CHAPTER IV
HUMAN RIGHTS DEVELOPMENTS IN THE REGION

INTRODUCTION

1. The Inter-American Commission on Human Rights (IACHR or Commission) continues its practice of including a Chapter in its Annual Report to the General Assembly of the Organization of American States (OAS) on the situation of human rights in the Member States of the Organization, based on its competence as set forth in the OAS Charter, the American Convention on Human Rights, the Statute and the Commission’s Rules.

2. Preparing reports on the situation of human rights in the countries of the region has been one of the main tools of the Commission since its first Annual Report to the OAS General Assembly in 1969. Beginning in 1977, the Commission started to publish this information systematically, using different titles, chapters or sections, in what essentially has become Chapter IV.

3. In 1996, the Commission established four specific criteria to identify those OAS member States whose human rights practices merited special attention by the IACHR and consequently a special analysis to be included in the annual report. In the 1997 Annual Report, the Commission added a fifth criterion to be considered when deciding which countries to include in this Chapter. The IACHR has applied these criteria on the basis of the mandate and faculties assigned to it by the regional instruments, and accordingly analyzes the situations under consideration in light of the actions of States, pursuant to inter-American human rights standards.

4. Following a process of reflection on the strengthening of the inter-American human rights system, the IACHR issued Resolution 1/2013, “Reform of the Rules of Procedure, Policies and Practices,” which included changes with respect to the content of Chapter IV of its Annual Report. Along these lines, Chapter IV has been divided into two sections:

   i. Section A) will include an annual overview of the human rights situation in the hemisphere, derived from its monitoring work, which shall identify the main tendencies, problems, challenges, progress and best practices of civil and political rights, and social, economic and cultural rights;

   ii. Section B) will include the special reports that the Commission considers necessary regarding the situation of human rights in Member States, pursuant to the criteria, methodology and procedure provided below.

5. As part of the process of reflection, the Commission reviewed and modified the criteria to be applied for including a State in Chapter IV. B. The current criteria are:

CRITERIA

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;
ii. there has been an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order; or

iii. the democratically constituted government has been overthrown by force or the existing government has otherwise come to power through means other than free and fair election, based on universal and secret ballot, pursuant to internationally accepted norms and principles reflected in the Inter-American Democratic Charter.

b. The free exercise of the rights guaranteed in the American Declaration or the American Convention has been unlawfully suspended, totally or partially, by virtue of the imposition of exceptional measures such as a declaration of a state of emergency, state of siege, suspension of constitutional guarantees, or exceptional security measures.

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.

d. 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:

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; and

iv. systematic violations of human rights attributable to the State in the framework of an internal armed conflict.

6. The Commission assesses the situation of human rights in the OAS Member States throughout the year in the exercise of its mandate to promote and protect human rights in the region. It gathers information from multiple sources and, in particular, utilizes reliable information obtained from the following sources in making its evaluations:

a. official acts of all levels and branches of government, including constitutional amendments, legislation, decrees, judicial decisions, policy statements, official communications to the Commission and to other human rights organs, as well as any other statement or action attributable to the Government;

b. information available in cases, petitions and precautionary and provisional measures in the inter-American system, as well as information on compliance by the State with recommendations of the Commission and judgments of the Inter-American Court;

c. information gathered in the course of on-site visits by the Commission, its Rapporteurs and members of its staff;

d. information obtained during hearings held by the Commission as part of its sessions;

e. conclusions of other international human rights bodies, including UN treaty bodies, UN Rapporteurs and working groups, the Human Rights Council, and other UN specialized agencies;

f. human rights reports issued by governments and regional organs;
4. reports by civil society organizations, as well as information presented by such organizations and private persons; and
5. public information that is widely disseminated in the media.

7. The Commission deliberates in plenary during its third ordinary session each year, applying the methodology and criteria indicated to make reasoned decisions on Chapter IV and on other matters included in the Annual Report. During its 159th period of sessions and at its working meeting in California, from January 13 to 23, the Commission analyzed briefings on the human rights situation in some countries previously requested by the Commissioners and voted on whether or not to include those countries. As a result of that review, in some cases it was decided to include a State in Chapter IV. B and, in other cases, not.

8. By an absolute majority and based on the aforementioned criteria, it was decided to include three member states in this Chapter IV.B of the 2016 Annual Report: Cuba, the Dominican Republic, and Venezuela. Furthermore, pursuant to its Rules of Procedure, the Commission transmitted a draft of the respective sections of Chapter IV. B to the States concerned with a request that they submit any observations on them by a given deadline. Cuba did not submit its observations within the time allowed. As regards the Dominican Republic, in 2015 the Commission adopted its country report entitled "The Human Rights Situation in the Dominican Republic," which contains a detailed analysis of the structural factors identified by the IACHR as impairing the enjoyment of fundamental rights by the inhabitants of the Dominican Republic. Accordingly, given that there are still structural situations impairing the enjoyment and effective exercise of human rights for persons born in the territory of the Dominican Republic who are, or are perceived as being, of Haitian descent, the IACHR decided to include the Dominican Republic in section B of this Chapter.


A. Overview of the human rights situation in the hemisphere

1. List of press releases and requests for information from the States in the exercise of the monitoring faculty

10. In keeping with its mandate to monitor the human rights situation in the hemisphere in 2016, the Commission issued 196 press releases regarding situations that raised concerns and, also, voiced positions recognizing good practices of some States. The complete list of press releases issued by the Commission over the course of 2016 appears hereunder:

- R196/16 - The Office of the Special Rapporteur Expresses Concern over the detention in Cuba of artist Danilo Maldonado, known as "El Sexto". Washington, D.C., December 23, 2016
- 195/15 - Follow-Up Mechanism to Ayotzinapa Case Conducted First Visit to Mexico Washington, D.C., December 21, 2016
- 191/16 - IACHR Takes Case involving Guatemala to the Inter-American Court Washington, D.C., December 19, 2016
- 190/16 - International Migrants Day: "Measures to prevent all types of hate speech and advocacy of hatred that tend to incite violence or any other illegal acts against migrants are critical to stop hate crimes" Washington, D.C., December 18, 2016


R186/16 - The Ofﬁce of the Special Rapporteur Condemns the Killing of a Journalist in Mexico. Washington, D.C., December 14, 2016


184/16 - IACHR Welcomes the Commitment of the OAS LGBTI Core Group Member States in Advancing in the Protection of the LGBTI Persons Victims of Human Traﬃcking. Washington, D.C., December 9, 2016

183/16 - IACHR Wraps Up its 159th Session. Panama, December 7, 2016.

Annex to the Press Release Issued at the Close of the 159th Session.

182/16 - IACHR Urges the State of Argentina to respond to the Case of Milagro Sala. Panama, December 2, 2016.


179/16 - IACHR Urges States to Protect the Rights of Persons with Disabilities at Mental Health Facilities. Washington, D.C., December 2, 2016


173/16 - IACHR Takes Case involving Mexico to the Inter-American Court Washington, D.C., November 22, 2016.

172/16 - Joint Call of the UN Rapporteur on Violence Against Women and All other Global and Regional Mechanisms to End Femicides and Gender Based Violence. Washington, D.C. / Geneva, November 22, 2016.


- 147/16 - IACHR Calls Attention to the Continuing Challenges Facing Pre-teen and Teenage Girls in the Region. Washington, D.C., October 12, 2016.
- 144/16 - Panama Will Host the Ordinary Period of Sessions of the IACHR. Washington, D.C., September 29, 2016.
- R143/16 - The Office of the Special Rapporteur for Freedom of Expression welcomes positive measures adopted by Member States to ensure access to information in the Americas. Washington, D.C., September 28, 2016.

140/16 - IACHR Takes Case involving Mexico to the Inter-American Court. Washington, D.C., September 27, 2016.

139/16 - IACHR Takes Case involving Chile to the Inter-American Court. Washington, D.C., September 27, 2016.

138/16 - IACHR Takes Case involving Nicaragua to the Inter-American Court Washington, D.C., September 27, 2016.

137/16 - IACHR Seeks to Hold Period of Sessions this Year. Washington, D.C., September 26, 2016.


126/16 - IACHR Expresses Concern over Impeachment of President of Brazil. Washington, D.C., September 2, 2016.


124/16 - IACHR and Inter-American Court Create a Joint Working Group to Address their Financial Situation. Mexico City, August 30, 2016.


121/16 - ACHR Visits Paraguay to Promote Compliance with Friendly Settlement Agreements. Washington, D.C., August 26, 2016.


IACHR Deeply Concerned about the Situation of Migrants in Colombia Close to the Panama Border. Washington, D.C., August 08, 2016.


IACHR Takes Case involving Colombia to the Inter-American Court. Washington, D.C., July 25, 2016.


IACHR Welcomes Creation of LGBTI Core Group at the OAS. Washington, D.C., July 25, 2016.


IACHR Welcomes the Adoption of the UN Resolution on Sexual Orientation and Gender Identity. Washington, D.C., July 5, 2016.


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85/16 - Progress on Friendly Settlements in petitions and ongoing cases before the IACHR concerning Chile. Washington, D.C., June 23, 2016.
84/16 - IACHR Deeply Concerned over Inaction to Avoid Institutional Vacuum in Haiti. Washington, D.C., June 22, 2016.
75/16 - IACHR Wraps Up its 158th Special Session. Santiago, Chile, June 13, 2016.
75A/16 - Report on the 158th Special Session of the IACHR.
74/16 - IACHR Urges Member States to Redouble Efforts to Overcome IACHR Financial Crisis and Announces Consultation of its Strategic Plan. Santo Domingo, Dominican Republic, June 11, 2016.
56/16 - IACHR Receives Comments on Finalists for the Post of Executive Secretary. Washington, D.C., April 27, 2016.
53/16 - IACHR Takes Case involving Brazil to the Inter-American Court. Washington, D.C., April 26, 2016.
50/16 - IACHR Selects Five Finalists for the Post of Executive Secretary. Washington, D.C., April 21, 2016.
49A/16 - Report on the 157th Session of the IACHR.


26/16 - IACHR Urges States to Eradicate Violence against Children 10 Years after the Publication of the United Nations Secretary-General’s Study on Violence against Children. Washington, D.C., March 5, 2016.


1. In addition, exercising the powers vested in it by American Convention on Human Rights and Article 18 of its Statute, the Commission requested information on 45 occasions from a number of member states.

<table>
<thead>
<tr>
<th>Member State</th>
<th>Art. 41</th>
<th>Art. 18</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Argentina</td>
<td>3</td>
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<td>2 Belize</td>
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<td>3 Bolivia</td>
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<td>4 Brazil</td>
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<td>5 Canada</td>
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<td>6 Chile</td>
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<td>7 Colombia</td>
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1 The 25 States that have ratified the Convention are: Argentina, Barbados, Bolivia, Brazil, Colombia, Costa Rica, Chile, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Trinidad and Tobago, Uruguay and Venezuela. Trinidad and Tobago and Venezuela denounced the American Convention on Human Rights on May 26, 1998 and September 10, 2012, respectively. Ten OAS member states have not signed the Convention. They are: Antigua and Barbuda, Bahamas, Belize, Canada, Cuba, Guyana, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, and the United States of America.

2 Forty-six years after the American Convention in November 1969, 10 of the 35 member states are not parties to it and two have denounced it. Regarding the State that have not ratified the Convention or have denounced it, the IACHR, under the powers granted it by Article 18 of its Statute, requests those States to provide it with reports on any human rights-related measures they adopt. As an OAS institution, not as an organ of the Convention, the Commission has jurisdiction in respect of that group of 12 countries. See IACHR, Annual Report 2013, Chapter IV(A)(2), Overview on universal ratification, incorporation of standards, conventionality control and compliance with IACHR’s recommendations and decisions, par. 62.
12. The particular situations that merit requests for information are listed below:

<table>
<thead>
<tr>
<th>State</th>
<th>Issue/Situation</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>Costa Rica</td>
<td>Situation of persons deprived of their liberty in [maximum security] Section “F” of the La Reforma Institutional Center</td>
<td>April 2016</td>
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<tr>
<td>Uruguay</td>
<td>Theft of detainee records missing from the laboratory of the Forensic Archeology Research Group (GIAF) in Uruguay</td>
<td>April 2016</td>
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<tr>
<td>Guatemala</td>
<td>Death of Guatemalan boy: Julio René Alvarado Ruano</td>
<td>May 2016</td>
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<tr>
<td>Bolivia</td>
<td>Use of force against demonstration of persons with disabilities</td>
<td>May 2016</td>
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<tr>
<td>Colombia</td>
<td>Information on the peace agreements</td>
<td>May 2016</td>
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<tr>
<td>Nicaragua</td>
<td>Follow-up to the public hearing on &quot;Human Rights and Citizen Security in Nicaragua&quot;</td>
<td>May 2016</td>
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<tr>
<td>El Salvador</td>
<td>Follow-up to the public hearing on &quot;Human Rights and Citizen Security in El Salvador&quot;</td>
<td>May 2016</td>
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<tr>
<td>Colombia</td>
<td>Hearing on the search for missing persons and excavations in the Medellín landfill site</td>
<td>May 2016</td>
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<tr>
<td>Honduras</td>
<td>Silencing of the Globo TV station’s transmitters</td>
<td>June 2016</td>
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<tr>
<td>State</td>
<td>Issue/Situation</td>
<td>Date</td>
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<tr>
<td>El Salvador</td>
<td>Special measures adopted at several detention centers in El Salvador</td>
<td>June 2016</td>
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<tr>
<td>Mexico</td>
<td>Corpses found in Tetelcingo, Morelos</td>
<td>June 2016</td>
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<tr>
<td>Chile</td>
<td>Detention of female staff at the National Human Rights Institute (INDH)</td>
<td>June 2016</td>
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<tr>
<td>Chile</td>
<td>Situation of former political prisons on hunger strike</td>
<td>July 2016</td>
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<tr>
<td>Argentina</td>
<td>Access to Public Information bill</td>
<td>July 2016</td>
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<tr>
<td>Argentina</td>
<td>Situation of the Provincial Ombudsman in Santa Fe, Gabriel Elías Ganón</td>
<td>July 2016</td>
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<tr>
<td>Ecuador</td>
<td>Criminal proceedings against indigenous leaders</td>
<td>August 2016</td>
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<tr>
<td>El Salvador</td>
<td>Request for information regarding the status/possibilities of ratification of the Inter-American Convention on Forced Disappearance of Persons</td>
<td>August 2016</td>
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<tr>
<td>Mexico</td>
<td>Follow-up on measures to protect against attacks on journalists and see that justice is done</td>
<td>August 2016</td>
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<tr>
<td>Honduras</td>
<td>Situation involving alleged criminalization of student protests at the UNAH</td>
<td>August 2016</td>
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<tr>
<td>Ecuador</td>
<td>Administrative act initiating the dismantling of the National Teachers Union (Unión Nacional de Educadores)</td>
<td>August 2016</td>
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<tr>
<td>Dominican Republic</td>
<td>Draft Criminal Code</td>
<td>September 2016</td>
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<tr>
<td>Peru</td>
<td>Investigation of death threats against a journalist working for La República newspaper</td>
<td>September 2016</td>
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<tr>
<td>Argentina</td>
<td>Situation of Laura Figueroa and human rights defenders in the province of Tucumán</td>
<td>September 2016</td>
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<tr>
<td>Mexico</td>
<td>The judge selection process in the state of Chihuahua</td>
<td>September 2016</td>
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<tr>
<td>Paraguay</td>
<td>Violence against journalists in Paraguay</td>
<td>September 2016</td>
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<tr>
<td>Brazil</td>
<td>Request for information regarding news of attacks on and arrests of journalists and demonstrators during demonstrations in São Paulo to protest the impeachment proceedings of dismissed President Dilma Rousseff</td>
<td>September 2016</td>
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<tr>
<td>El Salvador</td>
<td>Proposed legislative amendment to extend the sentences applicable to all kinds of voluntary interruptions of pregnancy and related offenses.</td>
<td>September 2016</td>
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<tr>
<td>Bolivia</td>
<td>Information on current criminal proceedings against Samuel Doria</td>
<td>November 2016</td>
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<tr>
<td>Brazil</td>
<td>Provisional Measures N° 744/2016, of September 1, 2016.</td>
<td>December 2016</td>
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<tr>
<td>State</td>
<td>Issue/Situation</td>
<td>Date</td>
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<tr>
<td>Panama</td>
<td>Conviction and imprisonment of Journalist Okke Ornstein</td>
<td>December 2016</td>
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<tr>
<td>Dominican Republic</td>
<td>Adoption of the New Criminal Code</td>
<td>December 2016</td>
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**Request for information under Article 18 of the IACHR Statute**

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<tbody>
<tr>
<td>Venezuela</td>
<td>Situation of the Globovisión television channel</td>
<td>February 2016</td>
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<tr>
<td>Venezuela</td>
<td>Miners allegedly disappeared in the state of Bolívar</td>
<td>March 2016</td>
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<tr>
<td>Belize</td>
<td>Shots fired on the border between Belize and Guatemala</td>
<td>May 2016</td>
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<tr>
<td>Canada</td>
<td>Request for information on protection of the sources of Ben Makuch, a journalist for <em>VICE</em></td>
<td>May 2016</td>
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<tr>
<td>Venezuela</td>
<td>Lynchings in Venezuela</td>
<td>May 2016</td>
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<tr>
<td>United States</td>
<td>Request for information on the murder of journalist and photographer Jacinto Torres Hernández</td>
<td>June 2016</td>
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<tr>
<td>United States</td>
<td>Human rights situation of trans women in the San Francisco country jail.</td>
<td>July 2016</td>
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<tr>
<td>Cuba</td>
<td>Arrests and the use of force by members of the security forces in Cuba</td>
<td>August 2016</td>
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<tr>
<td>Saint Vincent and the Grenadines</td>
<td>2016 Cybercrime bill providing for the characterization of offenses related to cybercrime and related matters</td>
<td>August 2016</td>
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<tr>
<td>Venezuela</td>
<td>Restrictions on the right to freedom of expression and manifestation of political opinion in connection with promotion of the call for a recall referendum revoking President Nicolás Maduro's mandate.</td>
<td>September 2016</td>
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<tr>
<td>United States</td>
<td>Request for information regarding the protests against the Dakota Access Pipeline in North Dakota</td>
<td>October 2016</td>
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