

INTRODUCTION

A. Origen, legal bases, structure, purposes and mandates

1. The Inter-American Commission on Human Rights (“IACHR”, “Inter-American Commission” or “Commission”) is an autonomous organ of the Organization of American States (OAS), headquartered in Washington, D.C. Its mandate is prescribed in the OAS Charter, the American Convention on Human Rights, and the Commission’s Statute. The IACHR is one of the two bodies in 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.

2. The IACHR consists of seven members who carry out their functions independently, without representing any particular country. Its members are elected by the General Assembly of the OAS for a period of four years and may be re-elected only once. The IACHR meets in regular and special sessions several times a year. The Executive Secretariat carries out the tasks delegated to it by the IACHR and provides the Commission with legal and administrative support in its pursuit of its functions.

3. In April 1948, in Bogotá, Colombia, the OAS adopted the American Declaration of the Rights and Duties of Man (“American Declaration”), the first international human rights instrument of a general nature. The IACHR was created in 1959 and met for the first time in 1960.

4. In 1961, the IACHR began a series of visits to several countries for on-site observations of the human rights situation. Since then, the Commission has made more than 106 visits to the Organization’s member States. Based in part on these on-site investigations, to date the Commission has published 95 country reports and thematic reports.

5. In 1965, the IACHR was expressly authorized to examine complaints or petitions related to specific cases of human rights violations. The final reports on individual cases published by the IACHR may be found in the annual reports of the Inter-American Commission. They are also available on the IACHR website under the Petitions and Cases section.

6. The American Convention on Human Rights (“American Convention” or “Convention”) was adopted in 1969 and came into force in 1978. As of December 2012, a total of 23 member States were parties to the Convention: Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, the Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname and Uruguay. On September 10, 2012, the Bolivarian Republic of Venezuela announced its decision to denounce the American Convention. In keeping with Article 78 of that Convention, that decision took effect one year from the date on which it notified the OAS Secretary General of its intention, i.e., on September 10, 2013. On that date, the Commission issued a press release expressing its concern over the consequence of Venezuela’s denunciation of the Convention.¹

7. The Convention defines the human rights that the ratifying States have agreed to respect and guarantee. The Convention also created the Inter-American Court of Human Rights and

¹ IACHR. Press Release No. 64/13.

established the functions and procedures of the Court and of the Commission. In addition to examining complaints of violations of the American Convention committed by the instrument's States parties, the IACHR has competence, in accordance with the OAS Charter and with the Commission's Statute, to consider alleged violations of the American Declaration by OAS member States that are not yet parties to the American Convention.

8. From 2011 to 2013, the Commission engaged in a reflective process with a view to strengthening its principal function, which is to protect and promote human rights in the Americas. During that process, the Commission carefully considered its procedures and mechanisms and, on March 18, 2013, published its Resolution 1/2013 "Reform of the Rules of Procedure, Policies and Practices." Thus, in exercise of its authorities under articles 39 of the American Convention, 22(2) of its Statute and 79 of its Rules of Procedure, the Commission amended certain articles of the Rules of Procedure that the Commission had approved at its 137th regular session and then modified on September 2, 2011.²

9. In fulfillment of its mandate, the Commission:
- (a) Receives, analyzes and investigates individual petitions alleging human rights violations pursuant to Articles 44 to 51 of the 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 the member States and, when it deems appropriate, publishes special reports on the existing situation in any member State.
 - (c) Conducts on-site visits to member States to carry out in-depth analyses of the general situation and/or to investigate a specific situation. In general, these visits lead to the preparation of a report on the human rights situation encountered, which is then published and submitted to the OAS Permanent Council and General Assembly.
 - (d) Fosters public awareness of human rights in the Americas. To that end, the Commission prepares and publishes studies on specific subjects, such as measures that should be adopted to guarantee greater access to justice; the impact of internal armed conflicts on certain groups of citizens; the human rights situation of children, women, LGBTI persons, migrant workers and their families, people deprived of their liberty, human rights defenders, indigenous peoples, and communities of African descent, racial discrimination, and freedom of expression.

² The articles amended by Resolution 1/2013 were as follows: 25, on precautionary measures; 28, on the requirements for the consideration of petitions; 29, on initial processing; 30, on the admissibility procedure; 36, on the decision on admissibility; 37, the procedure on the merits; 42, archiving of petitions and cases; 44, report on the merits; 46, suspension of the time limit to refer the case to the Court; 59, the Annual Report; 72, the presentation of experts before the Court; 76, provisional measures, and 79, amendment of the Rules of Procedure. See Resolution 1/2013: <http://www.oas.org/en/iachr/decisions/pdf/Resolucion1-2013eng.pdf>.

- (e) Organizes and carries out visits, conferences, seminars, and meetings with representatives from governments, academic institutions, nongovernmental organizations, and other bodies, to disseminate information and promote a broader understanding of the work of the Inter-American human rights system.
- (f) Makes recommendations to OAS member States for the adoption of measures that will contribute to the protection of human rights in the countries of the Hemisphere.
- (g) Requests that member States adopt “precautionary measures” in accordance with the provisions of Article 25 of its Rules of Procedure, to prevent irreparable harm to human rights in grave and urgent cases. Likewise, under Article 76 of its Rules of Procedure, it can also 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 in court during litigation.
- (i) Requests advisory opinions from the Inter-American Court in accordance with the provisions of Article 64 of the American Convention.

10. Any person, group of persons, or nongovernmental entity that is legally recognized in one or more OAS member States may petition the Commission with regard to the violation of any right protected by the American Convention, by the American Declaration, or by any other pertinent instrument, in accordance with the applicable provisions and its Statute and Rules of Procedure. Also, under the terms of Article 45 of the American Convention, the IACHR may consider communications from a State alleging rights violations by another State. Petitions may be filed in any of the four official languages of the OAS (English, French, Spanish, or Portuguese) by the alleged victim of the rights violation or by a third party, and, in the case of interstate petitions, by a government.

B. Status of ratification of inter-American instruments

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

SIGNATORY COUNTRIES	DATE OF SIGNING	DATE OF RATIFICATION/ADHERENCE	DATE OF DEPOSIT
Antigua and Barbuda			
Argentina	02-02-84	08-14-84	RA 09-05-84
Bahamas			
Barbados	06-20-78	11-05-81	RA 11-27-82
Belize			
Bolivia		06-20-79	AD 07-19-79
Brazil		07-09-92	AD 09-25-92
Canada			
Chile	11-22-69	08-10-90	RA 08-21-90
Colombia	11-22-69	05-28-73	RA 07-31-73
Costa Rica	11-22-69	03-02-70	RA 04-08-70
Dominica		06-03-93	RA 06-11-93
Ecuador	11-22-69	12-08-77	RA 12-28-77
El Salvador	11/22/69	06-20-78	RA 06-23-78
United States of America	06-01-77		
Grenada	07-14-78	07-14-78	RA 07-18-78
Guatemala	11-22-69	04-27-78	RA 05-25-78
Guyana			
Haiti		09-14-77	AD 09-27-77
Honduras	11-22-69	09-05-77	RA 09-08-77
Jamaica	09-16-77	07-19-78	RA 08-07-78
Mexico		03-02-81	AD 03-24-81
Nicaragua	11-22-69	09-25-79	RA 09-25-79
Panama	11-22-69	05-08-78	RA 06-22-78
Paraguay	11-22-69	08-18-89	RA 08-24-89
Peru	07-27-77	07-12-78	RA 07-28-78
Dominican Republic	09-07-77	01-21-78	RA 04-19-78
Saint Kitts and Nevis			
Saint Lucia			
St. Vincent & the Grenadines			
Suriname		11-12-87	AD 11-12-87
Trinidad & Tobago		04-03-91	AD 05-28-91*
Uruguay	11-22-69	03-26-85	RA 04-19-85
Venezuela	11-22-69	06-23-77	RA 08-09-77**

Source: Department of International Law of the General Secretariat of the OAS

* Denounce submitted in May 1998

** Denounce submitted in September 2012

RA = RATIFICATION

AD = ADHERENCE

11. Regarding the eight other treaties comprising the Inter-American System, the following Member States of OAS have ratified or adhered to them:

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

States	APACESCR ³	PACHRADP ⁴	IACPPT ⁵	IACFDP ⁶	IACPEVW ⁷	IACEFDPD ⁸	IACAFDI ⁹	IACRRDRFI ¹⁰
Antigua and Barbuda					A 08-12-98			S 06-07-13
Argentina	R 03-30-03	R 06-18-06	R 11-18-88	R 10-31-95	R 04-09-96	R 09-28-00	S 06-07-13	S 06-07-13
Bahamas					A 05-03-95			
Barbados					R 02-08-95			
Belize					A 11-25-96			
Bolivia	R 07-12-06		R 08-26-96	R 09-19-96	R 10-26-94	R 02-27-03		
Brazil	A 08-08-96	R 07-31-96	R 06-09-89	R 07-26-13	R 11-16-95	R 07-17-01	S 06-07-13	S 06-07-13
Canada								
Chile		R 08-04-08	R 09-15-88	R 01-13-10	R 10-24-96	R 12-04-01		
Colombia	A 10-22-97		R 12-02-98	R 04-01-10	A 10-03-96	R 12-04-03		
Costa Rica	R 09-29-99	R 03-30-98	R 11-25-99	R 03-20-96	R 07-05-95	R 12-08-99		S 06-07-13
Cuba								
Dominica					R 06-30-95			
Ecuador	R 02-10-93	R 02-05-98	R 09-30-99	R 07-07-96	R 06-30-95	R 03-01-04	S 06-07-13	S -06-07-13
El Salvador	R 05-04-95		R 10-17-94		R 11-13-95	R 01-15-02		
United States								
Grenada					R 11-29-00			
Guatemala	R 05-30-00		R 12-10-86	R 07-27-99	R 01-04-95	R 08-08-02		
Guyana					R 01-08-96			
Haiti					A 04-07-97	R 05-29-09		
Honduras	A 09-14-11	A 09-14-11		R 04-28-05	R 07-04-95	A 09-14-11		

* Corrected on September 11, 2014.

³ Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights, adopted in San Salvador, El Salvador, November 17, 1988, 18th Regular Period of Sessions of the General Assembly.

⁴ Protocol to the American Convention on Human Rights to Abolish the Death Penalty, adopted in Asunción, Paraguay, June 8, 1990, 20th Regular Period of Sessions of the General Assembly.

⁵ Inter-American Convention to Prevent and Punish Torture, adopted in Cartagena de Indias, Barranquilla, Colombia, December 9, 1985, 15th Regular Period of Sessions of the General Assembly.

⁶ Inter-American Convention on Forced Disappearance of Persons, adopted in Belém do Pará, Brazil, June 9, 1994, 24th Regular Period of Sessions of the General Assembly.

⁷ Inter-American Convention to on the Prevention, Punishment and Eradication of Violence against Women, adopted in Belém do Pará, Brazil, June 9, 1994, 24th Regular Period of Sessions of the General Assembly.

⁸ 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 Period of Sessions of the General Assembly.

⁹ Inter-American Convention against All Forms of Discrimination and Intolerance, adopted in Guatemala City, June 5, 2013, 43rd Regular Period of Sessions of the General Assembly.

¹⁰ Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance, adopted in Guatemala City, June 5, 2013, 43rd Regular Period of Sessions of the General Assembly.

Jamaica					R 11-11-05			
Mexico	R 03-08-96	R 06-28-07	R 02-11-87	R 02-28-92	R 06-19-98	R 12-06-00		
Nicaragua	R 12-15-09	R 03-24-99	A 09-23-09		R 10-06-95	R 07-15-02		
Panama	R 10-28-92	R 06-27-91	R 06-27-91	R 07-31-95	R 04-26-95	R 01-24-01		
Paraguay	R 05-28-97	R 10-31-00	R 02-12-90	R 08-26-96	R 09-29-95	R 06-28-02		
Peru	R 05-17-95		R 02-27-90	R 02-08-92	R 04-02-96	R 07-10-01		
Dominican Republic		A 12-19-11	R 12-12-86		R 01-10-96	R 12-28-96		
Saint Kitts and Nevis					R 03-17-95			
Saint Lucia					R 03-08-95			
St. Vincent and the Grenadines					R 05-23-96			
Suriname	A 02-28-90		R 11-12-87		R 02-19-92			
Trinidad and Tobago					R 01-04-96			
Uruguay	R 11-21-95	R 02-08-94	R 09-23-92	R 02-06-96	R 01-04-96	R 05-24-01	S 06-07-13	S 06-07-13
Venezuela		R 04-06-94	R 06-25-91	R 07-06-98	R 01-16-95	R 06-06-06		

Source: Department of International Law of the General Secretariat of the OAS

R = RATIFICATION S = SIGNING

A = ADHERENCE

C. Progress achieved

12. As for the progress made toward achievement of the objectives set forth in the American Declaration, the American Convention and the other inter-American human rights instruments, the Commission wishes to draw attention to some substantial number of measures that the countries of the Hemisphere have undertaken during the course of 2013.

13. Concerning the abolition of the death penalty, the Commission applauds the fact that on January 27, 2012, the Dominican Republic deposited its instrument of adhesion to the Protocol to the American Convention on Human Rights to Abolish the Death Penalty. Furthermore, for the first time in its history, in 2013 the IACHR held a hearing requested by a group of States (Argentina, Brazil, Costa Rica, the Dominican Republic, Ecuador, Mexico and Panama) advocating for abolition of the death penalty. The Commission welcomes the initiative shown by the States that requested the hearing and applauds the fact that they called upon those States of the region that have not yet done so to consider abolition of the death penalty or to declare a moratorium on the practice of capital punishment as a first step toward abolishing it. It also called upon those States to comply with the precautionary measures granted by the IACHR in the case of persons given the death penalty. The Inter-American Commission is grateful for initiatives of this kind, driven by the States themselves, and renews its commitment to the gradual elimination of the death penalty within the inter-American system.

14. As for measures to fight racial discrimination, on June 5, 2013, at the session held in Antigua, Guatemala, the OAS General Assembly adopted the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance –signed by Antigua and Barbuda, Argentina, Brazil, Costa Rica, Ecuador and Uruguay- and the Inter-American Convention against All Forms of Discrimination and Intolerance, signed thus far by Argentina, Brazil, Ecuador and Uruguay.

15. As for measures taken at the domestic level, in 2013 the IACHR was gratified by the progress made in the Dominican Republic to further strengthen democratic institutions and protect human rights. One of the most significant advances made in that country was that with the reform of the 2010 Constitution, international human rights law and all international human rights commitments undertaken by the State were elevated to the rank of constitutional law.

16. The Commission was also gratified by the repeal of Guatemala's Resolution 370-2012, which had been published on January 2, 2013. The resolution concerned the declaration that Guatemala made in 1987 in connection with the American Convention on Human Rights to the effect that the jurisdiction of the Inter-American Court of Human Rights would only apply in the case of acts or crimes committed subsequent to March 9, 1987. The resolution was an attempt to ensure that continuing acts or crimes would only fall under the Court's jurisdiction if the original conduct occurred after March 9, 1987. The resolution also stated that "Guatemala will honor any reparations ordered by the Inter-American Court of Human Rights for acts brought to the latter's attention only if those acts occurred subsequent to March 9, 1987, and only up to the amounts and of the kind allowed under domestic law, in observance of the guarantee of equal treatment recognized in the Constitution of Guatemala." The IACHR notes that the resolution was repealed following a dialogue between the President and human rights defenders. The Commission regards the repeal of Resolution 370-2012 as a positive step done in observance of its stated commitments to respect human rights.

17. The IACHR also welcomes the Guatemalan Government's recognition of the need to reform the law, especially the laws on mining, water and the environment, to comply with the State's international commitments, made during the visit by the Rapporteur on the Rights of Indigenous Peoples, from August 21 through 30, 2013.

18. As for the commitment undertaken by the States to fight impunity, the IACHR was gratified to observe that for the first time in Haitian history, Jean-Claude Duvalier appeared before a court of law to give testimony concerning the serious human rights violations perpetrated during his regime (1971-1986), and that for the first time, the victims had an opportunity to testify in court and be recognized as parties to the judicial process. The IACHR encourages the Haitian State to provide all necessary support to enable the domestic courts to perform their functions independently and impartially, with the utmost respect for the guarantees of due process.

19. As for the cases taken up by the organs of the inter-American system, on appeal the Guatemalan courts upheld the verdict against a military commissioner and four former patrol members convicted in the Plan de Sánchez Massacre, and the conviction handed down against a former military man, Pedro Pimentel Ríos, in the Dos Erres Massacre case. The Commission applauds the work of Guatemala's General Prosecutor, who since taking office in December 2010, has prosecuted public officials for their involvement in serious human rights violations.

20. The Commission also applauds the work accomplished by Guatemala's High-Risk Courts in prosecuting crimes committed during the armed conflict in Guatemala, despite the considerable challenges they are up against in performing their function. On May 10, 2013, First High-Risk Court A convicted Efraín Ríos Montt and sentenced him to 50 years in prison for genocide, and another 30 years for crimes against humanity. This was the first court decision to acknowledge the racial nature of the violence suffered during the armed conflict. Indicative of the challenges that lay ahead, on May 20, 2013, the Constitutional Court, the highest court authority, overturned the conviction and ordered a retrial. On September 20, 2013, High Risk Court A convicted the former director of the now

extinguished National Police Force, Héctor Rafael Bol de la Cruz, and the commander of the Fourth National Police Corps, Jorge Alberto Gómez López, and sentenced them to 40 years in prison as the authors of the forced disappearance of Edgar Fernando García, whose case is now before the Inter-American Court of Human Rights. Because most of the events that occurred during the armed conflict have never been punished, the IACHR would encourage the Guatemalan State to strengthen the institutions that have made this progress possible and to adopt measures to surmount the remaining obstacles, mainly in the judicial branch, that allow such crimes to go unpunished.

21. In recent years, considerable progress has been made in some of the criminal cases being prosecuted in Colombia for assassinations and attacks targeting journalists in that country. The IACHR was informed that on February 12, 2013, oral arguments wrapped up in the case against Ferney Tapasco González and three other persons accused of being the intellectual authors of the 2002 assassination of the deputy director of the newspaper *La Patria*, José Orlando Sierra, in Manizales. The oral proceedings reportedly got underway on September 17, 2012. According to the information available, in its final arguments the Public Prosecutor's Office reportedly requested "certification of copies" to enable it to continue to investigate the involvement of other persons also identified by witnesses at the trial as being co-authors of the assassination of journalist Sierra. As of the date of approval of this report, the court had not yet delivered its decision in the case.

22. As for the right to the truth, the Commission celebrates the work that Brazil's Truth Commission has been doing since May 16, 2012.

23. In the case of women's rights, the Commission found that the most important advances made in the region in 2013 included the adoption of laws and policies to address violence against women; the inclusion of the principles of equality and nondiscrimination in national constitutions, laws and plans of action across the Americas; establishment of a number of institutions in the executive, legislative and judicial branches of government to influence the crafting of laws, public policies and state projects and activities in this area; and implementation of a series of training programs for civil servants to better address the concerns associated with violence and discrimination against women. Accordingly, the Commission would encourage the countries to ensure that their existing laws bring about real justice and true equality.

24. During a working visit to Suriname between January 23 and 25, 2013, the Commission saw firsthand the efforts that the State of Suriname has made to include gender equality as a guiding principle in every policy and law that concerns Surinamese women's rights. Those efforts materialized in the recent adoption of a body of laws to address the forms of violence that women experience, such as domestic violence, sexual harassment, and stalking, and the creation of institutions within the Ministry of Justice and Police and the Ministry of Home Affairs to examine various aspects of women's rights in Suriname. The Commission is also gratified by the State's efforts to create inter-institutional bodies to address various side of the problem of violence against women, including better delivery of services at police stations for victims of domestic violence and the creation of a shelter for women in the city. Civil society is represented within some of these institutions.

25. On the subject of disability, during its 149th session the Commission was pleased to hear reports on the progress that the Peruvian State has made to assist persons with disabilities, especially its enactment of the General Law on Persons with Disabilities (Law No. 29973).

26. Regarding economic, social and cultural rights, the United Nations Development Program (UNDP) recognized Ecuador for its sustained increase in the human development index; among the Latin American and Caribbean countries, Ecuador scored the third highest gains in the human development index rankings in 2012. As for the right to food, the IACHR has received information to the effect that in June 2013, Venezuela was recognized by the United Nations Food and Agriculture Organization (FAO) for having accomplished one of the Millennium Development Goals as it cut the number of people suffering from malnutrition by half.

27. The IACHR also recognizes that Colombia has taken certain steps to better guarantee indigenous peoples' right to health, such as enactment of Law 691 of September 18, 2001, whose intention was "to regulate matters relating to Aboriginal peoples in the field of health and social security," although it recognizes that certain major challenges remain, especially in the areas of coverage, access to services and cultural adaptation of those services. Those problems are compounded by structural factors such as the armed conflict, poverty and discrimination.

28. As regards of children's rights, the IACHR highlights the efforts undertaken in the region to design and implement national strategies to prevent violence against children and protect them. In this sense, the IACHR welcomes Paraguay's establishment of the National Commission for Prevention and Integral Attention of Violence against Children and Adolescents, an inter-sectoral body with a mandate to devise and apply public policies to prevent violence against children and treat its victims. Civil society is also represented on this Commission, which also allows children and adolescents to participate and express their views. The IACHR is also gratified by examples like El Salvador's Ombudsman's Office (Procuraduría de los Derechos Humanos), an independent human rights organ at the national level, which conducted a research into the Salvadoran State's compliance with its international obligations in the protection of child victims of violence. This research will help highlight the advances made at the national level and areas where further progress is still needed.

29. The IACHR welcomes the fact that in 2013 sub regional multilateral institutions like MERCOSUR, SICA and CARICOM continued their efforts in the area of protection of children's rights, with a particular emphasis on violence against children and adolescents. They have worked to devise inter-state cooperation strategies, to share experiences and have set common objectives to steer the progress still needed in this area.

30. The Commission welcomes Paraguay's formation of the National Preventive Mechanism pursuant to the Optional Protocol of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Paraguay has given the mechanism the authority to supervise "psychiatric hospitals and shelters", given the conditions in which institutionalized children in the region are living and the degree of violence to which they are exposed. The Commission regards the establishment of independent national monitoring mechanisms, with broad authority to oversee residential child protection institutions that house children, to be an important step forward.

31. The IACHR is gratified that as a follow up of its recommendations in the Report on Corporal Punishment and Human Rights of Children and Adolescents, the Honduran State passed a law explicitly prohibiting physical punishment and humiliating treatment as a form of discipline or to correct children, even within the family. The IACHR is also encouraged to see similar legislative initiatives being studied in other countries of the region and urges the States to adopt laws to prohibit physical punishment and other forms of humiliating treatment in every setting.

32. During the visit to Brazil by the Rapporteur on the Rights of the Child, the IACHR was informed of the efforts being made to prevent violence, abuse and/or sexual exploitation of children on the occasion of the World Cup and the activities surrounding the preparation, organization and staging of mega-events. The IACHR believes that activities whose purpose is to further protect children in situations where they are particularly vulnerable to violations of their rights are a vital part of child protection.

33. During a visit of the Rapporteur on the Rights of the Child to Mexico, the Commission was informed of the legal process underway to create an adequate institutional and legal framework to operate a national system for protection of children's rights according to international principles and standards.

34. During a working visit to Jamaica, between October 9 and 11 2013, the country Rapporteur was informed that the law permitting flogging was repealed and that the Sexual Offenses Act has been amended to cover women and children. Information was received indicating that there has been progress in terms of the type of evidence allowed in Court; ie, videoconferencing may now be used to receive testimony, especially in cases involving children, sexual offenses and human trafficking.

35. Finally, the Commission applauds the 2013 approval and enactment of the Adoption Law in Haiti, which creates a law to protect children who are adoption-eligible. This law is consistent with the *corpus juris* on children's rights, particularly the United Nations Convention on the Rights of the Child and the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-Country Adoption, which Haiti ratified in 2012.

36. As for the rights of persons deprived of liberty, the IACHR celebrates the measures that some States have taken to ensure that all persons in preventive detention within the territory of those States are able to effectively exercise their right to vote. For example, since approval of Ecuador's 2008 Constitution, the National Electoral Council and the Ministry of Justice have made the necessary arrangements to ensure that those in preventive detention were able to vote in the 2009 and 2013 elections. In the most recent elections held this year, more than 8,900 persons in preventive detention were able to cast their votes.

37. The Commission observes that during the last years in Mexico there has been a wave of violence that is without precedent in its recent history, which has taken a particularly heavy toll on migrant persons. Despite being besieged by violence, the Mexican State has made significant progress in the area of human rights. The Commission appreciates the statements made by representatives of the Mexican State underscoring the need to reject the existing dichotomy between the human rights protection that Mexico asks for its migrants abroad and the protection that the Mexican authorities provide to migrants from other countries who live in or are in transit through Mexico. The Commission highlights the recent reforms that the Mexican State introduced in its Constitution, its laws and its administrative procedures with a view to better protecting the human rights of persons immersed in the flow of human mobility underway in Mexico, such as migrants, refugees, persons in need of additional protection and victims and survivors of human trafficking. The Commission applauds the commitment that the Mexican State has shown at the international level with respect to the promotion of international and regional human rights treaties and the fact that the State of Mexico has ratified all the inter-American conventions on the protection of human rights.

38. In the Commission's view, the recent 2011 Constitutional Reform in the Area of Human Rights represented a paradigmatic shift in the promotion and protection of human rights in Mexico. The reform is of fundamental importance, not just for migrants but for all persons living in Mexico. It elevated the international human rights treaties ratified by Mexico to the rank of constitutional law and made it the State's obligation to prevent, investigate, punish and redress violations of human rights in accordance with the secondary law. The Commission also appreciates the substantial effort that the Federal Supreme Court is making to train federal judges and magistrates so that their decisions reflect these major advances and the Mexican State's human rights obligations. The Commission hopes that this exercise will be replicated at the level of local state government.

39. The Commission observes that while some of the important strides made in protecting the human rights of migrants and other persons in the context of human mobility in Mexico are now embodied in law, many challenges have yet to be conquered to prevent, protect, prosecute, punish and make reparations for crimes and human rights violations committed against migrants.

40. The Commission received encouraging news on headway made in the months of August, September and October 2013, with a view to promoting the equality of LGBTI persons in the Americas. The Inter-American Commission is gratified by a number of initiatives taken to promote and recognize the rights of trans persons. In Argentina, a group of trans women were transferred to women's prison facilities. In the District of Columbia in the United States, the local Birth Certificate Equality Amendment was signed into law, allowing transgender persons to secure new birth certificates that reflect their gender identity; in California, a law was passed allowing transgender children to pick the bathrooms and sports teams they identify with. In Peru, a government institution fined a nightclub that had refused to allow a trans woman inside because of her gender identity. The IACHR is pleased with the measures taken by some member States and encourages them to continue to take measures to ensure transgender persons' right of equality and nondiscrimination.

41. The Commission must also highlight statements made by State officials in countries that still criminalize sexual relations between same-sex adults. Specifically, the IACHR was gratified by the statement made by Belize's Prime Minister, Dean Oliver Barrow, indicating that although the Government of Belize would respect religious positions about homosexuality, "what [the] Government cannot do is to shirk its duty to ensure that all citizens, without exception, enjoy the full protection of the law." The IACHR also welcomes the statement delivered by the St. Kitts and Nevis Prime Minister, Denzil Douglas, speaking against discrimination and stigmatization of LGBTI persons. Furthermore, the IACHR highlights that the Minister of Justice in Jamaica condemned the killing of a trans teenager, Dwayne Jones, and called upon Jamaicans to "embrace the principle of respect for the basic human rights of all persons."

42. The IACHR praises the commitment of State officials that take a public stance in favor of equality in contexts in which prejudice, discrimination and violence against LGBTI persons are widespread. In this regard, the IACHR urges OAS Member States not only to decriminalize acts which severely hinder the rights of persons with non-normative sexual orientations and gender identities, but also to advance law reforms as a means to respect, protect and guarantee the right to equality and non-discrimination of LGBTI persons and those perceived as such.

43. The IACHR also welcomes the statement made by Canada's Immigration Minister on the consideration given to LGBTI asylum seekers who fear persecution based on their sexual orientation or their gender identity in their country of origin or habitual residence. It was also gratified by the

statement made by Venezuela's Ombudsman, Gabriela Ramirez, who on August 29, 2013 announced the creation of an Office of the Special Defender of Sexual Diversity and proposed that the LGBTBI community nominate the candidates to head that office.

44. The IACHR was gratified to see that in 2013 same-sex marriage became legal in Uruguay and in the states of Minnesota and Rhode Island in the United States; civil unions were sanctioned in Jalisco, Mexico, as was marriage between same-sex persons in Colombia and in the state of New Jersey in the United States.

45. The Commission has received information on other encouraging initiatives taken in 2013. In Costa Rica, certain provisions of the Criminal Code that concerned the security measures that could be ordered in the case of "homosexuals" based solely on their sexual orientation were revoked. In Ecuador, a special health care center for LGBTI persons was created. In Brazil, LGBTI persons deprived of their liberty were accommodated in safe common areas in several prisons. Furthermore, in Argentina, the courts have authorized the first cases of adoption to same-sex couples and ordered that a young child be returned to her lesbian mother after the girl had been held by her grandparents "to prevent her from being raised by two mothers."

46. Finally, the Commission welcomes the fact that on May 26, 2013, the delegates for the Government of Colombia and the FARC-EP reported that an agreement had been reached on the first item of the agenda contained in the "General Agreement for the End of the Conflict and Building a Stable and Lasting Peace " and that they had agreed to call it "Toward a new Colombian Countryside: Integral Rural Reform." The Commission believes that achievement of peace in Colombia is an essential step for protection of human rights in the country, will help establish a context conducive to ensuring justice in cases involving serious human rights violations and violations of international humanitarian law, and will be key to the sustainability of the measures of reparations implemented by the State. The Commission must also point out that should peace eventually take hold, the State would have to adapt its policy on citizen security to address the specific roles of the police and the Army in such a context.