Chapter V, September 30 and October 1, 2024.

<sup>142</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 28 de febrero de 2025.



implementation of resources is still needed, especially to ensure the continuity of effective protection measures for people at risk. The IACHR concludes that this recommendation continues to **be partially complied with**.

*Measures and information to advance the implementation of the recommendation*

144. The IACHR suggests that the State increase the effectiveness of protection measures and strengthen transparency mechanisms regarding the execution of the Protection Mechanism's budget. The Commission recommends ensuring access to the files for victims and their representatives, as well as adequate sanctions in cases of reprisals.

**Recommendation No. 31** Adopt specific protection measures for justice operators in accordance with their particular needs and in consultation with them.

145. According to the information reported by the State for the 2023 Follow-up Report, the General Agreement that regulates security measures for public servants of the Judicial Branch of the Federation, excluding the SCJN and the Electoral Tribunal; and that contemplates self-protection practices and measures such as armored vehicles and escorts, was known. However, the Federal Institute of Public Defenders reported the case of Judge Angélica Sánchez, who had reportedly faced reprisals and arbitrary detentions following a court ruling, raising international concern about judicial independence. The IACHR valued the measures reported, but stressed that challenges persisted in the protection of justice operators, concluding that the recommendation continued to be partially complied with.<sup>143</sup>

*Compliance Information*

146. In 2024, the State stressed that the security of justice operators would be essential to preserve their independence and the proper functioning of courts and tribunals. He said that, in situations of risk or intimidation, the Center for Attention to Security Requests (CASS) would have attended to 105 requests for protection for public servants, mainly from the Federal Criminal Justice Centers. For its part, the Executive Secretariat of Surveillance would have registered 242 matters related to the security of public servants, of which 147 would have resulted in support and protection measures. In total, 54 magistrates, judges, and other justice operators received security measures. In addition, according to the State, in order to prevent risks in judicial headquarters, operational processes were implemented, such as the evaluation of surveillance personnel, the supervision of security systems, and the monitoring of facilities, including the installation of security technology in various venues. These measures included the constant supervision of X-ray equipment and metal detectors, as well as information campaigns aimed at promoting a culture of personal security among public servants.<sup>144</sup> The State added that since 2023 the Security Coordination of the Judicial Branch of the Federation strengthened risk assessment, by optimizing the assignment of protection measures to public servants, as well as differentiated measures according to the level of risk.<sup>145</sup>

147. For their part, civil society organizations expressed concern about the reforms to the Judiciary published in the Official Gazette of the Federation on September 15, 2024, which would have included the figure of "faceless judges" for the prosecution of organized crime cases. It should be noted that similar figures adopted in other States of the region have been declared contrary to the American Convention on Human Rights by the Inter-American Court of Human Rights (IACHR Court).

<sup>143</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 180-183.

<sup>144</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 31](#), Chapter V, September 30 and October 1, 2024.

<sup>145</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 16 de febrero de 2025.



*Analysis and level of compliance with the recommendation*

148. The IACHR appreciates the State's efforts to improve security conditions for justice operators through self-protection and physical protection measures. However, recent reforms to the Judiciary, by contemplating popular election and with regard to the incorporation of measures to protect the identity of justice operators ("faceless judges"), could represent challenges to security and transparency in justice processes. The IACHR concludes that this recommendation is in **partial compliance**, and stresses the importance of implementing measures that strengthen the security of justice operators, which are compatible with the standards of the inter-American human rights system.

*Measures and information to advance the implementation of the recommendation*

149. The IACHR recommends that the State review the implications of the reforms, in consultation with experts and international organizations, to ensure that the protection and security measures for justice operators are in accordance with international standards on the subject.

**Recommendation No. 32** Ensure the implementation of the General Law on Victims and the functioning of the Executive Commission for Attention to Victims at the federal and state levels. In consultation with civil society organizations and victims, analyze and concretely address barriers that limit their effective implementation and eliminate them.

150. In Chapter V of the 2023 Annual Report, the State reported the conduct of academic activities in collaboration with the CEAV on victims' rights and mechanisms for their attention, as well as coordination in cases of federal crimes through a specific protocol. However, civil society organizations criticized the government's lack of prioritization in victim care, pointing to deficiencies in the CEAV, an insufficient budget, and a lack of effective national coordination. The IACHR appreciated the training efforts, but expressed concern over the absence of information on the participation of civil society and victims in resolving barriers to the implementation of the General Law on Victims, concluding that the recommendation remained partially complied with.<sup>146</sup>

*Compliance Information*

151. For 2024, Mexico highlighted that the CEAV coordinates the implementation of the CEAV Institutional Program (PICEAV 2020–2024), aligned with the National Development Plan 2019–2024, which ensures the rights of victims within the framework of the security and peacebuilding strategy in Mexico. This programme complies with the obligations established in the General Law on Victims and contributes to international human rights commitments. The CEAV provides care to victims through specialized services that include legal, psychosocial and medical accompaniment, as well as help and assistance measures. In 2023 and 2024, it has focused on integrating the progress of the PICEAV, in accordance with the Planning Law and the criteria of the Ministry of Finance for the monitoring of programs. The State remarked that, since December 2021, the CEAV has undertaken a process of institutional redesign to strengthen the 32 Comprehensive Care Centers in the country, ensuring optimal conditions for personnel and facilities. In this way, she said, it seeks to enhance the capacities of the staff through the standardization of care processes and continuous training with a gender perspective, promoting a work environment free of violence. As of June 2024, the National Registry of Victims (RENAVI) has 75,863 people registered. Clarifying that, between January 2023 and June 2024, 19,246 people had been registered as victims.<sup>147</sup>

152. The CEAV would also have provided 268,799 services through social work, psychology and medical services, most of them in the National Network of CAIs. The General Directorate of Federal Legal Advice would have granted 137,610 legal services in 2023, resulting in 287 convictions and 3,450 new files in 2024,

<sup>146</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 185-188.

<sup>147</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 32](#), Chapter V, September 30 and October 1, 2024.



achieving reparations for 173 people. To ensure the sustainability of the care, the CEAV would have managed resources from the Public Security Contribution Fund (FASP) in collaboration with the Executive Secretariat of the National Public Security System, asking the governors to increase investment in the State Commissions for Attention to Victims (CEEV). In 2023 and 2024, agreements would have been made with various CEEVs to facilitate the integration of victim data into RENAVID, that there are already 20 entities that currently transmit information, and that an additional agreement was signed with Guerrero in 2024. The State said that the National System of Attention to Victims (SNAV) would not have met as stipulated in the LGV at the end of the six-year term.

153. The State added in its observations to this Report that the CEAV works on the basis of the Institutional Program of the Executive Commission for Attention to Victims (PICEAV 2020–2024) and that it operates with three objectives, 12 priority strategies, and 76 specific actions, guaranteeing the exercise of victims' rights within the framework of the National Development Plan 2019–2024. In addition, the CEAV has provided 173,006 services, including 111,819 social work services, 51,082 psychological care and 10,105 medical services, mainly through the Comprehensive Care Centers in the 32 states.<sup>148</sup>

154. For their part, civil society organizations reported that the SCJN determined that the 2020 reform to the General Law of Victims (LGV), which eliminated the obligation to allocate a minimum percentage of the annual budget to the CEAV, was unconstitutional. This decision, issued on March 13, 2024 in the framework of an amparo, would have invalidated a reform considered regressive for the rights of victims, since it eliminated a minimum budget (0.014% of programmable spending) for the care of victims, including expenses for comprehensive reparation, funeral, medical, psychological, hospital and other services necessary for the monitoring of their justice processes. The SCJN unanimously resolved the amparo in review 675/2022, concluding that the reform violated the principle of progressivity of human rights, stipulated in the first article of the Constitution. Civil society stresses that this judicial decision represents an important step forward to guarantee adequate and sustained financing for victims, although it would be necessary for the Congress of the Union to formally reestablish this obligation in the LGV.<sup>149</sup>

#### *Analysis and level of compliance with the recommendation*

155. The Commission positively highlights the implementation of the CEAV Institutional Program (PICEAV) 2020–2024, aligned with the National Development Plan 2019–2024. It also recognizes that the CEAV has been providing victim care services, including legal, psychosocial and medical accompaniment, as well as assistance and support measures. According to information provided by the State, the National Registry of Victims (RENAVID) would have almost 76 thousand people, and more than a quarter of them were registered in the last period. The IACHR recognizes the State's efforts in implementing the General Law on Victims and the provision of services through the CEAV. However, the recent decision of the SCJN declaring the 2020 reform of the LGV unconstitutional highlights the need to ensure a minimum budget for the care of victims and to respect the principle of progressivity of human rights. The lack of this fixed budget, together with deficiencies in the coordination and participation of victims and civil society organizations, continues to limit the effectiveness of the implementation of the law. The IACHR concludes that the recommendation remains in **partial compliance**.

#### *Measures and information to advance the implementation of the recommendation*

156. The Commission invites the State to report on the processes of consultation with victims and civil society regarding the barriers in the implementation of the General Law on Victims, in order to adopt the necessary measures to address these problems.

<sup>148</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 28 de febrero de 2025.

<sup>149</sup> Centro Prodh, FJEDD, Marisol Méndez Cruz, Jerónimo del Río y Fabienne Cabaret, SERAPAZ, Ideas Litigio Estratégico en Derechos Humanos y Organización Ku'kay; Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.



**Recommendation No. 33** Assume the historical responsibility of being accountable for serious human rights violations. To investigate, clarify and punish the acts committed during the time of the so-called "Dirty War".

157. In Chapter V of the 2023 Annual Report, the IACHR learned of the actions of the Mechanism for Truth and Historical Clarification (hereinafter "Historical Clarification Mechanism" or "MEH"), including the convening to collect testimonies and the holding of "Dialogues for the Truth" in various regions, as well as a cooperation agreement with Argentina for the clarification of serious human rights violations. However, civil society organizations highlighted shortcomings in the Commission for Access to Truth, Historical Clarification and the Promotion of Justice for Serious Human Rights Violations Committed from 1965 to 1990 (hereinafter referred to as the "Commission for Access to the Truth of the Dirty War" or "COVEH"). highlighting personnel resignations, budget problems, and obstacles on the part of SEDENA in accessing military archives. The IACHR appreciated the State's efforts, but expressed concern about obstacles to transparency and access to information. It therefore considered that the recommendation continued to be substantially partially complied with<sup>150</sup>.

#### *Compliance Information*

158. In 2024, the State said that it would have implemented a Truth and Memory Policy focused on clarifying human rights violations committed between 1965 and 1990. Between September 2023 and July 2024, several activities were reportedly carried out in collaboration with the CNB and CNDH, including inspections in the 9th Military Zone and the Historical Archive of Sinaloa (identified as clandestine detention centers) and the exhumation of bodies in Ajuchitlán del Progreso, Guerrero. The Historical Clarification Mechanism would have presented its final report to the president of the Commission for Access to the Truth of the Dirty War and, subsequently, to victims' groups in an ordinary session of the COVEH. In collaboration with the International Coalition of Sites of Memory, 16 projects have been developed to strengthen archives and memory initiatives in the country. In April 2024, the basement of the building at Circular de Morelia 8 would have been officially declared a Site of Memory, and signage would have been inaugurated on public roads to highlight its historical importance.<sup>151</sup>

159. Civil society organizations reported on the delivery of the final report of the Historical Clarification Mechanism (MEHV), in two parts: on June 25, 2024, a collection entitled "*It was the State (1965-1990)*" was presented, and on July 11, 2024, the report "*Undeniable Truths. For a Mexico without impunity.*" These reports would document serious human rights violations, the factors of persistence of these practices, and the barriers faced in accessing information from the Armed Forces and other security agencies. The second part of the report would have been submitted on 10 October 2024, following the conclusion of the MEHV's mandate. On the other hand, a journalistic work would have revealed on August 7, 2024 a list, presumably of the Mexican Army, with the names of 183 possible victims of the "Death Flights" in 1974. At least 160 of these names would coincide with records of missing persons in reports by the Special Prosecutor's Office for Social and Political Movements of the Past (FEMOSPP) and other entities. The company said that this is part of the information that the Armed Forces would have denied. Finally, on September 25, 2024, the Undersecretariat for Human Rights of the Ministry of the Interior presented an Executive Summary of the reports in a closed session, excluding some crucial findings of the MEHV, which was denounced by the commissioners, who reported that the magnitude of the violations and the factors of impunity documented were unknown. This situation would have revealed the lack of official recognition of the findings of serious human rights violations of the past.<sup>152</sup>

<sup>150</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 190-194.

<sup>151</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 33](#), Chapter V, September 30 and October 1, 2024.

<sup>152</sup> Centro Prodh, FJEDD, Marisol Méndez Cruz, Jerónimo del Río y Fabienne Cabaret, SERAPAZ, Ideas Litigio Estratégico en Derechos Humanos y Organización Ku'kay; Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.



*Analysis and level of compliance with the recommendation*

160. The IACHR recognizes the State's progress in implementing the Truth and Memory Policy and in its efforts to clarify the historical events of serious human rights violations. However, the difficulties identified by civil society, including limited access to military archives, the omission of critical information in the official version of the report, and funding difficulties, highlighted serious challenges to transparency and full recognition of the facts documented by the MEHV. These barriers compromised the effectiveness and independence of the Mechanism, which was critical to meeting standards of justice and truth. The IACHR concludes that the recommendation remains in **substantial partial compliance**.

*Measures and information to advance the implementation of the recommendation*

161. The IACHR recommends that the State continue to carry out measures to clarify the serious human rights violations committed during the so-called "Dirty War". In particular, to guarantee unrestricted access to relevant documentation, especially that from the Armed Forces, and to ensure the full inclusion of the findings in official publications. The Commission suggests increasing funding for COVEH to support independent work and facilitate the fulfillment of its truth and justice objectives.

**Recommendation No. 34** Strengthen the Mechanism for the Protection of Human Rights Defenders and Journalists, guaranteeing its long-term economic sustainability and providing it with greater administrative autonomy and urging the states to collaborate with it. The Mechanism, meanwhile, is recommended to evaluate and adopt differentiated protection measures taking into account gender, indigenous leaders and environmental defenders, to carry out measurements on the effectiveness of the measures implemented, to promote institutional coordination and cooperation with the PGR, as well as to increase the transparency of all actions taken to strengthen the confidence of the beneficiaries. This must be accompanied by the development of a policy of prevention and participation of the target population.

162. According to the information reported by the State for the 2023 Follow-up Report, progress was highlighted in the discussion of a new General Bill for the Protection of Human Rights Defenders and Journalists, noting a significant increase in the resources and personnel allocated to the Protection Mechanism. However, civil society organizations expressed concerns about the lack of meaningful participation in the dialogues for this law, and stressed the need to strengthen coordination between local and federal institutions with the Mechanism. The IACHR appreciated the budget increase, but underscored the lack of information on measures to give the Mechanism greater autonomy and improve inter-institutional coordination. It therefore considered that the recommendation was still partially complied with and urged the State to report on the initiatives taken to ensure the autonomy of the Mechanism and the effective participation of the target population.

*Compliance Information*

163. In 2024, the State reported the strengthening of the Protection Mechanism based on three axes: (i) protection, (ii) prevention, and (iii) institutional strengthening, which would guide its activities and the implementation of methodologies with a gender perspective, achieving a differentiated analysis and promoting the active participation of civil society and international organizations. The State reiterated that, from its creation in 2012 until July 2024, the Board would have held 150 sessions and attended to 5,965 matters, with 90% approval of protection plans without the need for plenary sessions. In 2023, the Working Group for the Strengthening of the Mechanism would have made significant progress, complying with 66% of 75 prioritized recommendations, and by 2024, guidelines would have been established for the attention of collective cases and measures with a digital approach.<sup>153</sup>

<sup>153</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 34](#), Chapter V, September 30 and October 1, 2024.



164. According to the State, the budget of the Mechanism would have tripled compared to previous administrations, with a total of 2,606 million pesos between 2019 and 2023, and an allocation of 599 million pesos for 2024. This would have made it possible to improve coverage in territories in need of protection for journalists and human rights defenders. In collaboration with the Mexican Institute of Social Security (IMSS), a Social Security program for Independent Journalists was implemented, benefiting 1,670 journalists with a budget of 47 million pesos, managed through the SEGOB. From March 2023 to August 2024, 3,344 public servants and defenders in various states were trained. To protect environmental defenders, Mexico reportedly implemented the Escazú Agreement and organized the "Regional Action for Environmental Defenders" roundtable in February 2024, integrating a local perspective into the Regional Action Plan for Environmental Defenders, approved in April 2024. Currently, 26 states have protection regulations for defenders and journalists.<sup>154</sup>

*Analysis and level of compliance with the recommendation*

165. The IACHR recognizes the State's efforts to strengthen the Protection Mechanism through a significant increase in resources and differentiated protection measures for women, indigenous and environmental defenders. However, the lack of administrative autonomy and meaningful participation of civil society in the design of new protection legislation remains a concern. It is crucial to ensure more effective collaboration between local authorities and the Facility. Consequently, the IACHR concludes that this recommendation remains in **partial compliance**.

*Measures and information to advance the implementation of the recommendation*

166. The IACHR recommends that the State implement measures that provide greater administrative and financial autonomy to the Protection Mechanism and encourage more active and effective participation of civil society and beneficiaries in the design and evaluation of its policies. The Commission suggests strengthening coordination between the Mechanism and local institutions to guarantee comprehensive protection and prevent violations throughout the country.

**Recommendation No. 35** Reform the Code of Military Justice to provide that when an element of the armed forces commits acts that could constitute a violation of human rights, such acts shall be tried by courts of civilian jurisdiction, regardless of whether the victim is a civilian or a member of the military.

167. In Chapter V of the 2023 Annual Report, the State informed the IACHR that the SCJN strengthened civilian jurisdiction for cases of human rights violations committed by the military against civilians, invalidating certain articles of the Military Code of Criminal Procedure that extended military jurisdiction. However, civil society organizations highlighted the lack of legislative progress to reform the Code of Military Justice, considering that Congress has presented only one reform initiative in recent years. The IACHR appreciated the judicial efforts, but stressed that the recommendation remained pending, urging the State to complete legislative reform to ensure that the military jurisdiction does not intervene in cases of human rights violations.<sup>155</sup>

*Compliance Information*

168. In 2024, the State reported that the SCJN issued resolutions that invalidate articles of the Code of Military Justice (CJM) and the Military Code of Criminal Procedure (CMPP), reaffirming that the civilian jurisdiction is competent to judge acts committed by military personnel that violate human rights, in line with international standards. The Court reportedly ruled that cases involving human rights violations, whether the victim is civilian or military, must be dealt with by civilian courts, thereby strengthening access to justice for victims and reaffirming the principle of separation between military and civilian justice. Despite these

<sup>154</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 34](#), Chapter V, September 30 and October 1, 2024.

<sup>155</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 201-204.



resolutions, the legislative reform of the CJM, which formally provides for the jurisdiction of the civilian jurisdiction for all cases of human rights violations committed by the military, has not been approved by the Congress of the Union.<sup>156</sup> The State added in its observations on this Report that various resolutions issued by the SCJN limit the scope of military jurisdiction.<sup>157</sup>

169. Civil society organizations reported that the reform of the Code of Military Justice would remain incomplete, since the State had not carried out the necessary modifications to Article 57 of the CJM, in accordance with the judgments of the Inter-American Court of Human Rights (IACHR Court) in the cases of *Fernández Ortega*<sup>158</sup>, *Rosendo Cantú*<sup>159</sup>, *Radilla Pacheco*<sup>160</sup> and *Cabrera García and Montiel Flores*<sup>161</sup>. According to civil society, the existing reform would be insufficient, allowing parallel investigations to be opened in multiple cases of serious human rights violations in civilian and military jurisdiction, which could dilute criminal responsibility and affect access to justice. A recent example would have been the case of the deprivation of the lives of six migrants on October 1, 2024. On the other hand, civil society organizations highlighted that, with the approved reform of the National Guard, Article 13 of the Constitution was modified, expanding military jurisdiction to hear crimes committed by members of the National Guard related to breaches of military discipline, which would contravene the standards developed by the Inter-American Court of Human Rights and would strengthen a scheme of undue extension of military jurisdiction.<sup>162</sup>

#### *Analysis and level of compliance with the recommendation*

170. The IACHR recognizes the actions taken by the SCJN to reaffirm the competence of the civilian jurisdiction in cases of human rights violations committed by the military. However, the lack of a reform of the Code of Military Justice, as well as the recent expansion of military jurisdiction through the reform of the GN, pose serious challenges to the implementation of this recommendation. The possibility of parallel investigations in civilian and military jurisdictions could undermine effective access to justice for victims and dilute the criminal responsibility of perpetrators. Consequently, the IACHR concludes that compliance with the recommendation remains **pending**.

#### *Measures and information to advance the implementation of the recommendation*

171. The IACHR recommends that the State move urgently to reform Article 57 of the Code of Military Justice to eliminate any possibility that human rights violations will be tried by military courts. It is suggested that the recent provisions on the jurisdiction of the GN be reviewed and ensure that cases of human rights violations committed by its members are dealt with exclusively in civilian courts. The Commission urges the State to implement clear mechanisms for cooperation between the Attorney General's Office and the military jurisdiction to avoid parallel investigations and ensure effective accountability.

<sup>156</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 35](#), Chapter V, September 30 and October 1, 2024.

<sup>157</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 28 de febrero de 2025.

<sup>158</sup> Corte IDH, Caso Fernández Ortega y otros Vs. México, Excepción Preliminar, Fondo, Reparaciones y Costas, Sentencia de 30 de agosto de 2010, Serie C No. 215.

<sup>159</sup> Corte IDH, Caso Rosendo Cantú y otra Vs. México, Excepción Preliminar, Fondo, Reparaciones y Costas, Sentencia de 31 de agosto de 2010, Serie C No. 216.

<sup>160</sup> Corte IDH, Caso Radilla Pacheco Vs. México, Excepciones Preliminares, Fondo, Reparaciones y Costas, Sentencia de 23 de noviembre de 2009, Serie C No. 209.

<sup>161</sup> Corte IDH, Caso Cabrera García y Montiel Flores Vs. México, Excepción Preliminar, Fondo, Reparaciones y Costas, Sentencia de 26 de noviembre de 2010, Serie C No. 220.

<sup>162</sup> Centro Prodh, FJEDD, Marisol Méndez Cruz, Jerónimo del Río y Fabienne Cabaret, SERAPAZ, Ideas Litigio Estratégico en Derechos Humanos y Organización Ku'kay; Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.



## F. Affectation of particular groups

### 1. Personas LGBT

**Recommendation No. 38** Adopt the necessary measures to investigate, punish, and redress acts of violence against LGBT persons, in accordance with due diligence standards. Investigations into cases of violence against LGBT people should be free of stereotypical notions of LGBT people and should include determining whether these acts were committed because of the victims' sexual orientation or gender identity.

172. In Chapter V of the 2023 Annual Report, the IACHR learned about the implementation of the National Protocol of Action for Law Enforcement Personnel in Cases Related to the Sexual Orientation or Gender Identity of LGBTI Persons, approved in December 2017. Although the IACHR recognized these advances as positive for equality and non-discrimination, it observed that no specific measures were detailed to punish and investigate with a differentiated approach, concluding that the recommendation remained in partial compliance. The IACHR urged the State to develop a comprehensive strategy for the investigation, punishment, and reparation of acts of violence against LGBTI persons, ensuring that the principle of due diligence is adopted and stereotypes are avoided.<sup>163</sup>

#### *Compliance Information*

173. In 2024, the State reported that the FGR had implemented various activities to improve the investigation and attention to cases of violence against LGBTI+ persons. In 2024, she collaborated with her office in Aguascalientes to prepare technical opinions on gender factors in investigations of discrimination against trans women, based on information from research folders and national and international documents. In 2023, the Guidelines of the Economic Aid Program for the Training of Trans Women and Men, Victims of Crime, would have been published, seeking to improve their job opportunities through education and training. The FGR would have issued administrative opinions in cases of co-maternity leave for workers in lesboparental homes, showing an inclusive approach in the internal administration. In 2023, the FGR participated in the Specialized Gender Network of the Ibero-American Association of Public Prosecutors, contributing information to develop resources on the investigation of violence against LGBTIQ+ people. For its part, the SCJN published the "Protocol for Judging with a Perspective of Sexual Orientation, Gender Identity and Expression" in 2021, which brings together judicial criteria and international standards to guarantee the rights of LGBTI+ people. This protocol underscores the need to apply standards of due diligence throughout the criminal process and eliminate stereotypes, promoting an impartial and effective investigation and would have continued to apply the "National Protocol of Action for Law Enforcement Personnel", approved in 2017 and published in the Official Gazette in 2018. This protocol establishes clear rules for cases involving LGBTI+ people, seeking to ensure respect for their human rights.<sup>164</sup> The State added that the CFJ implemented measures to protect and promote the rights of LGBT persons through training, legal assistance, and institutional strategies, as well as through the Well-being, Diversity, and Inclusion Strategy (BDI).<sup>165</sup> The State also added that works have been published on the recognition and guarantee of the rights of LGBT persons. Additionally, in 2023, the FEMDH participated in the review of the Homologated Protocol for the Investigation of Crimes against LGBTI+ Persons, in coordination with FEVIMTRA and the Aguascalientes Prosecutor's Office. This document was sent to the CNPJ, and after receiving contributions from 15 state prosecutors' offices, it is awaiting final validation for publication at the national level.<sup>166</sup>

<sup>163</sup> CIDH, [Informe Anual. Capítulo V. México. 2023](#), párrs. 209-211.

<sup>164</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 38](#), Chapter V, September 30 and October 1, 2024.

<sup>165</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 16 de febrero de 2025.

<sup>166</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 28 de febrero de 2025.



*Analysis and level of compliance with the recommendation*

174. The IACHR recognizes the State's efforts to strengthen the investigation and punishment of acts of violence against LGBTI+ persons through the implementation of the National Protocol for Action and the Protocol for Judging with a Perspective of Sexual Orientation, Gender Identity, and Expression. These protocols have been accompanied by extensive training that has benefited more than 15,900 public servants, reflecting a significant commitment to improving care for this population. However, while progress has been made in raising staff awareness and creating specific programmes for trans people, challenges remain in the practical implementation of the protocols. The lack of an Approved Research Protocol prevents a uniform and effective response, and the absence of a disaggregated data collection system limits the State's ability to monitor the impact of the measures adopted and evaluate their effectiveness. The recent evaluation of the protocol in collaboration with the National Commission for the Prevention of Discrimination (CONAPRED) and civil society organizations is a positive step towards continuous improvement, and shows a commitment to update and strengthen existing mechanisms. However, the existing problems in the practical implementation, as well as the persistence of stereotypes during the research process, indicate that there are still significant areas that require attention. In accordance with the progress made in the adoption of training, awareness-raising, and the creation of inclusive programs, in contrast to the remaining challenges, the IACHR advances the level of **compliance to a substantial partial one**, recognizing the significant efforts made, although not yet sufficient to achieve full compliance.

*Measures and information to advance the implementation of the recommendation*

175. To make progress in complying with the recommendation, the IACHR invites the State to continue strengthening the implementation of the National Protocol of Action, updating it in collaboration with CONAPRED and civil organizations to address areas for improvement. The Commission suggests the development of an Approved Investigation Protocol and the creation of a system for the collection of disaggregated statistical data to monitor cases of violence against LGBTI+ persons, ensuring the elimination of stereotypes and the application of due diligence standards in investigations.

**Recommendation No. 39** Adopt necessary measures in the area of violence prevention, including legislative measures and public policies aimed at eradicating social discrimination against LGBT persons, which enhances and reinforces violence based on prejudice.

176. In Chapter V of the 2023 Annual Report, the IACHR learned about the activities of the Gender Equality Unit to promote LGBTI rights and highlighted the National Program for Equality and Non-Discrimination (PRONAIND) for the period 2021-2024. The State reported the issuance of an administrative opinion by the Attorney General's Office, which facilitated co-maternity leave in lesbomaternal homes. Although the IACHR appreciated these efforts, it noted that information on legislative initiatives was insufficient and did not detail how these measures contribute to public policies to prevent discrimination. Therefore, the recommendation was considered to be in partial compliance. The IACHR suggested that the State provide detailed information on public policies and laws for the prevention and eradication of discrimination against LGBTI persons.<sup>167</sup>

*Compliance Information*

177. In 2024, the State reported that, to date, 22 states have approved laws that allow the administrative recognition of gender identity in birth registrations, facilitating gender change according to people's self-perception. Of these entities, 19 would have included the recognition of non-binary gender identity, allowing the inclusion of option "X" in official documents such as the CURP and passport. The Ministry of Foreign Affairs (SRE) would have implemented in 2022 an instruction to issue birth certificates to trans people in Mexican consulates, avoiding the need to travel to Mexico. The National Electoral Institute (INE) would have facilitated the change of sex in the voter's credential and promoted the inclusion of gender identity

<sup>167</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 213-215.



in its 2021 Children and Youth Consultation. The National Program for Equality and Non-Discrimination (PRONAIND) 2021-2024, coordinated by CONAPRED, would establish strategies to ensure equality and non-discrimination through regulatory reforms, affirmative actions, and training. A relevant legislative milestone was the approval, on April 25, 2024, of a reform to prohibit Efforts to Correct Sexual Orientation and Gender Identity (ECOSIG), imposing prison sentences and fines on those who practice these therapies. This reform, which came into force in June 2024, has been widely celebrated by international organizations such as UNAIDS and the IACHR itself. For its part, CONAPRED has actively monitored local reforms and, as of July 2024, has identified that 19 states have criminalized ECOSIGs in their penal codes and health laws, showing significant progress towards the eradication of discriminatory practices.<sup>168</sup>

178. The State added in its observations on this Report that the Chamber of Deputies set up a Working Group in conjunction with agencies of the Federal Executive and autonomous agencies, with the purpose of developing a draft general law on attention to sexual and gender diversity, as well as a constitutional reform to recognize the right to free development of personality. equality and non-discrimination based on sexual orientation, gender identity and sex characteristics. In addition, the Guidelines of the Economic Aid Program for the Training of Trans Women and Men, Victims of Crime, were published.<sup>169</sup>

#### *Analysis and level of compliance with the recommendation*

179. The IACHR recognizes that the State has implemented a series of public policies and legislative reforms aimed at preventing violence and eradicating discrimination against LGBTI+ persons. The National Programme for Equality and Non-Discrimination (PRONAIND) and the actions coordinated with CONAPRED show a comprehensive and coherent approach to the transformation of discriminatory cultural patterns. However, challenges remain in the uniform implementation of these policies in all states, as well as in the adoption of laws and public policies that explicitly address the prevention of violence based on prejudice against LGBTI+ people. Due to the relevant progress in the adoption of legislative measures, the implementation of inclusive public policies, and active coordination with international and local organizations, it is concluded that the level of compliance with this recommendation advances to **substantial partial compliance**. Although efforts are still required to ensure uniform and effective implementation throughout the territory, the progress so far is tangible and responds to the objectives set by the recommendation.

#### *Measures and information to advance the implementation of the recommendation*

180. To advance in full compliance with this recommendation, it is necessary for the State to ensure the uniform implementation of laws and public policies in all states, ensuring that the recognition of gender identity and the prohibition of ECOSIG are effectively applied throughout the country. The State is invited to strengthen awareness-raising and public education campaigns, in collaboration with CONAPRED and civil society organizations, to address prejudices and stereotypes that perpetuate discrimination and violence against LGBTI+ persons; and to develop a monitoring and evaluation system that allows the impact of the public policies implemented to be measured, including the collection of disaggregated data on incidents of violence and discrimination. These actions would consolidate the progress made and contribute to the effective eradication of discrimination and violence based on prejudice, aligning the State with international human rights standards.

## 2. Women

**Recommendation No. 40** Implement and strengthen measures, incorporating the gender perspective, to comply with the duty to act with due diligence to prevent, punish, and eradicate violence and discrimination against women, including concrete efforts to comply with the obligations of prevention, investigation,

<sup>168</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 39](#), Chapter V, September 30 and October 1, 2024.

<sup>169</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 28 de febrero de 2025.



punishment, and reparation of violations of women's human rights; this includes training and monitoring of the authorities in charge from research, including health services and in the field of justice.

181. According to the information reported by the State for the 2023 Follow-up Report, the Commission took note of several initiatives and programs to address gender-based violence and promote equality, including collaboration with local entities and the creation of brigades for legal advice to women deprived of liberty. The State highlighted the implementation of the "Construye" program to promote egalitarian relationships among male public servants and the creation of a Specialized Gender Equality Unit in the FGR. The State also mentioned academic activities on gender-based violence and training on the General Law on Women's Access to a Life Free of Violence. However, civil society organizations highlighted gaps in surveys on violence, the use of punitive models in Women's Justice Centers, and persistent obstacles for victims of sexual violence. The IACHR appreciated the efforts, considering that the recommendation had advanced to partial compliance, but noted that challenges and the need for a comprehensive strategy persisted and urged the State to implement a comprehensive strategy that includes clear diagnoses and specific measures to avoid a merely punitive vision, including training, monitoring, and comprehensive care.

#### *Compliance Information*

182. In 2024, the State reported that it had implemented a series of comprehensive measures with a gender focus to address violence and discrimination against women. She highlighted the Comprehensive Strategy against Violence against Women and Girls, applied in 15 priority municipalities, involving 24 federal agencies and more than 200 local governments. According to Mexico, this strategy aims to reduce femicides and improve access to justice, and has resulted in the arrest of 1,437 people involved in gender-based crimes. It was also reported that the Women's Justice Centers (CJM) had increased their services by 5.4%, providing legal advice, psychological and medical care and shelters, supported by the Support Program for Specialized Shelters, which has received more than 2,525 million pesos. In the legislative sphere, significant reforms have been approved, such as the modification of the National Code of Civil and Family Procedures (CNPCF) in 2023, to guarantee the gender perspective in cases involving women and children. In turn, the General Law on Women's Access to a Life Free of Violence would have been strengthened to address sexual harassment in public spaces and improve inter-institutional coordination. The State added that the Commission for the Attention of the Crime of Intentional Homicide, headed by the Secretariat of Security and Citizen Protection (SSPC), was created to improve the prosecution of cases of femicide.

183. In terms of training, the SCJN has trained more than 152,000 public servants since 2018, including prosecutors, judges, and police officers, to address gender-based violence from a human rights perspective. Specialized protocols, such as the National Protocol for Police Action in Cases of Violence against Women and Femicide, have been implemented to improve the response of the authorities. Finally, the National Strategy for the Prevention of Adolescent Pregnancy (ENAPEA) has achieved a 30% reduction in the adolescent fertility rate in the last five years.<sup>170</sup> In its observations on this report, the State added that, in 2024, the investment approved for the key programs (Program to Support Women's Instances in the States - PAIMEF, Justice Centers for Women - CJM, and Specialized Shelters for Women Victims of Gender Violence) was 1,067.6 million pesos, totaling 5,597.8 million pesos during the entire six-year term. In addition, the National Data and Information Bank on Cases of Violence against Women (BANAVIM) was modernized to optimize the management of cases of gender violence.<sup>171</sup>

#### *Analysis and level of compliance with the recommendation*

184. The IACHR welcomes the significant progress made by the State in the design and implementation of public policies, programs, and legislative reforms aimed at preventing, punishing, and

<sup>170</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 40](#), Chapter V, September 30 and October 1, 2024.

<sup>171</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 16 de febrero de 2025.



eradicating violence against women, integrating a gender perspective. The implementation of the Comprehensive Strategy against Violence against Women and Girls and efforts to strengthen the Women's Justice Centers reflect a coherent and coordinated response to the challenges of gender-based violence in Mexico. The massive training of public servants, as well as the implementation of specialized protocols, indicate a clear commitment to strengthening institutional capacities to address gender-based violence. However, in the IACHR's opinion, challenges persist in the uniform implementation of these measures throughout the country, especially in rural areas and municipalities with high rates of violence. Information provided by civil society organizations highlights gaps in data collection and inter-agency coordination, as well as the persistent use of punitive models in Women's Justice Centers, which can limit access to justice for victims. Given the substantial progress in the creation of regulatory frameworks and the implementation of comprehensive strategies and considering the persistent challenges in practical application and in the collection of disaggregated data, it is concluded that the level of compliance advances to **substantial partial compliance**.

*Measures and information to advance the implementation of the recommendation*

185. In order to fully comply with the recommendation, it is necessary for the State to strengthen the uniform implementation of programs and protocols in all states, with special attention to rural areas and communities with high rates of gender-based violence. The State should improve the collection of disaggregated data to monitor the impact of implemented policies and adjust strategies as needed, ensuring an evidence-based approach. It is essential to develop a comprehensive strategy of continuous training in collaboration with civil society organizations, ensuring that all public servants, including justice operators and health personnel, have up-to-date knowledge on due diligence in cases of gender-based violence. The State must promote a comprehensive care approach for victims, avoiding merely punitive models and guaranteeing access to health services, legal advice and psychological support, with a focus on the needs of victims. Finally, it is crucial to strengthen monitoring and evaluation mechanisms, ensuring the participation of civil society organizations and the affected women themselves, to evaluate the effectiveness of the measures adopted and ensure a coordinated and effective response.

**Recommendation No. 41** Adopt the necessary measures to prevent, punish and eradicate acts of sexual violence and other forms of violence, torture and cruel, inhuman or degrading treatment by the security forces against women, especially those deprived of their liberty.

186. In Chapter V of the 2023 Annual Report, the State reported that the Secretariat of Security and Citizen Protection (SSPC) disseminated material on sexual torture in the Federal Centers for Social Rehabilitation and that the Commissioner for Prevention instructed prison staff on the prohibition of torture, seeking to ensure dignified conditions for persons deprived of liberty, especially women. While these actions are positive, the IACHR noted that the information did not fully address the aspects of punishment and eradication of torture and other cruel treatment of women in custody. The State mentioned a National Diagnosis on Sexual Torture with 67 recommendations, but no progress was reported in its implementation. Therefore, the recommendation was considered to have advanced to partial compliance. The IACHR urged the State to present more comprehensive measures to prevent, punish, and eradicate torture and degrading treatment, especially for women deprived of liberty.<sup>172</sup>

*Compliance Information*

187. In 2024, the State reported the implementation of various actions to address the prevention, punishment, and eradication of torture and other cruel and inhuman treatment against women, especially in situations of deprivation of liberty. Among the most outstanding measures, SEDENA and CNDH organized 81 online courses on human rights, forced displacement and torture prevention, training 2,729 members of the Armed Forces. These trainings would have strengthened knowledge and awareness in the military field about human rights, including the prohibition of torture. The Mechanism for Follow-up on Cases of Sexual Torture Committed against Women (MTS), created to address this problem, has reportedly promoted 67

<sup>172</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 224-226.



recommendations derived from the National Diagnosis on Sexual Torture. These recommendations seek to make sexual torture visible, identify challenges and place them on the public agenda. In December 2023, the MTS organized a Health Day at the Morelos Federal Center for Women's Social Rehabilitation, where comprehensive medical care was provided to women deprived of liberty, covering aspects of physical and mental health<sup>173</sup>. The State added that in 2024 the Mechanism and Criteria for the Preparation of Annual Training Programs was implemented, based on a diagnosis of training needs. The incorporation of the National Conference of Governors (CONAGO) in 2023, as a permanent guest to the national coordination mechanism, strengthened collaboration between different levels of government, promoting the implementation of policies for the prevention and eradication of violence.<sup>174</sup>

*Analysis and level of compliance with the recommendation*

188. The IACHR recognizes that the State has adopted important measures to prevent, punish, and eradicate torture and other cruel and inhuman treatment against women, especially those deprived of liberty. The human rights training aimed at members of the Armed Forces and the promotion of the Mechanism for Follow-up on Cases of Sexual Torture represent notable efforts to address this problem from a comprehensive and human rights perspective. The care provided through health days in social rehabilitation centers and the comprehensive reparation resolutions issued by the CEAV reflect a commitment to reparation for victims. However, despite these advances, significant challenges remain, such as the effective implementation of the 67 recommendations derived from the National Diagnosis on Sexual Torture, and the lack of information on specific sanctions for perpetrators. The persistence of sexual torture and other degrading treatment, as well as the need for greater inter-institutional coordination and monitoring of the actions implemented, indicate that full compliance with the recommendation has not yet been achieved. Therefore, it is concluded that the level of compliance advances to **substantial partial compliance**, considering the tangible progress achieved, but recognizing that there are still critical areas that require attention.

*Measures and information to advance the implementation of the recommendation*

189. The IACHR invites the State to strengthen the implementation of the 67 recommendations of the National Diagnosis on Sexual Torture, ensuring their adoption at both the federal and state levels, and to strengthen the mechanisms for punishing perpetrators of sexual torture and other cruel, inhuman, or degrading treatment, ensuring that cases are investigated with due diligence and that sanctions proportionate to the seriousness of the acts committed are imposed. It is essential to increase inter-institutional coordination and monitoring of the actions of the Ministry of Health to ensure a comprehensive response to cases of sexual torture. Finally, human rights training for personnel of the security forces and the prison system should continue to be strengthened, with a specific focus on the prevention of torture and respect for the rights of women deprived of liberty.

**Recommendation No. 43** Adopt public policies aimed at restructuring stereotypes about the role of women in society and promoting the eradication of discriminatory socio-cultural patterns that impede their access to justice, including training programs and comprehensive policies for the prevention of violence against women.

190. According to the information reported by the State for the 2023 Follow-up Report, the State highlighted that the National Commission to Prevent and Eradicate Violence against Women (CONAVIM) trained more than 2,700 people, the Ministry of Public Education (SEP) implemented educational protocols on gender-based violence, and the Attorney General's Office developed activities with a gender approach. The Institute of Security and Social Services for State Workers (ISSSTE) created an Equality and Non-Discrimination Commission. The IACHR appreciated these efforts, but concluded that the actions should be integrated into a

<sup>173</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 41](#), Chapter V, September 30 and October 1, 2024.

<sup>174</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 16 de febrero de 2025.



more coordinated and structured strategy to remove gender stereotypes. Therefore, the recommendation was determined to be in partial compliance. The IACHR suggested that the State adopt a comprehensive strategy that includes the construction, design, implementation, and evaluation of public policies with the participation of civil society and clear indicators to measure effectiveness<sup>175</sup>.

### *Compliance Information*

191. In 2024, the State reported that various actions have been implemented within the framework of the National Program for Equality and Non-Discrimination (PRONAIND) 2021-2024, which aims to make visible and combat discrimination in Mexico through comprehensive public policies. CONAVIM trained more than 2,700 people on gender equality issues, while the SEP implemented educational protocols to address gender-based violence in educational institutions. The FGR developed activities focused on the promotion of equality and the prevention of discrimination, and the Institute of Security and Social Services of State Workers created an Equality and Non-Discrimination Commission to promote these principles in its sphere of action. The State reported on studies that analyze discrimination based on sexual orientation and gender identity in the labor market, as well as research on the financial inclusion of persons with disabilities; and diagnoses were made on the strengthening of capacities for employment, with disaggregated data from the IMSS and the Comprehensive Information System of the General Directorate of Technological and Polytechnic Universities. In the area of awareness-raising, Mexico highlighted that programs have been implemented to transform discriminatory paradigms in institutions and society. It was also reported that the Secretariat of Security and Citizen Protection offered training in priority municipalities affected by gender violence and femicides, in line with the established protocols.<sup>176</sup> In its observations on this report, the State highlighted the implementation of the National Strategy for Strengthening Police Action with a Gender Perspective, which trained 10,345 people, including 4,554 women and 2,626 men, in human rights and a gender perspective.<sup>177</sup>

192. To promote the rights of children and adolescents, the National System for the Comprehensive Protection of Children and Adolescents (SIPINNA) produced 50 graphics and 62 videos that disseminate the rights recognized in the General Law on the Rights of Children and Adolescents, integrating a gender and intercultural perspective. CONAPRED developed audiovisual materials and awareness campaigns such as "You discriminate when..." (2020) and "Being different is my right" (2022), using social networks to promote inclusion and combat discrimination based on sexual orientation and gender identity and the Mexican Standard NMX-R-025-SCFI-2015 on Labor Equality and Non-Discrimination was implemented, promoting the certification of workplaces in labor equality.<sup>178</sup>

### *Analysis and level of compliance with the recommendation*

193. Although there is a commitment on the part of the State to transform discriminatory paradigms and promote gender equality, despite significant progress, challenges persist in the uniform and effective implementation of these measures in all states. The information provided does not account for how the impact of these actions is assessed, and there is a lack of disaggregated data that makes it difficult to monitor progress. The reported actions lack a comprehensive strategy that encompasses everything from the construction and design to the evaluation of effective public policies, including more active participation of civil society and the development of clear indicators to measure their effectiveness. For these reasons, it is concluded that the recommendation remains in **partial compliance**, with important advances, but with areas that still require attention and strengthening to achieve full compliance.

<sup>175</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 231-234.

<sup>176</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 43](#), Chapter V, September 30 and October 1, 2024.

<sup>177</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 16 de febrero de 2025.

<sup>178</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 43](#), Chapter V, September 30 and October 1, 2024.



*Measures and information to advance the implementation of the recommendation*

194. To make progress in complying with this recommendation, the IACHR suggests that the State adopt a comprehensive and coordinated strategy for the restructuring of gender stereotypes, which includes the active participation of civil society in the design and evaluation of public policies. It is critical to improve the collection of disaggregated data to monitor the impact of implemented measures and adjust strategies as needed. The State should continue to strengthen training and awareness-raising programs aimed at public officials and the general public, integrating intercultural and intersectional approaches that address the specific needs of vulnerable groups, such as indigenous and Afro-Mexican women. Awareness-raising campaigns need to be intensified to eliminate gender stereotypes at all levels of society and to promote policy changes that reflect a genuine commitment to gender equality.

**Recommendation No. 44** Design and implement culturally appropriate policies with the participation of indigenous women, applying a comprehensive and holistic approach, whose objective is the prevention, investigation, punishment and reparation of acts of violence and discrimination committed against them.

195. In Chapter V of the 2023 Annual Report, the Commission took note of initiatives such as the FGR's Specialized Unit for Attention to Indigenous Affairs, which trained indigenous communities and public servants in gender-based violence. INMUJERES continued with its strategy to prevent and punish sexual harassment in higher education institutions and intercultural universities. The Mechanism for Follow-up on Cases of Sexual Torture was also published, which freed several indigenous women. The SCJN, for its part, updated the Protocol for judging with an intercultural perspective, and there are Indigenous or Afro-Mexican Women's Houses to provide culturally relevant care. However, civil society reported that, despite these efforts, policies that were sufficiently adapted to intercultural needs had not been implemented and that problems of structural racism and lack of recognition of indigenous normative systems persisted. The IACHR valued the initiatives and progress, but considered that a more comprehensive and specialized strategy is required to guarantee the prevention, investigation, and reparation of violence against indigenous women, noting that the recommendation has advanced to partial compliance.<sup>179</sup>

*Compliance Information*

196. In 2024, the State reported that it would have implemented various initiatives to address the needs of indigenous women. Through the Programme for the Comprehensive Welfare of Indigenous Peoples (PROBIPI), 157 projects aimed at benefiting 1,776 communities have been supported, including specific actions to strengthen community governance and promote the rights of indigenous women; and it would have provided economic support to community promoters of indigenous and Afro-Mexican women's rights to carry out actions with cultural and linguistic relevance. INPI and INMUJERES also collaborated in the establishment of the "School of Indigenous Women's Rights for Equality", which resulted in the creation of the "Women's Bill of Rights", addressing issues such as justice, education and health. Mexico highlighted that 195 radio programs focused on the rights of indigenous women had been broadcast through the Network of Indigenous Women (Red Mira). And he added that the State would have participated in projects to prevent trafficking in persons in indigenous communities in collaboration with UNODH, achieving the training of local actors and public servants. However, the IACHR warns that the State has not provided disaggregated data on the impact of these initiatives, nor detailed the effective participation of indigenous women in the design and monitoring of these policies. The available information, therefore, would not allow the sustainability and effectiveness of the implemented projects to be evaluated<sup>180</sup>. In its observations on this report, the State added that, through the Program for the Integral Welfare of Indigenous Peoples (PROBIPI), 35 Indigenous and Afro-Mexican Women's Houses were strengthened in 17 states, providing psychological, medical, and legal care in indigenous

<sup>179</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 236-240.

<sup>180</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 44](#), Chapter V, September 30 and October 1, 2024.



languages to women from 16 indigenous peoples. In education, the Indigenous Education Support Programme (PAEI) provided food and lodging to 40,129 women in 1,391 houses and dining rooms.<sup>181</sup>

*Analysis and level of compliance with the recommendation*

197. The IACHR appreciates the State's efforts to design policies that seek to address the specific needs of indigenous women, especially through initiatives such as PROBIPI and collaboration with international organizations. The creation of the "Indigenous Women's Rights School for Equality" and rights-focused radio programs are positive steps towards greater visibility of indigenous women and the promotion of their rights. However, these policies appear to be fragmented and lack a comprehensive approach to effectively address the discrimination and structural violence faced by indigenous women. The lack of disaggregated data and the limited participation of indigenous women themselves in the development and evaluation of policies affect their effectiveness and sustainability, and problems of structural racism and lack of recognition of indigenous normative systems persist, limiting indigenous women's access to justice and adequate services. Therefore, the IACHR concludes that this recommendation remains in **partial compliance**; since, although notable efforts have been made, a more comprehensive and sustainable strategy is still required to ensure the effective implementation of culturally adapted policies.

*Measures and information to advance the implementation of the recommendation*

198. To move towards full compliance, the State should develop a monitoring system with disaggregated data that allows the impact of the policies implemented to be evaluated, identifying areas for improvement and facilitating the adaptation of strategies according to the results obtained. It is essential to guarantee the active participation of indigenous and Afro-Mexican women in the design, implementation and evaluation of these policies, ensuring that their perspectives are foreseen at all stages of the process.

### 3. Children and adolescents

**Recommendation No. 45** Develop protocols for police action with respect to interventions with children and adolescents in order to ensure the protection of their rights.

199. According to the information reported by the State for the 2023 Follow-up Report, the National System for the Integral Development of the Family trained 28,878 public servants on issues such as human trafficking, children's rights, and gender-based violence. Mexico highlighted the participation of various institutions in these trainings and the implementation of courses and protocols, such as the National Protocol for Inter-institutional Coordination for the Protection of Children and Adolescents Victims of Violence. He also mentioned the use of a virtual *campus* to expand the scope of training. However, the IACHR identified the need for additional information on the specific application of these protocols by the police. Therefore, it concluded that the recommendation remained in partial compliance and asked the State for more details on the implementation and results of the protocols aimed at the police to ensure action with a human rights approach.<sup>182</sup>

*Compliance Information*

200. In 2024, the Mexican State reported progress in the training and development of protocols for the protection of children and adolescents (NNA). The National System for the Integral Development of the Family (SNDIF) trained 28,878 public servants on issues related to children's rights, human trafficking and gender-based violence, and the National Protocol for Inter-institutional Coordination for the Protection of Children and Adolescents who are victims of violence was implemented. The Ministry of Security and Citizen

<sup>181</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 16 de febrero de 2025.

<sup>182</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 242-245.



Protection, in turn, carried out more than 4,000 courses and workshops focused on the prevention of violence, digital security and promotion of the culture of peace, with special emphasis on strengthening the gender perspective in police action. The National System for the Comprehensive Protection of Children and Adolescents (SIPINNA) has implemented protection programmes in the country's 32 states, achieving an advance of 73.3% in the creation of municipal systems. The State reported on the development of specific programs for the protection of migrant children, including the figure of the Child Protection Officer (OPI), with robust training in collaboration with organizations such as UNICEF and Save The Children.<sup>183</sup>

*Analysis and level of compliance with the recommendation*

201. The IACHR welcomes the protocols reported by the State in the context of inter-institutional training and the implementation of protocols aimed at protecting the rights of children, including specific approaches for vulnerable groups, such as migrant children. In this regard, the Commission concludes that the recommendation is moving towards **full compliance**.

**Recommendation No. 46** Implement and strengthen measures to comply with the duty to act with due diligence to prevent, punish, and eradicate violence against children and adolescents, including concrete efforts to comply with the obligations of prevention, investigation, punishment, and reparation of human rights violations and to consider the corresponding aggravating circumstances given the age of the victim.

202. In Chapter V of the 2023 Annual Report, the State reported that the National System for the Integral Development of the Family, through the Federal Attorney General's Office for the Protection of Children and Adolescents, developed a Registry of Protection Measures that was about to be implemented. FEVIMTRA coordinated with the AMBER Mexico National Alert Program and participated in actions to protect children and adolescents in Mexico, including the National System for the Comprehensive Protection of Children and Adolescents. The 2019-2024 Plan of the Commission to Prevent and Respond to Violence against Children and Adolescents (COMPREVNNA) was also mentioned, with an implementation report scheduled for January 2024. The IACHR welcomed these efforts, but determined that the recommendation was partially complied with due to the need for more information on the implementation of SIPINNA, the Registry of Protection Measures, and the COMPREVNNA Action Plan<sup>184</sup>.

*Compliance Information*

203. In 2024, the State reported progress in the training of personnel to address the protection of the rights of children and adolescents. The National System for the Integral Development of the Family would have trained 28,878 public servants on issues such as children's rights, human trafficking and gender violence, using both face-to-face courses and virtual platforms to maximize reach; and it would have implemented the National Protocol for Inter-institutional Coordination for the Protection of Children and Adolescents Victims of Violence, seeking to standardize the response of the authorities and guarantee a human rights approach. The Secretariat of Security and Citizen Protection (SSPC) would have reinforced its interventions in municipalities with a high incidence of gender violence, with a particular focus on the prevention of violence in educational and community spaces. Between September 2023 and June 2024, the SSPC would have carried out more than 4,000 courses and workshops aimed at promoting the culture of peace, digital security and the prevention of addictions in children and adolescents. Specific actions have also been carried out for the social reintegration of adolescents in conflict with the law, with a focus on education, health and job training<sup>185</sup>.

204. In its observations on this report, the State added that the Commission to Prevent and Respond to Violence against Children and Adolescents (COMPREVNNA), through the Office of the Federal

<sup>183</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 45](#), Chapter V, September 30 and October 1, 2024.

<sup>184</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 247-249.

<sup>185</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 46](#), Chapter V, September 30 and October 1, 2024.



Attorney for the Protection of Children and Adolescents (PFPNNA), provided legal advice and representation in cases of custody, sexual abuse, abduction, and parental authority.<sup>186</sup>

*Analysis and level of compliance with the recommendation*

205. The IACHR recognizes the State's efforts to develop institutional capacities and establish protocols for action to protect the rights of children and adolescents. The implementation of the National Protocol for Inter-institutional Coordination and the strengthening of SIPINNA reflect a significant commitment to improve the response to situations involving children and adolescents. The massive trainings carried out by the SNDIF and the SSPC are important advances, especially as they have included topics such as the gender perspective and digital security. However, challenges remain in the specific application of these protocols by the police and other security forces. Although the State reports progress in training, no data were provided on the impact evaluation of these trainings or on the effective implementation of the protocols at the operational level. The lack of information on the monitoring and supervision of police interventions in cases involving children indicates a significant gap in practice. Accordingly, the recommendation remains in **partial compliance**.

*Measures and information to advance the implementation of the recommendation*

206. To move towards full compliance with the recommendation, the State is invited to implement a monitoring and evaluation system that allows measuring the impact of training and the effectiveness of the protocols on the actions of the police and other security authorities. It is necessary to develop clear indicators that assess respect for the principle of the best interests of the child in all police interventions. The Commission suggests increasing collaboration with civil society organizations and international organizations to strengthen oversight and ensure that protocols are applied with a human rights approach, avoiding any type of abuse or mistreatment. Finally, it is crucial to ensure the active participation of children and adolescents in the development and review of these protocols, thus promoting an inclusive approach based on their specific needs and rights.

#### 4. Indigenous peoples

**Recommendation No. 47** Adopt measures to ensure that a culturally appropriate perspective is used and that the collective character of indigenous communities and peoples is taken into account when they, or their members, are victims of human rights violations.

207. According to the information reported by the State for the 2023 Follow-up Report, the Commission noted that the INPI had developed a Registry of Protection Measures for indigenous and Afro-Mexican persons, which was in the final phase of implementation. The State reported that these people were being supported in their release and that the role of interpreters and translators was strengthened and that families in situations of forced displacement or economic need were being supported. The State reported progress on a Constitutional Reform on the Rights of Indigenous and Afro-Mexican Peoples. However, civil society organizations highlighted that, despite the efforts, problems persisted such as the lack of progress in constitutional reform, mistrust in the judicial system, and the lack of quantitative and qualitative data on violations of the human rights of indigenous peoples. The organizations criticized the lack of recognition of indigenous justice systems and the criminalization of work in defense of indigenous rights. The IACHR appreciated the progress reported, but stressed the need for additional information on the participation of indigenous communities in the design and implementation of these measures. Therefore, while the recommendation advanced to substantial partial compliance, the IACHR urged the State to provide more

<sup>186</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 16 de febrero de 2025.



information on how the measures adopted take into account the cultural perspective and collective character of indigenous communities.<sup>187</sup>

#### *Compliance Information*

208. In 2024, the State reported the creation of the National Catalog of Indigenous and Afro-Mexican Peoples and Communities. This instrument makes it possible to identify the country's peoples and communities in order to ensure the exercise of their collective rights and to guide the design and implementation of public policies. The Support Program for Indigenous and Afro-Mexican Peoples (PROBIPI) has prioritized the direct delivery of resources to communities, focusing on projects validated in community assemblies and strengthening the gender perspective. Between 2022 and 2024, more than 6,500 million pesos would have been invested in infrastructure projects, women's empowerment and promotion of cultural heritage. The consolidation of models of self-government, such as in the indigenous municipality of Hueyapan, Morelos, and human rights training for indigenous and Afro-Mexican communities reflect significant efforts in this regard. However, civil society highlighted shortcomings, such as the lack of comprehensive data on violations of the human rights of indigenous peoples and the inadequate recognition of indigenous justice systems<sup>188</sup>. For its part, the Commission received satisfactorily information on the constitutional reform that entered into force on October 1, which guarantees the right of Mexico's indigenous peoples to decide in accordance with their normative systems, representatives, and internal forms of government, and establishes that the nation has a multicultural and multiethnic composition.

209. In its observations on this Report, the State added that on September 30, 2024, Article 2 of the Constitution was amended, recognizing Indigenous and Afro-Mexican Peoples as subjects of public law, with legal personality and their own patrimony. In addition, on December 11, 2024, the Mechanism for the Implementation and Protection of the Rights of Indigenous Peoples was created, with the participation of 17 national secretariats and bodies to coordinate cross-cutting public policies.<sup>189</sup>

#### *Analysis and level of compliance with the recommendation*

210. The State has demonstrated tangible progress in creating mechanisms to protect the rights of indigenous communities, particularly through the National Catalog and the strengthening of community projects; and through the approval of the constitutional reform. However, challenges remain in the effective implementation of a culturally appropriate approach that takes into account the collective character of these communities. The lack of quantitative and qualitative data on violations of the human rights of indigenous peoples and the limited participation of these communities in decision-making remain obstacles to full implementation of the recommendation. In this sense, the recommendation remains in **substantial partial compliance**.

#### *Measures and information to advance the implementation of the recommendation*

211. To achieve full compliance with the recommendation, the State must ensure the active and meaningful participation of indigenous communities in the design, implementation, and evaluation of public policies. It is necessary to strengthen the collection and analysis of specific data on violations of the human rights of indigenous peoples and to guarantee effective dialogue mechanisms that promote the peaceful resolution of conflicts in indigenous territories. Although the Commission took note of the constitutional reform that recognizes the rights of indigenous peoples and communities, published on September 30, 2024,

<sup>187</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 251-257.

<sup>188</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 47](#), Chapter V, September 30 and October 1, 2024.

<sup>189</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 16 de febrero de 2025.



the IACHR invites the State to provide information on the implementation of the reform and its impact on compliance with this recommendation.

**Recommendation No. 49** Adopt the necessary measures to carry out free, prior, and informed consultations on projects that affect their territories.

212. According to the information reported by the State for the 2023 Follow-up Report, the Committee noted that the right to free, prior, and informed consultation has been in force since September 1991 with ILO Convention 169, although its implementation began in 2004. Between 2004 and 2018, the National Commission for the Development of Indigenous Peoples participated in 109 consultation processes, while since 2019, the INPI has participated in 178 processes and held 657 dialogue and consultation assemblies. Notwithstanding the above, civil society organizations documented serious human rights violations in indigenous communities, including the criminalization of rights defenders and the lack of recognition of indigenous peoples as subjects of law. The IACHR noted that, although mechanisms are in place to ensure consultations, there was a lack of specific information on how these consultations are conducted and how current conflicts are resolved. Consequently, the recommendation remained at a partial level of compliance. The IACHR invited the State to provide additional information on how prior, free, and informed consultation processes are guaranteed.<sup>190</sup>

213. In its observations on this report, the State added that the National Catalog of Indigenous and Afro-Mexican Peoples and Communities (CNPCIA) is the first State instrument that identifies and recognizes indigenous and Afro-Mexican peoples and communities as subjects of public law, guaranteeing the exercise of their collective rights.<sup>191</sup>

#### *Compliance Information*

214. In 2024, the State highlighted the creation of a National Catalog of Indigenous and Afro-Mexican Peoples and Communities, which identifies 70 indigenous peoples and the Afro-Mexican people, covering 12,711 communities. This catalog would have been designed to facilitate the development and implementation of public policies with a culturally appropriate approach and would have invested 6,537.8 million pesos in the Support Program for Indigenous and Afro-Mexican Peoples (PROBIPI) during the period 2022-2024, focusing on indigenous rights, women's empowerment, and promotion of cultural heritage. The State has implemented specific projects, such as the consolidation of self-government in Hueyapan, Morelos, and a training course on human rights has been held for indigenous and Afro-Mexican communities, and dialogue processes have been carried out in indigenous territories in various states for the peaceful resolution of conflicts. The creation of 244 Indigenous and Afro-Mexican Women's Houses and the implementation of 20,664 actions for access to justice would be part of the State's comprehensive approach to indigenous peoples.<sup>192</sup>

215. However, civil society organizations highlighted the persistent criminalization of indigenous activism and reported problems of structural racism and lack of recognition of indigenous peoples' own justice systems.<sup>193</sup> For its part, as already mentioned, the Commission positively recognizes the constitutional reform that entered into force on October 1 and which guarantees the right of indigenous and Afro-Mexican peoples to decide in accordance with their normative systems, representatives, and internal forms of government, and establishes that the nation has a multicultural and multiethnic composition. In particular, it incorporates the

<sup>190</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 259-263.

<sup>191</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 16 de febrero de 2025.

<sup>192</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 49](#), Chapter V, September 30 and October 1, 2024.

<sup>193</sup> Centro Prodh, FJEDD, Marisol Méndez Cruz, Jerónimo del Río y Fabienne Cabaret, SERAPAZ, Ideas Litigio Estratégico en Derechos Humanos y Organización Ku'kay; Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.



recognition of indigenous peoples and communities, including Afro-Mexican peoples and communities, as subjects of public law, with legal personality and their own patrimony; preserves, disseminates and promotes their culture, languages and education, based on their teaching-learning methods; promotes the development of traditional medicine and health practices. nutritious food, bioculturality and integrity of sacred places, as well as the recognition of community work; and the right to be consulted and to cooperate in good faith to adopt and apply measures that may cause significant impacts on their life or environment is reaffirmed, for which it provides them with appropriate jurisdictional assistance. Similarly, the reform determines that the Mexican authorities, within the scope of their powers, must establish specific budget items for the peoples and communities that they administer and exercise in accordance with the laws on the matter.

*Analysis and level of compliance with the recommendation*

216. The IACHR welcomes the progress made in the recent constitutional reform, because it represents a significant advance in the process of harmonizing norms and effectively recognizing the collective rights of indigenous peoples. However, taking into account its incipient approval, its impact at the national and local level is not yet noticeable. Likewise, the persistence of practices of criminalization of indigenous defenders and the limited participation of communities in the design and implementation of these policies remains a significant challenge, suggesting a need to more actively integrate the perspective of indigenous peoples into policymaking. In this context, the IACHR concludes that the recommendation is moving towards substantial **partial compliance**, recognizing the progress made in the creation of instruments and programs, but underscoring the need for more effective implementation and greater community participation in the process.

*Measures and information to advance the implementation of the recommendation*

217. In order to fully comply with this recommendation, it is necessary for the State to report on the impact of the constitutional reform and to strengthen the active participation of indigenous peoples in the creation and evaluation of public policies, ensuring that their voices are heard and respected. The State should improve mechanisms for collecting qualitative and quantitative data on human rights violations, including indicators that adequately reflect the cultural perspective and collective character of indigenous peoples.

## 5. Persons deprived of liberty

**Recommendation No. 50** Correct the excessive application of pretrial detention, and apply it exceptionally, making use of other non-custodial precautionary measures. In this context, guarantee the immediate transfer of detainees to the judge, in order to restrict detention without a judicial warrant in cases of alleged flagrante delicto and flagrante delicto.

218. In Chapter V of the 2023 Annual Report, the IACHR learned that the SCJN was processing the File for the Reception of Judgments of International Tribunals 3/2023, which would address the effects of the Inter-American Court's judgment in the case "Daniel García et al. v. Mexico" on informal pretrial detention. The SCJN reaffirmed its doctrine on the invalidity of local regulations related to pretrial detention, the requirements for granting substitutes for sentence and pre-release benefits and its relationship with the principle of social reintegration, and a Presidential Agreement was published to manage requests for pre-release and cases of people in pre-trial detention and victims of torture. Civil society organizations reported the elimination of informal pretrial detention in 18 states, without having implemented legislative or executive measures to eliminate it at the national level, and pointed out that the Federal Executive Branch had issued criticisms of the judiciary. The IACHR thanked the information provided, but highlighted the lack of updated data on the decrease in pretrial detention and the alternative measures adopted, and concluded that compliance with the recommendation remained pending. The IACHR suggested that the State strengthen measures to reduce the use of pretrial detention and provide data on its use, and reiterated its call to eliminate informal pretrial detention from the legal system<sup>194</sup>.

<sup>194</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 264-270.



*Compliance Information*

219. In 2024, the State reported that, through the Amnesty Law and other pre-release programs, the government would have allowed the release of thousands of people detained for non-serious crimes, including older adults with chronic illnesses and victims of torture. Between July 2022 and March 2024, 8,733 pre-release benefits were granted, which included modalities such as early release, partial remission of sentence, conditional release and amnesty. According to the State, the Standing Committee for the Follow-up of Pre-Releases, created in 2021, would have played a key role in the review of requests for pre-release and in cases of torture, promoting the release of vulnerable people. In addition, reforms have been made to the National Code of Criminal Procedure (CNPP) and the Federal Criminal Code (CPF) to limit the application of informal pretrial detention to serious crimes, such as femicide and sexual violence against minors. The State would have cooperated with the United Nations Working Group on Arbitrary Detention, which visited Mexico in September 2023 to assess the conditions of detention. The Working Group's report, presented in September 2024, recognized advances such as the reduction of the use of arraigo and the implementation of the National Detention Registry. However, civil society organizations reported that no legislative measures have been adopted to eliminate informal pretrial detention at the national level, and that the Executive Branch persists in criticism of the judiciary for its invalidity<sup>195</sup>. Finally, the IACHR learned of the constitutional reform initiative that seeks to expand the catalog of crimes that authorize informal pretrial detention. The reform was approved by the Chamber of Deputies on November 13, 2024 and went to the Senate for study<sup>196</sup>. The State added in its observations on this Report that the SCJN resolved four matters that establish some criteria for the delimitation of informal pretrial detention.<sup>197</sup>

*Analysis and level of compliance with the recommendation*

220. The IACHR notes with concern the persistence of informal pretrial detention at the national level and warns that the constitutional reform initiative and the lack of legislative reforms to eliminate it completely show a significant gap in compliance with the recommendation. Although the use of arraigo has decreased, the application of pretrial detention is still frequent and disproportionate, especially in minor crimes, which affects people in vulnerable situations and contributes to prison overcrowding. The lack of up-to-date and detailed data on the implementation of alternative measures limits the ability to assess the real impact of these initiatives. Therefore, the IACHR concludes that the recommendation regresses to **pending compliance**.

*Measures and information to advance the implementation of the recommendation*

221. In order to guide compliance with the recommendation, the Commission suggests that the State avoid advancing in the constitutional reform that expands the catalog of crimes that allow for informal pretrial detention and, on the contrary, that this figure be eliminated from its legal system. The IACHR also invites the State to strengthen measures to reduce the use of pretrial detention, as well as other alternative measures to deprivation of liberty during the trial. The assessment of these measures would require the State to provide data on the use of this figure, making it clear whether it has decreased or, on the contrary, has been maintained or increased.

**Recommendation No. 51** Adopt all necessary measures to ensure a social reintegration strategy. In this regard, ensure that financial resources are directed to humanize and implement measures that allow the reintegration

<sup>195</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 50](#), Chapter V, September 30 and October 1, 2024.

<sup>196</sup> Ver comunicado del Alto Comisionado para los Derechos Humanos de Naciones Unidas del 22 de noviembre de 2024, disponible en <https://www.ohchr.org/es/press-releases/2024/11/mexico-un-human-rights-chief-concerned-about-expansion-mandatory-pretrial>

<sup>197</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 28 de febrero de 2025.



of persons deprived of liberty. In particular, with respect to people with disabilities, identify a strategy for social insertion through the implementation of services in the community.

222. In Chapter V of the 2023 Annual Report, the State reported that the Inter-Ministerial Commission for Social Reintegration and Post-Penal Services, installed in 2019, was operational. It was reported that recruitment and hiring actions were being carried out for the Federal Penitentiary System and that eight complaints and three hearings had been filed with the Internal Control Body against prison officials and custody personnel; Of these, seven complaints and all three hearings were under investigation, and one complaint was resolved through an alternative dispute resolution mechanism in criminal matters. The IACHR observed that the State had only mentioned the strengthening of the social reintegration body without specifying how it would impact the reintegration strategy. He warned that there were also deficiencies in infrastructure, lack of training programs, mental health and tools for reintegration in prisons. The IACHR concluded that compliance with the recommendation remained pending. Consequently, the State was urged to provide assessable information on the social reintegration actions adopted and to move forward with a general strategy to guarantee reintegration processes, detailing the actions carried out by the Inter-Ministerial Commission.<sup>198</sup>

#### *Compliance Information*

223. In 2024, the State reported on a series of actions coordinated by the Decentralized Administrative Body for Prevention and Social Readaptation to improve the social reintegration of persons deprived of liberty. Programs in areas such as culture, health, education and job training were highlighted. The "Community Culture" program, implemented by the Ministry of Culture, offered artistic workshops in detention centers in four entities, with the aim of combating stigmas and promoting artistic expression as a means of rehabilitation. In the field of health, more than 70,000 general medical consultations, 19,000 dental consultations and 21,000 specialized consultations have been carried out in the 14 Federal Centers for Social Rehabilitation (CEFERESO), reinforcing the comprehensive approach to reintegration. The State also reported significant efforts in the training of prison staff, including the participation of more than 6,000 public servants in specialized courses, with the support of international organizations such as the PAcCTO and the UNODC. The State also highlighted the implementation of digital training projects, benefiting more than 1,000 people deprived of liberty in the centers of Santa Martha Acatitla, facilitating their future reintegration into the labor market through learning digital tools such as Microsoft Office. With regard to adolescents in conflict with the law, the State mentioned the holding of workshops for the prevention of risky behaviors and sports programs such as More Beige, Less Violence, implemented in 13 detention centers, aimed at promoting healthy habits and reducing recidivism<sup>199</sup>.

#### *Analysis and level of compliance with the recommendation*

224. The IACHR recognizes the State's efforts to implement activities aimed at social reintegration, especially in areas such as health, culture, and job training. The creation of programs such as "Community Culture" and the development of digital projects reflect a commitment to improve the reintegration opportunities of people deprived of liberty. Care for adolescents in conflict with the law and continuous training of prison staff are important advances that contribute to the strengthening of the justice system. However, significant challenges remain in the implementation of a comprehensive social reintegration strategy. Although progress is reported in different programs, the lack of effective coordination and clear indicators to measure their impact limits the ability to evaluate their effectiveness. The absence of specific programmes for persons with disabilities and the lack of post-prison community services highlight the need to adopt a more inclusive and holistic approach to social reintegration. Therefore, the IACHR concludes that the recommendation is

<sup>198</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 272-274.

<sup>199</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 51](#), Chapter V, September 30 and October 1, 2024.



progressing to **partial compliance**, pointing to important but insufficient progress to guarantee an effective and coordinated social reintegration strategy that responds to the needs of all groups in vulnerable situations.

*Measures and information to advance the implementation of the recommendation*

225. To achieve full compliance with this recommendation, the State should develop and implement a national strategy for social reintegration that includes specific programs for persons with disabilities and post-prison community services. This strategy should be based on a human rights and gender approach, and include clear indicators to assess the impact of the actions implemented. It is essential to strengthen inter-institutional coordination and ensure an adequate allocation of financial resources to improve the infrastructure of prisons and expand job training and education programs. The State should establish follow-up and monitoring mechanisms that allow the results of programs to be measured and policies adjusted accordingly, ensuring effective and sustainable social reintegration for all persons deprived of liberty.

**Recommendation No. 52:** Make public information about the American Correctional Association's ("ACA") standards for accrediting correctional facilities.

226. In Chapter V of the 2023 Annual Report, the State reported that 12 Federal Institutions were certified by the American Correctional Association (ACA), some of which had been audited and recommended for reaccreditation and the accreditation of five additional correctional institutions was sought for that year. The IACHR welcomed these advances and considered that the recommendation had achieved substantial partial compliance. However, it requested additional information from the State on the progress made in the certification of the remaining prisons in order to make progress in full compliance with the recommendation.<sup>200</sup>

*Compliance Information*

227. In 2024, the State reported that at least 12 federal correctional facilities would be certified by the ACA, and some of these institutions would have been audited for reaccreditation; and the accreditation of five additional facilities was sought to improve operating standards and detention conditions in the federal prison system. The activities reported would include the optimization of prison infrastructure and the disincorporation of five facilities, which would allow for more efficient management of resources and improve conditions of detention. The State reported efforts to improve governance, health, and training within prisons. Between September 2023 and June 2024, more than 158,000 medical consultations and more than 12,000 cultural and educational activities for people deprived of liberty were reportedly carried out. The funds from the Fund for the Strengthening of Public Security Institutions (FOFISP) would have been allocated to 10 states, with a total investment of 129.15 million pesos, aimed at improving infrastructure and prison services.<sup>201</sup>

*Analysis and level of compliance with the recommendation*

228. The State has demonstrated significant progress in implementing the ACA's accreditation standards for federal correctional facilities, reflecting an effort to improve governance and conditions of detention. The expansion of the accreditation program to five additional centers and the reported improvements in infrastructure, health, and reintegration activities are important steps toward meeting the recommendation. The use of FOFISP resources to strengthen the national prison system and the optimization of installed capacity are indicative of a commitment to improve conditions of detention.

229. However, the IACHR notes that the recommendation remains in **substantial partial compliance**, as challenges persist in the public dissemination of the ACA's standards. Transparency in these processes is essential to enable independent evaluation, and to enable civil society and stakeholders to learn

<sup>200</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 276-278.

<sup>201</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 52](#), Chapter V, September 30 and October 1, 2024.



about the criteria used for accreditation, as well as the tangible benefits that these certifications bring to the prison system.

*Measures and information to advance the implementation of the recommendation*

230. In order to fully comply with the recommendation, it is necessary for the State to submit information on the progress made in the certification processes of the remaining prisons.

**Recommendation No. 53** Implement normative and any other measures to guarantee conditions of detention appropriate to the particular needs of groups in a particularly vulnerable situation. With regard to women deprived of liberty, the State must ensure that the adoption of respective measures takes into account a gender approach. With respect to persons with disabilities deprived of their liberty, the Mexican State must guarantee the elimination of environmental barriers that hinder the exercise of their rights, through reasonable accommodations.

231. According to Chapter V of the 2023 Annual Report, the State reported that, in conjunction with permanent services, specific medical care is provided for women in prisons and that spaces adapted for people with disabilities have been set up. However, civil society organizations reported troubling conditions in the centers, including severe overcrowding, lack of access to personal hygiene products, and an increased incidence of violence and discrimination against LGBTI people and trans women. The IACHR noted these conditions with concern and highlighted the lack of progress in complying with the recommendation. The recommendation remained pending, and additional information was requested on measures taken to ensure dignified and adequate conditions of detention, especially for women and persons with disabilities.<sup>202</sup>

*Compliance Information*

232. In 2024, the State reported that various measures have been implemented to improve the conditions of detention of people in vulnerable situations, with a specific focus on women and people with disabilities. Among the advances, mention is made of the provision of specialized medical services for women in prisons, as well as the provision of spaces adapted for persons with disabilities, complying with the reasonable adjustments necessary to facilitate access to their rights. With regard to women deprived of liberty, the State reported the implementation of educational, health, and recreational programs at CEFERESO CPS 16 Femenil, where 632 specialized medical consultations were provided and educational activities were carried out for 110 women, and job training workshops and recreational activities, such as yoga, theater, and dance, were offered. With the active participation of the inmates and provided psychological care services, with 11,859 participations in self-care workshops and preventive talks. These initiatives seek to mitigate the negative effects of imprisonment and promote effective reintegration. The State reported on the massive training of security and law enforcement officers on human rights issues, a gender perspective, and attention to victims. In collaboration with the National Human Rights Commission, CONAPRED and INMUJERES, 3,609 members of the Federal Protection Service were trained to improve police action with a gender perspective. These actions reflect an effort to strengthen the protection of the rights of women deprived of liberty and guarantee more dignified conditions of detention.<sup>203</sup>

*Analysis and level of compliance with the recommendation*

233. Despite the progress reported, structural problems persist, such as overcrowding and lack of access to basic products, which disproportionately affect women and LGBTI people, highlighting the need to strengthen these measures. Insufficient information was provided on how environmental barriers are being removed for persons with disabilities deprived of their liberty. In addition, during the Hearing "Situation of

<sup>202</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 280-284.

<sup>203</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 53](#), Chapter V, September 30 and October 1, 2024.



Women Deprived of Liberty in CEFERESO 16"<sup>204</sup> of the 191st Period of Sessions and the Hearing "Human Rights of Women with Disabilities," civil society organizations informed the Commission of challenges in guaranteeing the rights of women deprived of liberty. This has led to deaths in custody allegedly by suicide. In addition, the organizations pointed to a lack of attention to physical and mental health, adequate investigations and mechanisms for non-repetition of the facts. Therefore, the recommendation is considered to be moving towards **partial compliance**, with the need to adopt more comprehensive and sustainable measures to guarantee adequate conditions of detention.

*Measures and information to advance the implementation of the recommendation*

234. Compliance with this recommendation requires the State to provide situational information that serves as a baseline for the IACHR in its assessment of the measures adopted by Mexico to guarantee adequate conditions of detention, with particular emphasis on the specific measures for women deprived of liberty and persons with disabilities. These measures may consist of public policies, institutional strengthening actions, provision of resources, among others.

**Recommendation No. 54** Adopt measures to address pretrial detention and high levels of overcrowding. The measures to be adopted may consist, inter alia, of increasing the number of criminal enforcement judges and establishing periodic brigades for the review of cases to identify cases of excessive length of pretrial detention.

235. In Chapter V of the 2023 Annual Report, the IACHR learned of the progress made by the SCJN in the analysis of the constitutionality of informal pretrial detention and the collaboration with federal authorities to manage the transfer of people who require special surveillance measures. However, civil society organizations reported that pretrial detention continued to affect judicial independence and had increased significantly since the 2019 reform, with a 25% increase in the number of people in pretrial detention without sentence, affecting approximately 40% of crimes. The IACHR observed that, despite jurisdictional advances, the regulations were still in force and the percentage of people in pretrial detention had increased. The recommendation was maintained with partial compliance, and the IACHR requested additional information on the reduction of pretrial detention and overcrowding in prisons.<sup>205</sup>

*Compliance Information*

236. In 2024, the State reported the implementation of strategies to reduce the excessive use of pretrial detention and mitigate overcrowding in prisons. The SCJN carried out a continuous analysis of the constitutionality of informal pretrial detention, reaffirming the need for its application in exceptional cases and underlining the importance of guaranteeing access to a fair trial. A programme of periodic review of files was also implemented, coordinated by the National Commission of Superior Courts of Justice and the Decentralized Administrative Body for Prevention and Social Rehabilitation. This programme included collaboration with criminal enforcement judges to assess cases of prolonged pretrial detention and to offer alternative measures, such as conditional release and partial remission of sentence. Through these initiatives, 7,315 cases of people who have exceeded the maximum time allowed in pretrial detention have been managed. The State reported the installation of periodic brigades to review files, composed of representatives of the Judiciary, FGR, CEAV, and CNDH. These brigades would have made it possible to find cases of people unjustly detained or in conditions that require urgent intervention, facilitating their release through amparo or other legal remedies. As of March 2024, 4,108 cases of people released through these review brigades were reported.<sup>206</sup> The State

<sup>204</sup> CIDH, Audiencia, México: [Situación de las mujeres privadas de libertad en el CEFERESO 16](#), 12 de noviembre de 2024; CIDH, Audiencia, [México: Derechos de las mujeres con discapacidad](#), 11 de julio de 2024.

<sup>205</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 286-289.

<sup>206</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 54](#), Chapter V, September 30 and October 1, 2024.



added in its observations on this Report that the SCJN has promoted initiatives aimed at applying differentiated approaches, in particular a Latin American Congress and the publication of a work on the subject.<sup>207</sup>

237. However, civil society organizations reported that pretrial detention continues to be applied in a generalized and automatic manner, affecting judicial independence and contributing to overcrowding in prisons. They reported a 25% increase in the number of people in pretrial detention since the 2019 reform, which has led to overcrowding in several prisons in the country. The widespread use of pretrial detention continues to disproportionately affect low-income people, indigenous people, and other vulnerable groups, exacerbating conditions of detention and perpetuating discriminatory practices.<sup>208</sup>

*Analysis and level of compliance with the recommendation*

238. The IACHR notes with concern that the excessive use of pretrial detention as a precautionary measure continues to be a structural problem, especially after the 2019 reform, which expanded its application to a greater number of crimes; and with the 2024 constitutional reform initiative that seeks to expand the catalog of crimes that allow informal pretrial detention. The 25 per cent increase in the pretrial detention population indicates that the measures taken so far have not been sufficient to reverse this trend. While progress has been made in reviewing cases and promoting alternatives to pretrial detention, data provided by the State show that the percentage of people in pretrial detention remains high, and prison overcrowding continues to be a significant problem. The actions implemented have not been able to effectively mitigate the impact of pretrial detention on the human rights of detainees, especially in relation to vulnerable groups. Therefore, it is considered that this recommendation remains in **partial compliance**, given that measures have been adopted, but a more comprehensive and effective strategy is still required to reduce the use of pretrial detention and address the problem of overcrowding.

*Measures and information to advance the implementation of the recommendation*

239. To guide compliance with this recommendation, the IACHR reiterates the importance of the State adopting compliance measures that address the problem of the indiscriminate use of pretrial detention, while at the same time addressing overcrowding. The evaluation of progress in compliance with the recommendation therefore requires official information demonstrating the measures adopted to address these problems, indicating what results have been obtained.

## 6. Migrants and people facing forced internal displacement

**Recommendation No. 57** Prepare a national diagnosis to "characterize" internal displacement in Mexico and, consequently, adopt a national policy and measures aimed at providing a response in accordance with international standards on the subject, in particular the Guiding Principles on Internal Displacement.

240. In Chapter V of the 2023 Annual Report, the State reported significant progress in addressing internal forced displacement in Mexico, including the preparation of the National Diagnosis and the Survey to Characterize the Population in a Situation of Internal Forced Displacement in Chihuahua; as well as the inclusion of the issue in several federal programs and the enactment of local laws. However, civil society organizations highlighted the lack of a comprehensive national policy and persistent challenges in the care and protection of displaced persons. The IACHR welcomed the progress, concluding that the recommendation

<sup>207</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 28 de febrero de 2025.

<sup>208</sup> Centro Prodh, FJEDD, Marisol Méndez Cruz, Jerónimo del Río y Fabienne Cabaret, SERAPAZ, Idheas Litigio Estratégico en Derechos Humanos y Organización Ku'kay; Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.



advanced to a substantial level of partial compliance, highlighting the need for a national policy harmonized with international standards, and requesting additional information on its implementation and results.<sup>209</sup>

#### *Compliance Information*

241. In 2024, the State underscored important progress in addressing internal forced displacement (IDF) in Mexico. In this regard, in 2022, the SCJN, together with UNHCR and the ICRC, developed the "Manual on Internal Displacement". This manual would provide judges with tools to apply international human rights standards when judging cases of displaced persons, focusing on their rights and the State's obligations to provide protection and durable solutions. In addition, the State prepared the "Report on the Exercise of Characterization of Internal Displacement" in Chihuahua. This report analyses the living conditions and needs of the displaced population, covering issues such as housing, livelihoods and land ownership. The report represents a significant effort to document and characterize the phenomenon of internal displacement in a specific region of the country. In 2023, a pilot plan was carried out in Tepuche, Sinaloa, to facilitate the safe return of 70 displaced families. The plan included security measures, access to health and education services, as well as improvements in housing conditions. This project is one of the first to implement an active policy of safe return for victims of internal displacement. Likewise, the Ministry of the Interior resumed dialogue tables with local authorities and affected communities, including displaced Triqui families in Oaxaca. These dialogues aim to comply with the precautionary measures issued by the IACHR and promote the pacification of conflict zones. Finally, the State mentioned that the study "Metropolis of Mexico 2020" and the characterization report in Chihuahua were presented as part of the efforts to collect data on internal displacement and participated in technical training workshops, strengthening the State's capacity to design effective policies to address displacement.<sup>210</sup>

242. For their part, civil society organizations stressed that a comprehensive national policy that covers the entire Mexican territory and guarantees a coordinated and effective response for all people affected by internal displacement has not yet been adopted. The diagnoses and studies carried out so far have focused on specific regions, such as Chihuahua, leaving out other areas of the country where internal displacement continues to be a critical problem.<sup>211</sup>

#### *Analysis and level of compliance with the recommendation*

243. The IACHR observes that there is no unified national framework and the limited implementation of effective measures in other regions indicate that progress remains partial. Although efforts have been made to document and characterize displacement, a broader and more cohesive approach is required to comply with the Guiding Principles on Internal Displacement and provide adequate protection to all affected persons. Therefore, this recommendation is considered to remain in **substantial partial compliance**, reflecting the progress made, but highlighting the need for a comprehensive national policy harmonized with international standards.

#### *Measures and information to advance the implementation of the recommendation*

244. To make progress in full compliance with this recommendation, the State must implement a comprehensive and harmonized national policy that covers the entire Mexican territory and is in line with the Guiding Principles on Internal Displacement. This includes extending the diagnosis to the national level, strengthening inter-institutional and civil society collaboration, and providing effective monitoring and evaluation mechanisms to adjust policies according to identified needs. It is crucial to train public servants and

<sup>209</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 292-297.

<sup>210</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 57](#), Chapter V, September 30 and October 1, 2024.

<sup>211</sup> Centro Prodh, FJEDD, Marisol Méndez Cruz, Jerónimo del Río y Fabienne Cabaret, SERAPAZ, *Idheas Litigio Estratégico en Derechos Humanos y Organización Ku'kay*; Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.



local authorities in a human rights-based approach, to ensure a coordinated and effective response that prioritizes the protection and assistance of displaced persons.

**Recommendation No. 58** Adopt specific legislation at the federal and state levels to address internal displacement, in accordance with the Guiding Principles on Internal Displacement.

245. In Chapter V of the 2023 Annual Report, the IACHR learned that the Draft Decree of the General Law to Prevent, Address, and Comprehensively Redress Internal Forced Displacement was pending discussion in the Senate, while several states had already approved specific regulatory frameworks on the subject. Civil society organizations reported that federal legislation had not yet been approved and that the lack of specific instruments remained a problem. The IACHR appreciated the efforts that made it possible to achieve partial compliance, highlighting the need to make progress in the approval and publication of the law and in the creation of institutions for its implementation.<sup>212</sup>

#### *Compliance Information*

246. In 2024, the State reported that the proposal for a General Law to Prevent, Address, and Comprehensively Redress Internal Forced Displacement, which has already been approved by the Chamber of Deputies and is currently pending discussion in the Senate of the Republic, is currently in the legislative process. This bill would have been prepared with the participation of multiple actors and would be aligned with the Guiding Principles on Internal Displacement; and aims to provide a comprehensive framework for the protection and care of displaced persons in the country. At the state level, states such as Chiapas, Guerrero, and Michoacán have implemented specific regulatory frameworks to address internal displacement. For example, the Law for the Prevention and Attention of Internal Displacement in Chiapas and the Law for the Prevention, Accompaniment, Follow-up and Attention to Internal Forced Displacement in Michoacán, which create state programs and councils to coordinate prevention and comprehensive care efforts, prioritizing vulnerable groups such as women, minors, indigenous people and people with disabilities<sup>213</sup>.

#### *Analysis and level of compliance with the recommendation*

247. The State has made progress in creating legislative frameworks at both the federal and state levels. The proposal for a General Law to Prevent, Address and Comprehensively Redress Internal Forced Displacement has been approved by the Chamber of Deputies and is awaiting discussion in the Senate, which shows a commitment to the protection of the rights of internally displaced persons. Several states, such as Chiapas, Guerrero, and Michoacán, implemented specific regulatory frameworks to address internal displacement, such as state programs and comprehensive care councils. However, the lack of final approval of federal legislation and the need for regulatory harmonization among the states limit the impact and coverage of the measures adopted. It is still necessary to strengthen institutions and ensure the effective implementation of existing legal frameworks to adequately address the needs of displaced persons and comply with the Guiding Principles on Internal Displacement. The recommendation therefore moves to **substantial partial compliance**.

#### *Measures and information to advance the implementation of the recommendation*

248. To achieve full compliance, it is necessary for the Senate to approve and publish the General Law to Prevent, Address and Comprehensively Redress Internal Forced Displacement. The State must ensure the harmonization of State laws with international principles and promote the training of the actors involved for effective implementation. It is essential to strengthen inter-institutional coordination mechanisms and provide sufficient resources to programs for the care of displaced persons, as well as to develop a monitoring

<sup>212</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 299-305.

<sup>213</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 58](#), Chapter V, September 30 and October 1, 2024.



and evaluation system to measure the impact of these measures and adjust them according to the identified needs of the affected population.

**Recommendation No. 59:** Ensure that at the federal level there is an institution in charge of protecting people from forced displacement.

249. Within the framework of Chapter V of the 2023 Annual Report, the State reported that the Unit for Migration Policy, Registration, and Identity of Persons (UPMRIP) was the federal focal point for Internal Forced Displacement, in charge of coordinating the Working Group on the subject and having held 12 sessions to date. The UPMRIP, which is part of the Ministry of the Interior's Undersecretariat for Human Rights, Population and Migration, is responsible for proposing migration policy at the national level, while the National Institute of Migration and the Mexican Commission for Refugee Assistance manage implementation. Although UPMRIP had developed diagnostics and assisted in the enactment of local laws, the IACHR concluded that more information was needed on the adequacy and coordination of UPMRIP and other entities to comply with the recommendation. Consequently, the recommendation advanced to partial compliance<sup>214</sup>.

#### *Compliance Information*

250. In 2024, the State reported the development of a specific microsite on internal forced displacement, registering a significant increase in visits, indicating a growing awareness and relevance of the issue. Among the documents prepared, the "Guide for the Prevention, Humanitarian Assistance, Comprehensive Attention and Durable Solutions of Internal Forced Displacement" and an analysis of local laws, in collaboration with IOM and GIZ, stand out. At the judicial level, the Supreme Court of Justice, in collaboration with UNHCR and ICRC, published a manual to sensitize judges on the protection of internally displaced persons.<sup>215</sup>

#### *Analysis and level of compliance with the recommendation*

251. The IACHR concludes that challenges persist in consolidating a robust and centralized institution that guarantees comprehensive protection for displaced persons. Although there has been progress in raising judicial awareness and creating guides and diagnoses, there is still a lack of a comprehensive national policy that harmonizes federal and state actions, as well as an adequate infrastructure for the effective implementation of these measures. In this regard, the IACHR concludes that the recommendation remains in **partial compliance**.

#### *Measures and information to advance the implementation of the recommendation*

252. In order to make progress in complying with the recommendation, the Commission invites the State to continue reporting on the progress made in the process of publishing and implementing the General Law on forced displacement, and the definition of the competent authority in its application, in order to strengthen the institutional framework in this area. Progress is needed towards the creation of a coherent national policy, which integrates both federal and state efforts and ensures effective coordination with local authorities.

## **7. Human rights defenders**

**Recommendation No. 60** Strengthen the bodies responsible for the protection of human rights defenders and journalists, so that they can adequately guarantee their life and integrity. In turn, the Mexican State is urged to incorporate gender and multicultural perspectives in the design and adoption of protection measures for women defenders and journalists.

<sup>214</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 307-311.

<sup>215</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 59](#), Chapter V, September 30 and October 1, 2024.



253. For Chapter V of the 2023 Annual Report, the IACHR was informed that the State was working on the creation of a National System of Prevention and Protection for human rights defenders and journalists, based on the General Law on Prevention and Protection against Grievances. This system would include a National Prevention Model, a National Registry of Aggressions and a National Protection Protocol. By January 2023, 27 states had specialized regulatory instruments. The Protection Mechanism for Human Rights Defenders and Journalists (Protection Mechanism) registered 2,059 protected persons. The State reported that the Working Group for the Strengthening of the Mechanism had complied with 66% of the 75 recommendations issued by the UN in the Diagnosis on the Functioning of the Mechanism<sup>216</sup>. The IACHR considered that the recommendation was in partial compliance due to the persistence of attacks and intimidation against human rights defenders and journalists, and the ineffectiveness of protection measures in cases of disappearances and murders. She stressed the need to implement more robust prevention policies and specific measures with a gender and multicultural approach<sup>217</sup>.

#### *Compliance Information*

254. In 2024, the State reported that the Protection Mechanism was strengthened through strategies designed in coordination with civil society and international organizations, consisting of: guidelines with a gender perspective; creation of a specialized roundtable for attention with a gender perspective, known as "La Equipa"; attention to collective cases; and the development of digital protection measures. She highlighted the incorporation of a risk analysis with a differentiated approach, which takes into account the gender perspective when conducting interviews with beneficiaries, which would make it possible to identify: (a) conditions of vulnerability by gender; (b) situations in which people have been victims of psychological, institutional, patrimonial, structural or cultural violence; and (c) additional risk factors such as forced displacement, caregiving, pregnancy, or migration<sup>218</sup>.

255. The State also reported that the Mechanism's budget had increased by 599 million pesos for 2024; from 2012 to 2018 there was an increase of 780 million pesos, and 2,606 million in 2019-2023. Other shared progress this year included: (i) the increase in the Mechanism's staff from 42 to 72 personnel; and ii) the implementation of a social security program for independent journalists. The Ministry of the Interior also reported that it had trained 2,672 public servants from the three levels of government in the right to freedom of expression, the right to protest, gender violence and the pursuit of justice. In support of environmental defenders, the State highlighted the implementation of the Escazú Agreement, ratified in December 2020, by holding a working group "Regional Action for Environmental Defenders" in February 2024 to integrate a local perspective into the Regional Action Plan for Environmental Defenders. Approved in April 2024<sup>219</sup>. It was specified that, as of July 31, 2024, the Mechanism has 2,340 under protection.

256. Civil society organizations, for their part, reported the insecurity suffered by human rights defenders and journalists in the exercise of their functions, evidencing the inadequacy of the prevention measures implemented by the Mechanism. In relation to searches for missing persons, the organizations reported that they continue to be carried out without the necessary conditions to guarantee the safety of searchers and without a differentiated protection scheme, which resulted in the murder of two women searchers and the disappearance of another person in 2024. They reported that, on some occasions, the Mechanism denies protection by stating that they are not human rights defenders<sup>220</sup>.

#### *Analysis and level of compliance with the recommendation*

<sup>216</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 313-317.

<sup>217</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 313-317.

<sup>218</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 60](#), Chapter V, September 30 and October 1, 2024.

<sup>219</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 60](#), Chapter V, September 30 and October 1, 2024.

<sup>220</sup> Centro Prodh, [Buscadoras exigen medidas de seguridad a México en audiencia pública ante la CIDH](#), 28 de febrero de 2024.



257. The Commission appreciates the measures reported by the State to strengthen and guarantee the Mechanism's budget, as well as the measures aimed at guaranteeing its work with a differentiated approach<sup>221</sup>. Notwithstanding the foregoing, the Commission notes with concern the information on murders and disappearances of defenders and journalists; 92 murders from December 2018 to December 2023<sup>222</sup>, of which at least 13 would have been committed in the last year<sup>223</sup> and 7 in 2024, according to information from the OHCHR<sup>224</sup>, one of which was a beneficiary of Precautionary Measures before the IACHR.<sup>225</sup> The IACHR highlights the important work and leadership of the searchers for disappeared persons, who must be recognized as human rights defenders and protected by the State with a gender perspective.<sup>226</sup> The information received by the IACHR reflects pending challenges and areas of opportunity for strengthening the Mechanism and the protection measures to guarantee the life and integrity of human rights defenders and journalists, recognizing the role of the different sectors of the population that have taken on tasks in the defense of rights. Notwithstanding the foregoing, the Commission appreciates the efforts reported by the State in relation to the need for intersectional, multicultural measures with a differentiated approach, and therefore the IACHR concludes that the recommendation is progressing to **substantial partial compliance**.

*Measures and information to advance the implementation of the recommendation*

258. The Commission welcomes the implementation of risk analysis with a gender perspective and asks the State to report on the adoption of protection measures with a differential approach in cases of searchers, such as human rights defenders, and on the measures adopted in response to the persistence of threats, murders, and disappearances. The State mentioned in the 2023 report the implementation of the National Prevention Model, the National Registry of Aggressions, the National Protection Protocol, the guidelines with a gender perspective, the specialized roundtable for attention with a gender perspective, and digital protection measures. However, in 2024, there was no information that would allow us to know the specific actions for its implementation and its results, so we invite you to share this information.

## 8. Freedom of expression

**Recommendation No. 61** To recognize, from the highest levels of the State, the legitimacy and value of journalistic work and to condemn the aggressions committed in retaliation for the exercise of freedom of expression.

259. In Chapter V of the 2023 Annual Report, the State reported on the launch of the "Facing Freedom" campaign on May 2, 2023, in collaboration with the European Union and the Office in Mexico of the United Nations High Commissioner for Human Rights, to recognize the work of human rights defenders and journalists. and raise awareness about the risks they face. For the report, civil society organizations reported that the campaign was overshadowed by cases of espionage with the *Pegasus malware* and stigmatizations against the press. Despite efforts to promote a favorable environment, the IACHR highlighted the persistence of serious allegations of espionage and stigmatization, which negatively affect freedom of expression and the security of the press. The recommendation was considered to be pending implementation, with the need for further efforts to ensure effective protection and eliminate stigmatizing messages.<sup>227</sup>

<sup>221</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párr. 318.

<sup>222</sup> Centro Prodh, [Suman 92 asesinatos de defensores de derechos humanos: Red TDT](#), 4 de junio de 2024.

<sup>223</sup> ONU, [La Oficina de Derechos Humanos en México llama a investigar el asesinato del activista Adolfo Enríquez Vanderkam](#), 23 de noviembre de 2023.

<sup>224</sup> ONU-DH, [ONU-DH insta a investigar el asesinato del sacerdote y defensor indígena de los derechos humanos, Marcelo Pérez Pérez](#), 20 de octubre de 2024. Las siete personas defensoras asesinadas durante 2024 son: Miriam Noemí Ríos, el 11 de enero, en Zamora, Michoacán; Samantha Gomes Fonseca, el 14 de enero, en Xochimilco, Ciudad de México; Angelita Almeras León, el 7 de febrero, en Tecate, Baja California; Noé Sandoval Adame, el 13 de febrero, en Chilpancingo de los Bravo, Guerrero; Socorro Barrera Sánchez, el 20 de junio, en Izúcar de Matamoros, Puebla; Danna Rodríguez, el 16 de agosto, en Zacapetec, Morelos; y el Padre Marcelo Pérez Pérez, el 20 de octubre, en San Cristóbal de las Casas, Chiapas.

<sup>225</sup> CIDH, Medida cautelar No. 1498-18, Marcelino Díaz Sánchez y otros respecto de México, 23 de abril de 2019.

<sup>226</sup> CIDH, [CIDH reconoce el liderazgo de mujeres buscadoras](#), 8 de marzo de 2023.

<sup>227</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 321-327.



*Compliance Information*

260. In 2024, the State said that citizen protection strategies have evolved towards an approach focused on crime prevention and the comprehensive protection of people, based on the use of intelligence as the main tool to combat crime and dismantle criminal structures.<sup>228</sup> For their part, civil society organizations stressed that no progress has been made in the investigations into espionage against journalists and human rights defenders through the use of the *Pegasus malware*.<sup>229</sup> Likewise, the Commission and its Office of the Special Rapporteur for Freedom of Expression (RELE) note that the Attorney General's Office has acknowledged that, between 2015 and 2016, journalist Carmen Aristegui was spied on using the *Pegasus software* in retaliation for her investigations into the then-president and his inner circle<sup>230</sup>. However, Juan Carlos García Rivera, an employee of a subsidiary of Grupo KBH and prosecuted for the interception of Aristegui's communications, was acquitted.<sup>231</sup> The SCJN ordered the Ministry of Finance and Public Credit (SHCP) to make public the contracts related to the acquisition of the *Pegasus software*, allegedly used to spy on journalists and human rights defenders.<sup>232</sup>

261. The organizations reported that the stigmatizing messages and the delegitimization of the work of human rights defenders and civil society organizations by the government continued. In 2024, the Office of the Special Rapporteur learned about the disclosure of journalists' personal data, especially in the context of official statements. The Special Rapporteur for Freedom of Expression warned that this practice has the potential to "accentuate or exacerbate situations of hostility, intolerance or animosity" on the part of sectors of the population towards journalists or the media, particularly in a country like Mexico that registers high rates of violence against the press.<sup>233</sup> They stressed that, even with the new administration of the President of the Republic, who took office on October 1, 2024, the narrative in front of the media and civil society would be the same as in the previous administration; since the President announced that once a week she will be including in her morning conference a section called "Lie Detector", replacing the section "Who's Who of Lies" of the previous administration.<sup>234</sup>

*Analysis and level of compliance with the recommendation*

262. The Commission notes with concern the absence of concrete information from the State regarding the measures implemented to comply with this recommendation. The IACHR reiterates the information from 2022<sup>235</sup> and 2023<sup>236</sup> to the effect that stigmatizing and harmful messages by public officials against the press do not contribute to the recognition of the value and legitimacy of journalistic work; on the contrary, they reduce the impact of measures adopted by the State in compliance with this recommendation<sup>237</sup>. In the face of the current administration's determination to include a section analogous to "Who's Who in Lies" in the morning conferences of the federal executive, the Commission remains attentive to information that accounts for how this section would be in compliance with standards in terms of freedom of expression.

<sup>228</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 61](#), Chapter V, September 30 and October 1, 2024.

<sup>229</sup> Centro Prodh, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.

<sup>230</sup> AP, [Juicio sobre espionaje con Pegasus en México acaba con una absolución y orden de seguir investigando](#), 12 de enero de 2024; Aristegui Noticias, [FGR reconoce espionaje con Pegasus a Carmen Aristegui; luez dictará sentencia a primer acusado](#), 12 de enero de 2024.

<sup>231</sup> Animal Político, [Único enjuiciado por espionaje a Aristegui reconoce participación en contrato del software espía Pegasus con extinta PGR](#), 8 de enero de 2024.

<sup>232</sup> Milenio, [Corte ordena a Hacienda hacer públicos contratos del software Pegasus](#), 6 de febrero de 2024; Proceso, [Corte ordena a la SHCP transparentar contratos para la compra del software espía Pegasus](#), 6 de febrero de 2024.

<sup>233</sup> Relatoría Especial para la Libertad de Expresión (RELE), Comunicado de prensa No. 46/24, [La RELE expresa su preocupación por la tolerancia institucional a la divulgación de datos personales de periodistas en México](#), 6 de marzo de 2024.

<sup>234</sup> France 24, [Sheinbaum retoma posturas de AMLO con la prensa y lanza un 'detector' de noticias falsas](#), 10 de octubre de 2024.

<sup>235</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2022, párr. 392.

<sup>236</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párr. 325.

<sup>237</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2022, párr. 392.



263. In relation to the allegations of espionage made by civil society organizations, a response from the State is essential with respect to the investigation, identification, and punishment of those allegedly responsible for the acts of espionage against journalists and defenders<sup>238</sup>. In light of these allegations, the IACHR calls on the Mexican State to redouble its efforts to promote an environment favorable to the right to freedom of expression and of the press and to eradicate any type of pronouncement by public authorities that could legitimize or send a permissive message to violence against the press. In this regard, and pending information on measures to adequately respond to the allegations of civil society, the IACHR concludes that compliance with the recommendation remains **pending**.

*Measures and information to advance the implementation of the recommendation*

264. The purpose of this recommendation is based on the premise that in a context of increasing violence against the press, it is important that the institutional framework as a whole contributes to an environment favorable to freedom of expression and public deliberation. The information received to determine whether or not there is progress in complying with the recommendation contrasts with the records of acts of violence against the press and the repeated stigmatizing messages from the public power towards journalistic work. The IACHR requests information on the actions reported in 2023 and 2024 to create a safe environment for the defense of human rights and freedom of expression. The Commission invites you to submit information on how intelligence is being used as the main tool to combat crime and dismantle criminal structures, as well as the progress of investigations into the use of *Pegasus malware* to spy on journalists and human rights defenders.

**Recommendation No. 62** Define a single methodology for generating and publishing detailed and disaggregated statistics on violence against journalists and investigations of attacks, as well as on the protection measures adopted. Define a state authority as the one in charge of capturing information and publishing statistics and informing the different actors about the challenges that arise in the application of this methodology.

265. In Chapter V of the 2023 Annual Report, the State reported on the Specialized Prosecutor's Office for Crimes against Freedom of Expression (FEADLE),<sup>239</sup> the entity in charge of investigating and prosecuting crimes against freedom of the press and expression, which had generated specific indicators on crimes, differentiated by sex, and which are published periodically. Civil society organizations reported that, although there are records of violence against the press by FEADLE, there is no national information, with data from state prosecutors' offices, which makes it difficult to analyze violence against the press in a national way. The recommendation was considered to be partially complied with, and the State was urged to move forward in the systematization of data and in the creation of a unified methodology.<sup>240</sup>

*Compliance Information*

266. In 2024, the State reported that the Ministry of the Interior is preparing an official registry of the Mechanism for the Protection of Human Rights Defenders and Journalists, without further specification to know the particularities of said registry. Civil society organizations said that there would be no systematization, nor homologation of the existing figures with the states<sup>241</sup>. The State added in its observations to this report that FEADLE carries out the systematization of information contained in preliminary investigations and

<sup>238</sup> Comité de Derechos Humanos de Nuevo Laredo, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre 2024.

<sup>239</sup> Fiscalía Especial para la Atención de Delitos cometidos contra de la Libertad de Expresión.

<sup>240</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 329-332.

<sup>241</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 62](#), Chapter V, September 30 and October 1, 2024.



investigation files related to crimes against freedom of expression, issuing monthly statistical reports on the complaints filed.<sup>242</sup>

*Analysis and level of compliance with the recommendation*

267. The Commission notes with concern the absence of concrete information on actions taken to comply with this recommendation and notes that, unlike in previous years, the State did not report statistical information from FEADLE<sup>243</sup>, nor figures related to the registration of violence committed against journalists and possible investigations in the states. In the absence of information, the IACHR concludes that the recommendation remains in **partial compliance**.

*Measures and information to advance the implementation of the recommendation*

268. The IACHR invites the Mexican State to develop a national statistical registry of the information that prosecutors' offices can provide on investigations into violence against journalists, as well as on national mechanisms for the protection of this population and human rights defenders. Similar to what was referred to in its 2023 follow-up report, the Commission urges the Mexican State to strengthen coordination between the different levels of government in this area.

**Recommendation No. 63** Remove all obstacles so that, in practice, the Office of the Special Prosecutor for Crimes against Freedom of Expression (FEADLE) can attract the investigation of crimes committed against journalists and against freedom of expression. In this way, it will make effective the exercise of federal jurisdiction over crimes within its jurisdiction and guarantee that the most serious violations of freedom of expression are always investigated by that prosecutor's office.

269. According to the information reported by the State for the 2023 Follow-up Report, based on the constitutional reforms and the Federal Code of Criminal Procedure, the FEADLE obtained the power to attract cases from the common jurisdiction related to crimes against freedom of expression. From May 2013 to July 2023, FEADLE took on 140 cases under this authority. However, civil society organizations indicated that only 35.30% of the registered homicides of journalists were determined to be related to their journalistic work and reported that FEADLE has shown reluctance to attract investigations; and that it is crucial for this entity to establish clear guidelines and improve coordination with local prosecutors' offices to reduce impunity. The IACHR concluded that, despite the legal power, challenges persisted in its effective application, concluding that substantial progress towards partial compliance was made. It was recommended that the State define and apply objective and transparent criteria for attracting cases.<sup>244</sup>

*Compliance Information*

270. In 2024, the State said that the Office of the Special Prosecutor for Crimes Committed against Freedom of Expression of the Attorney General's Office would have defined, objective, and transparent criteria to guarantee impartial processes in the framework of requests to attract cases and coordination with local prosecutors' offices in crimes that affect freedom of expression. Article 21 of the National Code of Criminal Procedure establishes the cases in which the FGR can exercise its power of attraction in cases related to crimes that affect freedom of expression<sup>245</sup>. Civil society organizations reported that, according to the FEADLE Statistical Report of September 2024, from 2013 to 2024 the FEADLE would have only exercised the power of

<sup>242</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 28 de febrero de 2025.

<sup>243</sup> CIDH, Informe Anual, [Informe Anual, Capítulo V](#), párrs. 407 y 409; CIDH, [Informe Anual, Capítulo V, México](#), 2023, párr. 330.

<sup>244</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 334-337.

<sup>245</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 63](#), Chapter V, September 30 and October 1, 2024.



attraction in 129 cases;<sup>246</sup> 9 in 2013, 21 in 2014, 14 in 2015, 4 in 2016, 1 in 2017, 8 in 2018, 5 in 2019, 7 in 2020, 25 in 2021, 30 in 2022, 28 in 2023, and 29 in 2024. The organizations express a constant resistance of the FEADLE in the exercise of the power of attraction and a lack of effective collaboration between the investigations of the local jurisdiction and the FGR to promote the progress of the investigations in matters of crimes against freedom of expression.

*Analysis and level of compliance with the recommendation*

271. The Commission stresses that the criteria used to accredit paragraphs (iv)<sup>247</sup> and (vi)<sup>248</sup> of Article 21 of the National Code of Criminal Procedure (CNPP) must be made transparent, and the coordination between local prosecutors' offices and the FGR for the investigation of all cases involving journalists and social communicators must be strengthened. Notwithstanding the foregoing, recognizing the content of the criteria for determining the exercise of FEADLE's power of attraction, and the practice sustained over the years, the IACHR determines that the recommendation is **in full compliance**.

**Recommendation No. 64** Maintain the character of the FEADLE as a specialized prosecutor's office and provide it with sufficient economic and human resources to enable it to carry out its work.

272. According to the information reported by the State for the 2023 Annual Report, the FEADLE increased the number of agents of the Public Ministry of the Federation. However, civil society organizations reported that FEADLE's budget was reduced to less than half of its budget in 2014. The organizations stressed that their current budget project would be one of the lowest among the FGR's special prosecutors' offices. The IACHR expressed concern about the budget reduction and determined that the recommendation remained pending compliance. The State was urged to guarantee budgetary sufficiency and the strengthening of human resources for FEADLE.<sup>249</sup>

*Compliance Information*

273. In 2024, the State reported that, since 2019, the budget went from 12,889,904 million pesos to 18,688,427 million pesos by 2024, which would represent an increase of 44.98%. The State reported that courses, conferences, seminars, and workshops have been scheduled to create a culture of crime prevention and respect for freedom of expression and the right to information<sup>250</sup>. Civil society organizations stressed that, although an increase in FEADLE's budget can be seen in recent years, it comes after a budget cut of more than 50% compared to the budget granted to the institution in 2013, which amounted to 38,084,788 million pesos<sup>251</sup>.

*Analysis and level of compliance with the recommendation*

274. The IACHR observes with concern that there is no guaranteed and constant minimum budget allocated to FEADLE in the Federal Expenditure Budget in recent years. In this way, although the State reports an increase in the budget from 2019 to 2024, according to public information, the FEADLE budget for 2015 was 28,891,583; 25,121,369 in 2016; 18,433,763 in 2017; 17,989,600 in 2018; 12,889,904 in 2019; 14,491,400 in 2020; 15,033,230 in 2021; 14,813,521 in 2022; 16,272,944 in 2023 and; 18,688,427 in 2024<sup>252</sup>. The foregoing

<sup>246</sup> Organización Ku'kay, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.

<sup>247</sup> Código Nacional de Procedimientos Penales, artículo 21, iv) La vida o integridad física de la víctima u ofendido se encuentre en riesgo real.

<sup>248</sup> Código Nacional de Procedimientos Penales, artículo 21, vi) Los hechos constitutivos de delito impacten de manera trascendente al ejercicio del derecho a la información o a las libertades de expresión o imprenta

<sup>249</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 339-342.

<sup>250</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 64](#), Chapter V, September 30 and October 1, 2024.

<sup>251</sup> Organización Ku'kay, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024; FGR, [Presupuesto total asignado a FEADLE](#), 2022.

<sup>252</sup> Secretaría de Hacienda, [Presupuesto de Egresos de la Federación](#), Ramo II, 2024.



shows an inconstancy in the budget item assigned to the FEADLE. Thus, from 2015 to 2018 there was a tendency to reduce the institution's budget. Subsequently, although from 2019 to 2021 there was an increase, in 2022 the budget was reduced again. In this regard, in terms of the provisions of the recommendation, in contrast to the budget granted since the publication of the Report on the Situation of Human Rights in Mexico in 2015 to date, there has been a reduction in the budget, therefore, the IACHR concludes that compliance with this recommendation remains **pending**.

*Measures and information to advance the implementation of the recommendation*

275. To move forward with the fulfillment of the recommendation, it is necessary to guarantee budgetary sufficiency in a constant manner within the framework of the Expenditure Budget of the Federation each year and to ensure the human resources of the institution. In this regard, the IACHR invites the State to provide information on how it is working to guarantee budgetary continuity and sufficiency; and to report information on how it would be guaranteed that the FEADLE has sufficient human resources to carry out its functions.

**Recommendation No. 65** Adopt special investigation protocols by virtue of which the hypothesis of the relationship between the homicide or aggression and the journalistic profession must be completely and sufficiently exhausted.

276. In Chapter V of the 2023 Annual Report, the State did not provide information on compliance with the recommendation. However, the FEADLE's 2023 Statistical Report highlighted the creation in 2017 of a multidisciplinary group of analysts to strengthen the investigation of crimes against freedom of expression, following the Homologated Investigation Protocol. Civil society organizations reported that, despite the protocol, its implementation has been deficient by state prosecutors' offices and that FEADLE faces structural problems that limit the effectiveness of its investigations, resulting in an impunity rate of 98.26% in cases of crimes or human rights violations against the press. The State stressed that not all complaints have sufficient elements to be prosecuted and highlighted the progress made in criminal proceedings against public servants. The IACHR observed that the recommendation remained partially complied with due to problems in the implementation of protocols and the administration of justice. The State was urged to strengthen and effectively apply the investigation protocols and provide information on these actions.<sup>253</sup>

*Compliance Information*

277. In 2024, the State reported that the FEADLE is responsible for investigating and prosecuting crimes that affect, limit, or violate the freedom of expression of journalists and that it maintains constant communication with the Mechanism for the Protection of Human Rights Defenders and Journalists. The State said that, since 2020, it has been collaborating with the FGR's Special Unit on Gender and Violence against Women to identify whether there are gender factors in the cases it investigates. Between 2018 and 2024, 138 files were opened for crimes committed against women journalists. The State reported that there is an Approved Protocol for the Investigation of Crimes Committed Against Freedom of Expression, which includes specialized guidelines with a gender perspective. The State reported that, with the aim of promoting priority human rights issues at the local level, the first session of the National Human Rights Coordination Agenda was held on February 29, 2024, which addressed the protection of human rights defenders and journalists, among others<sup>254</sup>. The State added in its observations to this Report that Competency Standard EC1103 was developed to certify agents of the Public Prosecutor's Office in the investigation of these crimes with a specialized approach; and that courses were also given on the subject.<sup>255</sup>

<sup>253</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 349-351.

<sup>254</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 65](#), Chapter V, September 30 and October 1, 2024.

<sup>255</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 28 de febrero de 2025.



*Analysis and level of compliance with the recommendation*

278. The Commission welcomes the development of specialized protocols that guarantee an investigation with differentiated approaches in crimes against freedom of expression. In this regard, the first section of the recommendation would be addressed. However, the State did not report information on how these protocols would guarantee the exhaustion of hypotheses regarding the relationship between the homicide or aggression and the journalistic profession, for which reason the IACHR concludes that the recommendation remains **partially complied with**.

*Measures and information to advance the implementation of the recommendation*

279. In order to comply with this recommendation, the IACHR invites the State to report information on how the 2019 protocol would guarantee that investigations into crimes against journalists determine the hypothesis of the relationship between the homicide or aggression and the journalistic profession.

**Recommendation No. 66** Improve the relationship between federal and state jurisdictions in order to prevent conflicts of jurisdiction from hindering or delaying investigations.

280. According to the information reported by the State for the 2023 Follow-up Report, the IACHR learned about the cooperation between the two jurisdictions and about the requirements that the SCJN has developed to enable the power of attraction in important and transcendental cases. Civil society organizations stressed that a comprehensive public policy is still lacking and that FEADLE continues to have discretion in the application of the power of attraction, without an adequate structural capacity for context analysis. The IACHR observed that, although there is a regulatory framework and a recent decision by the SCJN, additional information is needed on conflicts of jurisdiction and the effectiveness in the exercise of the power of attraction. The recommendation advanced to substantial partial compliance and the State was urged to provide details on strengthening objective criteria to ensure fair investigations and reduce conflicts of jurisdiction.<sup>256</sup>

*Compliance Information*

281. In 2024, the State reported that it would be implementing concrete measures to use objective criteria in the exercise of the power of attraction, with the aim of ensuring effective investigations and expeditious justice in cases of crimes committed against freedom of expression. He reiterated that Article 21 of the National Code of Criminal Procedure provides for the cases in which the FGR can exercise its power of attraction in these crimes.<sup>257</sup> Civil society organizations expressed that, even with certain criteria for exercising the power of attraction, it would be at the discretion of the FEADLE to determine whether any normative hypothesis is specified to exercise said power. To this end, in accordance with the regulatory framework, they indicated that the application of context analysis would be necessary. However, they stated that, from the information they have been able to collect, the prosecutors' offices do not have the structural capacity to create special units that comply with this aspect.<sup>258</sup>

282. The State added in its observations to this Report that from May 2013 to January 2025, FEADLE has exercised its power of appeal in 195 cases, ensuring a solid legal framework for the protection of the right to information and freedom of the press.<sup>259</sup>

<sup>256</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 353-356.

<sup>257</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 66](#), Chapter V, September 30 and October 1, 2024.

<sup>258</sup> Artículo 19, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", 11 de septiembre de 2024.

<sup>259</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 28 de febrero de 2025.



*Analysis and level of compliance with the recommendation*

283. The IACHR reiterates the need for additional information that indicates the updated figures on conflicts of jurisdiction surrounding these investigations, that is, the statistics of requests for attraction compared with the number of attractions that come from, specifying how the application of the criteria for determining the admissibility or inadmissibility of this power of attraction operates and the progress of the investigations,<sup>260</sup> therefore, it concludes that the recommendation maintains substantial **partial compliance**.

*Measures and information to advance the implementation of the recommendation*

284. To guide the implementation of this recommendation, the IACHR reiterates its invitation to the State to provide information on how it has strengthened the establishment and use of objective criteria for the exercise of the power of attraction to ensure expeditious investigations and justice, as well as the reduction of conflicts in matters of jurisdiction.

**Recommendation No. 67** Allow victims, their families and, where appropriate, their co-adjuvants to participate in criminal proceedings with full guarantees, both in the search for the truth and the clarification of the facts and when demanding reparation.

285. According to the information reported by the State for the 2023 Follow-up Report, the Commission learned of the creation of the Standardized Protocol for the Investigation of Crimes Committed Against Freedom of Expression, highlighting the certification and training of FGR personnel and the strengthening of the Executive Commissions for Attention to Victims. However, civil society organizations reported limited participation of victims in criminal proceedings and problems with care commissions, such as revictimization and lack of adequate reparation. The IACHR appreciated the progress reported, but considered that significant problems persisted in the effective participation of victims, maintaining the recommendation as partially complied with. The State was asked to ensure real participation of victims and to address the deficiencies reported by civil society.<sup>261</sup>

*Compliance Information*

286. In 2024, the State reported that the CEAV actively promotes the participation of direct and indirect victims in the processes of access to justice and reparation. The State said that victims would have a crucial role in the formulation of solutions and in the implementation of mechanisms that ensure their rights; and stressed that family members would have the right to actively participate in the design, implementation and monitoring of search actions, as well as to receive information and provide key evidence. The State reported that the Office of the Special Prosecutor for Crimes of Disappearance (FEIDDF) would facilitate the active participation of families in the investigation processes and in keeping them informed of the progress of the cases<sup>262</sup>. For their part, civil society organizations stated that the participation of families and victims in investigation processes is not only limited, but has been reduced by the rotation of personnel within State institutions, which makes it impossible to continue the processes and generates delays in investigations.<sup>263</sup> The State added in its observations on this Report that FEADLE implements the Standardized Protocol for the Investigation of Crimes Committed Against Freedom of Expression, with the objective of guaranteeing the protection, legal guidance, and safety of journalists at risk, as well as their direct family members.<sup>264</sup>

<sup>260</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párr. 355

<sup>261</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 358-361.

<sup>262</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 67](#), Chapter V, September 30 and October 1, 2024.

<sup>263</sup> Organización Ku'kay, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024

<sup>264</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 28 de febrero de 2025.



*Analysis and level of compliance with the recommendation*

287. The organizations continue to report a limited power of participation of victims in criminal proceedings and in reparation actions, which is why it is necessary for the State to provide an adequate response and provide precise information on how this participation is guaranteed. In view of the foregoing, the Commission considers that the recommendation continues to **be partially complied with**.

*Measures and information to advance the implementation of the recommendation*

288. To guide compliance with this recommendation, the IACHR invites the State to guarantee, in practice, the participation of victims and their families in criminal proceedings and in reparation proceedings. In this sense, it invites to identify the cause of the allegations reported by civil society and to propose measures that provide an adequate response. The Commission requests information on the participation of victims by law enforcement authorities and victim care agencies. In response to the allegation that the victims' commissions do not guarantee the participation of victims, the IACHR invites the adoption of measures to ensure that representation before this entity does not impede victims' access to investigations.

**9. Access to information**

**Recommendation No. 68** With regard to the attribution conferred by the Law on Access to Information on the Office of the Legal Counsel of the Presidency, it is recommended that this power be regulated in accordance with international principles relating to access to public information and national security.

289. In Chapter V of the 2023 Annual Report, the IACHR took note of the SCJN's resolution on the unconstitutionality of the Agreement that limited access to information on projects and works of the Government of Mexico, and the subsequent decision that found no violation in a new similar decree. However, civil society organizations expressed that this decision will not resolve the opacity surrounding these projects and the continued denial of access to information. The IACHR stressed that, despite the SCJN's resolutions, concerns persist about the application and interpretation of Article 157 of the General Law on Transparency and Access to Public Information (LGTAIP) to restrict access to information of public interest and additional information continues to be requested for the application of this rule. Therefore, the recommendation was deemed to have advanced to substantial partial compliance and the State was invited to provide additional details on how to ensure that this attribution is not used to limit access to public information.<sup>265</sup>

*Compliance Information*

290. By 2024, neither the State nor civil society organizations provided information related to this recommendation.

*Analysis and level of compliance with the recommendation*

291. The IACHR notes with concern the lack of information from the State and civil society regarding this recommendation. However, according to public information, the IACHR learned that on November 29, 2024, a constitutional reform was approved in the Senate of the Republic through which several autonomous constitutional bodies, including the National Institute of Transparency, Access to Information, and Protection of Personal Data (INAI), will be extinguished. Meanwhile, the recommendation under analysis highlights the need to regulate the powers of the Legal Counsel of the Presidency in matters of access to information, aligning them with the international principles of transparency and access to public information; the recent disappearance of the INAI, the institution responsible for guaranteeing transparency, accountability, and protection of the rights of access to information, puts compliance with this recommendation at risk. The elimination of the INAI will further concentrate the powers in the Executive, weakening the independent oversight mechanisms on the use of the powers of the Legal Counsel in relation to the classification and

<sup>265</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 363-369.



reservation of public information. According to the international principles set out in the Lima Principles on Access to Public Information<sup>266</sup>, external and independent oversight is essential to ensure transparency and accountability.

292. The IACHR does not have information that accounts for which institution will be responsible for assuming the functions of the INAI, and warns that this could generate an institutional vacuum that would make it difficult to oversee the decisions of the Legal Counsel of the Presidency. The elimination of the INAI represents a significant setback in terms of transparency and access to information. Consequently, as long as it is not defined how another body will guarantee access to public information and regulate the powers of bodies such as the Legal Counsel, this recommendation falls back to **pending compliance**.

*Measures and information to advance the implementation of the recommendation*

293. In order to comply with this recommendation, it is necessary to establish a body that guarantees access to public information and the protection of personal data, ensuring its independence from the Executive. This body must have technical and operational autonomy to supervise information classification decisions by the Legal Department, ensuring its alignment with the principles of maximum publicity, necessity and proportionality. It is necessary to prepare and approve a specific regulation that delimits the attributions of the Legal Counsel in the classification of information as reserved or confidential, based on international standards such as those established in the Lima Principle on Access to Public Information.

**Recommendation No. 69** Strengthen laws, policies, and practices to ensure that judicial authorities have full access to relevant information when investigating and prosecuting cases of human rights violations attributed to members of the security forces.

294. According to the information reported by the State for the 2023 Follow-up Report, the Commission took note of the enactment of the Federal Law on Transparency and Access to Public Information, which replaced the previous law and has been the subject of reforms to strengthen the right of access to information, as well as on the publication of a decree that highlights transparency in the Organic Law of the FGR. However, the IACHR considered that this information was insufficient to fully comply with the recommendation, given that there was still a lack of transparency and access to information on serious human rights violations in investigations and judicial proceedings. The recommendation remained partially complied with, and the IACHR reiterated the need to adopt measures to ensure that judicial authorities have adequate access to information in the context of the investigation process.<sup>267</sup>

*Compliance Information*

295. In 2024, the State said that it has implemented a set of technological tools that guarantee judicial authorities' access to accurate and timely information within the framework of investigation processes. Among these tools is the Homologated Police Report (IPH), a platform that allows police institutions to document in detail the interventions and made available, supporting due process and promoting the efficient use of information in intelligence actions that benefit ministerial and judicial procedures. In addition, the State reported that the National Registry of Judicial Orders (RNMJ) is a fundamental instrument in strengthening justice in Mexico. This registry includes detailed information on arrest warrants issued by federal and state courts, providing judicial authorities with access to data such as the type and modality of the crime, the date of issuance of the warrants, among other crucial aspects for the follow-up of the cases. The RNMJ would ensure the permanent capture of data through cyber units of the 32 states, based on an approved catalog of incidents.<sup>268</sup>

<sup>266</sup> Organización de los Estados Americanos, [Principio de Lima sobre Acceso a la Información Pública](#), 2018.

<sup>267</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 371-373.

<sup>268</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 69](#), Chapter V, September 30 and October 1, 2024.



296. For its part, as already stated, the Commission and its Office of the Special Rapporteur for Freedom of Expression learned about the approval of the constitutional reform that provides for the elimination of the National Institute of Transparency, Access to Information, and Protection of Personal Data (INAI). Once the reform is implemented, the function of reviewing complaints about the denial of access to information would be fragmented and the entity in charge of filing legal actions against laws that violate the right to information and privacy would disappear. This could lead to inconsistencies in transparency regulations<sup>269</sup> and further weaken the powers of judicial authorities investigating cases of human rights violations to access information from security forces<sup>270</sup>.

*Analysis and level of compliance with the recommendation*

297. The Commission concludes that the information reported by the State does not account for the process and implementation of the records and reports to which it refers. Knowing the process is important for the Commission to evaluate whether full access to relevant information is effectively guaranteed when judicial authorities investigate and prosecute cases of human rights violations attributed to members of the security forces. Pending detailed information on this process, the IACHR believes that the recommendation continues to be **partially complied with**.

*Measures and information to advance the implementation of the recommendation*

298. To comply with this recommendation, the IACHR invites the State to work in coordination with the Attorney General's Offices, in order to address the challenges and areas of opportunity in access to information in the processes and investigations under its responsibility. The Commission also respectfully requests Mexico to provide details on how the functions of INAI will be replaced once dissolved.

**Recommendation No. 70** Adopt the pertinent measures so that the security forces collect, systematize and periodically publish information referring to the effects on life and integrity as a result of the fight against organized crime. The information relating to such effects must describe the place where they occurred, the date, the details of the security sector unit that was present when they occurred, and information on its mandate and control. Also, what were the causes of the affectation and the inability to prevent them.

299. According to the information reported by the State for the 2023 Follow-up Report, the creation of the National Information Center was highlighted, aimed at publishing periodic data on crime incidence, including the effects on life or integrity in collaboration with various entities, civil society and academia. Although the IACHR welcomed this initiative, it said that the recommendation was partially complied with due to the lack of specific information on the role of law enforcement agencies in the collection and publication of data. The IACHR urged the State to ensure that these bodies carry out these tasks in a transparent, up-to-date manner, and disaggregated by ethnic-racial origin, age, sex, sexual orientation, gender identity and/or expression, and that they are used for reparation actions<sup>271</sup>.

*Compliance Information*

300. In 2024, the State said that the Homologated Police Report plays a fundamental role in the fight against organized crime by facilitating the collection of strategic data that supports the intelligence and operational actions of the authorities, as it allows members of police institutions to record detailed information on interventions and generates a centralized database that becomes a resource for the identification of criminal patterns and tracing links between criminal activities. The State reported that the General Law of the National Public Security System establishes the obligation for security and law enforcement institutions to document

<sup>269</sup> Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales (INAI), Comunicado No. 222/24, [Desaparecer al INAI es un retroceso para México y sus derechos humanos](#), 23 de agosto de 2024; INAI, Comunicado No. 259/24, [Eliminar al INAI será una regresión en materia de derechos humanos: Blanca Lilia Ibarra Cadena](#), 24 de septiembre de 2024; Swissinfo.ch, [Relatoras de la ONU piden a México reconsiderar eliminación del Instituto de Transparencia](#), 2 de septiembre de 2024.

<sup>270</sup> Human Rights Watch, México: [La transparencia y la privacidad, bajo amenaza](#), 24 de mayo de 2023.

<sup>271</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 375-378.



and record the actions carried out during the transfer of persons allegedly responsible for crimes, including those related to organized crime.<sup>272</sup>

*Analysis and level of compliance with the recommendation*

301. The IACHR recognizes the importance of the measures adopted by the State to strengthen the collection and systematization of data related to violations of life and integrity as a result of the fight against organized crime. Among these measures, the use of the IPH stands out, which allows the collection of strategic information on the interventions of security institutions. However, while these initiatives represent significant progress, significant gaps remain in compliance with the specific terms of the recommendation. In particular, there is a lack of detailed information on the systematization and periodic publication of data in a disaggregated and accessible format that allows identifying the role of the security forces in the documented affectations. Nor is it specified how these measures ensure transparency and compliance with the principle of maximum disclosure, nor whether the data includes key details such as the place, date, units involved, their mandate and control, as well as the causes of the effects and the inability to prevent them.

302. The IACHR reiterates the need for published data to include adequate disaggregation by ethnic-racial origin, age, sex, sexual orientation, gender identity and/or expression, in accordance with the State's duty to provide priority attention to groups in vulnerable situations.<sup>273</sup> This lack of information limits the State's ability to fully comply with the recommendation, as it does not ensure a comprehensive and transparent approach that allows for both accountability and reparation for victims. By virtue of the foregoing, and although important advances in the collection and recording of data are recognized, the recommendation advances to **substantial partial compliance**, due to the absence of complete information on the systematization and publication of the data in the specific terms referred to in the recommendation.

*Measures and information to advance the implementation of the recommendation*

303. To move toward full compliance with the recommendation, the IACHR suggests implementing a centralized and standardized system that unifies the records of public security and justice institutions, ensuring uniform and reliable data collection. It is essential that the State specify whether there is a periodical publication that includes information disaggregated by place, date, unit involved, causes of the affectations, and data on the victims, according to criteria of ethnic-racial origin, sex, age, among others.

## G. Protection Mechanism for Human Rights Defenders and Journalists

**Recommendation No. 71** To require the competent authorities to take into consideration international standards on protection, especially the considerations developed in the "Second Report on the Situation of Human Rights Defenders in the Americas" and the "Report on Violence against Journalists and Media Workers of the Office of the Special Rapporteur for Freedom of Expression of the IACHR."

304. In Chapter V of the 2023 Annual Report, the State reported that OHCHR presented a diagnosis of the Protection Mechanism with 104 recommendations, and that a Working Group had been formed for its implementation. He also maintained that a campaign had been launched on the importance of human rights defenders and journalists. However, civil society organizations indicated that significant breaches of international standards persisted, including the lack of a global policy of protection and continued stigmatization of the press by the authorities. The IACHR appreciated the creation of the Working Group and the participation of international organizations, but determined that the recommendation remained partially

<sup>272</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 70](#), Chapter V, September 30 and October 1, 2024.

<sup>273</sup> CIDH, [Relatoría Especial para la Libertad de Expresión \(RELE\). Informe El derecho de acceso a la información en el marco jurídico interamericano](#), OEA Ser.L/V/ II CIDH/RELE/INF. 1/09, 30 de diciembre de 2009.



complied with and invited the State to provide details on how the standards of international reporting are being adopted in the measures of that Working Group.<sup>274</sup>

### *Compliance Information*

305. In 2024, the State reiterated that in 2019 a diagnosis was made on the functioning of the Mechanism, which issued 104 recommendations and 127 sub-recommendations with the aim of guiding the institutional strengthening of the Mechanism. The State reported that these recommendations would focus on improving inter-institutional effectiveness and coordination and the implementation of protection measures adapted to the needs of the beneficiaries. The State said that, as a result of this process, the Working Group for the Strengthening of the Mechanism was established, which would function as a space for collaboration with the participation of various government institutions, international organizations, and civil society organizations. The Working Group would hold monthly meetings to assess progress in the implementation of the prioritized recommendations. The State concluded that this Group would ensure that the protection measures are aligned with Mexico's global human rights commitments<sup>275</sup>. For their part, civil society organizations and international organizations have expressed to the IACHR their interest in the Mexican State maintaining and deepening both the progress made and the efforts of the Working Group.<sup>276</sup>

306. In its observations on this Report, the State added that in 2024, key strategies were consolidated in five priority areas: guidelines of the Governing Board, temporary relocation of beneficiaries, mainstreaming of the gender perspective, attention to collective cases, and digital measures. To strengthen the gender approach, the "gender team" was created, made up of representatives of each unit of the mechanism, with the aim of eradicating gender stereotypes and prejudices in all processes.<sup>277</sup>

### *Analysis and level of compliance with the recommendation*

307. The Commission welcomes the creation and implementation of the Working Group for the Strengthening of the Mechanism. However, although its functioning and operability represent progress in the framework of the work of the Mechanism, the information provided does not account for how the Working Group would be guaranteeing the adoption and implementation of international parameters in the field of protection; nor is information sent related to the specific measures that this Group would be implementing. In view of the foregoing, the Commission determines that the recommendation remains in **partial compliance**.

### *Measures and information to advance the implementation of the recommendation*

308. The IACHR reiterates the invitation made in the 2023 Annual Report, in the sense that the State provide information that allows it to account for how the standards provided for in the "Second Report on the Situation of Human Rights Defenders in the Americas" and the "Report on Violence against Journalists and Media Workers of the Special Rapporteurship for Freedom of Expression" have been adopted. The Commission emphasizes that it will be useful for the measures adopted by the Group of Experts to refer to how the implementation of the recommendations issued by the IACHR in both reports is resumed.<sup>278</sup>

**Recommendation No. 72** Provide all the necessary political support for the proper functioning of the protection mechanism, which includes the necessary economic resources so that they can efficiently develop their protection competencies and make it sustainable over time.

<sup>274</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 380-383.

<sup>275</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 71](#), Chapter V, September 30 and October 1, 2024.

<sup>276</sup> Organización Ku'kay, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.

<sup>277</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 16 de febrero de 2025.

<sup>278</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párr. 83.



309. According to the information reported by the State for the 2023 Follow-up Report, the extinction of this trust was announced, transferring the resources and logistics of the Protection Mechanism for Human Rights Defenders and Journalists to the SEGOB, which civil society organizations highlighted as a weakening of accountability and transparency. Despite the fact that the budget of the Facility had increased, it was found to be insufficient in relation to the growing number of beneficiaries. The IACHR welcomed the budget increase, but stressed the need to strengthen the Mechanism in the face of persistent violence, urging the State to adopt measures to guarantee financial sustainability and evaluate whether the resources allocated are sufficient for the performance of the Mechanism. It was therefore concluded that the recommendation continued to be partially complied with.<sup>279</sup>

#### *Compliance Information*

310. In 2024, the State reiterated the information reported in recommendation 71, in the sense of highlighting the preparation of a diagnosis of the Mechanism, in order to ensure that the resources allocated are sufficient and effective. This process would have had the active participation of civil society and international human rights organizations. The State emphasized that the Mechanism's Governing Board includes representation from various government entities such as the Attorney General's Office, the CNDH, and the Consultative Council. With regard to financial sustainability, the State said that it had made efforts to increase the Mechanism's budget; and reported that, during the current six-year term, the budget allocated would have increased. Thus, from January 2019 to December 2023, 2,606 million pesos were disbursed, which would represent a substantial increase compared to the 780 million allocated in the period from 2012 to 2018. The State pointed out that, for 2024, a budget of 599 million 155 thousand 516 pesos was authorized, as well as an increase in the number of collaborators, going from 42 to 72 people; which would have improved response capacity and reduced service times.<sup>280</sup> As for the beneficiaries, as of January 31, 2025, the Mechanism incorporated 668 journalists, of which 188 are women and 480 men, as well as 1,256 human rights defenders, of which 714 are women and 542 men.<sup>281</sup>

#### *Analysis and level of compliance with the recommendation*

311. The Commission appreciates the information reported by the State regarding the Mechanism's budget increase and the increase in the institution's staff. In this regard, in view of the fact that the content of the recommendation under analysis focuses on ensuring sufficient resources for the operation of the Mechanism, the Commission concludes that this recommendation has been **fully complied with**.

**Recommendation No. 73** Adopt all necessary measures to assign and train all personnel necessary for its proper operation.

312. In Chapter V of the 2023 Annual Report, the State reported on the implementation of training programs for the civil servants of the Protection Mechanism and 22 states. At the same time, civil society organizations highlighted that staff still lacked adequate training in human rights and gender perspective, and reported problems such as workplace harassment and sexual violence, as well as gender or race discrimination. The IACHR appreciated the State's efforts and the progress made in training, considering that the recommendation had been substantially partially complied with, but emphasizing the need to ensure the regularity and obligatory nature of these training programs.<sup>282</sup>

#### *Compliance Information*

<sup>279</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 385-388.

<sup>280</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 72](#), Chapter V, September 30 and October 1, 2024.

<sup>281</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 16 de febrero de 2025.

<sup>282</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 390-394.



313. In 2024, the State reported that it has implemented permanent regulated programs, so that the personnel responsible for the operation of the Mechanism are properly trained. These trainings integrate approaches such as the gender perspective, intersectionality and a comprehensive differentiated analysis, which would guarantee that the staff has the necessary skills to offer effective care<sup>283</sup>. On the other hand, civil society organizations recognize the execution of courses, talks and workshops; however, they warn that the mere implementation of these activities does not ensure that officials adequately acquire the knowledge imparted or that they incorporate it effectively into risk analysis processes. In its observations on this Report, the State stated that Mexico and the United States signed a letter of understanding with USAID to implement a training program from 2021 to 2023.<sup>284</sup>

*Analysis and level of compliance with the recommendation*

314. The Commission insists on the need for training spaces to be held regularly and sustainably over time, as well as to be mandatory, as highlighted in 2023<sup>285</sup>. However, the State did not provide timely information on the training, its methodology, the periods in which it is carried out, and the curriculum taught. This information is crucial to evaluate the impact of the trainings and their effectiveness in the operation of the Mechanism. In view of the foregoing, the IACHR concludes that this recommendation remains with a substantial level of **partial compliance**.

*Measures and information to advance the implementation of the recommendation*

315. The Commission reiterates the need to have information that shows whether the programs are regulated to be carried out on a permanent and mandatory basis, where they would be regulated, and to report whether the training would be provided to all the personnel necessary for the proper operation of the Mechanism. With a view to declaring full compliance with the recommendation, the IACHR invites the State to report on whether the training is duly evaluated, as well as its effectiveness and impact on the operation of the Mechanism.

**Recommendation No. 74** Ensure that risk studies and the implementation of prevention and protection measures are carried out appropriately and in accordance with the urgency of the issues. Therefore, in the processes of risk assessment, assignment of protection schemes, and review of their suitability, adequate participation, communication, and consultation with the persons covered by the protection mechanism, as well as beneficiaries of precautionary measures requested by the IACHR, should be guaranteed.

316. According to the information reported by the State for the 2023 Monitoring Report, risk assessments are carried out individually or collectively, applying a gender and intersectionality perspective, and must be approved by the Governing Board. However, civil society organizations criticized these assessments, noting that they are often carried out under inadequate conditions and without taking into account the full context of the beneficiaries. They reported that the times to collect information have been reduced, affecting the quality of evaluations and leading to the unjustified withdrawal of protection measures, which has put beneficiaries at risk. The IACHR observed that the unjustified withdrawal of measures and irregularities in risk assessments have compromised the integrity of defenders and journalists. It therefore determined that the recommendation was in partial compliance, suggesting the need to apply risk assessments based on clear and objective standards.<sup>286</sup>

<sup>283</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 73](#), Chapter V, September 30 and October 1, 2024.

<sup>284</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 16 de febrero de 2025.

<sup>285</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párr. 393.

<sup>286</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 396-400.



*Compliance Information*

317. In 2024, the State reported that the Mechanism would guarantee that risk studies and the implementation of prevention and protection measures are carried out appropriately and in response to the urgency of each case; and reported that the operation of the Mechanism guarantees a participatory approach of civil society and international human rights organizations. The State reported that, in the risk assessment process, the Mechanism's Governing Board is responsible for discussing and approving the protection plans. The State stated that about 90% of the proposed protection plans are approved by consensus in the Board. The State emphasized that the operation of the Mechanism allows for a rapid assignment of protection schemes and continuous reviews of the adequacy of the measures adopted, which would be complemented by the Working Group for the Strengthening of the Mechanism.<sup>287</sup>

318. Civil society organizations argued that the Protection Mechanism has faced criticism in relation to the evaluation and withdrawal of security measures from beneficiaries in recent years; and stated that risk assessments are often carried out under inadequate conditions, without taking into account the context of the beneficiaries. This, in their opinion, results in inaccurate and unrealistic analyses and they indicated that the time allocated for the collection of information would have been significantly reduced, affecting the quality of the evaluations and that crucial measures, such as shelters, would have been withdrawn based on the current location of the beneficiaries, exposing people to greater risk.<sup>288</sup> Other challenges identified by civil society organizations are the lack of elements that allow analyzing the contexts of the risks, the lack of analysis of all risk variables, and not foreseeing all the affectations, events, and security incidents within the chain of violence that defenders and journalists have suffered.<sup>289</sup>

*Analysis and level of compliance with the recommendation*

319. The State did not submit information on specific measures that would account for how risk assessments would be carried out, guaranteeing compliance with standards in this area. This, despite the fact that in the 2023 Annual Report, the IACHR highlighted the need to have objective criteria that make it possible to determine the conditions under which the granting and withdrawal of protection measures would operate, and to report on them and their application by the Protection Mechanism<sup>290</sup>. Although the information reported by the State states that "the risk analyses would be carried out in an appropriate manner in view of the urgency of each case,"<sup>291</sup> this statement is not accompanied by a justification for how and on the basis of what it is concluded that the evaluations are adequate and are carried out in compliance with established and objective criteria. beyond the urgency of the case. The sense of urgency in the abstract would be subjective in the absence of criteria that determine from what conditions such urgency would be accredited. In this regard, the Commission maintains **partial compliance** with the recommendation.

*Measures and information to advance the implementation of the recommendation*

320. To guide compliance with the recommendation, the IACHR reiterates its invitation to the State to guarantee the application of risk assessments based on relevant standards. The Commission urges the State to establish objective criteria to determine the conditions under which the granting and withdrawal of protection measures would operate, and to submit information on these and their application by the Protection Mechanism.<sup>292</sup>

<sup>287</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 74](#), Chapter V, September 30 and October 1, 2024.

<sup>288</sup> Artículo 19, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", del 11 de septiembre de 2024.

<sup>289</sup> Espacio OSC, Personas defensoras de derechos humanos y periodistas en situación de desplazamiento forzado interno en México, 2024, p. 21.

<sup>290</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párr. 400.

<sup>291</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 74](#), Chapter V, September 30 and October 1, 2024.

<sup>292</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párr. 400.



**Recommendation No. 75** Evaluate and adopt differentiated protection measures for women, indigenous leaders, and environmental defenders.

321. According to the information reported by the State for the 2023 Monitoring Report, the Protection Mechanism conducts risk assessments based on a matrix that includes components of gender, ethnic and social identity, and other conditions of vulnerability, conducting 311 risk assessments between January and August 2023. However, civil society organizations criticized the lack of effectiveness in the implementation of measures and risk assessment. Although a gender analysis is incorporated, it is not adequately reflected in protection measures, and a high turnover of staff and a lack of knowledge in human rights and gender perspective have been documented. It has been referred to that measures for indigenous people can cause significant cultural ruptures. The IACHR thanked the information provided, but determined that the recommendation remained in partial compliance, since detailed information on the practical application of the differentiated protection measures was lacking.<sup>293</sup>

*Compliance Information*

322. In 2024, the State said it would have adopted a comprehensive approach to ensure differentiated protection for women, indigenous leaders, and environmental defenders, recognizing the particular needs of each group based on their specific vulnerabilities. The State reported that one of the advances was the creation, in January 2024, of the Specialized Table for Attention with a Gender Perspective, known as "La Equipa." This space would seek to strengthen the protection of women human rights defenders and journalists, from a comprehensive perspective. "La Equipa" would provide protection and promote the creation of safe environments for these women to continue their work. In the case of indigenous leaders, the State reported that it had developed specialized measures that take into account their fundamental role as defenders of the rights of their communities and the environment. The State explained that, in 2024, 184 indigenous defenders are incorporated into the Mechanism. The State highlighted the ratification of the Escazú Agreement in December 2020 and that, in follow-up to the international obligations arising from the Agreement, in February 2024, the government convened the working group "Regional Action for Environmental Defenders", in which representatives of 28 states participated, with the aim of integrating a local perspective into the Regional Action Plan for Environmental Defenders. adopted in April 2024 during the Third Meeting of the Conference of the Parties to the Escazú Agreement (COP3).<sup>294</sup>

323. The State maintained that, in addition, significant progress had been made to extend social security to the most vulnerable journalists, in collaboration with the Mexican Social Security Institute (IMSS) and the Ministry of the Interior, with an investment of 45.7 million pesos until December 2023. The State said that this program would have allowed more than 1,500 journalists who previously lacked access to these benefits to now have voluntary coverage within the social security system. On the other hand, the State stated that the differentiated approach has been adopted by 26 states, which already have specialized regulations for the protection of human rights defenders and journalists. In turn, the Gender Equality Unit of the FGR collaborates with various prosecutors' offices to ensure that crimes committed against women journalists are investigated with a gender perspective, which represents an advance in the impartiality and effectiveness of justice procedures.<sup>295</sup>

*Analysis and level of compliance with the recommendation*

324. The Commission insists that although it values the information in the abstract that the State submits to this IACHR, it is necessary to indicate through which specific and punctual measures and/or actions the recommendation would be complied with. In this regard, by affirming that the State guarantees "the

<sup>293</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 402-406.

<sup>294</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 75](#), Chapter V, September 30 and October 1, 2024.

<sup>295</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 75](#), Chapter V, September 30 and October 1, 2024.



adoption of a comprehensive approach to differentiated protection and the strengthening of the protection of women human rights defenders and journalists, from a comprehensive perspective," it is essential that specific information be submitted on those actions or measures through which such an approach would be adopted. In the same vein, the IACHR values the information reported on the creation of "*La Equipa*" However, there is also no information on how or from what actions "*La Equipa*" would be promoting safe spaces, nor the specialized measures that would be implemented in relation to defenders of the rights of their communities and the environment. By virtue of the foregoing, the Commission maintains the recommendation in **partial compliance**.

*Measures and information to advance the implementation of the recommendation*

325. In order to guide full compliance with this recommendation, the Commission reiterates the need to have information that accounts for how the differentiated measures of protection for the persons provided for in the recommendation are determined or established in practice. In this regard, the Commission urges the State to submit more information on the methodology implemented for the risk assessment, how it is carried out with a differentiated approach, and how the latter determines the protection measures that are granted.

**Recommendation No. 76** Urge the State to implement strategies so that the different institutions, at the various federal and state levels, work in an articulated manner in order to provide a comprehensive response on all issues related to the protection of human rights defenders, as well as journalists.

326. In Chapter V of the 2023 Annual Report, the IACHR observed that the State reiterated the creation of the Governing Board of the Protection Mechanism for Human Rights Defenders and Journalists, which coordinated actions to address cases and organized three national meetings with the participation of federal and state authorities. The State reported the signing of an agreement with the Mexican Social Security Institute to incorporate 925 independent journalists into the Social Security Regime. However, civil society organizations reported that, despite these efforts, coordination problems and the lack of additional measures persisted. The IACHR valued the information provided, but concluded that the recommendation remained partially complied with due to the lack of details on the effectiveness of inter-institutional coordination.<sup>296</sup>

*Compliance Information*

327. In 2024, the State reiterated the information submitted in 2022<sup>297</sup> and 2023<sup>298</sup>. In this regard, he referred to the creation of the Protection Mechanism for Human Rights Defenders and Journalists, which would have encouraged effective coordination between the Federation, the states and autonomous bodies, such as prosecutors' offices and human rights commissions. The State stated that the Mechanism operates under a structure that involves multiple actors and reaffirmed that the composition of the Governing Board includes various entities of the Federal Government, such as the Ministry of the Interior, the Ministry of Foreign Affairs, the National Guard, the FGR, the CNDH, and representatives of civil society, which would guarantee a multidimensional approach. The State reported that coordination between levels of government and the implementation of protection measures in a uniform and coherent manner throughout the country would be guaranteed. In addition, the Working Group for the Strengthening of the Mechanism, made up of international organizations such as the OHCHR and specialized civil society organizations, would have collaborated in the strengthening of the Mechanism. The State referred to the increase in the allocation of resources from the Mechanism, reiterating the information reported in the previous recommendations<sup>299</sup>. In its observations on

<sup>296</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 408-412.

<sup>297</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2022, párrs. 461 y 465.

<sup>298</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párr. 408.

<sup>299</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 76](#), Chapter V, September 30 and October 1, 2024.



this report, the State reported that the Mechanism provided 46 training courses to State authorities with the aim of raising awareness of the right to defend human rights.<sup>300</sup>

328. For their part, civil society organizations reported that they would continue to document cases in which there is no effective coordination between the request for protection measures by the Mechanism and its implementation. Specifically, with regard to the patrols of the police authorities, the beneficiaries report that, although they are fulfilled for a few months after the government meetings, they are rarely maintained continuously throughout the assigned accompaniment period.<sup>301</sup> According to civil society organizations, the lack of coordination between the mechanism and the municipal authorities continues to be a challenge, as well as the absence of coordination between the internal units of the Mechanism.<sup>302</sup>

#### *Analysis and level of compliance with the recommendation*

329. The Commission does not have information that accounts for how in practice articulated work is guaranteed between the institutions at the federal and state levels. Pending further details on the coordination measures implemented, the IACHR considers that the recommendation continues to **be partially complied with**.

#### *Measures and information to advance the implementation of the recommendation*

330. In order to guide the full implementation of this recommendation, the IACHR invites the State to report on the actions and strategies implemented to guarantee coordinated work between institutions at the federal, state, and municipal levels. The Commission invites the State to continue reporting details on how, in practice, this articulation would be materialized to provide a comprehensive response for the protection of human rights defenders and journalists.

**Recommendation No. 77** Encourage the protection mechanism to implement a dissemination strategy on its competencies, the requirements for entry into the program, among other necessary information, so that human rights defenders and journalists are aware of the protection that the mechanism can provide. Similarly, and in accordance with international standards, provide access to the necessary information on the protection mechanism, in order to provide greater transparency about the work being carried out.

331. According to the information reported by the State for the 2023 Follow-up Report, a dissemination and awareness-raising strategy was implemented on the Protection Mechanism and the defense of human rights, including training in 19 states and official accounts on social networks were set up, and the "Facing Freedom" campaign was launched in collaboration with the European Union and the Office of the United Nations High Commissioner for Human Rights. Human Rights in Mexico, which reached 22 states. However, civil society organizations reported that, although the Mechanism uses Twitter for dissemination, the communication strategy was still limited and did not reach the entire population. The IACHR appreciated the additional efforts, but concluded that the recommendation remained partially complied with, highlighting the need for a more inclusive and coordinated communication strategy.

#### *Compliance Information*

332. In 2024, the State reported that, through the General Coordination of Social Communication and Spokesperson of the Presidency, the SEGOB, in collaboration with the Delegation of the European Union (EU) and the Office of the United Nations High Commissioner for Human Rights, had implemented a

<sup>300</sup> Estado de México. Observaciones y comentarios del Estado mexicano al proyecto Capítulo V 2024 sobre el seguimiento a las recomendaciones formuladas por la Comisión Interamericana de Derechos Humanos en el informe "Situación de los derechos humanos en México", 16 de febrero de 2025.

<sup>301</sup> Artículo 19, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", del 11 de septiembre de 2024.

<sup>302</sup> Espacio OSC, Personas defensoras de derechos humanos y periodistas en situación de desplazamiento forzado interno en México, 2023, pp. 24-26.



comprehensive dissemination strategy on the Mechanism, and said that the campaign entitled "Facing Freedom" aims to make visible the risks faced by women and human rights defenders and journalists, and to raise awareness of available protection measures. These materials would be disseminated in public spaces and social networks, so that the information reaches all regions of the country, facilitating access for potential beneficiaries. Finally, the State reported that the authorities, including the Secretariat of Security and Citizen Protection (SSPC), the Unit for the Defense of Human Rights of the Interior, and the Ministry of Foreign Affairs, are actively participating in the dissemination and implementation of this strategy to ensure that defenders and journalists have clear and accessible information on the protection mechanisms available<sup>303</sup>.

#### *Analysis and level of compliance with the recommendation*

333. The Commission welcomes the dissemination of the "Facing Freedom" campaign and welcomes the fact that the campaign is replicated not only on social networks, but also in public spaces, and that the authorities are involved in the process of disseminating the content of the campaign that would make visible the protection measures available to the State. By virtue of the foregoing, the Commission concludes that the recommendation is **fully complied with**.

**Recommendation No. 78:** Encourage the protection mechanism to adopt a procedure that allows it to order ex officio protection measures in those cases that, due to their seriousness and urgency, require them immediately.

334. According to the information reported by the State for the 2023 Follow-up Report, the Commission took note of the work of the Case Reception and Rapid Reaction Unit, which is responsible for issuing and implementing Urgent Protection Measures immediately, in accordance with the Law for the Protection of Human Rights Defenders and Journalists. However, civil society organizations indicated that no specific measures had been put forward to address urgent cases, and that there had been a significant delay in the incorporation of journalists into the Protection Mechanism. They highlighted the case of Gustavo Sánchez Cabrera, a journalist murdered in 2021, who had faced delays in the evaluation and application of protection measures. The IACHR concluded that, although the law establishes procedures for urgent measures, these are initiated only from a request and not ex officio, concluding that the recommendation was still partially complied with. The State was urged to report on the implementation of a procedure to grant ex officio protection measures.<sup>304</sup>

#### *Compliance Information*

335. In 2024, the State said that the Mechanism grants preventive protection measures through a rigorous and technical process that evaluates the level of risk faced by applicants. This process is carried out through a comprehensive assessment that examines the context in which they operate, the nature of the threats received and the degree of vulnerability of the person in question. Depending on the results of this assessment, specific protection measures would be put in place, which could include escorts, bulletproof vests and surveillance cameras, or the temporary relocation of affected persons. The State reported that the measures are decided jointly by government institutions, beneficiaries, and civil society through its Advisory Council.

336. For their part, civil society organizations reported that the Mexican State has not presented measures or guidelines to address serious and urgent cases, and that there is a delay in the process of joining the Mechanism. In some accompanying cases, the organizations indicated that they had registered a delay in the incorporation of journalists into the Mechanism, which would make it inefficient and ineffective in situations of risk to the press.<sup>305</sup> Similarly, the IACHR and the Special Rapporteur for Freedom of Expression

<sup>303</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 77](#), Chapter V, September 30 and October 1, 2024.

<sup>304</sup> CIDH, [Informe Anual, Capítulo V, México](#), 2023, párrs. 419-422.

<sup>305</sup> Organización Ku'kay, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.



have received reports alleging a lack of timely response by the Mechanism to situations of gravity and extreme urgency affecting the beneficiaries.

*Analysis and level of compliance with the recommendation*

337. The Commission values the information reported regarding the analysis of the context, nature of the threats, and degree of vulnerability of the person in question, in the Mechanism's risk analysis process. However, this process does not account for how protection measures are being granted ex officio, guaranteeing immediate implementation. In this sense, although the process and criteria reported by the State would be objective, they do not differentiate between the protection measures granted as a result of an ordinary procedure *vis a vis* those measures that would be granted ex officio. In this regard, and pending specific information regarding the protection measures granted ex officio, the Commission maintains the recommendation as **partially complied with**.

*Measures and information to advance the implementation of the recommendation*

338. In order to guide full compliance with this recommendation, the IACHR invites the State to report on the difference in the processes for granting protection measures at the request of those granted ex officio. It is necessary for the State to inform whether the reported process is provided for in any regulation or ordinance that allows its permanence over time to be verified.

**Recommendation No. 79** To urge the State to redouble its efforts to investigate the facts that led to the entry and stay of persons covered by the protection mechanism, with a view to establishing the investigation as a preventive measure as a State policy.

339. According to the information reported by the State for the 2023 Follow-up Report, the Commission noted that, although the Protection Mechanism does not have the authority to investigate crimes, it encourages collaboration with state prosecutors' offices and works to strengthen a national network of authorities to improve attention to the problem. Civil society organizations, however, reported that impunity in cases of violence against the press remains high, with more than 97% of FEADLE cases unsentenced between 2012 and 2022. The IACHR observed difficulties in coordination between authorities and the lack of progress in investigations and prevention, maintaining the recommendation as partially complied with. The State was urged to strengthen institutional measures for the investigation of the facts that led to inclusion in the Mechanism and to provide information on the progress and results of these investigations.<sup>306</sup>

*Compliance Information*

340. In 2024, the State reported that risk analyses are carried out once a beneficiary is incorporated and protection measures are granted; then, when the Risk Assessment Unit has the file, it would be scheduled to carry out the risk assessment or re-evaluation, as the case may be. as well as the generation and approval of the protection plan by the Governing Board. In this way, it argues, the risk analyses take into consideration the vulnerability of human rights defenders and journalists and seek to generate protection plans that have suitable, effective, and temporary measures and that, in no case, such measures restrict the activities of the beneficiaries, nor do they imply surveillance or unwanted intrusions into their work or personal lives<sup>307</sup>.

341. In turn, civil society organizations alleged impunity in cases of violence against the press and highlighted that, of the FEADLE cases, more than 97% would not have a sentence (between 2012 and December 2022). The organizations indicated that the Federal Protection Mechanism would have rejected any

<sup>306</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 424-427.

<sup>307</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations. Recommendation 79](#), Chapter V, September 30 and October 1, 2024.



investigative act, arguing that it is not within its powers to investigate the facts, relegating the investigations to the state Prosecutor's Offices and the FGR<sup>308</sup>.

*Analysis and level of compliance with the recommendation*

342. The Commission warns that there is still a challenge in the coordination between authorities at different levels to assist in investigations and prosecutions, and that this has hindered progress and the development of effective processes that guarantee the right of access to justice. In this sense, there is no information that accounts for progress in coordination between authorities to contribute to the investigation processes, or in prevention strategies. The Commission therefore maintains the recommendation as **partially complied with**.

*Measures and information to advance the implementation of the recommendation*

343. To guide compliance with this recommendation, the Commission invites the State to adopt institution-building measures to ensure the investigation of the events that lead to the entry of persons into the Protection Mechanism, and to report on the results of these measures and on the progress made in the investigation processes related to the cases that are part of the Protection Mechanism. It is also suggested that you report on the actions taken to ensure that the investigation is carried out in an impartial, exhaustive and expeditious manner and that they lead to the proper prosecution and punishment of the persons responsible.

**Recommendation No. 80** Encourage the mechanism to adopt tools that allow it to measure the effectiveness of the measures implemented, as well as to increase the transparency of all actions taken to increase the confidence of the beneficiaries. This must be accompanied by the development of a policy of prevention and participation of the target population.

344. According to the information reported by the State for the 2023 Follow-up Report, the Commission took note of the work of the Prevention, Monitoring, and Analysis Unit of the Protection Mechanism, which is responsible for evaluating the measures implemented and proposing modifications and improvements. However, civil society organizations reported deficiencies in the risk analyses prepared by the Mechanism, which do not adequately provide for the context and updated information, and reported an increase in amparos, complaints, and denunciations against the Mechanism and its staff. The organizations also highlighted that, in 2022, out of 291 applications for incorporation, 152 were inadmissible without clear explanations. The IACHR, since it did not receive detailed information on the results of the evaluations carried out by the Prevention Unit, maintained the recommendation as pending compliance. It was suggested that the State adopt measures to have evaluation indicators that verify the effectiveness of the measures implemented, incorporating the perspective of users.<sup>309</sup>

*Compliance Information*

345. In 2024, the State reported that Mexican authorities, including the Secretariat of Security and Citizen Protection (SSPC), the Unit for the Defense of Human Rights of the Interior, and the Ministry of Foreign Affairs are participating in the dissemination and implementation of this strategy to ensure that defenders and journalists have clear and accessible information on the protection mechanisms available. The State reported that the risk analysis of a differentiated approach guarantees the gender perspective when conducting interviews with the beneficiaries. The State emphasized that the methodology has variants that are applied with this approach, which are the following: Discrimination and exclusion based on gender expression, gender condition, condition based on sex-gender orientation, age condition, indigenous condition and appearance, religious beliefs, socially stigmatized groups, disability conditions, and it would identify if they have faced any

<sup>308</sup> Organización Ku'kay, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", octubre de 2024.

<sup>309</sup> CIDH, [Informe Anual. Capítulo V. México](#), 2023, párrs. 429-432.



type of violence. Similarly, those situations that influence their work would be recorded. With all the information provided, it would be indicated if the beneficiaries have been affected by gender or violence.<sup>310</sup>

*Analysis and level of compliance with the recommendation*

346. The information reported by the State shows how a differentiated approach in the work of the Mechanism is being strengthened. However, no information related to measurement processes and evaluation of the effectiveness of the measures implemented is reported, as established in the recommendation. Nor is there any information on measures implemented to increase the confidence of beneficiaries. Consequently, the IACHR concludes that this recommendation is still **pending compliance**.

*Measures and information to advance the implementation of the recommendation*

347. In order to guide compliance with this recommendation, the IACHR invites the State to adopt initiatives that allow it to have evaluation indicators to verify the effectiveness of the measures implemented in their entirety. The Commission suggests that this assessment should include the perspective of the users of such measures.

### III. SUMMARY TABLE OF THE LEVEL OF COMPLIANCE WITH THE RECOMMENDATIONS

348. The following table shows the level of compliance by the State of Mexico with respect to each of the recommendations made by the Commission in its 2015 Report on the Situation of Human Rights:

Subject of the recommendation	Recommendation number	2023 Level of compliance	2024 Compliance Level
<b>Citizen Security</b>	1	Pending	<b>Unfulfilled</b>
	2	Pending	Pending
	3	Total	Total
	4	Partial	Partial
	5	Pending	Pending
	6	Partial	Partial
	7	Partial	<b>Total</b>
	8	Partial	<b>Total</b>
<b>Disappearances and enforced disappearances</b>	9	Partial	<b>Pending</b>
	10	Substantial Partial	Substantial Partial
	11	Partial	Partial
	12	Substantial Partial	<b>Total</b>
	13	Partial	<b>Follow-up closure</b>
<b>Torture</b>	14	Partial	Partial
	15	Total	Total
	16	Total	Total
	17	Partial	Partial
	18	Pending	Pending
	19	Partial	<b>Total</b>
	20	Partial	Partial
<b>Extrajudicial executions</b>	21	Pending	<b>Partial</b>
	22	Substantial Partial	Substantial Partial
	23	Partial	Partial
	24	Substantial Partial	<b>Partial</b>

<sup>310</sup> SIMORE Inter-American, [Progress report of the Mexican State on compliance with and follow-up to the IACHR's recommendations, Recommendation 80](#), Chapter V, September 30 and October 1, 2024.



	25	Partial	Partial
	26	Partial	<b>Total</b>
	27	Partial	<b>Substantial Partial</b>
<b>Access to justice</b>	28	Total	Total
	29	Partial	Partial
	30	Partial	Partial
	31	Partial	Partial
	32	Partial	Partial
	33	Substantial Partial	Substantial Partial
	34	Partial	Partial
	35	Pending	Pending
	36	Total	Total
	37	Total	Total
<b>People in a particular situation of vulnerability – LGBTI people</b>	38	Partial	<b>Substantial Partial</b>
	39	Partial	<b>Substantial Partial</b>
<b>People in particular vulnerable situations – women</b>	40	Partial	<b>Substantial Partial</b>
	41	Partial	<b>Substantial Partial</b>
	42	Total	Total
	43	Partial	Partial
	44	Partial	Partial
<b>People in particular vulnerable situations – children and adolescents</b>	45	Partial	<b>Total</b>
	46	Partial	Partial
<b>People in particular situations of vulnerability – indigenous peoples and serious human rights violations</b>	47	Substantial Partial	Substantial Partial
	48	Total	Total
	49	Partial	<b>Substantial Partial</b>
<b>Persons in a particular situation of vulnerability – persons deprived of liberty</b>	50	Pending	Pending
	51	Pending	<b>Partial</b>
	52	Substantial Partial	Substantial Partial
	53	Pending	<b>Partial</b>
	54	Partial	Partial
	55	Total	Total
<b>People in a particular situation of vulnerability – migrants</b>	56	Follow-up closure	Follow-Up Closure
	57	Substantial Partial	Substantial Partial
	58	Partial	<b>Substantial Partial</b>
	59	Partial	Partial
<b>People in particular situations of vulnerability – human rights defenders</b>	60	Partial	<b>Substantial Partial</b>
<b>Freedom of expression</b>	61	Pending	Pending
	62	Partial	Partial
	63	Substantial Partial	<b>Total</b>
	64	Pending	Pending
	65	Partial	Partial
	66	Substantial Partial	Substantial Partial
	67	Partial	Partial
<b>Access to information</b>	68	Substantial Partial	<b>Pending</b>
	69	Partial	Partial
	70	Partial	<b>Substantial Partial</b>
<b>Defenders and Journalists Mechanism</b>	71	Partial	Partial
	72	Partial	<b>Total</b>



	73	Substantial Partial	Substantial Partial
	74	Partial	Partial
	75	Partial	Partial
	76	Partial	Partial
	77	Partial	<b>Total</b>
	78	Partial	Partial
	79	Partial	Partial
	80	Pending	Pending

#### IV. CONCLUSIONS

349. The Inter-American Commission on Human Rights has carried out an exhaustive and detailed follow-up analysis of the recommendations presented in the 2015 Country Report with respect to Mexico. This analysis accounts for certain advances and commitments on the part of the Mexican State to comply with its international human rights obligations. However, multiple challenges and obstacles remain that must be overcome to ensure effective compliance with the recommendations issued.

350. In the 2024 analysis, of the 80 recommendations provided for in this Report, it is observed that: 22.50% are in full compliance, 21.25% in substantial partial compliance, 40.00% in partial compliance, 12.50% remain pending compliance, 1.25% are not complied with, and 2.50% have a follow-up closure. These data represent a significant advance compared to the 2023 report, where 11% of the recommendations were in full compliance and 17% in substantial partial compliance. However, significant challenges remain in the effective implementation of the recommendations. In particular, there are key areas where the actions of the State have not been sufficient to guarantee a substantial improvement. The IACHR reiterates the need for concrete structural measures that ensure sustained progress and fully respect human rights, overcoming the limitations that have hindered more significant progress in previous years.

351. The 2024 follow-up report reveals a mixed picture in relation to progress in complying with the recommendations issued by the IACHR to the Mexican State. On the one hand, there has been some progress in areas such as the professionalization and strengthening of police forces and the adoption of public policies for mental health and addiction care, as well as in the establishment of disaggregated information systems that address violence against vulnerable groups. In these areas, the State's commitment has made it possible to achieve substantial levels of total or partial compliance, highlighting the implementation of national strategies and training programs that contribute to the improvement of institutional capacities and the attention to social problems.

352. However, significant challenges remain, particularly in the area of the militarization of public security and the lack of effective implementation of independent accountability mechanisms. The transfer of the GN to SEDENA and the persistent participation of the Armed Forces in citizen security tasks represent a setback in the application of international standards, which contravenes the recommendations to limit military action in civilian functions. The lack of progress in creating an independent body of accountability, as well as mass dismissals in key institutions such as the CNB, have raised concerns related to institutional weakness in addressing the country's disappearance crisis.

353. With regard to the mechanisms for searching for and identifying disappeared persons, there is an institutional weakening that affects the State's ability to guarantee the implementation of the General Law on Disappearances. The lack of adequate regulation, the failure to create forensic records and the fragmentation in coordination between authorities prevent significant progress and aggravate the situation of uncertainty for the relatives of disappeared persons.

354. Finally, although there are efforts to update public policies with a focus on human rights, worrying setbacks persist in critical areas such as the investigation of serious human rights violations,



transparency in the operation of national registries, and cooperation with international justice mechanisms. Resistance to implementing structural reforms and the lack of concrete actions to ensure the effective participation of victims and their families limit progress in achieving justice and comprehensive reparation.

355. In conclusion, although some progress is recognized, the 2024 report shows a worrying trend of regression in fundamental areas, which forces the IACHR to maintain most of the recommendations in partial or pending compliance. It is essential that the Mexican State strengthen its commitment to human rights through the effective implementation of the recommendations issued, prioritizing institutional strengthening, transparency, and comprehensive protection of the rights of all people, particularly those most vulnerable groups.





**Follow-Up of  
Recommendations  
in Country or  
Thematic Reports**

---

**Peru**



---

## **CHAPTER V: PERU**

<b>I.</b>	<b>INTRODUCTION .....</b>	<b>1143</b>
<b>II.</b>	<b>FOLLOW-UP TO RECOMMENDATIONS .....</b>	<b>1145</b>
A.	Dialogue and overcoming the crisis .....	1145
B.	Citizen Security .....	1151
C.	Reparation and care for victims of human rights violations.....	1157
D.	Combating impunity .....	1166
E.	Democratic institutions.....	1175
F.	Freedom of expression, assembly and association.....	1182
G.	Other.....	1192
<b>III.</b>	<b>SUMMARY TABLE OF THE LEVEL OF COMPLIANCE WITH THE RECOMMENDATIONS .....</b>	<b>1193</b>
<b>IV.</b>	<b>CONCLUSIONS.....</b>	<b>1194</b>



---

## CHAPTER V

### **FOLLOW-UP TO RECOMMENDATIONS MADE BY THE IACHR IN ITS COUNTRY OR THEMATIC REPORTS**

#### **FIRST FOLLOW-UP REPORT ON THE RECOMMENDATIONS MADE BY THE IACHR IN THE 2023 REPORT ON THE SITUATION OF HUMAN RIGHTS IN PERU IN THE CONTEXT OF SOCIAL PROTESTS**

##### **I. INTRODUCTION**

1. The purpose of this chapter is to follow up on the recommendations issued in the Report on the Situation of Human Rights in Peru in the Context of Social Protests, which was approved on April 23, 2023 by the Inter-American Commission on Human Rights (hereinafter "Commission", "Inter-American Commission" or "IACHR"), in compliance with paragraph 9 of Article 59 of its Rules of Procedure. In accordance with this provision, the Commission will follow-up, through Chapter V of its Annual Report, on the measures adopted by the member states of the Organization of American States (hereinafter "OAS") to comply with the recommendations made in the IACHR's country or thematic reports.

2. With respect to the background to this follow-up report, in the context of the 2022 crisis of democratic and social institutions in Peru, the IACHR carried out a working visit to the country from January 11 to 13, 2023, which was preceded by a preparatory technical mission of the Executive Secretariat, which took place from December 20 to 22, 2022.

3. In 2023, the IACHR issued the Report on the Situation of Human Rights in Peru in the Context of Social Protests (hereinafter "Country Report").<sup>1</sup> In accordance with the provisions of Article 59(5) of its Rules of Procedure, in preparing this report, the Commission relied on the findings and information obtained before, during, and after the aforementioned visit and, in the investigations carried out ex officio, information provided by the State, inputs from the different mechanisms through which the IACHR has followed up on the situation in the country, as well as journalistic articles, decisions and recommendations of specialized international organizations, among others.

4. In the Country Report, which includes events that occurred between December 7, 2022 and January 23, 2023, the Commission addressed the human rights situation in Peru, in the context of numerous and massive peaceful demonstrations, as well as acts of violence that occurred outside the right to protest. The Commission recorded complex situations of social conflict that ended with dozens of deaths and hundreds of injuries, reporting acts of disproportionate use of force, attacks on journalists, as well as mass arrests of demonstrators. The IACHR's findings were recorded in the context of the country's structural problems, such as inequality or historical discrimination against certain groups.<sup>2</sup>

5. Based on the IACHR's findings, the Country Report issued 36 recommendations addressed to the State, in accordance with the following six thematic axes: (i) Dialogue and overcoming the crisis, (ii) citizen security, (iii) reparation and attention to human rights victims, (iv) fight against impunity, (v) democratic institutions, and (vi) freedom of expression, meeting and partnership.

---

<sup>1</sup> IACHR, [Report on the Situation of Human Rights in Peru in the Context of Social Protests](#), OEA/Ser.L/V/II. Doc. 57/23, April 23, 2023.

<sup>2</sup> IACHR, [Report on the Situation of Human Rights in Peru in the Context of Social Protests](#), OEA/Ser.L/V/II. Doc. 57/23, April 23, 2023, para. 26.



6. This is the first IACHR report to follow up on compliance with the recommendations of Peru's latest Country Report. In particular, it identifies the State measures adopted to comply with the Commission's recommendations, as well as the pending challenges in terms of implementation, based on the information provided by the State, civil society organizations, and publicly available information.

7. In the process of following up on the recommendations of the Country Report, on May 3, 2023, the IACHR requested information from the State of Peru on their compliance, which it received from the State on January 8, 2024 and which it published through the Inter-American SIMORE. In addition, on the occasion of the preparation of this follow-up report, on November 8, 2024, the IACHR again requested the State to submit, within 30 days, information on compliance with the recommendations contained in the Country Report. Consequently, the State provided the requested information on December 11, 2024<sup>3</sup>, which it also published through the Inter-American SIMORE, so it can be consulted by anyone through this computer tool<sup>4</sup>. The Commission appreciates and is grateful for the information received, which, as relevant, was included in the present report.

8. In addition, the IACHR conducted a high-level visit to the Peruvian State on August 12 and 13, 2024, to hold meetings with the Executive Branch, the Congress of the Republic, the Judiciary, the Ombudsman's Office, the Public Prosecutor's Office, the electoral bodies, and the Constitutional Court. These meetings allowed the IACHR to gather information on the progress and challenges in implementing the recommendations.

9. For its part, the IACHR also sent a questionnaire to civil society organizations in order to provide relevant information for the follow-up to the recommendations. Part of these responses were published through the Inter-American SIMORE, so they can also be consulted through this computer tool<sup>5</sup>. The IACHR is grateful for the information provided, which was taken into account as pertinent to the follow-up to the recommendations of the Country Report.<sup>6</sup>

10. On February 14, 2025, the Commission transmitted to the State a copy of the preliminary draft of this report, in accordance with Article 59(10) of its Rules of Procedure, and requested that its observations be forwarded. On March 14, 2025, the Commission received the State's comments; which, as appropriate, were incorporated into this version and whose document is annexed to this Report. The final version of this Report was approved by the Commission on 26 March 2025.

11. This follow-up report analyzes the measures adopted by the State to comply with the Commission's recommendations and the challenges pending their implementation. The level of compliance with the recommendations is evaluated in accordance with the General Guidelines for Follow-up on Recommendations and Decisions of the IACHR,<sup>7</sup> following the thematic structure incorporated in the Country Report. The preparation of this document is consistent with the IACHR's practice in following up on recommendations.

---

<sup>3</sup> State of Peru, [Note 7-5-M/236, Response to IACHR Questionnaire](#), December 11, 2024.

<sup>4</sup> Inter-American SIMORE, [Response to the questionnaire of the Report of the Peruvian State on the implementation of recommendations of the country report "Situation of Human Rights in Peru in the context of the social protests of the Inter-American Commission on Human Rights"](#), December 2024.

<sup>5</sup> Inter-American SIMORE, [Response to the follow-up questionnaire to the Report on the situation of human rights in Peru](#), December 2024.

<sup>6</sup> The Association for Human Rights (Aprodeh), the Episcopal Commission for Social Action (CEAS), the National Coordinator of Human Rights (CNDDHH), the Institute of Legal Defense (IDL), the Study for the Defense of Women's Rights (Demus), the Ecumenical Foundation for Development and Peace (Fedepaz), Peace and Hope and the Center for Justice and International Law (CEJIL). Response to the follow-up questionnaire to the Report on the situation of human rights in Peru, December 17, 2024. Institute of Democracy and Human Rights of the Pontificia Universidad Católica del Perú, Report on compliance with recommendations established by the IACHR in its Report on the Human Rights Situation in Peru in the Context of Social Protests, December 9, 2024.

<sup>7</sup> IACHR, [General Guidelines for Follow-up on Recommendations and Decisions of the Inter-American Commission on Human Rights](#), OEA/Ser.L/V/II. Doc.385/23 (second edition), November 20, 2023.



12. This report is divided into four sections in accordance with the thematic axes of the recommendations being followed. With respect to each recommendation under follow-up, the report presents: (i) the information that has been known to the IACHR since the publication of the Country Report reported by the State and civil society organizations, as well as that collected in the monitoring of the general human rights situation in the country;<sup>8</sup> (ii) the analysis of the level of compliance and refers to the main progress and implementation challenges identified by the Commission, according to the information known since the publication of the Country Report until 2024; (iii) a diagnosis by the IACHR of the specific information that the State has not submitted or of the measures that remain to be adopted to determine progress in the level of compliance with the recommendation; and (iv) its conclusions regarding the progress and challenges of compliance with the set of recommendations of the Country Report analyzed.

13. Full compliance with the IACHR's recommendations is essential to ensure the full observance of human rights in the OAS member states and to strengthen the Inter-American Human Rights System (hereinafter "IAHRS"). The current international scenario requires that the actors involved actively participate by reporting information on measures to comply with the decisions adopted by international organizations.

14. The IACHR reiterates the importance of full compliance with the recommendations made in the report and that the follow-up make it possible to establish a process of dialogue with the State of Peru in order to achieve suitable, timely, and effective measures that achieve the objectives of each recommendation that the Commission has formulated for the promotion and protection of human rights.

## II. FOLLOW-UP TO RECOMMENDATIONS

### A. Dialogue and overcoming the crisis

**Recommendation No. 1.** Design and implement, from the highest level of the State, a strategy of genuine dialogue, with an ethnic and territorial approach, which allows listening to all sectors and levels of the political and administrative division, especially those that have been most affected by historical, social and structural discrimination in the country.

#### *Compliance Information*

15. In 2024, the State reported on the implementation of the Together for Peace and Governance Strategy<sup>9</sup>, at the time of the political crisis, which included the preparation of an intervention guide called "Dialogue Tables: Together for Social Peace and Governance".<sup>10</sup> It also stated that, between January and March 2023, spaces for Dialogues for Peace and Governance were installed in the regions of Huancavelica (February 10), Pasco (February 9), Huánuco (January 17), Junín (January 23), Loreto, San Martín, Ucayali, Amazonas (January 31), Ica (February 9) and Lambayeque (February 24). These spaces were convened in response to the need to work together to recover social stability and initiate efforts to address the main challenges of the territories. At a later time, these spaces for dialogue focused on addressing the department's priorities on public policies, public investments or other types of interventions, which was called the "departmental agenda".

16. Peru noted that, for these dialogues, the "Guidelines for the Promotion of Women's Meaningful Participation in Dialogue Processes for the Attention of Social Conflicts" (2021)<sup>11</sup> and the "Guidelines and protocols for the intervention of the Executive Branch, regional and local governments in matters of social

<sup>8</sup> To this end, the IACHR has made use of information gathered during public hearings, investigations conducted ex officio, inputs from the petition and case mechanisms and precautionary measures, and responses to requests for information submitted under the authority established in Article 41 of the American Convention on Human Rights; as well as information collected from other public sources, and the decisions and recommendations of specialized international organizations, among others.

<sup>9</sup> State of Peru, Note No. 7-5-M/010, Report of the Peruvian State on the implementation of recommendations of the country report "Situation of Human Rights in Peru in the context of the social protests of the Inter-American Commission on Human Rights," January 18, 2024, para. 11.

<sup>10</sup> Guide prepared on December 11, 2023.

<sup>11</sup> Resolution No. 009-2021-PCM/SGSD.



management and dialogue" (2021)<sup>12</sup> were used. The State has reported that the latter are in the process of being updated through the organization of a working group made up of public entities<sup>13</sup>. The State also reported that an update of the "Protocol for Monitoring and Management of Commitments of the Secretariat of Social Management and Dialogue" has been approved.

17. In relation to the implementation of a policy of permanent dialogue, the State reported that in 2024 around 1900 meetings had been promoted; this includes those of a preventive nature, coordination, and dialogue with local authorities in Apurímac, Cusco, Puno, Arequipa, and Lima. In addition, the meetings of Committees for the Prevention and Management of Social Conflicts in Amazonas, Callao, Lima Provinces, Ayacucho, Pasco, Junín, Arequipa, Lambayeque, Piura and other regions, which aim to develop an articulated analysis between the Executive and local authorities of the conflict scenarios in each region, propose preventive actions and jointly address the specific problems of these regions. In the same vein, the Commission was informed that efforts were made to strengthen and create Dialogue Offices in the Regional Governments.

18. The State reported to the IACHR that the process of formulating the National Multisectoral Policy for the Prevention and Management of Social Conflicts was formalized, which created the Multisectoral Working Group (GTM) in charge of preparing the policy proposal, which was installed on December 3, 2024.<sup>14</sup> Likewise, with regard to capacity-building in conflict prevention and social management, it indicated that the development of a Diploma Program in Dialogue, Prevention and Management of Social Conflicts aimed at public officials of the central and regional governments had begun.

19. For its part, civil society reported the importance of designing spaces for dialogue that have the institutional capacity to address the demands identified in each region; To this end, efforts must be made to implement the agreements reached, particularly in relation to public services that are essential to meet social demands, such as health, education, justice and economic development. Likewise, the lack of participatory follow-up mechanisms for the results that emerge from these tables was stressed, and the necessary strengthening of the autonomy of local and regional governments to lead the dialogues in each of their territories and specific contexts was highlighted.

#### *Analysis and level of compliance with the recommendation*

20. The IACHR thanks the State and civil society for the information provided and recognizes the State measures adopted within the framework of the Together for Peace Strategy to generate channels of dialogue, based on the normative instruments approved and updated (Guides and Guidelines), and the spaces for dialogue organized. In this regard, the IACHR identifies that the actions implemented seek to address issues such as social peace, governance, conflict prevention, and social management.

21. The IACHR identifies the need for more information about the contents of the dialogues that have taken place since 2023 in the different regions, the objectives they have addressed, which sectors have been heard and whether they belong to groups that have historically been discriminated against, what their demands have been, and the agreements reached, and whether they have had an impact on the formulation of public policies.<sup>15</sup> It is essential that the dialogues are carried out in a decentralized manner and that the strategy includes not only the organization of spaces for exchange but also actions so that these have a tangible impact on decision-making processes and public policy formulation,<sup>16</sup> with concrete agreements and clear, transparent and participatory mechanisms or monitoring instruments. Likewise, although the dialogue

<sup>12</sup> Resolution No. 008-2021-PCM-SGSD.

<sup>13</sup> Multiple Memorandum No. D000005-2024-PCMSGSD.

<sup>14</sup> Ministerial Resolution No. 308-2024-PCM, of November 24, 2024. State of Peru, [Note No. 7-5-M/236](#), Response to the questionnaire of the Report of the Peruvian State on the implementation of recommendations of the country report "Situation of Human Rights in Peru in the context of the social protests of the Inter-American Commission on Human Rights", December 11, 2024.

<sup>15</sup> IACHR, [Report on Public Policies with a Human Rights Approach: Approved by the Inter-American Commission on Human Rights](#), OEA/Ser.L/V/II. Doc.191/18, September 15, 2018, para. 61.

<sup>16</sup> IACHR, [Report on Public Policies with a Human Rights Approach: Approved by the Inter-American Commission on Human Rights](#), OEA/Ser.L/V/II. Doc.191/18, September 15, 2018, para. 61.



strategy is an obligation of means, and not of results, for the Commission it is essential that its main motivation is an adequate approach to the prevention and resolution of conflicts, as well as genuine channels of encounter between actors and institutions.

22. Recognizing the State's actions and taking into account that the IACHR needs additional specific information on the development of the qualities required to guarantee a genuine and effective dialogue strategy with results, it calls for the strengthening of the mechanisms for monitoring the agreements and the impact of these channels on effective decision-making. In the meantime, the Commission identifies that the recommendation has been **partially complied with**.

*Measures and information to advance the implementation of the recommendation*

23. The Commission urges the State to continue strengthening decentralized channels of dialogue, focused on groups particularly affected by the protests that occurred between 2022 and 2023. It also highlights the need for these spaces of dialogue to generate agreements that allow an adequate approach to conflicts between public institutions and citizens. In order to move forward with the fulfillment of the recommendation, it will be necessary to have the text of the Together for Peace Strategy, as well as its instruments and the details of the actions implemented; in particular, to know the regional or local authorities with which these dialogues have been carried out, and how the presence of those who have been the most affected by historical, social and structural discrimination in the country has been ensured.

**Recommendation No. 2.** Guarantee the participation of indigenous peoples and peasant communities in decision-making spaces on policies, programs, and other measures related to matters of national interest, including those related to development.

*Compliance Information*

24. In 2024, the State reported that, since 2023, three working meetings have been organized within the framework of the "Permanent Multisectoral Commission in charge of proposing, monitoring, and overseeing the implementation of strategic measures and actions for the comprehensive development of indigenous or native peoples in the country."<sup>17</sup> The Multisectoral Commission is made up of 12 sectors of the Executive Branch and seven indigenous organizations of national scope, which seeks to articulate and develop proposals for actions between indigenous organizations and public entities.

25. The State reported the creation of the Multisectoral Commission in charge of proposing and overseeing the implementation of strategic measures and actions for the sustainable and integral development of the indigenous or native peoples of the Central Jungle,<sup>18</sup> in which 13 sectors of the Executive Branch, four regional governments, and two regional indigenous organizations participate. This commission held internal coordination meetings and prepared its Work Plan.<sup>19</sup>

26. The State also highlighted the request for the incorporation of organizations representing indigenous or native peoples and the Afro-Peruvian people into the National Accord Forum held by the Executive Branch. This forum is a space for dialogue and consensus-building, which seeks to represent the interests of different sectors of the country. In response to this request, indigenous peoples' organizations were invited to the Second Decentralized Meeting of the Agreement.<sup>20</sup>

<sup>17</sup> As reported, it was created by Supreme Decree No. 005-2021-MC and has as its antecedent the Working Group of a permanent nature, in charge of coordinating, proposing and monitoring public policies that involve indigenous peoples and/or require an intercultural approach, in a participatory manner, between representatives of the Vice Ministry of Interculturality and indigenous peoples. through its national representative organizations - GTPI, which was created with Ministerial Resolution No. 403-2014-MC of November 6, 2014.

<sup>18</sup> Supreme Decree No. 040-2023-PCM, March 24, 2023.

<sup>19</sup> The Work Plan was approved at a meeting held in the city of Satipo, on July 18, 2024.

<sup>20</sup> It was held on November 2, 2023 in the city of Iquitos, department of Loreto.



27. The Commission received information from civil society regarding the alleged lack of dialogue or consultation for the approval of Law No. 31973<sup>21</sup>, which amends the Forestry and Wildlife Law (Law No. 29763). According to information provided by civil society organizations, this law would reduce the mechanisms of control and oversight of illegal activities and would make it possible to legalize the territory of those who exploit forests without permission, affecting the collective rights of indigenous peoples, as well as biodiversity in the Amazon. Likewise, the UN Special Rapporteur on the rights of indigenous peoples pointed out, in a press release of January 31, 2024, that this law "could legalize and encourage the dispossession of indigenous peoples' lands and even threaten their physical and cultural survival."<sup>22</sup> In the same vein, it was pointed out to the IACHR that Supreme Decree No. 005-2024-MINAM,<sup>23</sup> which would limit the work of the National Environmental Certification Service (SENACE)<sup>24</sup> with respect to the approval of investment projects, had been approved without consultation or participation of indigenous organizations.

28. In relation to the quality of the participation of indigenous peoples' organizations, civil society expressed concern about the questions that exist about the timing of prior consultation, the interlocutors who are summoned, or the scope of what is being discussed; especially in relation to extractive activities and their impact on the exercise of indigenous peoples' rights. In this way, the IACHR was told that, although the right to consultation and participation of indigenous peoples in different public projects involving their communities has been recognized<sup>25</sup>, these mechanisms of indigenous participation are perceived as a formal or symbolic process, rather than as a central pillar in the country's governance. This, to the extent that they would not guarantee the inclusion of the protection of the collective rights of indigenous peoples in the norms or in the adoption of public policies.

*Analysis and level of compliance with the recommendation*

29. The IACHR has taken note of the spaces for dialogue with registered indigenous peoples' organizations, and of the requests made for the incorporation of the organizations into the National Agreement, and thanks the State for the information reported. The Commission has also received information provided by civil society on the laws that have been approved and that affect the collective rights of indigenous peoples, without allegedly implementing adequate and timely mechanisms for consultation or dialogue with indigenous peoples.

30. For the purposes of analyzing the guarantees of participation of indigenous peoples in the decision-making processes on measures of national interest established in the recommendation, it is relevant to note that the jurisprudence of the IACHR has established, as part of the obligations of the States, the importance of implementing mechanisms for consultation and participation with indigenous peoples, whenever measures are taken that affect their collective rights.<sup>26</sup> The main function of these mechanisms is the adequate protection of the rights affected, and their inclusion in the construction of national development models. Therefore, these must have some essential characteristics: (i) that they are prior to the decision, (ii) free of pressure, (iii) with adequate information on the measure to be adopted. Likewise, the mechanisms of participation must be carried out in good faith; that is, they are aimed at reaching agreements or obtaining the consent of members of indigenous peoples.<sup>27</sup> This obligation would not only be an obligation of result; rather,

<sup>21</sup> Congress of the Republic of Peru, [Law No. 31973](#), January 11, 2024.

<sup>22</sup> [UN Human Rights Council Special Rapporteur on the Rights of Indigenous Peoples, Communiqué of 31 January 2024](#).

<sup>23</sup> [Supreme Decree No. 005-2024-MINAM](#), July 25, 2024.

<sup>24</sup> Entity in charge of approving Environmental Impact Assessments (EIAs) and issuing certifications for large-scale mining projects.

<sup>25</sup> Peruvian Constitutional Court, Judgment of Exp. No. [00151-2021-PA/TC](#), February 28, 2024.

<sup>26</sup> Inter-American Court H.R., Case of the Saramaka People. v. Suriname, Preliminary Objections, Merits, Reparations and Costs, Judgment of November 28, 2007, Series C No. 172, para. 133; Case of the Kichwa Indigenous People of Sarayaku v. Ecuador, Merits and Reparations, Judgment of June 27, 2012, Series C No. 245, para. 17.

<sup>27</sup> International Labour Organization, [Convention No. 169](#), Article 6.2.



in order to be achieved, it must have measures that demonstrate that the needs and interests of indigenous peoples have been valued and incorporated at the time of adopting such measures.<sup>28</sup>

31. Although the IACHR recognizes the information provided by the State, it does not have specific data after the protests that occurred between 2022 and 2023 that would corroborate the adoption of strategies, or the strengthening of existing ones, aimed at guaranteeing the participation of indigenous peoples and communities. Therefore, pending information indicating progress in guaranteeing the participation of indigenous peoples, it considers that compliance with the recommendation is **pending**.

*Measures and information to advance the implementation of the recommendation*

32. The Commission recalls the importance of guaranteeing mechanisms for the participation and prior consultation of indigenous peoples and communities in decision-making spaces, the omission of which was one of the factors that favored the escalation of the social conflicts that led to the protests between 2022 and 2023. The Commission urges the State to improve existing channels of dialogue and generate new ones, that allow for the effective inclusion of the needs and interests of indigenous peoples in decision-making processes, and that comply with the characteristics determined in the judgments of the Inter-American Court of Human Rights and in the framework of Convention No. 169 of the International Labor Organization.

**Recommendation No. 3.** Design a public policy with a national scope and with a human rights perspective, which is aimed at the elimination and prevention of discrimination and stigmatization of persons based on their ethnic-racial origin or socioeconomic condition. This public policy must include, among others, the design and implementation of a pedagogical plan that is integrated into the country's permanent education policy.

*Compliance Information*

33. In 2024, the State reported the approval of the 2023 "Peru without Racism" Strategy<sup>29</sup>; which contained a plan of activities that included: (i) technical assistance for the preparation of ordinances; ii) development of "Peru without racism" fairs; (iii) development of actions for the strengthening of intercultural capacities; (iv) technical assistance to police stations for dealing with cases of ethnic-racial discrimination; v) recognition of "Good Intercultural Practices in Public Management"; (vi) "Peru without racism" communication strategy; and (vii) strengthening of the Guidance Service against Ethnic-Racial Discrimination (ORIENTA).<sup>30</sup> In the same vein, the State reported that, for 2024, it formulated a proposal for a Multisectoral Strategy "Peru without Racism" for 2030, which is being evaluated by the different sectors of the Executive Branch before its approval.

34. The State indicated that, since 2013, it has implemented an Alert Platform against Racism that aims to generate information on acts of ethnic-racial discrimination and encourage active citizens to report these acts. It also stressed that the ORIENTA service was established<sup>31</sup> to provide attention to people who report cases of discrimination. In addition, the implementation of capacity-building actions for the intercultural approach of public servants through MOOC courses, and for school audiences, with recreational educational activities, was reported.

35. In addition, the State highlighted the preparation and submission to Congress of the Bill for the Promotion of Cultural Diversity for the Prevention, Eradication, and Punishment of Ethnic-Racial Discrimination, promoted by the Executive Branch, which seeks to promote positive recognition of the identities and contributions of the different ethnic-cultural groups, to implement mechanisms with cultural and differentiated relevance, to promote and disseminate the worldview, history, culture, traditions, knowledge

<sup>28</sup> Inter-American Court H.R., Case of the Saramaka People. v. Suriname, Preliminary Objections, Merits, Reparations and Costs, Judgment of November 28, 2007, Series C No. 172, para. 133.

<sup>29</sup> [Ministerial Resolution No. 000187-2023-MC](#), May 16, 2023.

<sup>30</sup> Directorial Resolution No. 000002-2023-DGCI/MC, September 27, 2023.

<sup>31</sup> [Supreme Decree No. 013-2021-MC](#), July 20, 2021.



and traditional knowledge and to guarantee bilingual intercultural education.<sup>32</sup> The project is still being discussed, without yet having a favorable pre-opinion from the commissions that review it.

36. The State reported on the preparation of the National Policy on Indigenous or Native Peoples (PNPI), which contains intercultural public services. The policy is being debated in working meetings with indigenous organizations, prior to the development of a prior consultation process.<sup>33</sup> The State also referred to the process of updating the Intercultural Bilingual Education Policy (EIB), which incorporates cultural and linguistic diversity into the educational system as a learning opportunity, and the construction of a plural society free of racism.

37. Likewise, the State stated that, on December 4, 2024, it approved the National Multisectoral Human Rights Policy,<sup>34</sup> which seeks to reduce inequality and structural discrimination, guaranteeing the full exercise of people's rights. It was prepared through a participatory process with public entities, the Roundtable for Poverty Reduction, civil society and private sector institutions, as well as the Office of the United Nations High Commissioner for Human Rights (OHCHR), which were part of the Multisectoral Working Group organized for the approval of the Policy. According to the information received by the State, the contribution of inputs was reportedly requested from civil society organizations that are part of the Group, but none had been received. Likewise, at the last meeting of the Plan in the Working Group, the entity representing civil society voted against its approval.

38. For its part, the IACHR took note of information sent by civil society on the "Peru Without Racism" strategy and the process of approval in the Legislative Branch of the bill on the Promotion of Cultural Diversity. According to civil society, both the implementation of the strategy and the approval and implementation of this bill require the strengthening of effective monitoring and evaluation mechanisms to measure its impact, and the necessary participation mechanisms.

39. In relation to the National Policy on Indigenous or Native Peoples (PNPI) and the approval of the National Multisectoral Human Rights Policy (PNDH), civil society emphasized the alleged lack of real dialogue for its approval. This is particularly true in the case of the PNDH, since the lack of attention to the observations submitted by civil society and its limited participation in the Multisectoral Commission in charge of preparing it were questioned. In addition, civil society criticized the fact that the process of developing these policies had been marked by the acts of violence included in the Country Report, as well as the approval of norms that go against Peru's international obligations in the field of human rights, such as the release of Alberto Fujimori.

#### *Analysis and level of compliance with the recommendation*

40. The IACHR has insisted that the principle of non-discrimination is one of the pillars of any democratic system and one of the fundamental foundations of the system for the protection of human rights, particularly in relation to groups that have historically been discriminated against.<sup>35</sup> In this sense, discrimination constitutes a way of perpetuating a situation of social vulnerability against a group based on its ethnic, racial origin or socioeconomic condition. For this reason, a policy aimed at the elimination and prevention of discrimination and stigmatization must have mechanisms for reporting and punishing specific situations of violence and must address situations of structural racism through awareness-raising and information plans, in particular their inclusion in the educational policies that are taught in education systems in general.

41. The Commission welcomes the approval of the 2024 National Multisectoral Human Rights Policy and the approval of the 2023 "Peru without Racism" Strategy. In this regard, the Commission notes the

<sup>32</sup> Bill No. 6311/2023-PE, November 6, 2023.

<sup>33</sup> The last meeting of 2024 was held on November 29, 2024.

<sup>34</sup> Supreme Decree No. 018-2024-JUS, approving the National Multisectoral Human Rights Policy for 2040, December 4, 2024.

<sup>35</sup> IACHR, [Compendium on Equality and Non-Discrimination. Inter-American Standards](#), OEA/Ser.L/V/II.171. Doc. 31, February 12, 2019, para. 2.



need for information that would make it possible to know the scope of the implementation of these documents. In addition, it takes note of the existence of the "Alert Against Racism" program and ORIENTA; and notes the progress made in the approval of national policies on indigenous or native peoples and on bilingual intercultural education, in addition to the process of approval of the bill on the Promotion of Cultural Diversity.

42. The Commission identifies that, although work is being done to strengthen the methodology of Intercultural Bilingual Education (EIB), this policy is specifically aimed at the indigenous population who study in EIB schools distributed in different regions of the country, but not in a general way for all educational centers through their curriculum. Considering that the implementation of this recommendation can be strengthened with measures of a more general scope for the population, the Commission qualifies this recommendation as **partially compliant**.

*Measures and information to advance the implementation of the recommendation*

43. To move forward with compliance with this recommendation, the IACHR emphasizes that the objective is to design a public policy with a national scope and with a human rights perspective, aimed at eliminating and preventing discrimination and stigmatization of persons based on their ethnic, racial, or socioeconomic status. In this regard, the IACHR expects to learn about the update of the strategy implemented in 2023, and the adoption of the measures of the National Multisectoral Human Rights Policy aimed at meeting this objective in accordance with the principles of the human rights approach to public policies.<sup>36</sup>

44. The recommendation also establishes the need for public policy to include the design and implementation of a pedagogical plan that is integrated into the country's continuing education policy. In this regard, the IACHR urges the State to work on ethnic, racial discrimination, or socioeconomic status in its educational curriculum. Likewise, to maintain and expand pedagogical actions to address cases of discrimination, and to address the structural discrimination still present in society.

## **B. Citizen Security**

**Recommendation No. 4.** Adopt a permanent and mandatory training and evaluation plan for the security forces involved in the development of demonstrations and in the context of social protests so that their actions prioritize the defense of the life and integrity of all people.

*Compliance Information*

45. In 2024, the State announced the approval of the "Guidelines for Strengthening the Capacities of Police Personnel in the Use of Force Aimed at Continuous Improvement with a Human Rights Approach" (2023).<sup>37</sup> This initiative includes two instruments for the training of police personnel by instructors in human rights applied to the judicial function: (i) a virtual module on human rights and the use of force in the exercise of police functions; and ii) a methodological guide for instruction in police techniques and procedures with a human rights approach. The first of them is carried out asynchronously and contains interactive videos, mandatory and complementary readings. At the end of the module, you must pass a written exam, for which you have up to two opportunities. If approved, it grants an accreditation for one year. Likewise, the methodological guide is based on the fact that training development is a practical training with activities that recreate the police service and serves as the basis for the approval of updating programs by each territorial training secretariat of the Police.

46. The State reported that the General Command of the National Police of Peru appointed the Permanent Coordinator on Issues Related to Human Rights and the Use of Force, in order to assume control over the preparation, review, evaluation, and execution of training courses for instructors in human rights

<sup>36</sup> IACHR, [Report on Public Policies with a Focus on Human Rights](#), September 15, 2018, OEA/Ser.L/V/II, Doc. 191.

<sup>37</sup> Directive No. 014-2023-CG PNP/EMG, July 19, 2023.



applied to the police and public order function.<sup>38</sup> In addition, it created the Human Rights Directorate of the General Staff of the National Police of Peru.<sup>39</sup>

47. In the same vein, the State reported the implementation of the "Refresher Program aimed at strengthening capacities in police interventions and operations against criminal acts," and other training and capacity-building courses in this area<sup>40</sup>, in collaboration with the International Committee of the Red Cross. In addition, it reported on the implementation of the "Strategic Plan for the Mainstreaming of Human Rights in the Police Function of the National School of Police Professional Training 2023", with workshops held at the decentralized level,<sup>41</sup>

48. For its part, civil society expressed concern that the training and plans approved by the Peruvian National Police had not developed independent and technically competent monitoring mechanisms to supervise their application during the protests.

*Analysis and level of compliance with the recommendation*

49. The Commission welcomes the approved Guidelines for Capacity Building, the creation of the Human Rights Directorate of the Police General Staff, and the training programs implemented for police agents and officers with a reach of approximately 150 people in 2024. However, it also identifies the lack of mechanisms for transparency of information that allows monitoring the use of such knowledge during the exercise of the use of force. In this regard, the IACHR observes that the information provided by the State indicates that this recommendation has a level of **substantial partial compliance**.

*Measures and information to advance the implementation of the recommendation*

50. The IACHR requests the State to provide information on the mechanisms and instruments used to ensure the publication of information on the training of police officers, the mechanisms for monitoring the human rights policies used by police officers, and the results.

**Recommendation No. 5.** Adopt measures to ensure that the use of force by state agents is in accordance with the principles of legality, necessity and, especially, proportionality. Likewise, adopt the necessary measures to permanently train and evaluate all state agents involved in the protests on the implementation of the protocols for the use of force.

*Compliance Information*

51. For the year 2024, the State reported the validity of various norms that regulate the use of force such as Legislative Decree No. 1186<sup>42</sup> (2015), Legislative Decree No. 1095<sup>43</sup> (2010) and their regulations. In addition, it reported on the validity of the Manual of Operational Law for the Armed Forces (2022)<sup>44</sup> and the

<sup>38</sup> Multiple Memorandum No. 11-2023-CG PNP/SECPRI, May 31, 2023.

<sup>39</sup> Ministry of Defense, Official Letter No. 00465-2024-MINDEF/VPD-DIGEDOC-CDIH-DDHH-FFAA, August 7, 2024.

<sup>40</sup> Seminar Workshop on the police function and use of force, within the framework of international standards, held on March 25 and 26, 2024 and aimed at 63 General Officers of the National Police of Peru; Workshop on Use of Force and Maintenance of Public Order, held from April 1 to 4, 2024 and aimed at 50 police officers; Seminar "Post-Police Operations Evaluation", held on May 6 and 7, 2024 and aimed at Senior Officers of the National Police of Peru; Training course for instructors in human rights applied to the police function, starting on August 12, 2024 and aimed at 30 police officers.

<sup>41</sup> Training course for instructors in human rights applied to the police function, held from March 27 to April 24, 2023, aimed at 25 police officers; Workshop "After-Action Evaluation" for Senior Officers; Workshop on the use of force and human rights applied to the police function, aimed at 60 PNP General Officers. Cf. State of Peru, Note No. 7-5-M/010, Report of the Peruvian State on the implementation of recommendations of the country report "Situation of Human Rights in Peru in the Context of the Social Protests of the Inter-American Commission on Human Rights," January 18, 2024, para. 76 et seq.

<sup>42</sup> [Legislative Decree No. 1186](#), August 16, 2015

<sup>43</sup> [Legislative Decree No. 1095](#), July 3, 2010.

<sup>44</sup> [Operational Law Manual for the Armed Forces](#), February 3, 2022



Manual of Human Rights and International Humanitarian Law of the Armed Forces of Peru (2022);<sup>45</sup> the latter in force for the period in which the acts of violence addressed in the Country Report occurred.

52. The State informed the IACHR of the approval of the "Directive for the Appropriate Use of Non-Lethal or Less-Lethal Police Means in Police Operations to Control, Maintain, and Restore Public Order" (2023),<sup>46</sup> with the aim of strengthening the legal framework that regulates police action, particularly in the context of social protests. In addition, it indicated that the Joint Manual of Rules of Operational Conduct of the Armed Forces<sup>47</sup>, which contains the Rules of Engagement and the Rules of Use of Force, has been updated.

53. The State reported the existence of a methodological guide for instruction in police techniques and procedures with a rights-based approach, which promotes practical training, with activities that recreate the police service, and serves as a basis for the design of refresher programs in each territorial training secretariat (see para. 44).

*Analysis and level of compliance with the recommendation*

54. The IACHR takes note of the approval of the "Directive for the Appropriate Use of Non-Lethal or Less-Lethal Police Means in Police Operations for the Control, Maintenance, and Restoration of Public Order" and of the updating of the Joint Manual of Rules of Operational Conduct of the Armed Forces. It also recognizes the norms indicated by the State, although it observes that these were approved prior to the acts of use of force that occurred during the protests of 2022 and 2023. It also notes the existence of a methodological guide that seeks to apply the contents in situations that recreate the police service.

55. The IACHR emphasizes that progress in the level of compliance with this recommendation depends on the State adopting and applying a clear and coherent regulatory framework that guarantees the principles of legality, necessity, and proportionality in the context of social protests. In this sense, the regulations must not only include the mention of these principles, but must also be adapted to their contents to generate the appropriate prevention mechanisms, which should include the implementation of specific training aimed at updating and applying the conditions in which security mechanisms occur in the context of social protests, the mechanisms to ensure the inclusion of these principles in the operational plans that are designed for each intervention, and the institutional mechanisms that guarantee that the documents and protocols are reviewed periodically, in a transparent and participatory manner, taking into account the new logistical and social conditions in which they are applied. Consequently, pending specific information on compliance measures adopted after the events recorded in the Country Report and the formulation of this recommendation, the Commission identifies that compliance is **pending**.

*Measures and information to advance the implementation of the recommendation*

56. The IACHR asks the State to report on the implementation of the "Directive for the Appropriate Use of Non-Lethal or Less-Lethal Police Means in Police Operations for the Control, Maintenance, and Restoration of Public Order" and the Joint Manual of Rules of Operational Conduct of the Armed Forces. In addition, to report on the measures that have been adopted to respond to the concern expressed in the Country Report, in relation to the use of force and detentions in the context of protests, such as the strengthening of capacity-building mechanisms for the agents who are in charge of controlling social protests, the mechanisms for the application of this regulatory framework, in accordance with the needs in each context, and the periodic updating of these documents, carried out in a participatory manner.

**Recommendation No. 6.** Take the regulatory or other measures that are necessary to ensure that firearms are excluded from the devices used to control social protests, as well as establish guidelines aimed at guiding the use of potentially lethal weapons.

<sup>45</sup> [Manual of Human Rights and International Humanitarian Law of the Armed Forces of Peru](#), February 3, 2022.

<sup>46</sup> Directive No. 013-2023-CG PNP/EMG, July 19, 2023.

<sup>47</sup> [Ministerial Resolution No. 1098-2024-DE](#), October 5, 2024.



*Compliance Information*

57. In 2024, the State reported that, in accordance with Legislative Decree No. 1095 (2010), which regulates the rules for the employment and use of force in the context of protests, police personnel would only use firearms when strictly necessary to defend their own lives or those of third parties; otherwise, it would be an arbitrary use of force. In turn, the State pointed out that the update of the Joint Manual of Rules of Operational Conduct of the Armed Forces, cited in the framework of the follow-up to recommendation 5 of the Country Report, includes details and actions on the principles of the use of force, the use of less lethal means, the exceptional use of firearms and the protection of public or private property.

58. The State referred to the IACHR the approval of the "Directive for the Appropriate Use of Non-Lethal or Less-Lethal Police Means in Police Operations for the Control, Maintenance, and Restoration of Public Order" (2023),<sup>48</sup> in order to strengthen the legal framework that regulates police action, particularly in the context of social protests. This Directive establishes that "Body protection equipment and police means for the control, maintenance and restoration in public order operations includes lethal and non-lethal firearms, as well as other non-lethal means to be used by duly trained personnel and according to the function they perform".

59. For its part, civil society conveyed that the practical implementation of these rules would be controversial and ineffective since they were the ones in force at the time of the protests that were the subject of the IACHR Country Report, in which the disproportionate use of force, including the use of firearms, was documented, resulting in injuries and deaths<sup>49</sup>. In the same vein, as mentioned in recommendation 5, Law No. 32181<sup>50</sup>, approved in 2024, prevents the Public Prosecutor's Office, under functional responsibility, from requesting preliminary judicial detention or preventive detention against police personnel in a situation of activity when they use their weapons or means of defense in a regulatory manner, even if injuries or deaths of third parties have been caused. According to civil society, this measure affects the lack of independent and technically trained mechanisms to monitor the use of weapons in protest control operations.

*Analysis and level of compliance with the recommendation*

60. With regard to the use of force, the IAHRS has cited the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials in the case of Women Victims of Sexual Torture in *Atenco v. Mexico*<sup>51</sup>. In this regard, it noted that law enforcement officials will refrain from using firearms when dispersing gatherings "except in self-defense or defense of others, in case of imminent danger of death or serious injury, or for the purpose of preventing the commission of a particularly serious crime involving a serious threat to life, or for the purpose of arresting a person who represents such a danger and resists his authority, or to prevent his escape, and only in the event that less extreme measures are insufficient to achieve those objectives."<sup>52</sup> In this regard, considering that the use of lethal weapons constitutes an exception based on the seriousness of the human rights impact of the crime to be prevented, and the absence of other less extreme measures; the Commission has indicated that States must implement mechanisms to effectively prohibit the use of lethal force as a means of public demonstrations, and guarantee the appropriate and proportionate use of less-lethal weapons, through the development of clear protocols of action that respect inter-American standards in this area.<sup>53</sup> That is why the recommendation aims to analyze all the regulatory or other measures necessary to exclude the use of firearms for the control of social protests, that is, those aimed at preventing their use, and punishing those agents who do not comply with them.

<sup>48</sup> Directive No. 013-2023-CG PNP/EMG, July 19, 2023.

<sup>49</sup> According to the information provided by civil society, the facts contained in the Country Report in question show the use of firearms during the use of force by security agents.

<sup>50</sup> [Law No. 32181](#), December 11, 2024.

<sup>51</sup> Inter-American Court of Human Rights. Case of Women Victims of Sexual Torture in *Atenco v. Mexico*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 28, 2018. Series C No. 371, para. 159.

<sup>52</sup> Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. 1990. Principle 9.

<sup>53</sup> IACHR, [Report on Social Protest and Human Rights](#), Standards on the Rights Involved in Social Protest and the Obligations that Should Guide the State's Response. OEA/Ser.L/V/II.IACHR/RELE/INF.22/19, September 2019, para. 127.



61. Along these lines, the Commission values the adoption of the "Directive for the appropriate use of non-lethal or less-lethal police means in police operations for the control, maintenance and restoration of public order" which seeks to influence the exclusion of firearms from the devices used to control social protests. However, the regulatory framework approved (Law No. 32181) could make it difficult to adopt sanction measures against those agents who make improper use of firearms. Consequently, the Commission considers that this recommendation is **pending compliance**.

*Measures and information to advance the implementation of the recommendation*

62. The IACHR will declare progress in the level of compliance with this recommendation when the State presents measures that have been adopted to prohibit the use of firearms in the use of force in the context of social conflicts, considering the facts and complaints in the context of the facts contained in the Country Report. These measures should be aimed at generating mechanisms to sanction those agents who use them, which allow the chain of command and execution of this type of order to be identified within the security institutions, if applicable.<sup>54</sup> To this end, the IACHR remains attentive to the implementation that may be given to Law No. 32181 in accordance with the corresponding national and international framework on the use of force and the right to protest.

**Recommendation No. 7.** Adopt the necessary regulatory or institution-strengthening measures to ensure that the maintenance of internal public order and citizen security is primarily reserved for civilian security forces.

**Recommendation No. 8.** Ensure that the participation of the armed forces in security tasks is extraordinary, subordinate, and complementary to the work of civilian authorities. Similarly, adopt regulatory or institutional strengthening measures to ensure that this participation is regulated and supervised by competent, independent, and technically capable civilian bodies.

*Compliance Information*

63. In 2024, the State reported that the Political Constitution of Peru establishes that the purpose of the National Police is to guarantee, maintain, and restore internal order,<sup>55</sup> and that the Armed Forces can only act in the control of internal order in support of the National Police, when the Presidency of the Republic so provides through the declaration of a State of Emergency.<sup>56</sup> In view of the foregoing, the State asserted that the participation of the Armed Forces in the control of internal law and order constitutes an exceptional measure and of last resort.

64. In addition, Peru highlighted the creation of the "Multisectoral Commission of Temporary Nature in charge of monitoring the implementation of Legislative Decree No. 1095 and its Regulations",<sup>57</sup> in which different sectors of the Executive Branch, the National Police and the Armed Forces participate, and whose function is to propose and recommend specific measures and actions for its implementation and to monitor it.

65. The State also reported on the approval in 2023 of various regulations that strengthen the role of the Peruvian National Police<sup>58</sup>: (i) Legislative Decree No. 1604, which modifies Legislative Decree No. 1267, Law of the National Police of Peru<sup>59</sup>; (ii) Legislative Decree No. 1605<sup>60</sup>, which modifies the New Code of

<sup>54</sup> IACHR, Press Release No. 174/23, [IACHR and Special Rapporteur for Freedom of Expression: Peru Must Respect Standards of Use of Force and Freedom of Expression During Social Protests](#), August 3, 2023.

<sup>55</sup> Political Constitution of Peru, 1993, Article 166.

<sup>56</sup> Political Constitution of Peru, 1993, Article 137.

<sup>57</sup> [Supreme Resolution No. 032-2023-DE](#), July 4, 2023.

<sup>58</sup> [Law No. 31880](#), which delegates to the Executive Branch the power to legislate, among others, on matters of citizen security, September 23, 2023.

<sup>59</sup> [Legislative Decree No. 1604](#), December 21, 2023.

<sup>60</sup> [Legislative Decree No. 1605](#), December 21, 2023.



Criminal Procedure, to optimize the legal framework that regulates the investigation of crime and the intervention of the National Police of Peru and the Public Prosecutor's Office; (iii) and Legislative Decree No. 1606<sup>61</sup>, which amends Legislative Decree No. 1219, on strengthening the police criminalistic function.

66. The State reported that states of emergency with the participation of the Armed Forces in the context of social protest had only been used once after the issuance of the Country Report. In this sense, it stressed that states of emergency are employed with the use of the Armed Forces not in the context of social protest but in the fight against crime.

67. For their part, civil society organizations told the IACHR that the use of states of emergency has been repeated and recurrent, and that on certain occasions it includes the participation of the Armed Forces, including in operations to control protests, especially in regions such as Ayacucho and Puno<sup>62</sup>. This comment is consistent with the conclusions of the Country Report, where the IACHR stated that: "in regions characterized by a considerable presence of indigenous and peasant populations, as well as by accentuated challenges in guaranteeing their ESCERs, the episodes of greatest lethality were recorded, as well as the most serious allegations of excessive use of force. The main deployments also took place within the framework of the declaration of states of emergency, arrests and preventive identity control tactics."<sup>63</sup>

*Analysis and level of compliance with the recommendation*

68. The Commission appreciates the information provided by the State, in particular the creation of the Multisectoral Commission for the implementation of the rules on the use of force. In this regard, it identifies that the constitutional framework reported by the State was in force at the time of the occurrence of the events included in the Country Report in 2022 and 2023, and of the issuance of the recommendation under follow-up.

69. In addition, the IACHR emphasizes that none of the measures indicated by the State, in relation to the regulatory modifications described, are intended to guarantee that the maintenance of internal public order and citizen security is primarily reserved for civilian security forces. In the same vein, no measures have been identified that would allow us to know the state of progress to ensure that the participation of the armed forces in security tasks is extraordinary, subordinate and complementary to the work of the civilian authorities. In addition, no measures have been highlighted aimed at adopting normative or institutional strengthening measures to ensure that this participation is regulated and supervised by competent, independent and technically capable civilian bodies.

70. It should be noted that the Inter-American System has coincided with the two main international instruments to specifically regulate the use of force:<sup>64</sup> the Code of Conduct for Law Enforcement Officials<sup>65</sup> and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,<sup>66</sup> in affirming that the participation of the Armed Forces in the maintenance of public order should be limited as much as possible, since "the training they receive is aimed at defeating the enemy, and not at the protection and control of civilians, training that is typical of police entities."<sup>67</sup>

<sup>61</sup> [Legislative Decree No. 1606](#), December 21, 2023.

<sup>62</sup> Supreme Decree No. 067-2024-PCM, published on July 5, 2024. This measure was given by the announcement of different unions that call for social mobilizations. It was expanded by Supreme Decree No. 079-2024-PCM.

<sup>63</sup> IACHR, [Report on the Situation of Human Rights in Peru in the Context of Social Protests](#), OEA/Ser.L/V/II. Doc. 57/23, April 23, 2023, para. 220.

<sup>64</sup> Inter-American Court H.R., Case of Women Victims of Sexual Torture in Atenco v. Mexico, Preliminary Objection, Merits, Reparations, and Costs, Judgment of November 28, 2018, Series C, No. 371, para. 165.

<sup>65</sup> It can be found in: <https://www.ohchr.org/es/instruments-mechanisms/instruments/code-conduct-law-enforcement-officials>

<sup>66</sup> It can be found in: <https://www.ohchr.org/es/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement>

<sup>67</sup> I/A Court H.R., [Case of Montero Aranguren et al. \(Retén de Catia\) v. Venezuela](#), Preliminary Objection, Merits, Reparations, and Costs, Judgment of July 5, 2006, Series C, No. 150, para. 78.



71. The IACHR has expressed its concern over the report of the use of states of emergency in the context of social protests. In this regard, the IACHR has maintained that "states of emergency should be reserved exclusively for truly exceptional cases, situations of extreme gravity, that endanger the life of the Nation. For other situations, ordinary administrative measures must be adopted."<sup>68</sup> In this regard, in light of the information available, the Commission identifies that this recommendation is **pending compliance**.

*Measures and information to advance the implementation of the recommendation*

72. The IACHR will declare progress in the level of compliance with this recommendation when the State proves that it has adopted the necessary normative or institution-strengthening measures to ensure that the maintenance of internal public order and citizen security is primarily reserved for civilian security forces. In addition, in order to evaluate compliance with the recommendation, the IACHR will evaluate that the support of the Armed Forces has not been used, in any case, in the context of social protests. In this way, the Commission requires that it be able to report on the states of emergency that have occurred in Peru after the events included in the Country Report. In particular, it is necessary for the information to explain the development of the requirements needed for the proper use of states of emergency and the temporary suspension of rights that it entails (norm that approves it, justification of the measure, time frame that is applied, definition of the rights that are going to be restricted, among others), as well as the application of the criteria of complementarity and exceptionality when deciding on the support that the Armed Forces provide in such contexts.

**C. Reparation and care for victims of human rights violations**

**Recommendation No. 9.** Adopt comprehensive reparation measures for victims of human rights violations in the context of social protests, which should include measures of compensation; satisfaction; medical and psychological rehabilitation; social rehabilitation; truth and justice, and guarantees of non-repetition.

*Compliance Information*

73. In 2024, the State reported that the "Multisectoral Commission of temporary nature was created to follow up on actions and measures aimed at assisting the relatives of the deceased, as well as for the people who suffered serious injuries in the mobilizations that occurred between December 8 and 21, 2022,"<sup>69</sup> which extended its purpose and functions until January 26, 2023<sup>70</sup>, due to subsequent mobilizations. In this way, it pointed out that, on August 1, 2023, the Multisectoral Commission ended its mandate, although the Ministry of Justice and Human Rights has continued its efforts with different sectors to guarantee the timely care of those seriously injured in the context of the protests, until their full recovery.

74. The State reported that the Multisectoral Commission identified a total of 111 relatives of 63 deceased people and 155 seriously injured people. In this regard, he remarked that, in order to identify the beneficiaries, the National Institute of Family Welfare (INABIF) interviewed the families of the deceased on aspects such as family composition, economic situation, housing, health, education, among others. The State said that this registry made it possible to have comprehensive information on families to specify the services and programs with which they can benefit, including health, education, housing, development and inclusion in social programs, agrarian development, among others.

75. With regard to the number of persons killed, according to the State, the following figures were determined: (i) 49 persons died as a direct result of the protests; (ii) seven people died as an indirect result of

<sup>68</sup> IACHR, [Report on Social Protest and Human Rights](#), Standards on the Rights Involved in Social Protest and the Obligations that Should Guide the State's Response, OEA/Ser.L/V/II.IACHR/RELE/INF.22/19, September 2019, para. 322.

<sup>69</sup> [Supreme Resolution No. 264-2022-IUS](#), January 3, 2023.

<sup>70</sup> [Supreme Resolution No. 027-2023-IUS](#), May 19, 2023.



the protests (traffic accident or health complications due to road blockades); (iii) one PNP officer deceased, and (iv) six members of the Army deceased.

76. The State affirmed that the Multisectoral Commission established five criteria to determine the seriously injured persons who would be beneficiaries of its actions; namely, those who: (i) remained in the Intensive Care Unit; (ii) were hospitalized for more than 10 calendar days; (iii) have required or require major surgical intervention; (iv) have acquired a permanent disability as a result of the injuries; as well as (v) other cases that are approved by the Commission such as those of those persons who, due to the type of injury suffered or its severity, will have sequelae that will limit normal performance in daily or work activities.

77. The State indicated that, on February 21, 2023, the Ministry of Justice and Human Rights was authorized to grant, on an exceptional and one-time basis, economic support in favor of the beneficiaries determined by the Multisectoral Commission; namely, relatives of civilians or police officers who died and were seriously injured in the mobilizations that occurred between December 8, 2022 and February 10, 2023<sup>71</sup>. The amount to be delivered is 50,000 soles per deceased person, and 25,000 soles for each seriously injured person, having budgeted a total of 7,025,000 soles. In addition, the State reported that this economic support is not compensatory or reparative in nature, and that the benefit has no implications for the determination of possible administrative, civil, or criminal responsibilities.

78. In addition, the State reported the following actions taken:

- The Public Defender's Service of the Ministry of Justice and Human Rights provided 112 legal orientations and 20 sponsorships in 11 regions or areas of Peru (Apuímac, Arequipa, Ayacucho, Cusco, Huancavelica, Ica, La Libertad, Lima, Madre de Dios, Puno and Selva Central).
- The Ministry of Education included the affected people in the National Cooperation Management Scholarship (Peru Scholarship) – 2023 Call and assigned them additional points in the calls.
- The Ministry of Housing, Construction and Sanitation evaluated the affected people in order to identify the potential beneficiaries of the housing programs, providing them with information and guidance so that they can access them.
- The Ministry of Agrarian Development and Irrigation has been providing attention to families incorporated in the Registry of Agricultural Producers (PPA) so that they can access the bonuses of that program.

79. Civil society informed the IACHR that the criteria for qualifying and identifying the victims included in the registry had not been determined in a transparent manner, since there was no information mechanism on the criteria that have been used for this purpose. Civil society also highlighted the lack of an independent system to monitor the process of identifying affected people. In addition, civil society requested that the measures adopted aim to cover the comprehensiveness of reparations aimed at addressing the damage caused to the victims.

#### *Analysis and level of compliance with the recommendation*

80. The IACHR thanks the State for the information it has submitted and takes careful note of the creation of the Multisectoral Commission, and the current role of the Ministry of Justice and Human Rights in continuing its mandate, as well as the financial support granted to the families of the deceased and seriously injured. It also notes the efforts to identify affected persons and incorporate them into sectoral policies in education, housing and agrarian development.

---

<sup>71</sup> [Emergency Decree No. 006-2023](#), February 21, 2023.



81. The State's obligation to provide reparations to victims of human rights violations derives from the obligation to ensure, that is recognized in Articles 1(1) and 63(1) of the American Convention on Human Rights. In this regard, the Inter-American Court of Human Rights has mentioned that "the duty to make reparation is proper to the State, so that although the victims or their relatives must also have ample opportunities in the search for fair compensation, this duty cannot rest exclusively on their procedural initiative or on the private provision of evidence."<sup>72</sup> In this regard, the Commission has maintained that the "principle that should guide the implementation of reparations for human rights violations is that of effectiveness, both in the sense of achieving full compliance with the measure, and in that of duly taking into account the needs of the beneficiaries"<sup>73</sup>. Therefore, in order for states to comply with this obligation, the IACHR has contemplated that "in serious, systematic, and prolonged situations of human rights violations, States may create administrative reparation programs that allow affected persons to have recourse to expeditious and effective mechanisms."<sup>74</sup>. Thus, "both organs of the inter-American system (IACHR Commission and Court) have understood that the administrative and judicial remedies are complementary and not exclusive, making it possible for the two to converge and allowing the judicial channel to discount or compensate what has already been paid in the administrative channel"<sup>75</sup>.

82. In relation to the nature of the reparations and the provisions of Emergency Decree No. 006-2023, it should be noted that the reparations referred to in the Country Report are of an administrative nature, without prejudice to those that may be determined by a court. Thus, in previous situations, the Commission has differentiated between administrative and judicial reparations, so that the State's mandate for reparation can be developed through a Comprehensive Care Plan for victims and their families, regardless of the reparation measures for the damages caused by such violations ordered by national and international courts. In this regard, the IACHR has specified that reparation mechanisms of an administrative nature have the capacity to compensate a wider number of beneficiaries and to incorporate reparation measures of a different nature that allow for comprehensive and transformative reparation. To that end, they must cover the damage suffered by all victims, even if the State's responsibility for such damage has not been legally established<sup>76</sup>.

83. In relation to the amounts provided as one-time financial support, the IACHR identifies that this aid is essential to respond to the emergencies of the victims. However, the Commission considers it appropriate to emphasize that the right to reparation is not exhausted and cannot be confused with humanitarian aid or the satisfaction of other shortcomings that victims have,<sup>77</sup> so it is crucial to address comprehensive reparation mechanisms.

84. In addition, with regard to the additional measures reported, the IACHR identifies that these have not yet led to concrete actions for reparation, since only evaluation mechanisms, incorporation into calls for proposals, or information processes to access additional benefits have been reported. Considering that the information provided indicates that reparation measures have not yet been granted to the victims referred to in this recommendation, the Commission concludes that compliance with this recommendation remains **pending**.

---

<sup>72</sup> I/A Court H.R., Case of García Lucero et al. v. Chile. Preliminary Objection, Merits, and Reparations. Judgment of August 28, 2013. Series C No. 267, para. 183; Case of the Massacre of Pueblo Bello v. Colombia. Merits, Reparations and Costs. Judgment of January 31, 2006. Series C No. 140, paragraph 209; Case of the Ituango Massacres v. Colombia. Judgment of July 1, 2006. Series C No. 148, para. 340. In the same vein: Case of Goiburú et al. v. Paraguay. Merits, Reparations and Costs. Judgment of September 22, 2006. Series C No. 153, paras. 117 and 122; and Case of Miguel Castro Castro Prison v. Peru. Merits, Reparations and Costs. Judgment of November 25, 2006. Series C No. 160, para. 400.

<sup>73</sup> IACHR, [Compendium of the Inter-American Commission on Human Rights on Truth, Memory, Justice, and Reparation in Transitional Contexts](#), adopted April 12, 2021, para. 169

<sup>74</sup> IACHR, [Compendium of the Inter-American Commission on Human Rights on Truth, Memory, Justice, and Reparation in Transitional Contexts](#), adopted April 12, 2021, para. 170

<sup>75</sup> IACHR, [Compendium of the Inter-American Commission on Human Rights on Truth, Memory, Justice, and Reparation in Transitional Contexts](#), adopted April 12, 2021, para. 174

<sup>76</sup> IACHR, [First MESEG Report: Follow-up to the recommendations of the GIEI – Bolivia](#), OEA/Ser.L/V/II., Doc.196, September 18, 2023, para. 35.

<sup>77</sup> United Nations (UN), Special Rapporteur on truth, justice, reparation and guarantees of non-repetition, Promotion of Truth, justice, reparation and guarantees of non-repetition, A/69/518, (2014), para. 60.



*Measures and information to advance the implementation of the recommendation*

85. In order to move forward with compliance with this recommendation, the Commission would like to have detailed information on the registry of persons who are being identified as victims within the facts included in the Country Report. It also needs to have information on the comprehensive reparation mechanisms that are being designed and applied within the framework of the instruments generated by the Multisectoral Commission reported. In this regard, the IACHR emphasizes that the State must adopt effective and timely administrative measures to guarantee access to comprehensive reparation for the persons affected by the events recorded in the Country Report. To this end, it is essential that the competencies for the identification and determination of the damages to be repaired, and for the coordination mechanisms between the relevant sectors for their award be strengthened. It should be noted that these mechanisms must be designed and implemented in a participatory manner, considering the particular characteristics of the victims, taking into consideration the intersectional approach, and the types of individual damages of the victims and the types of collective damages of the communities.

**Recommendation No. 10.** Provide comprehensive reparations to victims of human rights violations in the context of social protests. This requires that all those who may be held responsible for human rights violations be investigated, prosecuted, and punished.

*Compliance Information*

86. In 2024, the State reported that it created the Special Team of Prosecutors for Cases with Victims during Social Protests (EFICAVIP)<sup>78</sup>, which investigates the cases of victims during the protests between December 2022 and March 2023. In this regard, it indicated that this team has national and exclusive competence for the investigation of crimes committed during social protests, including those against humanity, provided for in chapters I, II and III of Title XIV-A of the Penal Code, or common crimes that have constituted cases of violation of human rights and others. It also pointed out that the EFICAVIP has a specialized group of experts and another for the accompaniment and protection of victims and relatives, including psychologists. In addition, the State reported on the operation of the Program for Protection and Assistance to Victims and Witnesses, through a District Unit for Protection and Assistance to Victims and Witnesses (UDAVIT) or a Unit for Protection and Immediate Assistance to Victims and Witnesses (UAIKIT).

87. Civil society highlighted some challenges that would be occurring in the processing of investigations. On the one hand, it reported delays and lack of information on procedural progress. In addition, it underlined the high level of rotation that prosecutors and special team personnel would be having, making it difficult to continue in the development of investigations. With regard to barriers to access to justice for the persons affected, the Commission was informed that, in the case of virtual hearings, there would be limited access to the internet and, in the case of face-to-face hearings in Lima, there would be economic obstacles to physical travel, in addition to the fact that some proceedings are canceled on the same day.

*Analysis and level of compliance with the recommendation*

88. The Commission thanks the State for the information presented and takes careful note of the creation of the EFICAVIP to investigate the cases of the victims during the protests of December 2022 and March 2023. In this regard, it recalls that having a serious investigation that leads to a pertinent sanction and adequate reparation is part of the basic content of the obligation of States to guarantee human rights.<sup>79</sup>

89. This recommendation focuses on analyzing the institutional measures that would have been implemented to address the need for investigation, prosecution, and punishment of the facts, and the

<sup>78</sup> Attorney General's Office, Resolution No. 790-2023-64 of March 31, 2023.

<sup>79</sup> I/A Court H.R., Case of Velásquez Rodríguez v. Honduras. Merits, Judgment of June 29, 1988. Series C No. 4, para. 176.



determination of responsibilities. It should be emphasized that a detailed analysis of the judicial processes will be addressed in recommendation 15 of this report.

90. In this regard, the Commission stresses the importance of having the institutional conditions in place to carry out the investigations and proceedings referred to in this recommendation and takes note of the concerns that exist in relation to remedies and the need to strengthen transparency mechanisms in the progress of judicial proceedings. It is also important to address in a timely manner the barriers to access to justice that are reported by the people affected, in particular, by members of groups in situations of particular vulnerability. For all these reasons, the Commission understands that this recommendation has a **partial level of compliance**.

*Measures and information to advance the implementation of the recommendation*

91. The IACHR warns that compliance with this recommendation must be accompanied by a diagnosis of the barriers to access to justice that the affected persons report in relation to the relevant judicial processes and prosecutorial investigations. Likewise, the mechanisms for transparency of information in relation to the progress of investigations must continue to be strengthened, so that the reasons and difficulties can be known in the event that judicial delays are reported.

**Recommendation No. 11.** Provide immediate and comprehensive medical care to victims of human rights violations and their families, both specialized medical and psychological.

*Compliance Information*

92. In 2024, the State informed the IACHR that the Multisectoral Commission of Temporary Nature to follow up on actions in favor of the relatives of the deceased and of the people who suffered serious injuries as a result of the mobilizations carried out at the national level, from December 8 until the end of the state of emergency<sup>80</sup>, identified 111 relatives of 63 deceased people, and 155 people seriously injured. In this regard, the State verified that, of the 111 family members, 91 are affiliated to the Comprehensive Health Insurance (SIS) in active status, and that, of 155 injured persons, 117 are affiliated in active status. Therefore, as of December 2024, the State registered 414 services for the relatives of the deceased victims, and 882 services for the seriously injured. It should be noted that the State explained that registered persons are guaranteed free access to the preventive, promotional, recuperative and rehabilitation health benefits they require, which includes medical and sanitary procedures, pharmaceutical products, medical devices and health products.

93. In addition, the State indicated that five virtual macro-regional meetings were held for health professionals to provide psychosocial support and mental health care to relatives of the deceased and injured during social conflicts, in which a total of 345 people from the South, Center, East, North, and Lima regions participated.

94. The State reported that the "Sectoral Working Group of a temporary nature, under the Ministry of Health, was created to assist in actions regarding the strategic defense of the Peruvian State in cases in which the Health Sector is linked; which is being carried out by the Public Prosecutor's Office of the Ministry of Health, in coordination with the Supranational Specialized Public Prosecutor's Office."<sup>81</sup>. And that this Group has prepared the draft "Guidelines for health care for persons affected by violations of the Right to Health, Personal Integrity and Dignified Life, declared by the Inter-American Court of Human Rights through a judgment."

<sup>80</sup> Supreme Resolution No. 264-2022-JUS and its amendments.

<sup>81</sup> Ministerial Resolution No. 100-2023-MINSA, of January 30, 2023.



95. For its part, civil society expressed its concern about the alleged gaps in health care that exist in the affected regions, which would be related to insufficient resources and lack of medical specialization. These would have generated delays in critical procedures and deficient care for many victims, even having to transfer people to Lima without considering their economic and cultural needs. In addition, the organizations reported on the absence of comprehensive psychological care for victims and their families.

*Analysis and level of compliance with the recommendation*

96. The IACHR notes positively that the State has been concerned about the provision of health services for a group of victims and their families. In this sense, since the provision of health is a fundamental public service, it calls on the State to guarantee this right through timely and appropriate care in accordance with the principles of availability, accessibility, and acceptability.<sup>82</sup> With regard to accessibility, it should be noted that its elements require that health facilities, goods and services be within geographical reach of all sectors of the population, especially vulnerable or marginalized groups<sup>83</sup>.

97. Based on the information received, the IACHR concludes that the information provided does not provide evidence of whether the State has guaranteed immediate and comprehensive medical care to all victims or whether differentiated care has been guaranteed based on particular economic, social, and cultural conditions. The Inter-American Court of Human Rights has established that health reparations must involve "differentiated treatment in relation to the process and procedure that should be carried out to be treated in public hospitals."<sup>84</sup> In addition, it has indicated that "treatments should be provided, as far as possible, in the centers closest to their place of residence [that of the victims]."<sup>85</sup> For the Commission, it is essential to highlight this criterion in order to note that, as long as the public health network does not have prioritization mechanisms for victims, these services will be inaccessible to people who are in a situation of vulnerability. Along the same lines, information is required on the psychological care provided to victims, since there would only be information of the five Macro-Regional virtual meetings, aimed at health professionals, to provide psychosocial accompaniment and mental health care. Therefore, the Commission warns that, based on the information to which it has had access, this recommendation has a **partial level of compliance**.

*Measures and information to advance the implementation of the recommendation*

98. In order to determine that progress has been made in complying with this recommendation, it is essential that the State ensure the provision of immediate and comprehensive medical care, including physical and psychosocial health, which implies the satisfaction of the essential elements of availability, accessibility, acceptability, and quality. In this regard, the IACHR urges the State to establish specific measures of access and follow-up for each of the affected persons and their families, weighing up any economic, social, and cultural barriers that may exist. It is essential that these measures include adequate, sustainable psychological support mechanisms with an intercultural approach, and that information is provided that accounts for compliance with these criteria.

**Recommendation No. 12.** Ensure that reparation measures have a focus on cultural, gender, and intersectional relevance in human rights, taking into account both the individual harms suffered and the differentiated collective effects on their respective families, communities, and peoples, as well as the differentiated impacts on women; children; and adolescents; indigenous people; older people; and people with disabilities.

<sup>82</sup> Committee on Economic, Social and Cultural Rights, General Comment 13. E/C.12/1999/10, 8 December 1999; and Inter-American Court H.R., Case of Poblete Vilches et al. v. Chile, Merits, Reparations and Costs, Judgment of March 8, 2018, Series C No. 213.

<sup>83</sup> Inter-American Court of Human Rights, [Booklet 28: Right to Health](#), 2022, p. 21.

<sup>84</sup> Inter-American Court H.R., Case I.V. v. Bolivia Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 30, 2016. Series C No. 329, para. 332.

<sup>85</sup> Inter-American Court H.R., Case I.V. v. Bolivia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 30, 2016. Series C No. 329, para. 332.



*Compliance Information*

99. In 2024, the State reported that the entity in charge of implementing measures with a focus on cultural relevance is the Ministry of Culture, which has various regulations previously designed for the implementation of the intercultural approach in the provision of public services, namely: (i) National Policy for the Mainstreaming of the Intercultural Approach (2015)<sup>86</sup>; (ii) Guide for the application of the intercultural approach in the management of public services (2015)<sup>87</sup>; (iii) Guidelines for incorporating the intercultural approach in the prevention, care and protection against sexual violence towards children, adolescents and indigenous or native women (2019)<sup>88</sup>; and (iv) the Indigenous Peoples Database (2011).<sup>89</sup>

100. The State stated that it made a list of beneficiaries of reparations, taking into account the particularities of each person, with the aim of designing and implementing mechanisms that respond to their characteristics. In this regard, it pointed out that criteria such as family composition, economic situation, housing, health, education, among others, were taken.

101. For its part, the Commission received information from civil society according to which there are no known measures for reparation purposes that respond to the specific challenges of women, children, the elderly, or persons with disabilities. The Commission was also informed that there is no known mechanism that responds to the collective demands of the affected groups, including the communities. In addition, civil society insisted on the absence of independent mechanisms to monitor the measures to be adopted in relation to reparation mechanisms.

*Analysis and level of compliance with the recommendation*

102. The Commission identifies that no specific measures have been reported to conclude progress in compliance with this recommendation. The information reported by the State regarding the various norms for the implementation of the intercultural approach is pertinent to the framework in which the recommendation should be applied, but not to analyze compliance in itself, since they were approved prior to the events that are the subject of the Country Report and the issuance of this recommendation. Finally, it is important to highlight that for the advancement of this measure it is crucial to have reparation mechanisms designed or implemented. In view of the foregoing, the Commission notes that compliance with this recommendation remains pending.

*Measures and information to advance the implementation of the recommendation*

103. The IACHR asks the State to ensure that the reparation measures that are implemented in an adequate and timely manner are designed and adopted taking into account the approaches of cultural relevance, gender, and intersectionality in human rights. To this end, there must be a consideration of the dimension of the damage caused to each person, taking into account their particular characteristics.

**Recommendation No. 13.** Ensure that reparation measures adopt a gender approach that recognizes the differentiated impacts of the loss of human life on women who, as a result of the events, were left in charge of family support and the search for justice.

<sup>86</sup> [Supreme Decree No. 003-2015-MC](#), October 28, 2015.

<sup>87</sup> [Ministerial Resolution No. 124-2015-MC](#), April 8, 2015.

<sup>88</sup> [Supreme Decree No. 009-2019-MC](#), August 8, 2019.

<sup>89</sup> [Database of Indigenous or Native Peoples](#).



*Compliance Information*

104. For the year 2024, the State informed the IACHR that the Economic Assistance Task Force of the Ministry of Women and Vulnerable Populations registered 53 deaths in the context of the mobilizations carried out nationwide: six in Apurímac; four in Arequipa; 10 in Ayacucho; three in Cusco; three in Junín; three in La Libertad; two in Lima, and 22 in Puno. Of these cases, 33 children and adolescents (NNA) were identified as orphans as a result of the death of their mother, father, both, or legal guardian in the context of the mobilizations that began in December 2022, so that they can have the information to submit requests for economic assistance in compliance with the law that promotes the protection and comprehensive development of girls, children and adolescents.<sup>90</sup> The State indicated that, to date, they have accepted the applications of 19 of the 33 children and adolescents to be beneficiaries of economic assistance, for administrative reasons, such as: having reached the age of majority, receiving an orphan's pension from another institution, errors in the application, or lack of socioeconomic classification. The State stressed that the information is being provided so that the families can correct the observations.

105. According to the information provided by the State, the 19 beneficiaries of the economic assistance and their families, listed in the previous paragraph, have the prioritized professional accompaniment, which consists on helping to guarantee access to health, educational continuity, protection services and the development of the life project of the child and adolescent. To this end, according to the State, the identification of actors, the application of diagnostic instruments, the measurement of vulnerability, the application of family welfare plans and the management of access to services are carried out. In addition, it was reported that the follow-up of the measures granted is carried out through face-to-face and non-face-to-face visits by a professional trained to provide accompaniment.

106. For its part, civil society told the IACHR that it is not aware of reparation measures provided by the State that respond to the specific needs of women and children.

*Analysis and level of compliance with the recommendation*

107. The Commission appreciates the information provided by the State and takes note of the progress made in covering the 19 children and adolescents who were orphaned as a result of the events related to the protests that took place between December 2022 and March 2023. In this regard, the IACHR welcomes the adoption of protection measures and economic assistance due to the particular situation in which these people find themselves.

108. However, the IACHR stresses the State's obligation to adopt urgent measures to ensure that all affected children and adolescents are covered, taking into account the economic, social, cultural, or other barriers that restrict their access. This implies not waiting for the submission of specific applications, since it is a group in a situation of vulnerability such as children and adolescents in a situation of orphanhood. The IACHR also stresses that comprehensive reparation measures must be adopted, which do not consist only of essential economic assistance. Therefore, considering that they are reparation mechanisms implemented for a particular group of high social vulnerability, the Commission notes that this recommendation is **partially complied with**.

*Measures and information to advance the implementation of the recommendation*

109. In order to make progress in complying with this recommendation, it is important to report on the design and implementation of the comprehensive reparation measures that will be granted to respond to the particular situation of the people affected. The State must also specify how these measures have been adapted to the needs of the women who, as a result of the events, were left in charge of supporting their families and seeking justice. Finally, the IACHR hopes to collect information on the progress in the coverage of children

---

<sup>90</sup> [Law No. 31405](#), February 4, 2022.



and adolescents who have been identified as orphans due to the events that occurred in the protests of 2022 and 2023.

**Recommendation No. 14.** Adopt the necessary measures to incorporate the approach of the best interests of children both in policies, protocols and operational plans relating to the control of citizen security, and in their practical application, particularly in cases of attention to social conflict.

#### *Compliance Information*

110. For 2024, the State reported the approval of the "Protocol for joint action by the State for the articulation of services in contexts of detention, retention, and police intervention for women and people in vulnerable conditions" (2023),<sup>91</sup> which establishes that, in situations of negligence and violation of rights by parental care in social protests, the affected children and adolescents must be transferred to the Special Protection Unit. It also indicated that an annual course has been held since 2022 on the Rights of Persons in Vulnerable Situations for police personnel in a decentralized manner, where the situations of people with disabilities, senior citizens, LGBTI and children and adolescents are discussed, as well as their repercussions on the exercise of their fundamental rights and police work.

111. The State stated that, within the framework of the "Administrative and Operational Guidelines for the Planning, Direction, Conduction, and Execution of Police Operations for the Control, Maintenance, and Restoration of Public Order" (2022),<sup>92</sup> police personnel have criteria in accordance with international obligations to adopt the most appropriate means of deterrence, protection, and/or controls in the context of social protests, where the participation of women, children, the elderly, people with disabilities or other vulnerable groups within the demonstrations is evaluated.

112. For its part, the Commission learned of information provided by civil society according to which there had been no evidence of concrete policies to protect children and adolescents in the context of social protests. On the contrary, the approval of a bill on a legal reform that allows adolescents of 16 and 17 years of age to be tried as adults for serious crimes, including the crimes of terrorism, aggravated homicide, kidnapping, extortion, among others,<sup>93</sup> was reported. In this regard, the Commission was informed that the approval of this reform aggravates situations of detention of children and adolescents and stigmatizes certain groups in vulnerable situations (indigenous people, Afro-Peruvian population, adolescents in situations of mobility, among others). According to what has been reported by civil society organizations, this law would show a lack of comprehensive vision in juvenile justice policy.

#### *Analysis and level of compliance with the recommendation*

113. The IACHR appreciates the information provided by the State. However, it observes that the "Protocol for joint action by the State for the articulation of services in contexts of detention, retention and police intervention of women and people in vulnerable conditions" is applied when these people are detained by the police, in any type of context, but once the person is detained. However, it would not be specifically designed to prevent situations of detention from occurring in the context of the use of force in protests or demonstrations. In this sense, in the context of the recommendation, the measure applies only to the cases of people detained in the context of protests. The IACHR also takes note of the application of the "Administrative and Operational Guidelines for the Planning, Direction, Conduction, and Execution of Police Operations for the Control, Maintenance, and Restoration of Public Order" and its regulation on specific measures for the protection of vulnerable populations during and after the aforementioned operations, although it identifies that these were approved in the months prior to the protests between December 2022 and March 2023.

<sup>91</sup> [Supreme Decree No. 002-2023-MIMP](#), February 7, 2023.

<sup>92</sup> National Police of Peru, [Resolution of the General Command of the National Police No. 418-2022-CG PNP/EMG](#), October 13, 2022.

<sup>93</sup> [Bill 618 modifies numeral 2 of article 20 of the Penal Code](#).



114. The Commission has established that "a public policy on citizen security with a human rights approach is one that incorporates the development of simultaneous actions in three strategic areas: the institutional area, the normative area, and the preventive area." In this sense, the normative area of the public policy on citizen security refers to the "adaptation of the legal framework, both to the needs for the prevention or repression of crime and violence, and for the development of criminal procedure or prison management".<sup>94</sup>

115. For this reason, the IACHR expresses its concern over the information provided by civil society regarding the normative measures that are in the process of being approved and that indicate that minors should be tried as adults for serious crimes. The IACHR identifies that this measure could contradict international human rights standards, which establish that any person under 18 years of age at the time of the alleged commission of a crime must receive differentiated treatment from persons of legal age<sup>95</sup>. The IACHR calls on the State to avoid adopting laws that criminalize minors. In view of the foregoing, the Commission concludes that compliance with this recommendation is **pending**.

*Measures and information to advance the implementation of the recommendation*

116. The IACHR maintains that in order to move forward with this recommendation, it is necessary to incorporate special State measures related to the best interests of children in the policies, protocols, and operational plans related to the control of citizen security, particularly in cases of attention to social conflict. To this end, it is essential that the norms that are approved, related to the exercise of the right to protest or the criminal responsibility of children, are in accordance with international standards on the matter.

## **D. Combating impunity**

**Recommendation No. 15.** Investigate all the facts recorded in this report, in particular the alleged violations of human rights, in a prompt, serious, effective, independent manner, and with attention to due judicial guarantees. To this end, the State may evaluate and request technical assistance from the IACHR through training for public officials, mechanisms for follow-up on recommendations, or even the creation of an interdisciplinary group of independent experts.

*Compliance Information*

117. For the year 2024, the State reported the creation of the Special Team of Prosecutors for cases with victims during social protests (EFICAVIP)<sup>96</sup> and the following progress indicators as of December 2024:

- a. 72 fiscal folders: 20 formalized, 46 in the preliminary investigation stage and six in the qualification process. In this regard, he pointed out that the files refer to 50 deceased people and 729 people aggrieved by other crimes (injuries, abuse of authority, torture, etc.). In addition, it was noted that the Task Force is in charge of 16 emblematic and highly complex cases.
- b. 338 defendants, of which 35 are members of the Armed Forces of Peru and 303 are members of the National Police of Peru.
- c. 14,611 investigative acts carried out, including statements, inspections, expert opinions, recreations, exhibitions, seizures, among others.
- d. It was noted that the prosecutors of the Special Team have traveled to the places where the events occurred, including the regions of Ayacucho, La Libertad, Cusco, Puno, Apurímac, Junín, Arequipa and Ucayali.

118. The State reported that the Office of the Area of Illicit Enrichment and Constitutional Complaints of the Office of the Attorney General of the Nation filed a constitutional complaint with the

<sup>94</sup> IACHR, [Report on Citizen Security and Human Rights](#), OEA/Ser.L/V/II. Doc.57, December 31, 2009.

<sup>95</sup> Committee on the Rights of the Child, General Comment 10, CRC/C/GC/10, 25 April 2007, para. 37.

<sup>96</sup> [Resolution of the Attorney General's Office No. 790-2023](#), March 31, 2023.



Presidency of the Congress of the Republic for crimes against the lives of the persons affected in the context of the protests against the current President of the Republic and other high-ranking officials of the State. In addition, it reported 19 administrative-disciplinary files related to the death or injuries of civilians and police personnel, in the context of the social protests updated to October 2023, namely:

- a. Eight pending in "Previous Actions": one in the Apurímac region, two in Arequipa, two in Junín, two in Cusco and one in Puno.
- b. Seven were referred to the MININTER's Office of Internal Affairs: three in the Apurímac region, one in Ayacucho and three in Puno.
- c. Four resolved and filed in the Disciplinary Offices and Archive Area: two in La Libertad, one in Arequipa and one in Lima.

119. With respect to the technical assistance component referred to in the recommendation under follow-up, the State stated that the "Memorandum of Understanding (MoU) on a Work Plan between the Republic of Peru and the Office of the United Nations High Commissioner for Human Rights" was signed<sup>97</sup>. In this regard, he pointed out that, within the framework of this measure, training for prosecutors has been carried out focused on human rights, international standards for prosecutorial action, procedural techniques, interculturality and approaches in investigations into the abuse of force. In addition, the State reported on other capacity-building actions for officials of the Public Prosecutor's Office.

120. For its part, civil society sent the IACHR the following information on the follow-up it has given to the ongoing judicial proceedings for the events related to the protests recorded in the Country Report:

Region	Case	Charged	State
Puno	Death of 18 people and 108 injured in the vicinity of the Inca Manco Cápac Airport.	20 members of the Peruvian Army and the National Police	Formalized preparatory investigation
	Death of Salomón Valenzuela Chua and Sonia Aguilar Quispe during the social protest in Macusani.	24 members of the National Police	Formalized preparatory investigation
	Events recorded on Av. Independencia, in the town of San Román (Juliaca).	Three members of the National Police	Formalized preparatory investigation
Ayacucho	Fiscal Folder No. 25-2023 Acts committed to the detriment of 10 fatal victims and 40 victims of injuries.	36 alleged perpetrators	Formalized preparatory investigation
Apurímac	Fiscal Folder No. 8-2023 Homicide of Denilson Huaraca Vélchez and serious injuries to 4 citizens in Andahuaylas during the protests of February 8, 2023.	PNP Gen. Luis Flores Solís and 14 other police officers	Formalized preparatory investigation
	Fiscal Folder No. 04-2024 Aggravated homicide of the minor R.P.M.L. and the injuries committed to the detriment of the minor E.G.Q.N. and Alcides Barzola Huamán.	Five police officers	Formalized preparatory investigation
	Fiscal Folder No. 10-2023 Aggravated homicide of five people, of which at least two were minors, and the injuries of another 33 citizens.	24 police officers	Formalized preparatory investigation
Cusco	No information.	20 members of the National Police	No information

<sup>97</sup> Memorandum of Understanding (MoU) on a Work Plan between the Republic of Peru and the Office of the United Nations High Commissioner for Human Rights, February 27, 2023.



	Acts committed against about 30 citizens during the protests that took place on 28 de Julio Avenue, on January 11, 2023.	Two police officers	No information
Lima	Death of Víctor Raúl Santisteban Yacsavilca, which occurred on January 28, 2023, as well as the injuries of three people.	Four police officers	No information
	Acts of violence that occurred on December 12, 2022, and on January 4 and March 2, 2023 at the intersection of Av. Bolivia with Paseo de la República in the city of Lima.	Eight police officers	Formalized preparatory investigation
Junín	Aggravated homicide of the minor J.W.T.C. (17 years old), Diego Armando Galindo Vizcarra and Ronaldo Franly Barra Leiva; as well as serious injuries against seven people and minor injuries to 14 citizens, which occurred on December 16, 2022, in the district of Pichanaqui.	Three officers who include the head of the VI Macro Police Region of Junín, Gregorio Villalón Trillo; the head of the Chanchamayo Police Division, César Chávez Navarro, and the commissioner of Pichanaqui, Jonny Vargas Ontón	Formalized preparatory investigation
Ucayali	Perpetrators (commission by omission) of the alleged crimes of serious injuries, minor injuries and abuse of authority against eight people during the events recorded on December 17, 2022, in the district of Huipoca, province of Padre Abad.	Former Chief of the Directorate of Special Units (DUE) of the National Police of Pucallpa, Manuel Barreto Gonzales, and the former head of the Department of Special Operations 02 - PNP, Juan Pablo Tardío Alarcón	No information
Arequipa	Death of Miguel Arcana occurred on December 12, 2022, in the district of Cerro Colorado.	Municipal City Commissioner, Marvin Antonio Vergaray Saldarriaga, and SO2 PNP Paúl Qquenta Huamán	No information
	Four citizens for the events that occurred during the protests of December 17, 2022 in the district of Ocoña.	PNP Colonel Francis Javier Alarcón Gallegos	No information
	Two injured registered in the demonstrations of January 19, 2023, in the Uchumayo Bypass.	No information	No information
La Libertad	Death of Carlos Huamán Cabrera and Segundo Sánchez Huaynacari, and the injuries to three people that occurred during the mobilizations of January 13 and January 20, 2023, in the district of Chao.	Two police officers	Formalized Preparatory Investigation

*Table 1. Summary of case-by-case information submitted by civil society in the context of the follow-up to the recommendation*

121. Based on the above information, civil society told the IACHR that the vast majority of the investigations are in the preliminary stage, and only some have been formalized. As a result, it noted that no



public official had yet been criminally charged and that the investigations had excluded elements of the chain of command, particularly with regard to the highest positions.

122. In relation to the constitutional complaint filed, civil society remarked to the IACHR that it would suffer from errors of form and substance, since the total number of fatalities and serious injuries would not be included, although there would be sufficient evidence to do so. According to what was expressed to the Commission, this would respond to the lack of a serious investigation, since it would have been presented prior to the suspension of the prosecutor who filed it for accusations of corruption. It was clarified that the constitutional complaint was rejected in July 2024 by the Subcommittee on Constitutional Accusations of the Congress of the Republic of Peru. However, in July 2024, a new constitutional complaint was filed against President Dina Boluarte, former Premier Pedro Angulo and former Premier and former Minister of Defense Luis Otárola, and three other former ministers, which was admitted for processing in November 2024 by the same Subcommittee of Congress.

123. In turn, the Commission learned of information provided by civil society according to which, in January 2023, a Multiparty Investigative Commission was created in Congress to determine the alleged criminal and political responsibilities for the serious violations of human rights committed since December 7, 2022. However, there is still no progress in the results of the Congressional Commission.

124. Civil society, for its part, reported that regulations continue to be approved or discussed that would result in the reduction of mechanisms for controlling the actions of the police, both in the context of protests and demonstrations, and in the framework of investigations against detainees. In this regard, it was reported that Law No. 32130 had been approved,<sup>98</sup> which grants the PNP the power to carry out a preliminary investigation of the crime, subordinating the prosecutor's work to police activity, as has been expressed in the request for unconstitutionality filed by the Attorney General against that law.<sup>99</sup> Also noteworthy was the approval and enactment of Law No. 32181<sup>100</sup>, by which the Public Prosecutor's Office, under functional responsibility, may not request preliminary judicial detention or preventive detention against police personnel in a situation of activity when they use their weapons or means of defense in a regulatory manner, even if injuries or deaths have been caused to third parties.

125. Civil society also informed the Commission about the Council of State held in November 2024 between the different branches of government and public institutions, in which it was agreed, as a measure to combat crime and organized crime, to formulate a legal framework that would allow the Police and the Armed Forces to use force in the performance of their functions. And that it would establish courts in the military police jurisdiction when its regulation weapons are used, under the control of the Inspector General of the Police. Based on this, a bill that is under debate in Congress was presented.<sup>101</sup>

#### *Analysis and level of compliance with the recommendation*

126. The Commission appreciates the information received from the State and civil society on the status of the various judicial processes and fiscal investigations. In this sense, it values the progress in each of these processes. However, it is important to emphasize that access to justice for victims must be given quickly, considering the complexities of the cases, and seeking to determine the corresponding criminal responsibilities. Therefore, it is essential that the State be able to take measures to guarantee the logistical and personnel resources essential to move forward with these investigations.

127. The Commission also identifies that the legislative measures approved highlighted by civil society would have the effect of reducing the mechanisms of external and internal control of the actions of the police in the context of social conflicts, while reducing the capacity to ensure the application of the principles

<sup>98</sup> Law No. 32130, October 10, 2024.

<sup>99</sup> Public Prosecutor's Office, Lawsuit of unconstitutionality against Law 32130, Law that modifies the Code of Criminal Procedure, Legislative Decree 957, filed on December 20, 2024.

<sup>100</sup> [Law No. 32181](#), December 11, 2024.

<sup>101</sup> Bill No. 09187/2024-CR.



of legality, necessity and, especially, proportionality. In this way, they have a direct impact on compliance with the recommendation under analysis.

128. At the same time, it should be noted that one of the objectives of the investigations is to provide a mechanism of truth, justice and reparation to the victims, within a reasonable time, so it is essential that they participate in the investigation stages and have clear and accessible information on the progress of the process. Consequently, the Commission concludes that this recommendation is considered to be **pending compliance**.

*Measures and information to advance the implementation of the recommendation*

129. The IACHR will consider progress in complying with this recommendation when it has sufficient and clear information to conclude that the State is making progress in the process of investigating the different cases, identifying those responsible, and opening judicial proceedings. To this end, the IACHR requests that detailed information be sent on all judicial processes and their progress. In addition, for the IACHR, it is essential that the State address the logistical and personnel needs that may generate delays in the processing of these cases and that it has mechanisms in place to foresee economic or technological barriers for the affected persons to participate actively in the development of the processes. Finally, the IACHR recalls that, in a democratic state governed by the rule of law, military criminal jurisdiction must be "restrictive and exceptional so that it applies only to the protection of special legal rights of a military nature that have been violated by members of the military forces in the exercise of their functions..."; and that "it is not the competent forum to investigate and, where appropriate, judge and punish the perpetrators of human rights violations, but rather the prosecution of those responsible always corresponds to the ordinary justice system."<sup>102</sup> Therefore, it remains attentive to the information on the bills presented in this regard.

**Recommendation No. 16.** Increase the resources of the Public Prosecutor's Office to ensure the full performance of its functions of crime prevention and investigation.

*Compliance Information*

130. For the year 2024, the State reported that, in 2023, it made an additional transfer of items<sup>103</sup> in the Public Sector Budget amounting to 99,001,010 soles in favor of the Public Prosecutor's Office, to finance the creation of Human Rights and Interculturality Prosecutor's Offices in each Fiscal District at the national level. It also reported that the budget for the EFICAVIP is 474,135 soles, as well as an additional 25,865.02 soles.

131. For its part, civil society conveyed to the IACHR the importance of EFICAVIP being able to have a greater presence in all the regions where the investigations are carried out, particularly in rural and indigenous areas where the victims are located. It also indicated that there would be difficulties for the Public Prosecutor's Office to coordinate with key institutions such as the National Police and the Judiciary, and pointed out that these shortcomings would have an impact on the speed and quality of the investigations.

*Analysis and level of compliance with the recommendation*

132. With regard to the creation and specific budgetary allocation for the EFICAVIP, the IACHR considers that this measure constitutes a step forward in ensuring the performance of its functions of crime prevention and investigation. As mentioned above, for the Commission, it is essential that the resources granted are sufficient and adequate. In this way, the State must guarantee the correct use of these resources or that the

<sup>102</sup> I/A Court H.R., Case of Argüelles et al. v. Argentina, Judgment on Preliminary Objections, Merits, Reparations and Costs, Series C No. 288, November 20, 2014, para. 148.

<sup>103</sup> [Supreme Decree No. 109-2023-EF](#), July 4, 2023.



pertinent budgetary adaptation is developed to cover possible logistical and personnel shortages for the investigation of cases. Therefore, it is concluded that the recommendation has **partial compliance**.

*Measures and information to advance the implementation of the recommendation*

133. The IACHR requests that the allocation of resources be strengthened to ensure that attention is paid to the obstacles that have arisen in the investigation and prosecution processes, taking into account the particularities of the people affected in the different regions where the investigation processes take place. Likewise, that their adequate participation in the different acts of the processes can be guaranteed.

**Recommendation No. 17.** Adopt institution-building measures aimed at providing security conditions to officials of the Public Prosecutor's Office for the full performance of their functions of crime prevention and investigation.

*Compliance Information*

134. In 2024, the State stated that, after the attacks suffered in the protests, the Public Prosecutor's Office issued instructions on security measures to the guards in charge of covering the entry and exit control posts of the main and central headquarters of the Public Prosecutor's Office, as well as the headquarters of this entity in each fiscal district. It was also reported that the private security personnel who are in charge of the security of the fiscal headquarters are being evaluated and that talks are being given with personnel trained in security, registrations, control, verifications and identifications.

135. In addition, the State reported on the Regulations on Security and Protection of Public Officials, Dignitaries, and Personalities,<sup>104</sup> which establishes three types of protection aimed at guaranteeing the security of various authorities, such as the President of the Republic, the President of the Congress of the Republic, the President of the Judiciary, the Vice Presidents of the Republic, the Ministers of State, and the heads of Autonomous Constitutional Bodies. In addition, it can be extended to other public officials, dignitaries and personalities, upon request and evaluation.

136. For its part, civil society told the Commission that, for some years now, justice operators have been facing a hostile context in the exercise of their work, exposing themselves to threats, attacks, sit-ins, disinformation campaigns, among other risks. Faced with this situation, it alleged an alleged lack of capacity to carry out concrete actions aimed at improving the physical and psychological security conditions of the Public Prosecutor's Office in situations of high polarization.

*Analysis and level of compliance with the recommendation*

137. The Commission thanks the State for the information reported and takes note of the internal security measures that have been adopted to protect the headquarters of the Public Prosecutor's Office, both at the central and decentralized levels, which show a first step towards providing security conditions for officials of the Public Prosecutor's Office. In this regard, the IACHR emphasizes the need for security that the officials of this entity must have in order to fully carry out their functions of crime prevention and investigation.

138. In this regard, the IACHR expresses its concern over the reports of threats that have been made against prosecutors who are investigating cases of great public importance, both in the physical space of the prosecutor's office and outside of it. In this regard, the Commission recalls that various precautionary measures have been granted related to the protection of these prosecutors. For the Commission, it is necessary to know the actions that have been taken to implement the precautionary or protective measures already granted in favor of the prosecutors who have suffered the threats, as well as those that have been taken to

<sup>104</sup> Supreme Decree No. 004-2022-IN, May 7, 2022.



prevent any future action. Pending this information, the Commission considers that this recommendation has been partially implemented.

*Measures and information to advance the implementation of the recommendation*

139. The IACHR warns that progress in complying with this recommendation requires additional detailed information on the measures adopted to guarantee the safety of officials of the Public Prosecutor's Office; in particular of those people who hold positions that may be sensitive for high-risk cases and who have suffered or may suffer threats against them or their relatives outside the space of the Public Prosecutor's Office. In this sense, it requests to know the measures promoted to identify the levels of risk of people, as well as the mechanisms both to report such actions and to respond and those that are activated after the complaint is filed.

**Recommendation No. 18.** Increase the number of specialized human rights prosecutors' offices so that they have a presence throughout the country.

*Compliance Information*

140. In 2024, the State reported that, in order to strengthen the prosecutorial work team, the Board of Supreme Prosecutors created 29 prosecutors' offices, including superior and provincial, and 216 prosecutorial positions on a permanent and temporary basis.<sup>105</sup> In this regard, the State confirmed that specialized prosecutors' offices on human rights and interculturality have been implemented in the largest number of prosecutorial districts in the country. It also pointed out that those positions on a provisional basis will be filled by incumbent prosecutors through three competitions.

141. The State also reported that six *Supraprovincial* Criminal Prosecutors' Offices Specializing in Human Rights have been inaugurated (Arequipa, Lambayeque, La Libertad, Loreto, Ica, and Cusco); although it affirmed that, currently, prosecutorial offices specialized in human rights and interculturality are in operation in the 34 fiscal districts.

142. For its part, civil society stressed to the Commission that, although specialized prosecutors' offices have been created, there are still barriers to access to justice related to the absence of prosecutors' offices in remote places in the territory, or the need to improve training mechanisms for members of the Prosecutor's Office.

*Analysis and level of compliance with the recommendation*

143. The IACHR observes that the State has made progress in covering specialized human rights prosecutors' offices in a decentralized manner. In this regard, it has reported the presence of Supraprovincial Criminal Prosecutor's Offices Specialized in Human Rights in seven regions; and that, in all 34 fiscal districts, there are specialized fiscal offices. In addition, the IACHR notes positively that, with the creation of the EFICAVIP, it has been possible to deal with complex cases in situations that go beyond specific jurisdictions. In this regard, the IACHR welcomes the progress made in relation to the objective of the recommendation. Therefore, it maintains that this recommendation is in **full compliance**.

*Measures and information to advance the implementation of the recommendation*

144. The IACHR welcomes the State's efforts to comply with this recommendation and highlights the need to ensure and maintain a budget adequate to the needs of the Subsystem for Human Rights and Interculturality.

---

<sup>105</sup> [Resolution No. 045-2023-MP-FN-JFS](#), July 3, 2023.



**Recommendation No. 19.** Adopt additional measures to strengthen the institution of the Institute of Legal Medicine and Forensic Sciences in order to provide it with human, technical, and scientific resources for the full performance of its functions in the various provinces of the country and, especially, with respect to the investigations corresponding to the facts contained in this report.

*Compliance Information*

145. In 2024, the State stated that the budget allocated for the institutional strengthening of the Institute of Legal Medicine and Forensic Sciences (IMLCF) amounts to 26,832,820 soles.<sup>106</sup> In this sense, he indicated that, currently, there are 285 professionals incorporated at the national level in 32 fiscal districts, including doctors (auditors, psychiatrists, pathologists, radiologists), anthropologists, archaeologists, biologists, psychologists, pharmaceutical chemists, administrative specialists, computer operators, computer analysts, medical technologists and administrative operators.

146. The State also reported that training was provided to IMLCF officials on the Istanbul Protocol, which has made it possible to schedule evaluations using this instrument, to carry out *post-facto case studies* in Lima and in regions of the country, and to carry out forensic medical examinations physically and in hospitals.

147. For its part, the Commission learned of information provided by civil society according to which, during a session of the Congressional Oversight and Comptroller Commission on May 24, 2024, the National Head of the IMLCF informed the congressmen about the lack of supplies for the processing of samples in the toxicology laboratory, as well as deficiencies in infrastructure and maintenance of various services.<sup>107</sup>

*Analysis and level of compliance with the recommendation*

148. The IACHR thanks the State for the information sent and takes note of the budget allocated to the IMLCF, which was used to hire personnel at the decentralized level. It also welcomes the implementation of training related to the Istanbul Protocol. However, in order to measure the progress of the recommendation, the Commission needs to know how working conditions have changed over time. It also considers that institutional strengthening actions can be adopted, such as budget allocations, training, and cooperation with other entities, in particular, to help address the investigations corresponding to the facts contained in the Country Report. In the meantime, the Commission concludes that the recommendation is pending implementation.

*Measures and information to advance the implementation of the recommendation*

149. In order to make progress in complying with the recommendation, the IACHR needs to know comparatively, with respect to previous years, the strengthening of the institution. To this end, it is necessary to have comparative information in recent years (at least since the adoption of the recommendation) on the strengthening of staff capacities, on the situation in human resources, on budgetary resources, infrastructure, among others. It is important that the comparative information makes it possible to know, in a decentralized manner, the needs in each region, considering the prioritization of cases related to responsibilities for the disproportionate use of force.

**Recommendation No. 20.** Systematize through a comprehensive registry the data on deceased, injured, detained and victims of gender violence in the context of social protests in a transparent, updated, clear, concise and contrasted manner with the information provided by civil society. The registry must be specific and take into account data disaggregated by ethnic-racial origin, age, sex, sexual orientation, gender identity and/or expression.

<sup>106</sup> [Supreme Decree No. 109-2023-EF](#), June 4, 2023.

<sup>107</sup> [IMLCF requests more specialists and equipment](#).



*Compliance Information*

150. In 2024, the State reported on the implementation of the Public Prosecutor's Office's Data Registry of Victims of Social Protests (REDAVIP), which must contain data disaggregated by racial ethnic origin, age, sex, sexual orientation, gender identity and/or expression of all affected persons. In addition, the EFICAVIP Fiscal Action Bulletin was published, where the proceedings and statistical data of the victims by gender, age, place and year were recorded.

151. On the other hand, the State highlighted that, in 2023, the Monitoring and Alert Center of the Crime Observatory of the Public Prosecutor's Office prepared reports on institutional monitoring, which detail the number of detainees in the context of the latest protests.

152. The State also stated that the Ministry of Health consolidated the details of the 1,398 citizens affected in the context of the development of social conflicts, of which 1,335 correspond to injured and 63 to deaths. In addition, MINSA has established an application called "System for the Registration and Monitoring of People Affected in Health by Social Conflicts (SISREMACS)", which systematizes information on citizens affected during the development of social conflicts. In this regard, it was specified that this application interoperates with RENIEC, for the registration of personal data, and with the National Death System (SINADEF).

153. For its part, civil society informed the Commission that REDAVIP does not have an update and verification mechanism accessible to human rights organizations and the general public. He also stated that the aforementioned registries have not collected data disaggregated by ethnic origin or others, which would limit the ability to analyze the particular conditions of the victims; therefore, in his opinion, an intersectional approach needs to be incorporated in the collection of this information.

*Analysis and level of compliance with the recommendation*

154. The IACHR appreciates the information provided and appreciates the creation of REDAVIP as an action aimed at having a consolidated registry of victims. It also takes note of the efforts of other entities, such as the Ministry of Health, to consolidate information to verify and supplement the Register.

155. This recommendation is not only aimed at having a comprehensive data registration system, but also establishes some characteristics that must be taken into account for its implementation. Firstly, it must identify those who have died, been injured, detained and victims of gender-based violence. In relation to this matter, the IACHR notes that it is important for REDAVIP to expand its coverage to include other human rights violations committed (such as those perpetrated against detainees).

156. Second, the registry must be transparent, updated, clear, concise and contrasted with the information provided by civil society. In this sense, the exchange of information between public institutions, and between them and third parties, is essential to guarantee the due inclusion of the different people affected in the framework of the protests. However, in the specific case, mechanisms for transparency of information or contrast between different entities have not been reported and cannot be verified.

157. Finally, thirdly, the registry must be specific and take into account data disaggregated by ethnic-racial origin, age, sex, sexual orientation, gender identity and/or expression. This will allow the appropriate reparation measures to be designed and implemented to respond to each of the types of damage that may have been generated. From the information presented, it can only be identified that one variable has been used by biological sex and by household, with some variables still pending.

158. Considering that the established registry requires several actions to meet the objective of the recommendation, the Commission concludes that this recommendation is partially complied with.



*Measures and information to advance the implementation of the recommendation*

159. To move forward with compliance with this recommendation, it is essential that the State implements a Registry that includes all affected persons, which includes, at least, the types of violations included in the Country Report. Likewise, that this instrument be implemented in a transparent and collaborative manner with victims' organizations and other civil society entities. It should be noted that, in addition, it must have a clear regulatory mechanism, which regulates the way to request inclusion in the registry, and the clear criteria to determine who is going to be included in it. Finally, it is essential that this tool complies with having disaggregated data that allows for the design and implementation of comprehensive repair mechanisms that respond to the needs detected.

**E. Democratic institutions**

**Recommendation No. 21.** To take measures in order to reinforce and strengthen the confidence of citizens in the State based on the separation and practical, real and effective independence of the public powers, control entities and the Electoral System.

*Compliance Information*

160. In 2024, the State reported that the Council for the Reform of the Justice System<sup>108</sup> was created in 2019 in order to promote a reform of the justice system. The State indicated that, in this space, the highest representatives of the three branches of the State (Executive, Legislative and Judicial Powers), and the heads of entities such as the Constitutional Court, the Public Prosecutor's Office, the Ombudsman's Office, among others, participate. In this regard, the State reported on the meetings and measures carried out by the Council in 2024, including the beginning of the process of updating the Justice System Reform Policy<sup>109</sup>, or the beginning of the process of formulating the National Multisectoral Policy of the Justice System<sup>110</sup>.

161. In addition, the State detailed the organization of the Council of State, with the participation of the Presidency of the Republic and its ministers, and the heads of the Congress of the Republic, the Judiciary, the Office of the Ombudsman, the Office of the Comptroller General of the Republic, and the Office of the Attorney General, where various measures aimed at improving the justice system were agreed upon (see para. 52).

162. For its part, the Commission learned of information from civil society that highlights that various measures have been approved or proposed that would constitute political interference against different bodies that are fundamental to guaranteeing the rule of law, such as the Public Prosecutor's Office, the National Board of Justice (JNJ), the National Jury of Elections (JNE), the Ombudsman's Office and the Constitutional Court. In relation to the above, regarding the JNE, Congress would have promoted at least 29 legal initiatives aimed at changing the electoral rules, and that some would propose reforming the Constitution to modify the mechanism for electing the President of the JNE or incorporate the heads of the electoral system into the functional prerogative of impeachment and preliminary immunity process.

163. On the other hand, with regard to the JNJ, civil society reported two constitutional complaints and summary motions aimed at massively removing its entire composition, which resulted in the removal of two of its members, although it was specified that this decision has been questioned by the Judicial Branch. In view of this, the Legislative Branch filed a competence lawsuit against the Judicial Branch, which was rejected by the Constitutional Court, however, the process on the precautionary measure that leaves them in their functions remains in force. In addition, it was reported to the Commission that there is a constitutional reform initiative with a favorable opinion that proposes to deactivate the JNJ and replace it with a National School of

<sup>108</sup> [Law No. 30942](#), May 8, 2019.

<sup>109</sup> [Supreme Decree No. 012-2021-IUS](#), July 15, 2021.

<sup>110</sup> [Ministerial Resolution No. 0179-2024-IUS](#), July 18, 2024.



Magistracy. In this sense, civil society affirmed that it has insisted on the lack of transparency, meritocracy and participation in the selection process of the new JNJ, who will take office in January 2025.<sup>111</sup>

164. Likewise, in relation to the Constitutional Court, whose members were elected by the current Congress, civil society informed the IACHR that this body would have ceased to act as a counterweight in decisions that weaken the protection of human rights, such as in the decision that allowed the release of Alberto Fujimori in December 2023,<sup>112</sup> even in contempt of the decisions of the Inter-American Court.

165. As for the Public Prosecutor's Office, civil society affirmed that this entity would have been subject to attacks and undue external interference through unjustified dismissals or disqualifications of prosecutors in charge of high-impact cases, particularly during the management of a Prosecutor of the Nation with serious questions of corruption. For its part, it was alleged that the Judicial Branch had been affected by laws that affect its independence, such as those that increase penalties for prevarication,<sup>113</sup> the amount of compensation for judicial error and the catalog of serious offenses that may lead to its dismissal.

166. Finally, civil society expressed to the Commission its concern about the constitutional reforms approved; Specifically, those that were directly rejected through a referendum in 2018, such as the approval of bicamerality and the functions of each of its chambers, while measures are being adopted that would not respond to the interests of society as a whole.

#### *Analysis and level of compliance with the recommendation*

167. In various statements, the Commission has expressed its concern about the situation of the separation and practical independence of the powers in the Peruvian State<sup>114</sup>, which have been compromised by various normative measures and decisions that have been adopted in recent years. These have been aimed at promoting investigations against justice operators or officials of the electoral system<sup>115</sup> or to seek to determine the political responsibilities of representatives of other branches or institutions of the State,<sup>116</sup> or to modify the powers of the entities through mechanisms for electing the heads of such entities, as in the case of the Ombudsman's Office or the National Board of Justice.

168. In this regard, the IACHR has established, in various pronouncements, that representative democracy is the form of organization explicitly adopted by the member states of the Organization of American States and expressly included in Article 3(d) of its Constitutive Charter<sup>117</sup>. In this sense, the Commission has insisted on the intrinsic relationship that exists between democracy and the validity and respect of human rights<sup>118</sup>. Likewise, with regard to the basic characteristics that representative democracy must have, the Commission has determined that, in order for its consolidation, it is essential to have an institutional framework guided by the separation, independence, and balance of powers; as well as for the effective exercise of political rights, through free and fair elections, and respect for and promotion of pluralism in society.<sup>119</sup>

<sup>111</sup> IACHR, Thematic Hearing, "Peru: Democracy and the Effects of the National Board of Justice Selection Process," 191st Regular Period of Sessions, Washington, DC, United States, November 15, 2024, information provided by IDL and others.

<sup>112</sup> IACHR, Press Release No. 281/23, [IACHR Rejects Decision of the Constitutional Court of Peru Implementing the Pardon of Alberto Fujimori](#), December 8, 2023.

<sup>113</sup> [Law No. 32182](#), December 11, 2024.

<sup>114</sup> IACHR, Press Release No. 130/24, [IACHR Expresses Concern over Congressional Interference in the Functioning of Other Public Branches](#), June 7, 2024.

<sup>115</sup> IACHR, Press Release No. 222/23, [IACHR Expresses Concern over Investigation of National Board of Justice and Calls for Respect for Due Process](#), September 25, 2023.

<sup>116</sup> IACHR, Press Release No. 129/23, [IACHR Expresses Concern over Constitutional Accusations Against Justice Operators and Calls for Respect for Due Process Guarantees](#), June 21, 2023.

<sup>117</sup> IACHR, Compendium on Democratic Institutions, the Rule of Law, and Human Rights, OEA/Ser.L/V/II, Doc. 318/23, November 30, 2023, para. 31., OEA/Ser.L/V/II, Doc. 318/23, November 30, 2023, para. 31.

<sup>118</sup> IACHR, [Compendium on Democratic Institutions, the Rule of Law, and Human Rights](#), OEA/Ser.L/V/II, Doc. 318/23, November 30, 2023, para. 29.

<sup>119</sup> IACHR, Annual Report of the Inter-American Commission on Human Rights, 2022, Chapter IV. Nicaragua, April 1, 2023, para. 25., April 1, 2023, para. 25.



169. Therefore, the Commission considers that no measures have been reported by the State aimed at reinforcing and strengthening the confidence of citizens in the State based on the separation and practical, real, and effective independence of the public powers, control entities, and the electoral system. The Commission also expresses its concern about the various measures that have been observed (mentioned in the present recommendation) that could affect the independence and balance of powers.

170. In this sense, it is necessary that, within the framework of the principle of separation of powers, the legal norms that are presented or approved do not have the objective or effect of restricting the action of said entities or their decisions. On the other hand, it is essential that real control be exercised over the norms that are to be approved through existing constitutional mechanisms, such as the power to observe norms that violate these principles. In addition, for the IACHR, it is essential that oversight entities such as the Constitutional Court or the Ombudsman's Office comply with the application of international criteria and standards for the protection of human rights in the framework of their actions. Finally, that the entities of the justice system and the electoral system can exercise their powers, in accordance with their internal and external independence, so that citizens' confidence in the institutions is strengthened. Consequently, the Commission identifies that this recommendation is **pending compliance**.

*Measures and information to advance the implementation of the recommendation*

171. The IACHR will conclude progress in the level of compliance with this recommendation when it has information that accounts for the adoption of measures that guarantee the separation and independence of the different branches and organs of the State.

**Recommendation No. 22.** Refrain from adopting legislative or constitutional reforms that weaken the autonomy and independence of the National Electoral System or the Judiciary.

*Compliance Information*

172. In 2024, the State reported that no legislative initiative has been approved in Congress that weakens the autonomy and independence of the Electoral System.

173. The Commission received information provided by civil society according to which various legislative initiatives or judicial decisions had been presented that would contravene this recommendation. In this regard, it expressed concern about Law No. 32153,<sup>120</sup> approved on November 5, 2024, which incorporated modifications that could harm the independence of the Judiciary, limiting the diffuse control of the rules, modifying the majority requirement for rulings in competency processes or limiting the ability of the Supreme Court to issue binding precedents, regardless of the interpretations of the Constitutional Court.

174. On the other hand, civil society expressed its concern in relation to the functioning and independence of the electoral bodies; since, in the first vote, a constitutional reform was approved that would change the form of election of the President of the JNE and that would reduce his term to two years.<sup>121</sup> According to what was transmitted to the Commission, the foregoing would have generated a pronouncement against the President of the JNE himself. In addition, the IACHR was informed that at least 29 bills have been promoted that seek to change electoral rules.

175. In addition, the IACHR learned of other laws that could have the effect of weakening the independence and autonomy of the justice system, such as Law No. 32182<sup>122</sup>, which establishes sanctions for prosecutors and judges, modifying the laws on judicial and prosecutorial careers. Law No. 32108<sup>123</sup>, which

<sup>120</sup> [Law No. 32153](#), November 5, 2024.

<sup>121</sup> [Bill 9095/2024-CR amends Articles 179, 180, 182 and 183 of the Political Constitution of Peru.](#)

<sup>122</sup> [Law No. 32182, of December 11, 2024.](#)

<sup>123</sup> [Law No. 32108, of August 9, 2024.](#)



excludes crimes such as extortion and illegal mining from the definition of organized crime and introduces new categories that make it difficult to classify and punish criminal activities, requiring more detailed evidence. Law No. 32130,<sup>124</sup> which grants the National Police of Peru the conduct of preliminary investigations of the crime. Law No. 31990,<sup>125</sup> on effective collaboration, which reduces the time to corroborate information from effective collaborators, making investigations in complex cases more difficult. Law No. 31751,<sup>126</sup> which cuts the statute of limitations in the Penal Code. Law No. 32107,<sup>127</sup> which redefines the application of crimes against humanity, restricts the ability to guarantee final sentences in cases of serious human rights violations.

*Analysis and level of compliance with the recommendation*

176. The Commission considers that no information has been provided on concrete measures by the State that would make it possible to identify progress in complying with this recommendation. The IACHR expresses its concern considering that this recommendation was prepared after identifying a context of questioning and weakening of the national electoral system and the judiciary. In this regard, the IACHR has warned that regulations that directly affect its functioning have continued to be discussed or approved<sup>128</sup>, and therefore maintains that this recommendation is **still pending compliance**.

*Measures and information to advance the implementation of the recommendation*

177. To guide compliance with this recommendation, the IACHR emphasizes the importance of the State refraining from adopting legislative or constitutional reforms that weaken the autonomy and independence of the National Electoral System or the Judiciary. In this regard, the IACHR awaits the results of the pronouncements of the internal oversight bodies in relation to the measures already promoted, such as the extension of the constitutional accusation to the authorities of the electoral system, or those aimed at restricting diffuse control by justice operators.

**Recommendation No. 23.** To delimit the figures of constitutional impeachment, presidential vacancy due to permanent moral incapacity and unilateral dissolution of Congress, so that they specify, with clear and objective parameters, the punishable conducts and their corresponding consequences.

*Compliance Information*

178. In 2024, the State reported that the Legislative Branch has presented various bills in order to regulate the figures of constitutional impeachment, presidential vacancy due to permanent moral incapacity, and unilateral dissolution of Congress. It pointed out that, in all cases, the bills are in the process of discussion within the mechanisms established by the Congress of the Republic of Peru.

*Analysis and level of compliance with the recommendation*

179. The IACHR believes that no concrete measures have been taken to comply with this recommendation and that the reported efforts are in their infancy. Therefore, it concludes that this recommendation is **pending compliance**.

*Measures and information to advance the implementation of the recommendation*

180. The IACHR will declare progress in complying with this recommendation when it learns of the outcome of the discussions in the Legislative Branch, through the approval of these norms and their

<sup>124</sup> [Law No. 32130 of October 10, 2024.](#)

<sup>125</sup> [Law No. 31990 of March 31, 2024.](#)

<sup>126</sup> [Law No. 31751, of May 25, 2023.](#)

<sup>127</sup> [Law No. 32107, of August 9, 2024.](#)

<sup>128</sup> IACHR, Press Release No. 206/24, [IACHR Warns of Effects on Access to Justice Following Approval of Law on Crimes Against Humanity in Peru](#), September 3, 2024.



promulgation by the Executive Branch. In this regard, the IACHR remains attentive to the content that is approved.

**Recommendation No. 24.** Adopt measures to strengthen the institutional structure of the Office of the Ombudsman, taking into account the important work it performs; and provide it with adequate human and material resources for the full performance of its functions in the various provinces of the country.

#### *Compliance Information*

181. For the year 2024, the State reported that, on May 17, Law No. 32028 was enacted<sup>129</sup> with the objective of promoting the institutional strengthening of the Ombudsman's Office (DP), including its functions of monitoring and preventing social conflicts and the peaceful resolution of such conflicts. In this regard, the State reported that a supplementary credit was approved in favor of this entity to finance the supervision and monitoring of agreements within the framework of conflict prevention and management and that the new remuneration scale for servants included in the labor regime of Legislative Decree No. 728 of the DP was approved.

182. For its part, civil society expressed to the IACHR its concern about the different questions that have been raised about the management of the current Ombudsman. These would be linked to the use of the institution's resources in international representation trips or in the organization of regional activities that are not part of the entity's competencies. Likewise, the resignation of several high-profile officials, the alleged appointment of people with political ties close to political parties that appointed the current Ombudsman, the lack of transparency in personnel contracts, and the priorities shown in the pronouncements that have been made in recent months<sup>130</sup> were reported. According to what was pointed out to the IACHR, this would be generating concern about an alleged loss of legitimacy of the entity and an alleged lack of independence and autonomy.

#### *Analysis and level of compliance with the recommendation*

183. The IACHR appreciates the information provided by the State and welcomes the approval of an amendment that strengthens the powers of the Office of the Ombudsman, the granting of a supplementary loan for this purpose, and the approval of a new remuneration scale. The Commission highlights the role played by national human rights institutions, in particular in generating mechanisms that strengthen the international obligations of States regarding the rights of their citizens. In this sense, it recalls that entities such as the Ombudsman's Office of Peru must have adequate logistical and personal resources for the fulfillment of their functions, guaranteeing their work throughout the territory, and generating mechanisms for coordination and dialogue with civil society.

184. For the IACHR, it is important that the strengthening measures referred to in the recommendation under follow-up be aimed at improving confidence in the institution's role in the protection of human rights; therefore, it is important to continue observing the role of the Ombudsman's Office, and its full fulfillment of its functions in the different provinces of the country. Consequently, the Commission considers that this recommendation has been partially complied with.

#### *Measures and information to advance the implementation of the recommendation*

185. The IACHR identifies that progress in complying with this recommendation requires specific measures and reported information that make it possible to know whether the human and material resources that have been assigned to the Ombudsman's Office are sufficient for the adequate fulfillment of the entity's

<sup>129</sup> [Law No. 32028](#), May 17, 2024.

<sup>130</sup> Statement by former Ombudsmen and former workers of the Ombudsman's Office <https://www.infobae.com/peru/2024/09/10/cuotas-de-poder-impunidad-y-silencio-el-fuerte-mensaje-de-exdefensores-contra-la-labor-e-intereses-de-josue-gutierrez/>



role in a decentralized manner. Therefore, the State is requested to prepare a diagnosis on what resources the entity must have to ensure an adequate exercise of functions. It is also essential to have information that allows us to evaluate how these resources have helped to improve the levels of trust of citizens in the work of the Ombudsman's Office, improving the channels of dialogue between all actors.

**Recommendation No. 25.** Adopt measures to ensure that the selection process for the head of this entity (Ombudsman's Office) is participatory, transparent, pluralistic, and based on the merits and professional qualities of the applicants.

*Compliance Information*

186. For the year 2024, the State reported the presentation of various legislative initiatives on the selection process of the Ombudsman, some of which are still under debate. It also indicated that, on May 17, 2024, Law No. 32028 was published,<sup>131</sup> which amended the Organic Law of the Ombudsman's Office, which established that the Ombudsman will cease to hold office due to the expiration of the term, provided that his successor has been elected, to facilitate the continuity of the position, despite the fact that there has not been an election within the Congress of the Republic. In addition, the regulation added the function to the Ombudsman's Office of preventing and monitoring social conflicts, as well as mediating to promote dialogue and its solution.

187. The Commission received information provided by civil society according to which no concrete progress has been observed in the reform of the selection procedures referred to in this recommendation. In this regard, it was reiterated that they have been criticized for limited social participation and for having a political focus, prioritizing obtaining votes over meritocracy.

*Analysis and level of compliance with the recommendation*

188. The IACHR believes that no specific progress has been reported to ensure that the selection process for the head of this entity is participatory, transparent, pluralistic, and based on merit and professional qualities. In this regard, the Commission is attentive to the progress of the legislative initiatives that have been presented, so that the content of the measures that are approved can be analyzed. Pending this information, the Commission understands that this recommendation is pending compliance.

*Measures and information to advance the implementation of the recommendation*

189. The IACHR identifies that progress in complying with this recommendation depends on the legislative initiatives that are approved containing mechanisms for electing the person in charge of the Ombudsman's Office, which reinforce participation and transparency, and are based on merit and objective professional qualities. In this way, the selection must have the appropriate procedures to prevent this election from being perceived as merely political, that it has criteria that can be objectively applied, avoiding phrases that can be interpreted arbitrarily, and that it has instruments of transparency and exchange of information with other civil society entities.

**Recommendation No. 26.** Ratify the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance.

*Compliance Information*

190. For the year 2024, the State reported that the Ministry of Foreign Affairs is preparing the report on the referral of the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance and the file for ratification to be sent to the Legislative Branch. To this end, he indicated

<sup>131</sup> [Law No. 32028](#), May 17, 2024.



that the different sectors of the Executive Branch have presented technical reports and have held coordination meetings.

191. For its part, the Commission received information provided by civil society according to which there are no known measures to ratify the Convention, despite having been signed by the State on October 25, 2016.

*Analysis and level of compliance with the recommendation*

192. The IACHR appreciates the State's reporting regarding the coordination that is being carried out in the Executive Branch. With regard to the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance, the IACHR recalls that this instrument consolidates international standards on the subject set forth in the International Convention on the Elimination of All Forms of Racial Discrimination, and advances in the legal definition of contemporary forms of racism<sup>132</sup>.

193. On the basis of the information sent, the Commission finds that no measures have been transmitted to ratify the Convention in question and therefore considers that compliance with this recommendation remains **pending**.

*Measures and information to advance the implementation of the recommendation*

194. In order to make progress in complying with this recommendation, the IACHR invites the State to ratify the Convention in question. To this end, it warns that it is necessary to present the progress of the parliamentary process, including the presentation of the legislative initiative, the discussion in specialized commissions, the issuance of opinions, the scheduling in the Plenary and, finally, its approval and promulgation.

**Recommendation No. 27.** Adopt measures aimed at improving and guaranteeing the representative political participation of indigenous peoples and peasant communities in the different regions of Peru.

*Compliance Information*

195. In 2024, the State highlighted that the National Elections Jury (JNE) prepared the document "(Sub)Political Representation of Indigenous Peoples in Peru, a proposal for reserved seats in the Peruvian Congress," which seeks to contribute to the debate on the need to strengthen the political representation of these actors. In this sense, on December 14, 2023, it organized an event to present the study in the Congress of the Republic.

196. For its part, civil society informed the Commission about the existence of electoral quotas in favor of indigenous peoples and communities in the case of regional and municipal elections. According to the information, the application of quotas has had some implementation problems that have not made it possible to meet the following objectives: (i) to address structural barriers such as institutionalized racism or inequalities in access to resources; and (ii) to incorporate the demands and needs of indigenous peoples into municipal and regional management. Likewise, civil society stated that there are no known efforts to contemplate a mechanism for the representation of indigenous peoples and communities in the Legislative Branch.

*Analysis and level of compliance with the recommendation*

197. The Commission recalls that the follow-up to this recommendation is aimed at establishing whether the State has adopted measures to promote the representation of indigenous peoples and peasant

<sup>132</sup> IACHR, Press Release No. 117/16, [IACHR Welcomes Costa Rica's Ratification of the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance](#), August 18, 2016.



communities in the system of political representation at the national and regional level. In this regard, the IACHR requests information that will allow it to learn about the measures that have been taken to guarantee the active participation of members of indigenous peoples in electoral political representation and in mechanisms aimed at incorporating the indigenous peoples' agenda into the public debate.

198. The IACHR thanks the State for the information on the document prepared by the JNE to encourage discussion on the system of political representation of indigenous peoples, as well as for the inclusion of a formula of reserved seats as an option to guarantee their representation. It also notes the existence of electoral quotas in the regional and municipal representation system (existing since 2002), identifying that this precedes the Country Report presented<sup>133</sup>. In this regard, the Commission considers that no effective measures have been reported that seek to take concrete steps towards compliance with the recommendation and therefore concludes that compliance with the recommendation is pending.

*Measures and information to advance the implementation of the recommendation*

199. In order to analyze the progress of this recommendation, the Commission considers it important to know the scope of the discussion on the electoral system for the political representation of indigenous peoples and peasant communities in the Legislative Branch. In addition, it expects to know the contents of these proposals, and the discussion and approval processes that are taking place in Congress. On the other hand, the Commission requests specific information that will make it possible to identify, if applicable, how the objectives of the electoral quotas established in the regional and municipal representation system are being met.

**F. Freedom of expression, assembly and association**

**Recommendation No. 28.** Design and implement a permanent national public policy aimed at protecting the rights to peaceful assembly, freedom of expression, and freedom of association. Such a policy must have the participation of all sectors of society and contemplate the updating of protocols and training programs in State institutions; the design and implementation of negotiation, mediation and other alternative means of conflict; and the implementation of measures to protect human rights defenders and journalists.

*Compliance Information*

200. In 2024, the State reported on the approval of the Intersectoral Mechanism for the Protection of Human Rights Defenders<sup>134</sup> (hereinafter "Intersectoral Mechanism"), with the aim of protecting, recognizing, and guaranteeing access to justice for human rights defenders. According to the State, this mechanism covers the protection of journalists as long as they carry out activities in defense of human rights. This mechanism carries out permanent monitoring that generates a report of possible risk situations, and receives requests for the activation of the Early Warning Procedure (PAT). According to the State, as a result of this measure, 373 situations of risk have been registered that directly involved 656 human rights defenders and family members, in 20 departments and one constitutional province, between June 2019 and May 2024. Of the 373 risk situations, 27 involve 30 journalists (4.84%), whose cases have been dealt with within the framework of the Intersectoral Mechanism.

201. The State also reported on the approval of the "Protocol of Prosecutorial Action for the Prevention and Investigation of Crimes against Human Rights Defenders."<sup>135</sup>

202. For its part, in relation to the Intersectoral Mechanism for the Protection of Human Rights Defenders, civil society highlighted the installation of Regional Roundtables for the Protection of Human Rights

<sup>133</sup> [Law No. 27683](#) of 15 March 2002

<sup>134</sup> [Supreme Decree No. 004-2021-JUS](#), April 22, 2021.

<sup>135</sup> [Resolution of the Attorney General's Office No. 439-2022-MP-FN](#)



Defenders, as a territorial strategy that allows for coordination and articulation of decision-making. However, he expressed his concern about the alleged budgetary problems that would exist, which would affect the implementation of protection measures for the attention of risk situations.

203. Civil society commented that, since the approval of the Report, policies for the protection of human rights defenders and journalists have not been updated or strengthened. According to what was stated to the Commission, this would be aggravated by the alleged increase in attacks against defenders belonging to civil society organizations, demonstrators, journalists, justice operators, and public authorities, who would be publicly accused of being "terrorists" or "*terrucas*" by government authorities and civil society groups<sup>136</sup>, inciting violence against them in order to intimidate and frighten them. The Committee to Protect Journalists has indicated that repeated accusations of defamation of journalists have been used to prevent them from reporting on matters of public interest.<sup>137</sup>

204. In addition, civil society expressed concern about the legislative initiatives for the weakening of civil society organizations, which would seek to restrict and control the work of those that receive funds from abroad, which could generate arbitrary sanction mechanisms against civil society organizations and their members.<sup>138</sup>

#### *Analysis and level of compliance with the recommendation*

205. The IACHR appreciates the information provided by the State and welcomes the approval and implementation of the Intersectoral Mechanism for the Protection of Human Rights Defenders, as well as the installation of Regional Roundtables for the Protection of Human Rights Defenders. The Commission also recalls that the objective of the follow-up to this recommendation is to learn about the measures adopted after the approval of the recommendations contained in the Country Report under analysis, so that they respond to the challenges exposed during the political and social crisis in the time frame covered by the Report.

206. Considering the above, the Commission observes that the Intersectoral Mechanism was approved in 2021 and has been implemented before, during, and after the crisis analyzed. In this regard, the State must strengthen the measures adopted with the aim of adapting the Mechanism and its instruments to the contexts of social protest that may arise in the future. It is also essential that the Intersectoral Mechanism, and its decentralized tables, have the institutional resources essential to respond to the urgencies of protection in situations of risk.<sup>139</sup>

207. On the other hand, the IACHR considers it essential to have more details on when the Intersectoral Mechanism considers that a journalist or other person is carrying out human rights defense activities, in order to determine the framework for effective protection in the context of social protests.

208. In addition, in the context of the follow-up to this recommendation, the IACHR has taken note of the information provided by the State and positively values the existence of the Mechanism. However, it does not find specific compliance measures that show that progress has been made in the design, discussion, approval or application of a permanent national public policy aimed at protecting the rights to peaceful assembly, freedom of expression and freedom of association, which includes the implementation of measures

<sup>136</sup> He cited newspaper articles that include statements by public authorities: <https://www.nytimes.com/es/2023/02/02/espanol/peru-protestas-gervasi.html>, <https://elcomercio.pe/politica/actualidad/asociacion-nacional-de-periodistas-rechaza-expresiones-de-dina-boluarte-sobre-el-terrorismo-de-imagen-anp-ultimas-noticia/>

<sup>137</sup> Human Rights Watch, World Report 2024, Peru. Available in: <https://www.hrw.org/es/world-report/2024/country-chapters/peru>

<sup>138</sup> Congress of Peru, Opinion on bills 6162, 7140 and others that propose to amend the Law creating the Peruvian Agency for International Cooperation (APCI) to contribute to transparency and supervision of the execution of the resources received by the entities that manage international technical cooperation, such as non-governmental organizations (NGOs). Available in <https://wb2server.congreso.gob.pe/spley-portal-service/archivo/MTkzNDEw/pdf>

<sup>139</sup> IACHR, [Report Towards a Comprehensive Policy for the Protection of Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 246.



of negotiation, mediation and other alternative means of conflict; and the implementation of measures to protect human rights defenders and journalists. In this regard, it concludes that this recommendation is still **pending compliance**.

*Measures and information to advance the implementation of the recommendation*

209. The IACHR urges the State to approve or strengthen a permanent national public policy that includes training programs in State institutions and contains alternative means of conflict resolution, and mechanisms for the protection of human rights defenders and journalists in the context of the defense of the rights to peaceful assembly, freedom of expression and freedom of association. This would imply clearly delimiting the scope of the mechanism's protection in the context of social protests and determining the protection of journalists and the role they play in such contexts.

**Recommendation No. 29.** Develop educational campaigns of national scope so that citizens know their rights and protection alternatives and create inter-institutional missions so that, in the context of protests and demonstrations, they observe and, if necessary, provide support to people who require some type of assistance or protection.

*Compliance Information*

210. In 2024, the State reported that, within the framework of the "Peru without Racism" Strategy for 2023, six information and awareness fairs were organized in Arequipa, Huancavelica, Huánuco, Loreto, and Puno. In addition, it indicated that an information stand against racism was set up in 22 fairs or festivals. In addition, as part of the Intersectoral Mechanism for the Protection of Human Rights Defenders, the State indicated that training workshops were organized for indigenous defenders in seven regions with the highest risk alerts, namely, in San Martín, Ucayali, Huánuco, Madre de Dios, Loreto, Pasco, and Amazonas.

211. For its part, civil society stressed to the Commission that it does not know of information on the activities promoted by the State to comply with this recommendation.

*Analysis and level of compliance with the recommendation*

212. The Commission appreciates the information provided by the State. In this regard, it recalls that the purpose of this recommendation is to learn about pedagogical actions on rights and protection mechanisms, as well as the creation of inter-institutional missions aimed at observing and providing care to people in the context of protests and demonstrations. Therefore, it warns that the training on the intersectoral mechanism of defenders, and the fairs on racial discrimination reported contribute to the fulfillment of this recommendation, considering that they strengthen knowledge about some of the rights of people and their protection alternatives. In view of the foregoing, the Commission considers that this recommendation has been **partially complied with**.

*Measures and information to advance the implementation of the recommendation*

213. To move forward with compliance with this recommendation, the IACHR stresses that there must be institutionalized mechanisms aimed at promoting educational campaigns of national scope, such as fairs, workshops, advertising spots, or others, aimed at addressing the rights of citizens and protection mechanisms, and that include the fight against discrimination as one of their components. It also recalls that it is necessary to implement inter-institutional actions aimed at observing and paying attention to people in the context of protests and demonstrations, which must include various public actors and civil society, and involve entities such as the Ombudsman's Office.

**Recommendation No. 30.** Refrain from making statements that stigmatize or incite violence against people participating in the protests. In this regard, adopt pedagogical measures aimed at socializing with



the state authorities their duty to refrain from making stigmatizing statements or statements that incite violence against people participating in the protests.

#### *Compliance Information*

214. In 2024, the State indicated that, since 2013, an Alert Platform against Racism has been implemented, which aims to generate information on acts of ethnic-racial discrimination and promote active citizenship that reports these facts. The State also indicated that has established the ORIENTA service<sup>140</sup>, to provide attention to people who report cases of discrimination. In this context, it stated that 39 capacity-building activities on the identification and prevention of ethnic-racial discrimination were carried out at the decentralized level, aimed at public servants and officials. and that a free virtual MOOC course called "Let's Talk About Racism" was implemented.

215. For its part, civil society informed the Commission of the alleged issuance of statements that stigmatize and incite violence against people who participate in the protests. In this regard, the IACHR was informed of statements issued by members of the Council of Ministers,<sup>141</sup> spokesmen for the Executive Branch,<sup>142</sup> and congressmen<sup>143</sup> who would have issued qualifiers such as "urban terrorism," "traitors to the interests of the homeland," or "criminals" linked to the demonstrators in the context of the October 2024 mobilizations. Likewise, civil society stressed that, in the context of the protests of these mobilizations in October 2024, the Ombudsman's Office issued a statement stating that "the obligation to contribute to the national interest" is above the right to protest.

216. On the other hand, civil society commented that it does not have public information on specific campaigns or educational programs aimed at training authorities on the importance of avoiding statements that incite violence or stigmatize demonstrators, human rights defenders or journalists.

#### *Analysis and level of compliance with the recommendation*

217. The Commission is grateful for the information provided by the State regarding the training provided to public servants and public officials on ethnic-racial discrimination. In this regard, the IACHR emphasizes that the purpose of this recommendation is to strengthen educational measures aimed at state authorities regarding their duty to refrain from making statements that stigmatize or incite violence against people who participate in the protests. In this regard, the IACHR has said that "officials have the duty to ensure that when exercising their freedom of expression they do not incur in the disregard of fundamental rights, which includes that they do not harm or inhibit the right to social protest."<sup>144</sup>

218. The IACHR is also concerned about the stigmatizing statements made by various State officials in relation to people who participated in the protests of 2022 and 2023. Pending further information, the Commission concludes that compliance with this recommendation is **pending**.

#### *Measures and information to advance the implementation of the recommendation*

219. On the one hand, the Commission considers it essential that authorities and officials refrain from making stigmatizing statements about people who participate in the protests. In addition, it recalls that, in order to move forward in complying with this recommendation, not only must it stop issuing this type of

<sup>140</sup> [Supreme Decree No. 013-2021-MC](#), July 20, 2021.

<sup>141</sup> [RPP, Adrianzén criticizes call for indefinite strike of the transport sector: "It is not union, it is a political mobilization"](#), October 17, 2024.

<sup>142</sup> Infobae, [Dina Boluarte's spokesman, called those who call for protests during the APEC summit "traitors to the homeland"](#), October 20, 2024.

<sup>143</sup> Successful, [Fernando Rospigliosi criticizes national strike of transporters: "It seeks to create more instability"](#), October 22, 2024.

<sup>144</sup> IACHR, [Report on Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 242.



assessment, but the State must seek mechanisms of accountability in the face of the latter, as well as provide pedagogical measures so that the authorities and officials know and apply this prohibition.

**Recommendation No. 31.** Ensure that limitations on the right to peaceful assembly are exceptional and observe the principles of legality, legitimacy, necessity, and proportionality.

#### *Compliance Information*

220. For the year 2024, the State reported that Article 12 of the Political Constitution of Peru, the rulings of the Constitutional Court<sup>145</sup> and the Administrative and Operational Guidelines applicable to operations to control, maintain, and restore public order<sup>146</sup> recognize the right to protest. In this regard, it stated that the legal framework applicable to policing in the context of protests provides that limitations on this right must be expressly set by law and be aimed at achieving legitimate authorized objectives, including the protection of national security, public safety, public order, public health, public morality and respect for the rights and freedoms of all members of the community.

221. The State also indicated that the legislation in force provides that, during expressions of violence in social conflicts, it is essential to take the strictly necessary and proportionate measures to control individual or collective conduct that endangers public order or the rights of individuals, without restricting or limiting the free exercise of the right to protest by those who demonstrate peacefully.

222. For its part, the Commission learned of information provided by civil society, according to which the government has resorted to declaring states of emergency in various demonstrations, allowing the intervention of the armed forces in the control of public order. In this regard, it was indicated that an example of this would have occurred in September 2024, when the government declared a state of emergency in eleven districts of Metropolitan Lima and Callao for 60 days in response to a transport strike.

223. In turn, the State remarked that the declaration of the State of Emergency in September 2024 was based on the increase in criminal actions and citizen insecurity (commission of crimes of homicide, contract killings, extortion, among others), as indicated in Supreme Decree No. 100-2024-PCM<sup>147</sup>.

#### *Analysis and level of compliance with the recommendation*

224. The Commission considers that no information has been provided on any measure that could signify progress in complying with the recommendation, since the measures referred to do not take place after the issuance of the Country Report. The IACHR has also observed that the State has declared states of emergency on several occasions, allowing the temporary restriction of some rights, as a mechanism to address protests or demonstrations. As commented in the analysis of compliance with recommendation number 7 of this report, the Commission recalls that "states of emergency should be reserved exclusively for truly exceptional cases, situations of extreme gravity, that endanger the life of the Nation. For other situations, ordinary administrative measures must be adopted."<sup>148</sup> In light of the foregoing, the Commission concludes that specific measures must be taken to ensure that limitations on the right to peaceful assembly are exceptional and observe the principles of legality, legitimacy, necessity, and proportionality. Therefore, compliance with this recommendation is **pending**.

<sup>145</sup> Constitutional Court, [Judgment in Case No. 4677-2004-PA/TC](#), December 7, 2005, para. 9.

<sup>146</sup> National Police of Peru, [Resolution of the General Command of the National Police No. 418-2022-CG PNP/EMG](#), October 13, 2022.

<sup>147</sup> [Supreme Decree No. 100-2024-PCM, of September 27, 2024](#)

<sup>148</sup> IACHR, [Report on Social Protest and Human Rights](#), Standards on the Rights Involved in Social Protest and the Obligations that Should Guide the State's Response. OEA/Ser.L/V/II.IACHR/RELE/INF.22/19, September 2019, para. 322.



*Measures and information to advance the implementation of the recommendation*

225. The IACHR notes that the analysis of compliance with this recommendation lies in identifying the concrete State measures that implement inter-American standards related to the exceptional nature of limitations on the right to peaceful assembly, based on the principles of legality, legitimacy, necessity, and proportionality. Therefore, not only must the existence of these principles be established in the regulatory framework, but regulation and practice must be sought in accordance with their content.

**Recommendation No. 32.** Adopt the necessary measures to ensure that the dissolution of protests is of an exceptional nature, so that it only proceeds in the event of a serious risk to the life or physical integrity of people and when other less restrictive measures are not possible.

*Compliance Information*

226. For the year 2024, the State reiterated the rules detailed in recommendation 31. The State also stressed that domestic legislation provides that, during expressions of violence in social conflicts, it is essential to take the strictly necessary and proportionate measures to control individual or collective conduct that endangers public order or the rights of individuals, without restricting or limiting the free exercise of the right to protest by those who demonstrate peacefully.

227. For its part, the IACHR learned from civil society about the enactment of Legislative Decree No. 1589 of December 2023<sup>149</sup> which increases prison sentences to 15 years for crimes such as rioting and obstructing public services, and which would represent a possible criminalization of social and peaceful protest by criminalizing acts such as blocking roads. In addition, the Commission was informed that, in May 2023, the Constitutional Court issued a ruling that would criminalize demonstrations, prohibiting peaceful protests by declaring that they are not protected by the Constitution<sup>150</sup>. In the same sense, it was pointed out that the Supreme Court ratified a criminal conviction stating that the occupation of roads constitutes a crime, especially when it affects third parties and there are no alternatives.

*Analysis and level of compliance with the recommendation*

228. The Commission notes that no measure has been provided that could mean progress in complying with the recommendation, since no measure is subsequent to the issuance of the recommendation. It is also concerned about the enactment of laws and judicial decisions that reduce the protection of persons participating in protests and demonstrations, such as Legislative Decree No. 1589 or the ruling of the Constitutional Court. In this regard, it should be mentioned that the objective of the recommendation is to guarantee the exercise of the right to protest and to establish, in a clear manner, that the adoption of measures for its dissolution should only be carried out if there is a serious risk to the life or physical integrity of people, and provided that other less restrictive measures are not possible. Therefore, the Commission considers that compliance with this recommendation is **pending**.

*Measures and information to advance the implementation of the recommendation*

229. The Commission calls on the State to take concrete measures aimed at protecting the right to protest, avoiding criminalizing or creating a regulatory framework that makes the protection of the people who participate in them precarious. In this regard, it is requested that the normative measures and judicial decisions issued be evaluated in relation to international standards. In this way, the protection framework in relation to protests and the protection of human rights defenders can be strengthened.

<sup>149</sup> [Legislative Decree No. 1589](#), December 4, 2023.

<sup>150</sup> [Cassation Judgment 1464-2021/Apurimac](#), May 15, 2023, Twenty-first "It is not possible, under the pretext of assembly or dissent (to think or think differently), to justify the impediment, hindrance or hindrance to transport or the provision of public or private service, much less the endangerment of life, integrity or personal liberty or damage to public or private property".



**Recommendation No. 33.** Respect and guarantee the right to record and disseminate any incident in the context of protests, especially taking into account the role that cameramen, photojournalists, and journalists who cover protests play in the social control of events in demonstrations and the actions of the State.

*Compliance Information*

230. For the year 2024, the State reported that the National Police of Peru has indicated, through its communication channels, that anyone who is part of a police intervention or witness to it can take photographs and/or videos, without interfering with police work. It also reiterated that journalists are included in the protection framework of the Intersectoral Mechanism for the Protection of Human Rights Defenders and in the Protocol of Prosecutorial Action for the Prevention and Investigation of Crimes against Human Rights Defenders (see recommendation 28).

231. For its part, the Commission was made aware of the concern of civil society regarding the normative, jurisprudential, and social framework that criminalizes and stigmatizes social protest (see recommendation 30), since it affirms that not only would the protests be delegitimized, but also the media coverage and objective recording of the facts. In this sense, the report of the Office of Human Rights of Journalists (OFIP) of the National Association of Journalists (ANP) registered, between January and May 2024, 119 attacks on journalists, which include threats (62), physical or verbal aggression (23), judicial intimidation (10), and obstacles to access to information (9), among others.<sup>151</sup>

*Analysis and level of compliance with the recommendation*

232. The IACHR welcomes and appreciates the report by the National Police of Peru regarding the right to record and disseminate any incident in the context of the protests. However, the Commission notes that, according to the facts gathered in the Country Report, situations arose that made it impossible to exercise these rights due to actions carried out by the security agents themselves.<sup>152</sup> Therefore, in order to follow up on compliance with this recommendation, it is important to know the subsequent concrete actions that have been adopted to guarantee the protection of cameramen, photojournalists, and journalists who cover the protests. In fact, the Commission considers that the recommendation still requires concrete actions to be implemented. Therefore, it concludes that compliance is still **pending**.

*Measures and information to advance the implementation of the recommendation*

233. The IACHR will assess progress in complying with the recommendation when the State reports on actions taken to ensure the dissemination and recording of events during social protests. These actions may include the implementation of specific public policies, measures to strengthen the institutions of both security agents and the entities in charge of protecting the rights of journalists, the accountability of those officers who violate these rights, or pedagogical actions aimed at knowing and promoting their exercise.

**Recommendation No. 34.** Review and update the protocols for the protection of journalists, communicators, and media workers from persecution, detention, intimidation, harassment, and aggression of any kind; as well as cease state actions that interfere with the free functioning of the media. Protocols must be endowed with institutional capacity, human and financial resources for the protection of journalists.

<sup>151</sup> National Association of Journalists, Press Freedom Thermometer, January to May 2024. See: <https://fiplatina.press/pdfs/peru-termometro-de-libertad-de-prensa-enero-mayo-2024.pdf>

<sup>152</sup> IACHR, [Report on the Situation of Human Rights in Peru in the Context of Social Protests](#), OEA/Ser.L/V/II. Doc. 57/23, April 23, 2023, para. 258.



*Compliance Information*

234. In 2024, the State reported the approval of the Protocol of Action for the Legal Guidance and Sponsorship of Journalists and Social Communicators<sup>153</sup>, with the aim of establishing guidelines for the provision of services for the public defense of these people. In this regard, the State reported that, since its approval, the victim defense service has been provided to seven journalists, and the criminal defense system to 26 people. In addition, the State pointed out that the victim defense service has 497 public defenders nationwide and 1262 criminal public defenders distributed in 34 District Directorates, Public Defense and Access to Justice nationwide. The State also explained about the free legal assistance service by telephone through the "Fono Alegra 1884," where you can receive guidance, answer questions, and, if necessary, have the case referred to the corresponding district directorate.

235. In addition, the State announced the preparation of the draft "Protocol for Inter-Institutional Action for the Coordination and Assistance of Journalists and Social Communicators in the Context of Disturbance of Public Order,"<sup>154</sup> which proposes mechanisms for attention and coordination on security, health, and public defense. This project is under review by the different sectors of the Executive Branch.

236. For their part, civil society organizations reported that the draft "Protocol of inter-institutional action for the coordination and attention to journalists and social communicators in the context of disturbance of public order" was criticized by various civil society actors for placing journalistic coverage of the protests under state supervision, representing an attack on freedom of expression. Likewise, the National Association of Journalists questioned that the document would not delimit the scope of the concept of "alterations to public order"; it would not consider the mechanisms to deal with cases in which the aggression is carried out by members of the Police; and it would not include non-collegiate journalists or members of the foreign press.<sup>155</sup>

237. Civil society also expressed its concern about various legislative initiatives promoted by the Congress of the Republic in relation to freedom of the press. In fact, it highlighted the initiative to modify the structure of the National Institute of Radio and Television of Peru (hereinafter "IRTP"), incorporating representatives of Congress and the Judiciary as part of its board, which could be a risk to the editorial independence of state media. On the other hand, it emphasized a legislative initiative that would seek to sanction journalists who publish information from statements of effective collaborators in judicial cases, which would be aimed at protecting people related to cases of corruption and criminal organization.

238. Likewise, in 2024, the Commission and its Office of the Special Rapporteur for Freedom of Expression (SRLE) learned of legislative initiatives that could unduly restrict the rights to freedom of expression and association. Among them, a proposal to create the "Professional College of Communicators of Peru" was known, which would establish a mandatory registry for the practice of journalism<sup>156</sup>. In addition, on April 2, 2024, a bill was presented that would seek to prohibit journalists and their relatives up to the second degree of consanguinity from signing contracts with the Peruvian State.<sup>157</sup>

*Analysis and level of compliance with the recommendation*

239. The IACHR appreciates the information provided by the State and welcomes the approval of the Protocol of Action for Legal Guidance and Sponsorship of Journalists and Social Communicators, as well as the implementation of legal defense services. In addition, it takes note of the preparation of the draft "Protocol

<sup>153</sup> [Ministerial Resolution No. 102-2023-IUS](#), February 22, 2023.

<sup>154</sup> Draft Ministerial Resolution No. 0277-2023-IN, of February 28, 2023.

<sup>155</sup> ANP (March 1, 2023), ANP on "express" protocol for the protection of journalists: it does not protect us. Available in: <https://anp.org.pe/anp-sobre-protocolo-express-para-proteccion-de-periodistas-no-nos-protege/>

<sup>156</sup> IPYS, Peru: [Congressman presents bill to create a college of communicators that requires tuition to practice the profession](#), April 5, 2024; Express, [Acción Popular seeks to subdue the press: creation of a College of Communicators would restrict the exercise of the profession](#), April 5, 2024.

<sup>157</sup> IPYS, Peru: [Congressman introduces bill to prevent journalists' relatives from contracting with the state](#), April 3, 2024.



for inter-institutional action for the coordination and assistance of journalists and social communicators in the context of disturbance of public order"; although, taking into account the concerns expressed by civil society about the independence of the role of journalism, especially in situations of high conflict such as in the case of protests, and the implications of allowing control of the media for their protection, it requests information from the State that allows it to understand the scope of state supervision to which journalistic activity would be subject. In turn, the IACHR believes that it is essential that these instruments be developed in a participatory manner, with the aim of collecting and incorporating the needs of the actors it seeks to protect.

240. In this regard, the IACHR recalls that the protection of freedom of information and expression is based on the construction of a regulatory framework that guarantees their independence and the protection of the sources of information they use, emphasizing that "access to public information must always be governed by the principle of maximum disclosure, according to which the right of access to information is the rule and secrecy is the exception."<sup>158</sup> Considering the importance of guaranteeing this protection in order to achieve the objective indicated in the recommendation, the IACHR identifies that this recommendation has been **partially complied with**.

*Measures and information to advance the implementation of the recommendation*

241. The Commission believes that it is important for progress in complying with this recommendation that progress can be made in the adoption and strengthening of a regulatory framework that includes the adoption of protocols that respond to the needs of journalists, communicators, and media workers in the face of persecution, detentions, intimidation, harassment, aggressions of any kind; as well as to cease state actions that intervene with the free functioning of the media.

**Recommendation No. 35.** Carry out campaigns and other measures to influence the institutional culture on the duty of officials to refrain from stigmatizing and hindering the work of human rights defenders and journalists, as well as the importance of publicly recognizing the role of their work in contexts of social protests.

*Compliance Information*

242. In 2024, the State reported that various workshops<sup>159</sup> on the operation of the Intersectoral Mechanism for the Protection of Human Rights Defenders were held for police officers, judges, and prosecutors. Among the topics addressed in the workshops were the role of press workers, and the right to freedom of expression and opinion. The State also reported on spaces for dialogue with national journalists and international specialists in the field of freedom of expression. In addition, the State highlighted the organization of commemorative events for three indigenous women leaders who are human rights defenders, granting them recognition as "meritorious personality of Culture."

243. The State also transmitted the approval of the National Multisectoral Human Rights Policy in 2024,<sup>160</sup> which establishes a "training service on prevention and protection for human rights defenders with cultural relevance aimed at civil society organizations and indigenous or native peoples and the Afro-Peruvian people, officials and public servants."

<sup>158</sup> IACHR and Special Rapporteurship for Freedom of Expression, [Right to Information and National Security](#), OEA/Ser.L/V/II. IACHR/RELE/INF.24/20, July 2020, para. 74.

<sup>159</sup> Activities were reported such as: (i) Course on the role of human rights defenders and their police protection in situations of risk, aimed at members of the National Police of Peru; (ii) Training workshop on "Environmental crimes and risk situations in the Peruvian Amazon", (iii) Specialization programme on "The role of human rights defenders, with emphasis on indigenous and environmental defenders in the Amazon, and the action of the State in the prevention, protection and response to risk situations that affect them", among others.

<sup>160</sup> Ministry of Justice and Human Rights, Supreme Decree No. 018-2024-JUS, Supreme Decree approving the National Multisectoral Human Rights Policy as of December 204, December 7, 2024.



244. For its part, civil society indicated that the Intersectoral Mechanism would be focusing mainly on threats from illegal activities, excluding other contexts such as cases related to social protest and its criminalization.

245. In addition, in 2024, the Commission and its Special Rapporteur for Freedom of Expression received various reports on alleged cases of judicial persecution against human rights defenders in the context of social protests, as well as journalists and press workers. They also referred to alleged obstacles to journalistic coverage, restrictions on access to information and stigmatizing statements by state officials against the press<sup>161</sup>. In this context, the decision of the Constitutional Court of Peru was taken cognizance, which instructed the Presidency to respond to the recommendations issued by the Ombudsman's Office, with the aim of guaranteeing the free exercise of journalism.<sup>162</sup> In addition, it was reported that security schemes were implemented at official events, which included the installation of perimeters and barriers, which would have limited journalists' access and their ability to ask questions during coverage.<sup>163</sup>

#### *Analysis and level of compliance with the recommendation*

246. The IACHR appreciates the information provided and highlights the organization of spaces for capacity building and dialogue with members of the press and human rights defenders. It also takes note of the concern of civil society in relation to the protection of these actors in the context of social protest, which is one of the contexts where situations of greater vulnerability occur. In this regard, the IACHR recalls that contexts of social protest and its criminalization are one of the obstacles faced by human rights defenders<sup>164</sup>, so it is essential to assess and understand the role and risks suffered by journalists and human rights defenders in the context of social protests. The Commission also takes note of the numerous reports received in 2024, both from civil society organizations and journalists, which point to the persistence of stigmatizing statements, including by State officials, and of alleged obstacles to the exercise of the work of journalists and human rights defenders. For this reason, the IACHR maintains that compliance with this recommendation is **pending**.

#### *Measures and information to advance the implementation of the recommendation*

247. For the IACHR, in order to evaluate the progress made in complying with this recommendation, it is important that the role that human rights defenders and journalists play in contexts of social protest be strengthened and specified in campaigns and other institutional advocacy measures, so that future violations in the exercise of their rights can be avoided. In this way, the State must promote the use of

<sup>161</sup> Infobae, [Minister of Health confirms Dina Boluarte's decision to "stay away from the press" to avoid alleged "political harassment"](#), June 2, 2024; Infobae, [Altercation in Cusco: Minister of Foreign Trade gets upset, snatches reporter's microphone and throws him to the floor](#), April 23, 2024; IPYS, [@IPYS], (June 4, 2024), Peru: journalists from several media outlets are again cordoned off to avoid questions, X, [https://x.com/IPYS/status/1798075359726022916?t=SaUcxZk3m\\_pfacSioc4htQ&s=19](https://x.com/IPYS/status/1798075359726022916?t=SaUcxZk3m_pfacSioc4htQ&s=19); ANP Peru, [@ANP\_periodistas], (June 4, 2024), Journalists from various media outlets were once again detained, this time on a platform intended for the press, X, [https://x.com/ANP\\_periodistas/status/1798045674451394710](https://x.com/ANP_periodistas/status/1798045674451394710); IPYS, [@IPYS], (July 24, 2024), Peru: President of Congress @AlejandroSotoRe prevents press access to the session of the permanent commission; <https://x.com/IPYS/status/1816162008661708932?t=a1-w5mPwsZr0deMwjumkwQ&s=08>; ANP Peru, [@ANP\_periodistas], (July 24, 2024), The @ANP\_periodistas rejects the decision of the president of the @congresoperu @AlejandroSotoRe to prohibit access to the press to the last session of the permanent commission, X, [https://x.com/ANP\\_periodistas/status/1816145884926574939](https://x.com/ANP_periodistas/status/1816145884926574939); RSF in Spanish, [@rsf\_esp], (December 18, 2024), RSF expresses its solidarity with journalist Carol Gonzales Muniz of the Visión Informativa de Cusco program, who was verbally assaulted by the Minister of Economy, José Arista, during a news coverage, X, [https://x.com/RSF\\_esp/status/1869429461822882301](https://x.com/RSF_esp/status/1869429461822882301); Swissinfo, [Peru's journalists' guild rejects "stigmatizing" speech to Boluarte's press](#), March 31, 2024; La República, [Dina Boluarte completed 100 days without speaking to the press amid citizen insecurity and disapproval of the population](#), October 17, 2024; El Comercio, [Dina Boluarte has gone 100 days without declaring to the press amid investigations and high disapproval](#), October 17, 2024.

<sup>162</sup> IPYS, [TC orders the Presidency of the Republic to respond to recommendations of the Ombudsman's Office that guarantee the work of the press](#), December 16, 2024; Ombudsman's Office, [Ombudsman reiterates the importance of unrestricted respect for press freedom](#), May 3, 2024.

<sup>163</sup> IPYS, [Peru: Dina Boluarte's staff and security lock journalists in waiting room to prevent them from asking questions](#), May 31, 2024; Infobae, [Dina Boluarte's Security locks up journalists in the middle of a multi-hazard drill and restricts their work](#), May 31, 2024.

<sup>164</sup> IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 66, December 31, 2011.



existing protection mechanisms in favor of these groups and influence the appreciation of the role they play in these contexts.

#### G. Other

**Recommendation No. 36.** Adopt the necessary measures to guarantee the life, personal integrity, and security of each and every one of the persons who spoke and testified before the Inter-American Commission during its visits. Likewise, refrain from retaliating and/or allowing retaliation to be taken by third parties against them.

#### *Compliance Information*

248. During 2024, the State affirmed that, within the framework of the various investigations conducted by the Supraprovincial Criminal Prosecutor's Offices specializing in Human Rights and Interculturality, it has been arranged that the affected persons be incorporated into the Program for the Protection and Assistance of Victims and Witnesses, managed by the Office of the Central Unit for the Protection and Assistance of Victims and Witnesses (OUCAVIT), and implemented by the District Units (UDAVIT). In this regard, the State reported that, as of August 9, 2024, 68 aggrieved persons have been included in said Program. In addition, the State reported that 3,359 psychological interventions have been carried out on behalf of victims of social protests and their families.<sup>165</sup>

249. For its part, civil society expressed its concern about the alleged lack of concrete measures for the people who testified or spoke with the IACHR during the visits, and through other means, such as public hearings. In this regard, it pointed out that stigmatization and "terrorization" campaigns have been carried out, which, according to what was expressed to the Commission, are fomented by authorities and civil society groups (groups such as "*La Resistencia*" or "*La Insurgencia*") against human rights defenders, both against victims of human rights violations during the 1980-2000 armed conflict. and against members of civil society organizations that work for the protection of human rights (see recommendation 30).<sup>166</sup>

#### *Analysis and level of compliance with the recommendation*

250. The Commission emphasizes that the protection of those persons who spoke and testified with the IACHR in the context of the preparation of the Country Report is an essential element for the fulfillment of the international obligations of the States contained in the OAS Charter and the American Convention on Human Rights, and the fulfillment of the role assigned to the IACHR. Consequently, the State must not only avoid violating the life, integrity and security of people; but, in addition, to adopt measures to prevent, investigate and punish any action carried out by third parties to violate these rights.

251. The IACHR welcomes the inclusion of the victims in the context of the facts contained in the Report in the Program for the Protection and Assistance of Victims and Witnesses. However, it expresses its concern over the above-mentioned complaints from civil society regarding the continuation of attacks and harassment against human rights defenders by civil society groups, without mechanisms for control, investigation, or punishment by security agents. Therefore, it calls on the State to respond in a timely and effective manner to the complaints, implementing mechanisms for prevention, protection, and guarantee of access to justice, in accordance with the particularities of each case.

<sup>165</sup> State of Peru, [Note No. 7-5-M/236](#), Response to the questionnaire of the Report of the Peruvian State on the implementation of recommendations of the country report "Situation of Human Rights in Peru in the context of the social protests of the Inter-American Commission on Human Rights", December 11, 2024.

<sup>166</sup> The Association for Human Rights (Aprodeh), the Episcopal Commission for Social Action (CEAS), the National Coordinator of Human Rights (CNDDHH), the Institute of Legal Defense (IDL), the Study for the Defense of Women's Rights (Demus), the Ecumenical Foundation for Development and Peace (Fedepaz), Peace and Hope and the Center for Justice and International Law (CEJIL). Response to the follow-up questionnaire to the Report on the situation of human rights in Peru, December 17, 2024.



252. Considering the concerns expressed and the urgency of protecting human rights defenders and journalists, the Commission identifies that the information sent by the State needs to be complemented with actions aimed not only at the victims of the events contained in the report, but must also include all those persons and organizations that supported the report with information and their testimonies, and those that provide information for the current monitoring process. Pending specific information on compliance measures, the Commission notes that this recommendation is **pending compliance**.

*Measures and information to advance the implementation of the recommendation*

253. The IACHR emphasizes that progress in complying with this recommendation requires the adoption of practical measures that: (i) protect the right to life, integrity, and security of the persons who spoke and testified before the IACHR; (ii) avoid their stigmatization as human rights defenders, and (iii) protect them from the actions of civil groups that seek to intimidate or attack them.

### III. SUMMARY TABLE OF THE LEVEL OF COMPLIANCE WITH THE RECOMMENDATIONS

254. The following table shows the level of compliance by the State of Peru with respect to the 36 recommendations of the Report on the Situation of Human Rights in Peru in the context of the social protests that were analyzed in this follow-up report:

Subject of the recommendation	Recommendation number	2024 Level of compliance
Dialogue and overcoming the crisis	1	Partial
	2	Pending
	3	Partial
Citizen Security	4	Substantial Partial
	5	Pending
	6	Pending
	7	Pending
	8	
Reparation and care for victims of human rights	9	Pending
	10	Partial
	11	Partial
	12	Pending
	13	Partial
	14	Pending
Fight against impunity	15	Pending
	16	Partial
	17	Partial
	18	Total
	19	Pending
	20	Partial
Democratic institutions	21	Pending
	22	Pending
	23	Pending
	24	Partial
	25	Pending
	26	Pending
	27	Pending
	28	Pending



Freedom of expression, assembly and association	29	Partial
	30	Pending
	31	Pending
	32	Pending
	33	Pending
	34	Partial
	35	Pending
Other	36	Pending

#### IV. CONCLUSIONS

255. Full compliance with the IACHR's recommendations by OAS member states is essential to ensure the full observance of human rights in the region and to strengthen the effectiveness of the inter-American human rights system. In the exercise of its mandate to follow up on these decisions, the Commission prepares reports in which it identifies the progress, challenges, and setbacks in the adoption of compliance measures that, through its various working mechanisms, it has requested from the States.

256. This follow-up report develops the implementation of the recommendations that the Commission issued in the Report on the Situation of Human Rights in Peru in the Context of Social Protests, which was approved on April 23, 2023 by the IACHR. The recommendations contained therein were formulated based on the findings and information obtained by the IACHR before, during, and after its *on-site* visit carried out in the context of the crisis of democratic and social institutions in Peru between January 11 and 13, 2023, which was preceded by a preparatory technical mission of the Executive Secretariat. which took place from December 20 to 22, 2022.

257. In the aforementioned Country Report, the IACHR included 36 recommendations addressed to the State, in accordance with the following six thematic axes: (i) Dialogue and overcoming the crisis, (ii) citizen security, (iii) reparation and attention to victims of human rights, (iv) fight against impunity, (v) democratic institutions, and (vi) freedom of expression, assembly, and association.

258. Based on the IACHR's General Guidelines for Follow-up on Recommendations and Decisions, this follow-up report identifies the compliance measures adopted, progress made, and challenges in the implementation of the recommendations analyzed<sup>167</sup>. For its preparation, the IACHR received information from the State on January 8, 2024, which it published through the Inter-American SIMORE. In addition, on November 8, 2024, the IACHR again requested information from the State. Consequently, the State provided the requested information on December 11, 2024 and published it through the Inter-American SIMORE. For its part, the IACHR also sent a questionnaire to civil society organizations in order to provide relevant information for the follow-up to the recommendations. Part of these responses were published through the Inter-American SIMORE.

259. For this follow-up report, the Commission concluded that, of the 36 recommendations analyzed, one has a level of total compliance (2.7%); one has a level of substantial partial compliance (2.7%); 11 are partially fulfilled (30.6%), and 23 are pending compliance (63.9%). The IACHR reiterates to the State the importance of effectively complying with recommendations that have not been fully complied with. The following are the main findings of the IACHR regarding compliance with the recommendations, according to the following thematic axes.

260. Regarding the recommendations on dialogue and overcoming the crisis:

<sup>167</sup> IACHR, [General Guidelines for Follow-up on Recommendations and Decisions of the Inter-American Commission on Human Rights](#), OEA/Ser.L/V/II. Doc.385/23 (second edition), November 20, 2023.



- A genuine and effective dialogue strategy with results must be guaranteed, for this purpose the mechanisms for monitoring the agreements and the impact of these agreements on effective decision-making must be strengthened.
- New or improved channels of dialogue between indigenous peoples and the State should be created to effectively include the needs and interests of indigenous peoples in decision-making processes, and to comply with the characteristics determined in the judgments of the Inter-American Court of Human Rights and in the framework of Convention No. 169 of the International Labour Organization.
- The implementation of the National Multisectoral Human Rights Policy and other reported measures aimed at combating ethnic and racial discrimination are still unknown. In addition, work must be done in their educational curriculum with regard to ethnic and racial discrimination or socioeconomic condition.

261. Regarding the recommendations on citizen security:

- The mechanisms for training and evaluating the security forces must be strengthened so as to guarantee the defense of the life and integrity of all people. In addition, public information on these training mechanisms must be ensured.
- The regulatory framework must adapt its contents to implement the principles of legality, necessity and proportionality. To this end, the use of force and the right to protest must be regulated, guaranteeing adequate prevention and punishment mechanisms for the actions of the security forces, the prohibition of firearms in the context of protests, the exceptional nature of the use of "states of emergency", the protection and non-criminalization of people who participate in demonstrations, and to guarantee the transparency, impartiality and control of such actions by competent and independent actors.

262. With respect to the recommendations on reparation and attention to victims of human rights:

- The process of implementing comprehensive reparations for all those affected in the context of the facts set out in the Country Report must begin as soon as possible. To this end, reparation mechanisms must be put in place to accompany the non-reparative economic assistance that was delivered, and to implement the additional measures that have been reported. Likewise, the State must guarantee health support to the affected people, which is not fulfilled only by their affiliation to a universal national health insurance.
- It is important to implement a registration mechanism that collects information from public entities, and that coordinates with victims' associations and their representatives, to provide adequate information for registration.
- Psychosocial support mechanisms should be adopted for victims and their families.

263. With regard to the recommendations on combating impunity:

- It is necessary to move forward in the process of investigation, punishment and reparation for the human rights violations committed in the context of the events included in the Country Report.
- The State's strategy to guarantee the investigation must be analyzed, so as to avoid unjustified delays, or lack of attention to the possible barriers to access to justice that may arise, especially for those people with greater difficulties in appearing at the procedural acts (people who live very far away, or in a situation of poverty, who do not speak Spanish, women with care work, among others).

264. With respect to the recommendations on democratic institutions:



- There have been no actions aimed at strengthening the lack of confidence in the separation of powers. On the contrary, various measures have been reported that would have an inverse effect.
- Within the framework of the principle of separation of powers, the legal norms that are presented or approved must not have the objective or effect of restricting the action of other entities or their decisions. In addition, it is essential that real control be exercised over the norms that are to be approved through existing constitutional mechanisms, such as the power to observe norms that violate these principles.
- Control entities such as the Constitutional Court or the Ombudsman's Office must fulfill their role, applying international criteria and standards for the protection of human rights.

265. Regarding the recommendations on freedom of expression, assembly and association:

- The State should work on the design, discussion, approval, or application of a national public policy aimed at protecting the rights to peaceful assembly, freedom of expression, and freedom of association, including the implementation of measures of negotiation, mediation, and other alternative means of conflict; and the implementation of measures to protect human rights defenders and journalists.
- Authorities and officials should refrain from issuing stigmatizing statements about people who participate in protests, and seek accountability mechanisms when they occur. In addition, it is necessary to provide pedagogical measures so that the authorities and officials are aware of and apply this prohibition.
- Measures must be taken to guarantee the exercise of the right to protest and clarify that the adoption of measures for its dissolution should only take place when there is a serious risk to the life or physical integrity of people, provided that other less restrictive measures are not possible.
- Concrete measures are required with the aim of protecting the right to protest, avoiding criminalizing or generating a regulatory framework that makes the protection of the people who participate in them precarious.
- It is essential to adopt and strengthen a regulatory framework that responds to the needs of journalists, communicators and media workers in the face of persecution, detention, intimidation, harassment, aggression of any kind; as well as to cease state actions that intervene with the free functioning of the media.
- It is necessary to strengthen, in campaigns and other measures of institutional advocacy, the role that human rights defenders and journalists play in the contexts of social protest, so that future violations in the exercise of their rights can be avoided.

266. Finally, the Commission appreciates the information provided by both the State and civil society organizations for the preparation of this follow-up report. It also reiterates its willingness to provide technical assistance to promote the implementation of the recommendations analyzed, in accordance with applicable inter-American standards.





**Institutional  
Development**



---

## **CHAPTER VI: INSTITUTIONAL DEVELOPMENT**

<b>I.</b>	<b>IACHR STRUCTURE AND STAFF.....</b>	<b>1197</b>
A.	Consultants, Interns, Trainees, Scholarship Holders and Associates.....	1199
B.	Collectively developed work environment plan in the process of implementation .....	1201
<b>II.</b>	<b>FINANCIAL RESOURCES AND BUDGET EXECUTION .....</b>	<b>1202</b>
<b>III.</b>	<b>PLANNING, FUND MOBILIZATION AND PROJECT MANAGEMENT .....</b>	<b>1209</b>
A.	Projects implemented in 2024 .....	1209
B.	Proposals submitted .....	1211
<b>IV.</b>	<b>TECHNOLOGICAL ADVANCES .....</b>	<b>1213</b>



## CHAPTER VI INSTITUTIONAL DEVELOPMENT

### I. IACHR STRUCTURE AND STAFF

1. As of December 31, 2024, the Executive Secretariat of the IACHR is made up of 154 people (79 staff members, 70 consultants and five associate staff members). In addition, the ES/IACHR has nine fellows.

2. The following table shows the distribution of personnel by funding source, as of the same cut-off date.

Workforce by Source of Funding						
Category	Regular Fund	Specific Funds	ICR Fund	No Cost to the IACHR	Specific Funds Trust	Total
Secretaria Ejecutiva /Executive Secretary	1					1
Secretaria/o Ejecutiva/o Adjunta/o/ Assistant Executive Secretaries	2					2
Relatores/as Especiales/ Special Rapporteurs		2				2
Professionals/Professionals	36	23				59
Personal Administrativo/Administrative personnel	9	5	1			15
<b>Subtotal Personal/Personnel</b>	<b>48</b>	<b>30</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>79</b>
Consultorías en Derechos Humanos/ Human Rights Consultants	5	34			1	40
Consultorías Administrativas / Administrative Consultants	12	7	1			20
Consultorías en otras profesiones / Consultants on Other Professions	5	5				10
<b>Subtotal Consultorías/Consultants</b>	<b>22</b>	<b>46</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>70</b>
Personal Asociado/Associate Staff				5		5
<b>Subtotal</b>	<b>70</b>	<b>76</b>	<b>2</b>	<b>5</b>	<b>1</b>	<b>154</b>
Personas Becarias / Fellows		6		3		9
<b>Grand Total</b>	<b>70</b>	<b>82</b>	<b>2</b>	<b>8</b>	<b>1</b>	<b>163</b>



3. In terms of geographic representation and diversity, the 154 people mentioned in paragraph 1 (staff, consultants and associated personnel) come from 19 different countries, 70% of the staff are women and 30% are men. The following table shows the distribution of staff by nationality and type of contract.

Type of contract	Country	Nationality upon joining the OAS	Current Nationality
<b>Staff</b>	Antigua y Barbuda/Antigua and Barbuda	1	1
	Argentina	5	4
	Barbados	1	1
	Bolivia	2	1
	Brasil/Brazil	10	9
	Canadá/Canada	1	1
	Chile	3	3
	Colombia	17	15
	Costa Rica	2	2
	El Salvador	2	1
	Estados Unidos de América/United States of America	10	20
	Guatemala	1	1
	México/Mexico	7	7
	Panamá/Panama	1	0
	Paraguay	1	1
	Perú/Peru	8	6
	República Dominicana/Dominican Republic	1	1
	Uruguay	2	2
	Venezuela	4	3
<b>Total Staff</b>		79	79
<b>CPR</b>	Argentina	5	5
	Bolivia	4	4
	Brasil/Brazil	8	8
	Chile	1	1
	Colombia	11	11
	Costa Rica	2	2
	Ecuador	3	3
	El Salvador	2	2
	España/Spain	3	3
	Estados Unidos de América/United States of America	2	2
	Guatemala	1	1
	Honduras	1	1
	México/Mexico	7	7



	Panamá/Panama	3	3
	Paraguay	1	1
	Perú/Peru	5	5
	Trinidad y Tobago/Trinidad and Tobago	1	1
	Uruguay	4	4
	Venezuela	6	6
<b>CPR Total</b>		<b>70</b>	<b>70</b>
<b>Associate Staff</b>	Brasil/Brazil	5	5
<b>Associate Staff Total</b>		<b>5</b>	<b>5</b>
<b>Grand Total</b>		<b>154</b>	<b>154</b>

4. During 2024, we continued to hold public competitions to fill 12 vacant positions: eight financed by the Regular Fund and four by specific funds. Currently, there is one vacant position at the P05 level, which is scheduled to be open for competition during the first half of 2025.

5. As for the positions financed by the Regular Fund, three positions were filled at the P03 level for the Coordination of the Case Sections, one P02 position in the Information Systems and Technology Section, one G06 and one G05 position for the Attention and Access for Information Section. Appointments are expected in early 2025 for a G05 position in the Assistant Executive Secretariat for Monitoring, Promotion and Technical Cooperation and a G06 position in the Administrative Management Section.

6. As for positions financed by specific funds, two positions were filled at the P02 level in the Case Sections, one P02 in the Office of the Executive Secretary and one P02 in the Monitoring Section III.

7. The reclassification processes for two positions at the Coordination level were completed: Initial Study and Admissibility and that of Precautionary and Provisional Measures. Audit processes were requested for two positions by a United Nations expert classifier in the Office of Administration and Institutional Affairs.

8. After conducting the performance evaluation process corresponding to the first mandate of the Executive Secretary, Tania Reneaum, on November 27, 2024, the Inter-American Commission on Human Rights announced the renewal of said mandate, for an additional period of four years, until May 31, 2029. The renewal proposal was adopted in accordance with Article 11, paragraph 3, of the Rules of Procedure of the Inter-American Commission, by an absolute majority of votes; and was submitted to the Secretary General of the OAS, Luis Almagro, who proceeded to the appointment for the new period, in terms of the provisions of Article 21 of the Statute of the Commission.

9. During 2024, the staff of the ES/IACHR continued to work in person on Tuesdays at the Washington, DC offices in accordance with the "Policy on Telework and Other Alternative Work Schemes of the GS/OAS".

#### **A. Consultants, Interns, Trainees, Scholarship Holders and Associates**

10. At the beginning of 2024, a standardization of payments to consultants was carried out in order to unify these procedures.

11. During the first half of the year, three call for resumes processes were completed for the selection of consultants in various areas, which has contributed to the strengthening of capacities and services within the Executive Secretariat of the IACHR.



12. As of June, a consultant was hired to provide style editing services from Spanish to English at the Assistant Executive Secretariat for Petitions and Cases, which has resulted in a reduction in the cost of these services for the ES/IACHR.

13. In October, a consultant was hired to provide organizational development services to conduct a study to review and define the basic staffing structure, which will enable the ES/IACHR to fulfill its mandate efficiently, with excellent performance and financially sustainable. The recommendations of this study are expected to be available by the end of April 2025.

14. During the period, the hiring of consultants to provide services to the different sections of the ES/IACHR continued. As of December 31, 2024, the ES/IACHR had 70 consultants.

15. In addition, three distance internship sessions were held, coordinated by the GS/OAS Department of Human Resources, in which a total of 77 interns joined the IACHR Executive Secretariat.

16. Through the support of different institutions, the ES/IACHR received 15 fellows who worked remotely or at headquarters during the year:

No.	Nationality	Fellowship	Assignment
1	Saint Vincent and the Grenadines	Fellowship for citizens from CARICOM countries	Monitoring Section III
2	Mexico	UNAM	Case Section I
3	United States	Fellowship for the Rapporteurship on the Rights of People of African Descent and against Racial Discrimination	Monitoring Section II
4	Paraguay	Yale Law School	Recommendations and Impact Monitoring Section
5	United States	Urban Morgan Institute for HR (University of Cincinnati)	Communication and Multimedia Press Section
6	Costa Rica	Both Ends Believing	Monitoring Section III
7	Mexico	Fellowship for the Rapporteurship on the Rights of LGBTI Persons	Monitoring Section II
8	Chile	Elizabeth Abi-Mershed Scholarship	Recommendations and Impact Monitoring Section
9	Colombia	Orlando Sierra Fellowship	Office of the Special Rapporteur for Freedom of Expression
10	El Salvador	Fellowship for the Rapporteurship on Women's Rights	Monitoring Section II
11	Barbados	Fellowship for citizens of CARICOM countries	Monitoring Section III
12	Brazil	Fellowship for the Rapporteurship on the Rights of People of African Descent and against Racial Discrimination	Monitoring Section II



13	Trinidad y Tobago	Fellowship for the Rapporteurship on the Rights of LGBTI Persons	Monitoring Section II
14	Mexico	University of Coahuila	Monitoring Section I
15	Mexico	UNAM	Case Section I

17. In addition, thanks to the support of the following institutions, during 2024, the ES/IACHR received seven of its staff members as associate personnel:

No.	Institution	Assignment
1	Public Defender's Office of the State of Rio de Janeiro (Brazil)	Precautionary and Provisional Measures Section
2	Public Defender's Office of the Union of Brazil	Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA)
3	Public Prosecutor's Office of the State of Sao Paulo (Brazil)	Monitoring Section III
4	Local Public Prosecutor's Office of the Federal District of Brazil	Monitoring Section II
5	Federal Public Prosecutor's Office of Brazil	Office of the Special Rapporteur for Freedom of Expression
6	Public Ministry of Labor of Brazil	Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA)
7	Public Ministry of Labor of Brazil	Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA)

## B. Collectively developed work environment plan in the process of implementation

18. During 2024, various activities were carried out in the second year of the Co-Labora Program, *Let's Build our Space*. At the beginning of the year, informative sessions were held with the management team and the coordination teams to achieve a clear understanding of the objectives and key strategies based on the seven pillars of the new organizational vision established in 2023. At the same time, Executive Coaching and team alignment sessions were scheduled to establish a solid path for leadership and integration.

19. In April 2024, for the first time in the ES/IACHR, a hybrid integration session was held with the entire staff. During this event, strategic agreements were reached, reflecting the commitment to the pillars of transparency, trust and co-responsibility, which are essential for the new organizational culture.

20. A work environment survey was conducted in which 118 people participated. The study evaluated 12 key dimensions of the organizational climate, obtaining an average satisfaction rate of 73%.

21. Between April and September, team alignment sessions were held to strengthen trust and transparency in the workplace. These meetings made it possible to raise participants' awareness of the relevance of these values and to establish concrete agreements aimed at promoting actions to reinforce them. In addition, they focused on identifying and strengthening labor co-responsibility within each team, achieving 80% compliance with the commitments.

22. In May, the second management alignment session was held, aimed at strengthening team integration and addressing challenges related to labor welfare. In October, the first Coordination Alignment



session was held, aimed at consolidating the team and optimizing personnel management. These workspaces facilitated the definition of both individual and collective commitments, with the aim of strengthening leadership at both levels and promoting a more collaborative and efficient organizational culture aligned with institutional values.

23. Throughout the year, the internal communication plan was continued through various initiatives, such as the dissemination of newsletters, quarterly meetings with all staff, biweekly meetings with the management team, periodic meetings with the coordination team and the creation of a virtual suggestion box accessible to all interested parties. The Open Door Policy continued to be implemented, providing staff with the opportunity to meet directly with the Executive Secretary to discuss issues of interest and foster an open and close dialogue.

24. In the second year of the program, we observed a reduction in the concerns expressed by the personnel, an increase in the transparency of communication, higher levels of trust between areas and collaborators, and a greater openness to feedback from the leaders. The qualitative results highlighted a high level of gratitude towards these spaces for listening and reflection, consolidating a more open, collaborative and development-oriented work culture.

## **II. FINANCIAL RESOURCES AND BUDGET EXECUTION**

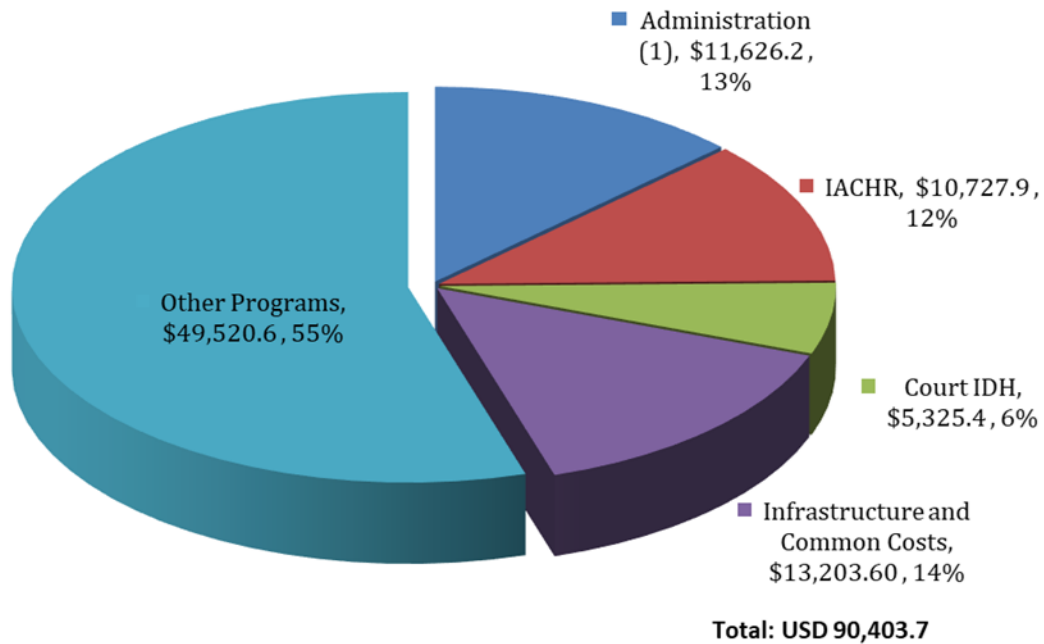
25. In June 2023, the General Assembly, during its 53rd regular session, approved a regular fund budget for the IACHR of \$10,727,900 for the year 2024, of which \$7,808,900 is for personnel expenses and \$2,919,000 for operating expenses.

26. The General Assembly also approved an indirect cost recovery (ICR) fund budget for the IACHR of \$128,000 for the year 2024, of which \$85,400 corresponds to staff costs and \$42,600 to operating expenses.

27. The following figure shows the distribution of the approved regular fund budget within the OAS for 2024. The IACHR was approved 12% of the annual amount.



**Figure 1. Distribution of the approved budget of the OAS regular fund in the year 2024  
(Amounts in thousands of US\$) <sup>1</sup>**



28. As of December 31, 2024, the modified appropriation from the original regular fund budget was \$10,649,900, with a distribution of \$7,435,957 for personnel expenses and \$3,213,943 for non-personnel expenses. The portion corresponding to personnel expenses appears to be under-executed due to the fact that, during the year 2024, the ES/IACHR had several vacant positions which are still in the process of being filled. In turn, the portion corresponding to operating expenses appears with a higher amount than approved, since the Secretary General approved transfers (known as reinforcements) from the budget line for personnel expenses to the operating expenses line due to vacant positions. In addition, under this same line item, the GS/OAS Administration transferred \$50,000 in accordance with the provisions of resolution II. 6 of AG/RES.3011 (LIII-O/23).

29. As of the same date, the indirect cost recovery fund budget allocation was \$121,950, the distribution of which was \$79,350 for personnel expenses and \$42,600 for non-personnel expenses.

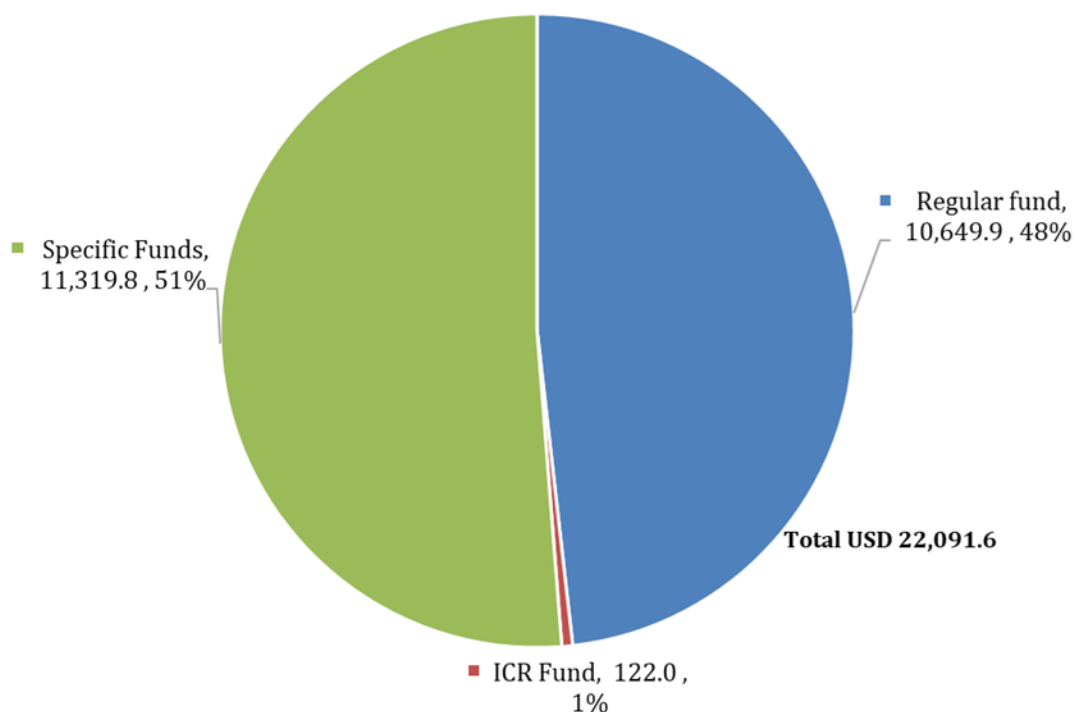
30. With regard to fundraising, as a result of the resource mobilization strategy and thanks to the trust placed in the IACHR, as of December 31, 2024, USD \$11,319,789 had been raised. The following chart shows the distribution of funds received by the IACHR, by funding source.

<sup>1</sup> The distribution of the program budget for the period from January 1 to December 31, 2024, was approved by the General Assembly at its 53rd regular session in June 2023 through AG/RES.3011 (LIII-O/23).

The value indicated under Administration corresponds to the Secretariat of Administration and Finance (Chapter 11).



**Figure 2. Funds received by the IACHR as of December 31, 2024, distributed by funding source  
(Preliminary and unaudited values in thousands of US dollars)**



31. The following table shows the contributions of funds received by the IACHR by funding source.



**Table 1. Contributions of funds received by the IACHR as of December 31, 2024**  
**By funding source and special topic**  
**(Preliminary and unaudited values in USD) <sup>2 3 4 5</sup>**

Source of Funding	ES/IACHR	RELE	REDESCA	Total	%
<b>Regular Fund</b>	10,649,900.0	-	-	<b>10,649,900.0</b>	<b>48.2%</b>
<b>ICR Fund</b>	121,950.2	-	-	<b>121,950.2</b>	<b>0.6%</b>
<b>Specific Funds</b>					
<b>Member States</b>					
Canada	578,380.3	-	-	<b>578,380.3</b>	2.6%
Costa Rica	9,827.7	3,046.3	-	<b>12,874.0</b>	0.1%
Honduras	312,280.0	-	-	<b>312,280.0</b>	1.4%
Mexico	350,000.0	-	35,000.0	<b>385,000.0</b>	1.7%
Panama	20,000.0	-	-	<b>20,000.0</b>	0.1%
Peru	15,100.1	-	-	<b>15,100.1</b>	0.1%
United States	6,085,361.5	3,967.0	-	<b>6,089,328.5</b>	27.6%
	<b>7,370,949.5</b>	<b>7,013.3</b>	<b>35,000.0</b>	<b>7,412,962.8</b>	<b>33.6%</b>
<b>Permanent Observers</b>					
Basque Government	120,568.95	-	-	120,569.0	0.5%
European Union	644,895.1	-	-	644,895.1	2.9%
France	167,718.0	-	-	167,718.0	0.8%
Ireland	105,480.00	-	-	105,480.0	0.5%
Netherlands	299,980.0	-	-	299,980.0	1.4%
Norway	17,471.57	103,199.13	181,780.04	302,450.7	1.4%
Spain	263,621.8	-	70,283.4	333,905.2	1.5%
Sweden	-	329,708.3	-	329,708.3	1.5%
Switzerland	407,216.0	-	-	407,216.0	1.8%
	<b>2,026,951.4</b>	<b>432,907.4</b>	<b>252,063.4</b>	<b>2,711,922.3</b>	<b>12.3%</b>
<b>Institutions and Others</b>					
Arcus Foundation	50,000.00	-	-	50,000.0	0.2%
Due Process of Law Foundation (DPLF)	5,701.2	-	-	5,701.2	0.0%
Ford Foundation	492,990.0	-	-	492,990.0	2.2%
New Venture Fund	-	125,000.0	-	125,000.0	0.6%
Pan American Development Foundation (PADF)	481,903.7	-	-	481,903.7	2.2%
United Nations High Commissioner for Refugees (UNHCR)	39,310.0	-	-	39,310.0	0.2%
	<b>1,069,904.9</b>	<b>125,000.0</b>	<b>-</b>	<b>1,194,904.9</b>	<b>5.4%</b>
<b>Total Specific Funds</b>	<b>10,467,805.8</b>	<b>564,920.7</b>	<b>287,063.4</b>	<b>11,319,789.9</b>	<b>51.2%</b>
<b>Gran Total</b>	<b>21,239,655.9</b>	<b>564,920.7</b>	<b>287,063.4</b>	<b>22,091,640.1</b>	<b>100.0%</b>

<sup>2</sup> The IACHR signed an assistance agreement with the United States for USD 14.2 million for the period between 2018 and 2024 and another agreement for USD 19.7 million for the period 2021 - 2026. Both agreements are implemented under the modality of sending disbursements against the financial execution of the project. The Office of the Special Rapporteur for Freedom of Expression has an allocation of USD 1.2M (direct costs) under the first agreement and USD 1.4M (direct costs) under the second agreement.

<sup>3</sup> Spain's contribution of USD \$108,921 was received before December 31, 2023 but was pending with the Department of Financial Services (DFS), which is why it is included in the 2024 report.

<sup>4</sup> This report is by funding source and by Special Rapporteurships / sections within the IACHR.

<sup>5</sup> The information reported corresponds to the preliminary and unaudited financial information for 2024.



32. The following table shows the status of changes in the fund balance of projects financed by specific IACHR funds as of December 31, 2024.

**Table 2. Report of variations in the Fund Balance of Specific Funds by projects. Information as of December 31, 2024 <sup>6 7 8 9</sup>**  
(Preliminary and unaudited values in USD)

Project Name	Sum of BCB	Contributions.	Transfers.	Interest.	Returns & Other Income.	Expenditures.	Net Change.	End of Cash Balance.	Obligations.	Fund Balance.
Enhan.Inst.Cap.IACHR.Ind.Pow	\$ -	\$ -	\$ 1,400,000	\$ -	\$ -	\$ -	\$ 1,400,000	\$ 1,400,000	\$ -	\$ 1,400,000
FortProm.J.S. EnvmtDESCA	\$ 142,675	\$ -	\$ 70,283	\$ -	\$ -	\$ 198,414	\$ (128,131)	\$ 14,545	\$ 6,455	\$ 8,090
Freedom of Expression 2018-2021	\$ 30,072	\$ -	\$ -	\$ -	\$ (29)	\$ 21,815	\$ (21,844)	\$ 8,229	\$ 6,021	\$ 2,208
Freedom of Expression 23-26	\$ 295,921	\$ 457,755	\$ 3,967	\$ 6,051	\$ (6,275)	\$ 362,157	\$ 99,340	\$ 395,261	\$ 85,361	\$ 309,900
HR Def./Just. Operators	\$ -	\$ -	\$ 154,700	\$ -	\$ -	\$ 26,211	\$ 128,489	\$ 128,489	\$ -	\$ 128,489
Human Rights Women Girls LAC	\$ 722,331	\$ 578,380	\$ -	\$ -	\$ -	\$ 450,197	\$ 128,183	\$ 850,515	\$ 351,236	\$ 499,278
Inc. Efec. IACHR 2018-2020	\$ (35,760)	\$ 35,760	\$ -	\$ -	\$ -	\$ -	\$ 35,760	\$ -	\$ -	\$ -
Inc. Prom. Def. IACHR 2021-2023	\$ (1,844,355)	\$ 4,429,602	\$ -	\$ -	\$ 117	\$ 5,689,977	\$ (1,260,258)	\$ (3,104,613)	\$ 3,543,517	\$ (6,648,130)
Inc. Prot/Def. HR in Americas	\$ 447,436	\$ 583,141	\$ -	\$ -	\$ 50	\$ 569,319	\$ 13,872	\$ 461,308	\$ 403,975	\$ 57,333
Increasing protection of HR	\$ 132,120	\$ 299,980	\$ -	\$ 9,241	\$ -	\$ 316,048	\$ (6,827)	\$ 125,294	\$ 61,200	\$ 64,094
Legal Assistance Fund I-A Human Right	\$ 135	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 135	\$ -	\$ 135
Mec. Seg. Rec. GIEI Bolivia	\$ 83,803	\$ 108,922	\$ -	\$ -	\$ -	\$ 42,558	\$ 66,364	\$ 150,167	\$ 69,750	\$ 80,417
MESENI Monitoring 2023-2025	\$ 193,676	\$ -	\$ -	\$ -	\$ -	\$ 84,352	\$ (84,352)	\$ 109,324	\$ 70	\$ 109,254
Obj 1. Promote justice	\$ 53,174	\$ 135,415	\$ 2,828	\$ -	\$ 236	\$ 191,926	\$ (53,446)	\$ (272)	\$ -	\$ (272)
Obj 2. Monitoring Capacity	\$ 277,476	\$ 78,678	\$ (217)	\$ 748	\$ (1,140)	\$ 345,409	\$ (267,340)	\$ 10,136	\$ -	\$ 10,136
Obj 3. Defense and Prot Capab.	\$ 65,606	\$ 42,352	\$ (116)	\$ -	\$ (2,215)	\$ 105,626	\$ (65,606)	\$ -	\$ -	\$ -
Obj 4. Strengthen Coop. ISHR	\$ (17,022)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (17,022)	\$ -	\$ (17,022)
Obj 5. Inst. Mngt. IACHR	\$ 75,185	\$ -	\$ -	\$ -	\$ -	\$ 72,850	\$ (72,850)	\$ 2,335	\$ 8	\$ 2,326
Obj 6 - Recommendations IACHR	\$ 33,191	\$ -	\$ (286)	\$ -	\$ -	\$ -	\$ (286)	\$ 32,905	\$ -	\$ 32,905
Pillar 1 SP 2023-2027	\$ -	\$ 1,075,404	\$ -	\$ -	\$ -	\$ 245,073	\$ 830,331	\$ 830,331	\$ 197,274	\$ 633,057
Pillar 2 SP 2023-2027	\$ 457,349	\$ 1,046,793	\$ 35,000	\$ 3,030	\$ (2,688)	\$ 747,363	\$ 334,772	\$ 792,120	\$ 271,429	\$ 520,692
Pillar 3 SP 2023-2027	\$ 15,287	\$ 198,228	\$ (59)	\$ -	\$ -	\$ 138,018	\$ 60,151	\$ 75,438	\$ 51,965	\$ 23,473
Special Mecanism MC-409-14	\$ 1,150	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,150	\$ -	\$ 1,150
Strategic Plan - General Funds	\$ (28,597)	\$ 72,441	\$ -	\$ -	\$ 1,655	\$ 45,500	\$ 28,597	\$ 0	\$ -	\$ 0
Stre. Cap. of IACHR in region	\$ 427,021	\$ 292,990	\$ -	\$ -	\$ -	\$ 266,122	\$ 26,868	\$ 453,889	\$ 258,976	\$ 194,913
Strength. Environ. Protec.	\$ -	\$ -	\$ 220,000	\$ -	\$ -	\$ -	\$ 220,000	\$ 220,000	\$ -	\$ 220,000
<b>Grand Total</b>	<b>\$ 1,527,875</b>	<b>\$ 9,435,839</b>	<b>\$ 1,886,100</b>	<b>\$ 19,070</b>	<b>\$ (10,289)</b>	<b>\$ 9,918,935</b>	<b>\$ 1,411,787</b>	<b>\$ 2,939,662</b>	<b>\$ 5,307,238</b>	<b>\$ (2,367,576)</b>

33. The following figure shows the distribution of the IACHR's expenditures by source of funding as of December 31, 2024. Expenditures financed through the regular fund account for 50%, those financed through specific funds account for 49%, and those financed through the ICR account for 1%.

<sup>6</sup> This table is a summary of the "Statement of Changes in Fund Balance" Report by activity and donor, published by the GS/OAS Department of Financial Services as of September 30, 2024.

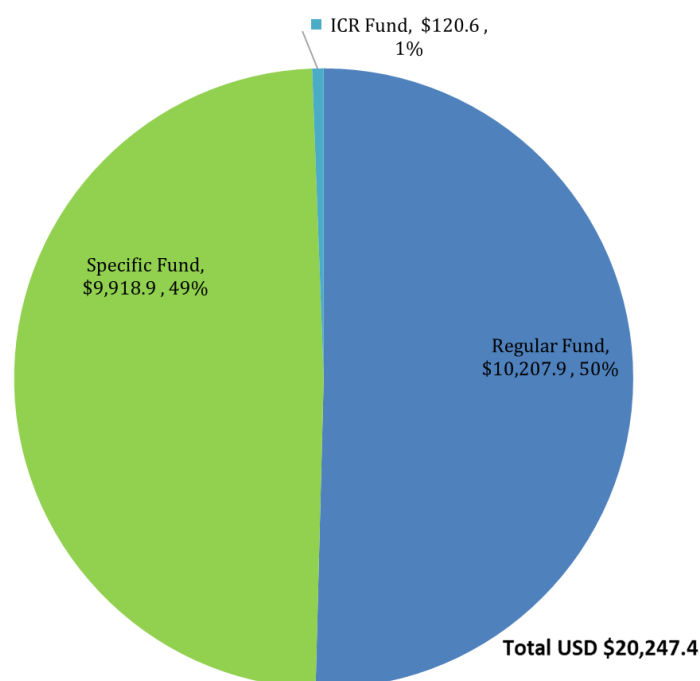
<sup>7</sup> The negative ending balances are due to the fact that donor disbursements are made against execution.

<sup>8</sup> This table shows the Oliver Jackman Fund.

<sup>9</sup> The information reported corresponds to preliminary and unaudited financial information published by the GS/OAS Department of Financial Services.



**Figure 3. Distribution of IACHR expenditure by source of funding as of December 31, 2024  
(Amounts in thousands of US\$)**

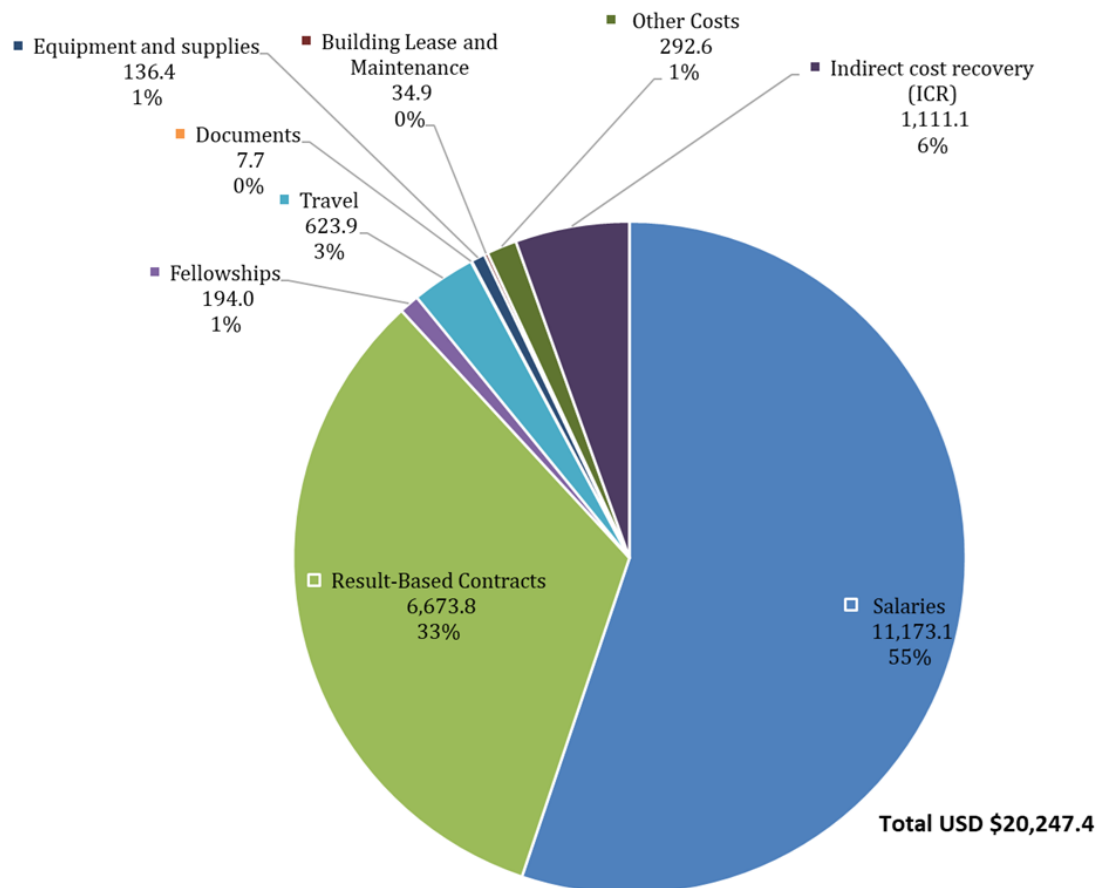


34. The following table and graph show the distribution of IACHR spending by source of funding and object of expenditure.

Item of Expenditure	Regular Fund	Specific Funds	ICR Fund	Total (Miles)
Salaries	7,188.2	3,906.3	78.6	11,173.1
Non-recurring salary costs	-	-	-	-
Result-Based Contracts	2,504.2	4,159.1	10.5	6,673.8
Fellowships	-	194.0	-	194.0
Travel	263.1	360.8	-	623.9
Documents	6.7	1.0	-	7.7
Equipment and supplies	96.1	36.4	4.0	136.4
Building Lease and Maintenance	8.1	26.7	-	34.9
Other Costs	141.5	123.5	27.6	292.6
Indirect cost recovery (ICR)	-	1,111.1	-	1,111.1
<b>Total</b>	<b>10,207.9</b>	<b>9,918.9</b>	<b>120.6</b>	<b>20,247.4</b>



**Figure 4. Total Distribution of IACHR Expenditures by Object of Expenditure as of December 31, 2024  
(Amounts in thousands of USD)**





### III. PLANNING, FUND MOBILIZATION AND PROJECT MANAGEMENT

#### A. Projects implemented in 2024

35. The Executive Secretariat prepared and submitted a total of 40 narrative reports on the execution of 29 projects in force during 2024. Of these reports, 9 were final reports, 5 annual reports, 6 semi-annual reports, 16 quarterly reports, 3 progress reports, 1 results self-evaluation report and 6 work plans.

36. The following is a list of the projects executed and being executed during 2024 with their respective donors:

**Table. Projects implemented 2024**

Donor	Project name	Total project amount USD /EU	State	No. of Reports and Work Plans submitted
UNHCR	Strengthening international protection in the Americas (annual)	65,517 USD	In progress	1 final report of Project 2023
ARCUS	Protection and promotion of the rights of lesbian, gay, bisexual, transgender and intersex persons (2021-2024)	\$150,000 USD	Executed	1 annual report
United States	To increase the protection and defense of human rights in the Americas period 2021-2026 (CDH2101)	19,745,000 USD	In progress	4 quarterly reports
European Commission	Increasing the protection and defense of human rights in the Americas (2023-2025)	1.75 million Euros (approx. US\$1.76 million)	In progress	1 annual report
Spain	Monitoring of the Human Rights Situation in Nicaragua II (2023-2025)	\$206,308 (\$97,174 + addendum \$109,134) USD	In progress	2 semiannual reports
Spain	CDH 2201 Support for follow-up of GIEI Bolivia recommendations (2023-2024)	\$234,100 + addendum 108,992 USD	In progress	2 semiannual reports
Foundation for the Americas	Support for the work of the IACHR Rapporteurship on the Rights of Lesbian, Gay, Bisexual, Trans and Intersex Persons (2023-2026)	\$450,000 USD	In progress	1 final report (Phase III) 1 Annual Report
Netherlands	Increase protection and guarantee of human rights of human rights defenders and other special groups in vulnerable situations (2022-2026)	1,200,000 USD	In progress	1 annual report 1 Annual Work Plan
Italy	Strengthening governance and human rights in Central America PHASE III YEAR 5	240,000 Euros	In progress	1 progress report



Donor	Project name	Total project amount USD /EU	State	No. of Reports and Work Plans submitted
Switzerland Cosude	Strengthening Governance and Human Rights in Central America 2022-2024 (Closing Phase III)	\$1.400.000	Executed	1 final report 1 performance self-assessment report
Ford Foundation	Strengthening the capacities of the IACHR to address the human rights situation in the region.	\$1,000,000 USD	In progress	1 annual report
Canada	To increase the protection and defense of the human rights of women and girls in Latin America and the Caribbean (2023-2027).	\$5 million CAD (approx. \$3.6 million USD)	In progress	1 Annual Work Plan 1 progress report
Monaco	Report of voluntary contribution 2023 to support activities aimed at special groups in vulnerable conditions.	5,200 USD	Executed	1 final report
France	2023 Voluntary Contribution Report for general support of IACHR activities	20,000 Euros	Executed	1 final report
Norway	DESCA monitoring in Central America	107,000 USD	Executed	1 final report
Norway	Climate justice and economic, social, cultural and environmental rights in Latin America and the Caribbean.	\$156,029 USD	Executed	1 progress report
PADF	Monitoring and Capacity Building for Transitional Justice in Nicaragua - Phase II	65,219 USD	Executed	2 quarterly reports, 1 Work Plan 1 final report
PADF	Central America Regional Program	\$177,000 USD	In progress	3 quarterly reports 1 work plan
PADF	Training on ISHR, investigations and documentation of testimonies in Nicaragua and Venezuela	100.00 USD	In progress	4 quarterly reports 1 work plan
PADF	Combating forced labor in Cuban medical missions	\$410,000 USD	In progress	3 quarterly reports 1 Work Plan
Spanish Fund for OAS (FEPO)	CDH2205 - Strengthening and promotion of inter-American legal standards on the environment, with a focus on climate change, the human right to water and other ESCR in the Americas.	\$234,278 USD	In progress	2 semiannual reports



Donor	Project name	Total project amount USD /EU	State	No. of Reports and Work Plans submitted
Spain (Basque Agency for Development Cooperation)	Increased protection of persons at risk of irreparable violation of their rights, expansion of precautionary measures and development of training in protection mechanisms.	110,000 Euros	In progress	To be presented in 2025
Norway	Protecting freedom of expression and environmental rights in Latin America and the Caribbean in the context of the climate emergency and threats to democratic governance.	978,886 USD	In progress	To be presented in 2025
Foundation for the Americas (Wellspring)	Support for the work of the IACHR Rapporteurship on the Rights of Lesbian, Gay, Bisexual, Trans and Intersex Persons Phase IV (2023-2026)	450,000 USD	In progress	1 Final Report (Phase III)  1 Annual Report
Spanish Fund for OAS (FEPO)	Protection and Defense of Human Rights Defenders and Justice Operators in the Americas	221,000 USD	In progress	To be presented in 2025
ARCUS	Protection and promotion of the rights of lesbian, gay, bisexual, transgender and intersex persons (2024-2027)	\$160,000	In progress	To be presented in 2025
Ireland	Expand the use of friendly settlements as an alternative mechanism for redressing human rights violations.	100,000 Euros	In progress	To be presented in 2025
Ford Foundation	Support access to justice and truth in serious human rights violations and attacks against environmental and human rights defenders.	\$200,000 USD	Signed agreement with donor	To be presented in 2025
Switzerland	Increasing the observance, protection and defense of human rights defenders and justice operators in Central American countries	244,500 USD	Agreement signed with donor and funds received.	To be presented in 2025
United States	Improve the institutional capacity of the IACHR for the timely and efficient analysis of threats to the independence of powers and the rule of law.	\$1,400,000 USD	Donor approved, internal protocols in process	To be presented in 2025

## B. Proposals submitted

37. The Executive Secretariat of the IACHR prepared and submitted 22 funding proposals to donors for the development of strategic projects aligned with the Strategic Plan 2023-2027, of which a total of



19 proposals were approved, representing 86.3% of the total submitted. Two are under review by the end of December 2024 and one was rejected.

- a. Project to support the work of the Office of the Rapporteur on Human Mobility - Partnership Agreement submitted to UNHCR for US\$65,517 (Approved).
- b. Concept Note on Access to Information submitted to ARCUS (Not approved).
- c. Project for a new LGBTI Fellow (2024-2027) submitted to ARCUS for \$160,000 USD (Approved).
- d. Proposal to support the work of MESENI submitted to Spain (Ventanilla Política) for \$109,134 USD (Approved).
- e. Submission of a request for the addition of Spain's voluntary contribution to the CDH2201 project for the follow-up of GIEI Recommendations by the MESEG for \$108,921 USD (Approved).
- f. GAIA2 System project profile, submitted to the Spanish Fund for the OAS FEPO (Approved with less funds).
- g. Justice Operators and Advocates project proposal (CDH 2308) submitted to FEPO for \$221,000 USD (Approved).
- h. REDESCA project proposal Fiscal Policy submitted to FEPO (Approved).
- i. Concept note for the development of follow-up actions to the recommendations of the Guatemala Country Report, submitted to Spain for EUR 40,000 (Approved).
- j. REDESCA concept note for the development of actions to address the climate emergency in the Andean Region presented to the Ford Foundation (Under study).
- k. Concept Note submitted for the preparation of a Thematic Report and Resolution on Corruption and Organized Crime presented to France for 60,000 Euros (Approved).
- l. Concept note for a proposal for a dissemination strategy for the REDESCA Report on Non-Communicable Diseases and Report on the Impact of Digital Marketing, submitted to the O'Neill Institute of Georgetown University (Under negotiation).
- m. Project for the expansion of the Friendly Settlement Mechanism (SAS) presented to Ireland for \$100,000 Euros (Approved).
- n. Project for the protection of freedom of expression and environmental rights in Latin America and the Caribbean in the context of the climate emergency and threats to democratic governance of REDESCA and RELE submitted to Norway for US\$978,886 (Approved).
- o. REDESCA - Norway II project submitted to Norway for \$151,300 USD (Approved).
- p. Project to combat forced labor in Cuban medical missions submitted to PADF for \$410,000 USD (Approved).
- q. Regional Human Rights and Democracy Program" project submitted to PADF for US\$177,000 (Approved).
- r. Project to increase the protection of persons at risk of irreparable violation of their rights, expansion of precautionary measures and development of training in protection mechanisms presented to the Basque Country Development Cooperation Agency, for \$110,000 Euros (Approved).
- s. Project "Freedom of Expression and Independence of the Media in Venezuela IACHR/RELE" presented to Sweden for \$100.00 USD (Approved signed contract).
- t. Project for the development of the project Increasing the observance, protection and defense of human rights defenders and justice operators in the countries of Central America presented to Switzerland for \$244,500 USD (Approved).
- u. Project to strengthen the institutional capacity of the IACHR for the timely and efficient analysis of threats to the independence of powers and the rule of law. Submitted to the United States for \$1,400,000 USD (Approved).
- v. REDESCA project to strengthen access to IACHR mechanisms for the protection of the environment and environmental defenders, especially those of historically marginalized groups submitted to the United States for US\$220,000 (Approved).



#### IV. TECHNOLOGICAL ADVANCES

38. With the innovation efforts made in three of the IACHR's core systems, GAIA, E-Vote and SIMORE Inter-American, during 2024, the Commission took a cutting-edge and innovative step, raising the bar for new technologies in the organization and advancing digital capabilities through robust implementations, ensuring that IT resources are used in a manner aligned with IT governance and the Commission's objectives, with clear parameters and a culture of continuous improvement, where each initiative was designed to bring tangible value and strengthen the growth of IACHR digital automation.

39. The IACHR, after a transformative change in the development of the first phase of the GAIA central system, experienced a stabilization phase in the use of the new and modern tool, which uses cutting-edge technologies and has allowed the Commission to carry out operational processes in a secure, stable and continuous manner. As a result of this implementation, 34,100 documents were successfully notified through the system, in a fully automated manner, without human intervention dedicated to the execution of this work, opening space to focus on activities of a substantial nature. Also, thanks to the implementation of the GAIA system, transparency, efficiency and speed in the processing of petitions, cases and precautionary measures were improved. For the first time, 3,327 procedures were carried out automatically, saving months of manual work by the staff of the ES/IACHR, updating the views of the users through the Individual Petitions System Portal, facilitating the reading of each file, reflecting the memorandum submitted to the IACHR, the decision adopted and the press releases in its two working languages (Spanish/English). This will ultimately contribute to the preservation of the procedural history of the petitions included in Resolution 1/22 and better management of the petitions submitted to the organization. During the year, the Commission's actions have been aligned with the shared vision of the Executive Secretary, highlighting the importance of closely following the development of new trends to maximize their positive impacts and minimize their possible adverse effects, noting that the structural and cultural changes promoted by the ES, together with innovative tools such as early warnings, will strengthen organizational transformation.

40. Following the stabilization of GAIA, a phase of maintenance, support and training began, aimed at the evolution of technologies in the IACHR, where recommendations and guidelines of the organization were applied in digital terms, integrating OAS information security tools. Also, in a joint coordination effort, the migration to a new tool for sending e-mails in the central systems was developed. Strategically, specific training sessions were developed and organized for each specialized work group that uses the system, reinforcing knowledge and best practices and presenting the new functionalities implemented over the course of the year, providing customized solutions that strengthened the specialists' skills in handling the tool. These system knowledge management activities have been comprehensive and effective, complemented by detailed technical documentation of the platform, which ensures transparency and accessibility for technical people who require it. Also, during this stage, 11 production implementations were carried out in GAIA, representing more than 30 redesigned functionalities and other new additions, which were focused on the continuous improvement of the central system, facilitating its use and optimizing the technical performance of the platform for the SE/ICIDH staff. At the same time, we worked on the requirements definition stage for phase 2 of the GAIA system, carrying out a requirements selection analysis exercise with the teams through work meetings, where a proposal was created that encompasses everything requested by the SE/IACHR for this new phase.

41. During 2024, the Inter-American SIMORE 2.0 proposal was launched, where 2 projects to improve the system were successfully completed, in response to feedback from member states and civil society. Ten basic requirements were structured, developed and deployed for the continuous refinement of the platform. A modification was made to make it easier to find the latest updates to the recommendations contained in SIMORE. A new functionality was also incorporated to allow users to upload documents when creating a new file. In addition, the uploading of reports from the External Persons Group Mechanism was enabled. Likewise, after strategic conversations with the team in charge of monitoring the tool, an *Application Programming Interface* (API) was built, which will allow SIMORE to connect with the NRTD (*National Recommendations Tracking Database*) system of the United Nations. In addition, reinforcing good practices and



facilitating knowledge sharing, technical documentation material was created to summarize SIMORE's operation.

42. The E-Vote, created in 2020 as the key system for internal consultations with the Commission, was also part of the process of improvements made to the IACHR's central systems during this cycle. To keep the digital environment at the forefront of current demands, seven new requirements were analyzed, developed and implemented, resulting in new functionalities. In addition, a technical requirement was developed that is based on updating the platform at the technological level, maintaining the firm path towards a greater capacity for digital competence.

43. With the need to strengthen the Commission's capacity to contribute to the prevention of human rights violations in the Americas, with mechanisms to identify, process and analyze in a timely manner situations potentially threatening to democratic institutions and the rule of law, the Early Warning project is being developed. As part of this effort, rigorous analyses were conducted on various technological components for the implementation of this great system, oriented to the requirements, advice and digital recommendations, promoting the exchange of key information. Among the different engineering that will be unified, exhaustive research was conducted on different Application Programming Interfaces (API), Hardware and Software as the fundamental basis of this process, prioritizing high-performance equipment that is scalable, as part of the essential resources for the development and training of *Machine Learning* algorithms, which will support the system, certifying its efficiency and robustness, ensuring compliance with the high standards of governance, infrastructure and IT security of the organization. The infrastructure proposal was also reviewed and examined, complying with the defined requirements, and work continues on the acquisition of the tool to develop advanced machine learning and monitoring systems for the Commission.

44. During this period, the Commission made progress in multiple technological areas, reinforcing its purpose of safeguarding the dignity of individuals and promoting the strengthening of the rule of law in the digital sphere. The modernization of the platforms and technological planning of the 189th, 190th and 191st sessions (PS), deployed in a total of 15 days, according to their schedule, facilitated access to live transmissions of the PS, demonstrating the continuous digital adaptation, encouraging more active participation and generating as a result the broadcasting of 98 hearings on 25 countries. In addition, real-time translation, subtitling and sign language solutions were implemented for simultaneous transmissions, generating a significant impact on the inclusion and participation of a wider audience, enriching interaction, eliminating barriers, promoting audiences and events with equitable broadcasting, reinforcing our commitment as a Commission, providing accessible and diverse communication.

45. Through a collaborative digital tool, we achieved the automation and maximization of internal flows. We implemented a technological solution that modernized the process of managing civil society visa applications for sessions at headquarters, facilitating quick and organized access to provide important data and support them in managing the process and their face-to-face participation in the PS. This operational systematization was key to optimizing response times, reducing human errors, improving process accuracy and acted as a great digital resource for unifying information in a single system. In addition, a centralized technological tool was developed and implemented that significantly enhanced collaboration and information exchange within the ES/IACHR. When integrated with this digital collaborative tool, this allowed teams to interact and collaborate in an active and structured manner, mitigating data dispersion and improving communication between teams. This integration also promoted a more intuitive user experience by providing seamless navigation between documents, projects and work areas. In addition, it strengthened data security by managing access and permissions in a controlled manner, ensuring that information is available only to those who need it. Together, these platforms increased productivity and fostered a culture of open collaboration, aligned with the Commission's strategic objectives. By creating an online work environment with both platforms, a digital ecosystem accessible to everyone at the IACHR was consolidated.

46. The tool developed to manage the requirements of the central systems has been fundamental in optimizing the reception of the Secretariat's needs, becoming a strategic asset for the IACHR. The platform has evolved constantly, adapting to the productivity demands of users, facilitating the scalability of processes



and enriching the management of operational flows. A total of 507 requests were handled in nine areas, consolidating its impact on the efficiency of IT resources. At the same time, the system for the logistics and administration of technological resources has transformed the response capacity throughout the organization, managing 281 requests in 25 areas and allowing us to address technological requirements in an agile manner. Both solutions, aligned with the integration of innovative advances, are continuously monitored to ensure optimal performance.

47. The constant improvement of technology within the ES/ICDH has been a strategic pillar in the process of modernizing the organization's IT equipment, consolidating a more efficient operating environment adapted to current demands. This approach allowed the progressive implementation of advanced solutions, refining resources and providing constant updating of the specialists' technical tools. Thanks to this transformative vision, the organization has not only strengthened its digital ecosystem, but also laid the foundations for greater agility, productivity and sustainability in its infrastructure.

48. With the responsibility towards the Portal's users, support was provided, attending to more than 9,175 queries on the use of the platform; notable growth was achieved with 3,913 new user subscriptions and six accounts activated by States; 55,785 additional information documents were processed in an automated manner through the system.

49. To facilitate access to information, increasing operational efficiency in the response times of the ES/IACHR, in line with the optimization in standardization and automation of processes, the following public announcements were uploaded through digital media: requests for Hearings and Meetings from the 189th to the 191st PS in four official languages; announcements of fellowships and consultancies on: Human Rights Consultant; Rapporteurship on the Rights of LGBTI Persons; Applications Systems Developer Consultant; Planning and Project Monitoring Consultant; Meetings with Civil Society - IACHR on-site visit to Guatemala; Meeting with Civil Society Organizations - Colombia; Course Registration Form; and Scholarship for the Rapporteurship on the Rights of Women.