

INTRODUCTION

1. The Inter-American Human Rights Commission (IACHR), in compliance with its mandates and the provisions of Article 59 of its Rules of Procedure, presents its Annual Report, which compiles the wealth of work this key organ of the Organization of American States accomplished, as well as the most significant results it attained, from January 1 to December 31, 2018.

2. Thanks to the member states' decision to strengthen the capacities of the main organs of the inter-American human rights system by increasing their budget, and to the commitment and dedication of its Executive Secretariat's staff, the IACHR has successfully consolidated and repositioned itself in the region through gains and results that are unparalleled in its history.

3. On March 22, 2017, following an extensive participatory process, which included 535 individuals and 343 entities, the IACHR approved its [Strategic Plan 2017-2021](#). This Plan constitutes the primary tool for institutional management, establishing priorities to successfully fulfill its mission and tackle current and future challenges to address and protect human rights in the Americas through the Inter-American Commission on Human Rights' three pillars, the system of petitions, cases, friendly settlements and precautionary measures; the monitoring of the human rights situation in the Americas; and cooperation and technical assistance to States regarding human rights.

4. As reported in detail in this 2018 Annual Report and in the [Annual Report on the Implementation of the IACHR Strategic Plan 2017-2021 \(2018\)](#), the IACHR has made significant progress this year in achieving the goals and objectives defined in the Strategic Plan. Noteworthy among these accomplishments are foremost the progress made in reducing the procedural backlog and developing new standards for the case system; the expansion in the scope of monitoring; the increase in technical cooperation and promotion activities; and, the strengthening of mechanisms to follow up on compliance with recommendations issued through different instruments. These efforts seek to respond to the historic demand of States in the region to strike greater balance between thematic rapporteurships and achieve greater coordination between the IACHR's three mandates.

5. In pursuit of the mission to make headway in overcoming procedural backlog and offer users of the inter-American human rights system an earlier and efficient response, the IACHR has seen an historic growth in its productivity. Among the accomplishments set out in this Annual Report, it bears noting the approval of 176 admissibility and merits reports, representing a 189% increase as compared to 2016 when the Strategic Plan was first implemented—the highest level of production in the history of the IACHR; the significant push to use and follow-up on friendly settlement cases; timely decisions on a record number of requests for precautionary measures; streamlining of the initial review of petitions, as well as the processing of cases and petitions. In this regard, decisions to proceed with initial review increased 18.2% as compared to 2017. In 2018, 1618 requests for precautionary measures were received—a 56% increase with respect to 2017, which were evaluated in their entirety. Of these, 120 were granted, constituting the largest historical number of measures granted in one year of the IACHR. Additionally, the friendly settlement mechanism was promoted via the launching of the updated edition of the report on the Impact of the Friendly Settlement and training of officials and users. In 2018, 9 new friendly settlement agreements were subscribed and the progress in the implementation of 106 reparation measures was corroborated. Through this petition and case system work, the IACHR has deepened and consolidated its case law, strengthening the predictability and definition of clearer human rights standards.

6. Similarly, monitoring of the human rights situation in the region was strengthened by producing and enriching standards based on the preparation and approval of 12 thematic reports, publication of 3 reports on the general human rights situation in Guatemala, Venezuela, and Nicaragua, issuance of 276 press releases, as well as a great number of requests sent to States for information regarding human rights situations.

7. The Commission also advanced in consolidating more timely, diversified, and expanded monitoring with an increase in on-site visits and work and the establishment and follow-up of the Rapid and Integrated Response Coordination Units (SACROI) to identify risk factors of human rights violations and/or design strategies for immediate and sustained attention under their mandates. Thus, the IACHR strengthened its contribution to more effective and accessible inter-American justice by providing a rapid and integrated response to specific situations in 4 countries through the establishment of SACROIs for Brazil and Honduras—countries the IACHR visited in 2018—and Venezuela and Nicaragua. Furthermore, the IACHR has bolstered the consolidation and creation of special mechanisms to follow up on recommendations, such as the Special Follow-Up Mechanism to the Ayotzinapa Case (MESA) adopted in collaboration with Mexico, the Working Group on the Implementation of Human Rights Policies in collaboration with the Dominican Republic, the Special Monitoring Mechanism for Nicaragua (MESENI), and the Special Follow-Up Team (ESE) on the murder of members of El Comercio’s journalistic team with the support of Ecuador and Colombia.

8. Additionally, the IACHR increased its public presence and relevance in the region with two historical on-site visits to Honduras and Brazil, and 3 periods of session held outside headquarters in Colombia, the Dominican Republic, and the state of Colorado in the United States, as well as 25 working visits to 12 countries in the region, which means that every 15 days a Commissioner was in some country of the region.

9. Furthermore, emerging and sensitive situations were addressed through publication of two resolutions regarding corruption and human rights and the situation of Venezuelan migrants in the region.

10. This year the Commission has been able to bolster its promotion and training activities for officials of member states as well as civil society organizations, students, and other social sectors. During this period, the IACHR conducted 162 promotion activities regarding the inter-American human rights system, which meant approximately 6,000 people gained more in-depth knowledge about the inter-American system, its mechanisms, and standards, as well as prioritized issues and rights. These activities were carried out in at least 19 countries in the region, 4 OAS observer states, as well as other states. Furthermore, through the MESENI, the IACHR organized a series of 10 training sessions to strengthen the competencies of civil society in Nicaragua. A total of 273 individuals were trained at these sessions.

11. The Commission strengthened its presence before the political bodies of the OAS, reaching 23 presentations during the year in different forums and the participation of the States and the civil society involvement in all activities undertaken, including public hearings, consultations, training workshops, bilateral and multilateral meetings, among others. The participation of the States and the civil society in the region is essential so that the IACHR can fully comply with its mandate to promote and protect human rights. The IACHR values and appreciates States and civil society organizations for their active collaboration. Most of the States of the region and a total of 535 civil society organizations participated in 118 hearings held in the four periods of sessions in 2018, both in those that addressed human rights situations in different regions as well as in 22 countries in the Americas. At all periods of sessions an open meeting was held with inter-American civil society and the host country. The IACHR also held periodic meetings with the States during their Periods of Sessions. In addition, during 2018, 12 meetings were held to review portfolios of petitions, cases, precautionary measures, friendly settlements and follow-up of recommendations. Within the framework of the 170 Period of Sessions, which took place in Washington, the Commissioners met with permanent representatives of the member states of the following regional groups: ALADI Group, Canada and the United States, CARICOM and Central America. There was also a meeting of the IACHR leadership with the coalition of non-governmental organizations (NGOs) that work with the inter-American Human Rights system during the 167th, 168th and 170th Period of Sessions. With respect to the petition and case system, and in the framework of its procedural delay reduction program, the IACHR held an extensive open virtual consultation process in which civil society participation enriched the second stage of measures to reduce procedural backlog. The process also received important contributions from the States.

12. With the aim of achieving greater coordination between regional and universal human rights protection systems, the Commission spearheaded coordinated initiatives with the Inter-American Court of Human Rights (IA Court HR) and other international, regional, and subregional human rights organizations and mechanisms. In 2018, collaboration programs with the United Nations were structured; specifically, coordination of activities to protect human rights defenders and an agreement was signed to work on preparation of a plan for joint actions with the African Commission on Human and Peoples' Rights, as well as a Roadmap in coordination with the Special Procedures of the United Nations Human Rights Council. Furthermore, institutional cooperation with the IA Court HR continued to be strengthened and the Second Inter-American Human Rights System Forum was organized with the Court. Joint collaboration initiatives were also undertaken with the Institute for Public Policies on Human Rights of MERCOSUR (IPPDH) and the Pan-American Health Organization (PAHO).

13. As for technical cooperation, the Commission continued strengthening collaboration with Central America through the Project on Democracy and Human Rights in the Northern Triangle, in particular with respect to standards on migration and forced displacement, as well as knowledge about the inter-American system. The IACHR also formalized its partnership with different institutions by signing 21 new inter-institutional cooperation agreements.

14. The IACHR made advances in its transparency and access to information program: it prepared and presented an assessment of the first year of implementation of the Strategic Plan 2017-2021 and of the first half of 2018 to the Permanent Council of the OAS. Additionally, pursuant to Resolution 3/18, the Commission shed light on criteria and some of the issues or claims that it historically and consistently has considered that are not deemed suitable for analysis through the mechanism for precautionary measures. The Commission also publically announced measures adopted to reduce procedural backlog and strengthen the mechanism for precautionary measures in three press releases, in which, for the first time, it made the IACHR internal work flow processes public.

15. Finally, it bears noting that in view of the calls by different actors for the need to make its Annual Report a more agile and accessible tool, and in implementation of its Strategic Plan, the IACHR redesigned and implemented a new format in 2018. With this new design that is aligned with its Rules of Procedure, the IACHR seeks to provide a comprehensive overview of the human rights situation in the region, while accounting for its activities and accomplishments achieved based on the objectives laid out in its Strategic Plan. With regard to monitoring, the main changes implemented were the following: (a) Chapter III has consolidated all the information related to the IACHR's monitoring and promotion work through its thematic and country rapporteurships and units, as well as information on its training and promotion activities; (b) in Chapter IV(A), the IACHR decided to include an overview on the human rights situation in the hemisphere by country, based on the Commission's monitoring work, highlighting the overarching trends, problems, challenges, advances, and good practices with respect to civil and political rights, as well as economic, social, and cultural rights. With regard to the latter, the IACHR has strengthened its participation strategy through a letter calling upon civil society, as well as States, to send information to report on advances and challenges in relation to these cross-cutting themes in 2018. Additionally, with regard to follow-up, Chapters V and II.G were redesigned based on redefined criteria to analyze compliance with recommendations, enhancement of the format to present information, and through individual evaluation of each one of the recommendations. For follow-up of recommendations provided for in individual cases, specific fact sheets were designed for each report on the merits published, including a list of the challenges and outcomes achieved.

16. The Commission continues working to make the IACHR more transparent with regard to its processes, more predictable in its objectives and goals, and to have planning and management based on concrete results. The Commission will continue to strive for a management with an approach that embraces dialogue and an overall willingness to solve problems taking into account the best interests of the victims, their families, and citizens, who are at the heart of the Commission's focus and commitments.

17. The IACHR thanks inter-American civil society human rights organizations, OAS member and observer states, international and regional organizations, OAS Secretary General Luis Almagro and his

team, as well as the team of its Executive Secretariat for all of the support they provided in reaching the historically unprecedented accomplishments presented herein. The IACHR likewise thanks the member states for strengthening the IACHR through execution of the regular fund increase. The Commission also recognizes the member, observer, and donor states whose contributions have been decisive in attaining the outcomes presented: Argentina, Canada, Colombia, Costa Rica, Chile, Dominican Republic, the European Union, Ecuador, France, Germany, Holland, Ireland, Italy, Luxembourg, Mexico, Panama, Peru, Spain, Sweden, Switzerland, the United States, and Uruguay, as well as other organizations like the United Nations High Commissioner For Refugees (UNHCR), the Pan-American Development Foundation (PADF), SOS Children's Villages International, Freedom House, the Ford Foundation, and Google.

18. The IACHR dedicates its work to the memory of the victims and acknowledges the key role civil society organizations and social movements play in building societies that are more just and more respectful of human rights.

A. Progress Achieved

19. The Commission, in compliance with Article 59 of its Rules of Procedure¹, makes a descriptive overview of the human rights situation in this report, highlighting the main trends, problems, challenges, advances and good practices of civil and political rights, as well as of economic, social, and cultural rights, in this opportunity, by country. The Commission identifies the following points as the main trends regarding problems and challenges in human rights observed through its work in 2018, namely: the persistence of discrimination and violence against women, LGBTI persons, Afro-descendants and indigenous people, children and adolescents, and in particular against human rights defenders, journalists and social leaders; the increase in the repression of social protest, militarization and the excessive use of force as measures to address citizen insecurity; the scourge of corruption that has a direct impact on human rights; the phenomenon of forced migration; the persistence of impunity around enforced disappearance; and the seriousness of the situation of persons deprived of liberty in the region. These points are developed in chapter IV A.

20. Following are some of the advances observed by the Inter-American Commission on Human Rights (IACHR) in OAS member states in 2018 with respect to human rights. The measures mentioned in this section are worth highlighting because they are geared to promoting and protecting people's human rights in accordance with international obligations incurred by the States and upheld in the American Declaration, the American Convention, and all the other inter-American human rights instruments. They are classified under three headings: measures designed to bolster the institutional status of human rights; measures relating to the democratic participation of groups that, historically, have suffered discrimination, and measures focusing on public policies imbued with a human rights perspective. The information that follows derives from the Commission's annual monitoring of the human rights situation in the region, described in Chapter IVA of this report.

21. With respect to the progress made with opening up new institutional facilities for promoting and protecting human rights, the IACHR underscores the establishment of the Under-Secretariat for Children and the Ombudsperson's Office to Defend Children's Rights in Chile. Also important was the rollout of Peru's Directorate of Human Rights Policies and Management.² Another major institutional development was the establishment of the Office of the Canadian Ombudsperson for Responsible Enterprise (CORE). The IACHR would also like to highlight the reinstatement in Honduras of the Secretariat for Human Rights as an entity separate from the former Secretariat for Human Rights, Justice, the Interior and Decentralization in Honduras. Attention is also drawn to the establishment of the Ministry for Children and Adolescents³ in Paraguay. The Commission was also told about the launch of that country's newly

¹ Article 59 paragraph e. of the Rules of Procedure of the IACHR, specifically in relation to Chapter IV of volume 1, section "A".

² Peru, Ministry of Justice and Human Rights. Report No. 062-2018-JUS/DGDH-DAIPAN, December 4, 2018, pp.2-3.

³ Paraguayan Senate, [Ley que Eleva al Rango de Ministerio a la Secretaría Nacional de Secretaría Nacional de la Niñez y la Adolescencia y pasa a Denominarse Ministerio de la Niñez y la Adolescencia](#), September 13, 2018.

established system (SIMOREH),⁴ for following up on human rights recommendations. Also noteworthy is the development of the Plurinational System (SIPLUS) for the follow-up, monitoring, and statistical survey of Recommendations Regarding Human Rights in Bolivia.

22. As regards the democratic participation of the groups that have traditionally suffered discrimination, the IACHR underscores such major advances as the election of the first openly gay state governor in Kansas, in the United States, where, for the first time also native American women and Muslims were elected to Congress; the first Afro-American congresswoman in Massachusetts; the first woman senator in Tennessee, and the first female legislators to represent Texas in Congress.⁵ The gender quotas law was implemented in Chile, while, in Grenada, the political representation of women advanced with the election of a large number of women to the House of Representatives. Trinidad and Tobago also elected its first-ever woman President. The Commission also welcomes the adoption of the Protocol for the Inclusion of Persons with Disabilities in Mexico's latest elections, the purpose of which was to ensure those persons' participation by, for instance, providing ballots and ballot-boxes labeled in Braille, special screens, and access ramps to polling tables.⁶ In that area, too, the Commission notes the progress made in Paraguay with regard to helping persons with mobility impairment to exercise their democratic right to vote by implementing a "Vote at Home" program.

23. As regards public policies with a human rights approach -- understood to mean the set of decisions and actions by which the State designs, implements, monitors, and evaluates with a view to protecting, promoting, respecting, and guaranteeing the human rights of all individuals, groups, and collective bodies making up society -- following is a list of notable State initiatives in that area.

24. First, the IACHR highlights the adoption and implementation of National Plans in the region, such as the First National Plan of Action for Human Rights adopted in Argentine and now beginning to be implemented. The adoption in December 2018 of the First National Human Rights Plan (2018-2022) in the Dominican Republic. Initial implementation of the First National Human Rights Plan in Chile and the drafting of the Third Human Rights Plan (2018-2021) in Peru.

25. A series of progressive measures on equality and nondiscrimination were adopted in 2018. One noteworthy legislative measure was the passing of the Comprehensive Organic Law to Prevent and Eradicate Violence against Women in Ecuador, where progress was also made with guaranteeing the right to vote with respect for gender identity⁷ in Ecuador. On that topic, too, the Commission welcomes the inclusion of the gender perspective in the bill for installing Peru's National Justice Board (Junta Nacional de Justicia). The Commission also appreciated the adoption of a package of laws containing measures to protect women's rights⁸ in Brazil. Also significant was the passing of the law on "Gender-based violence against women"⁹ in Uruguay, which seeks to guarantee the right of all women to a life free from gender-based violence by establishing mechanisms, measures, and comprehensive prevention, care, punishment, and reparation measures¹⁰ and by setting up the Observatory on Gender-based Violence.

26. Outstanding program-related advances include implementation of the Woman as Entrepreneur (Mujer Emprende) Program, the decline in the number of femicide cases, and boost being given to the scholarships for victims of gender violence and for your children subprogram¹¹ in Panama.

⁴ Report of The State of Honduras for Chapter IV of the 2018 Annual Report of the IACHR, Official Letter SEDH-0683-2018, November 30, 2018, p. 3.

⁵ New York Times, [2018 Midterm Election Results](#), updated November 27, 2018.

⁶ Inputs from the State of Mexico for Chapter IV of the 2018 Annual Report of the IACHR, November 23, 2018.

⁷ Observatorio de Igualdad de Género de América Latina y Caribe, [Ley Orgánica Integral para Prevenir y erradicar la Violencia contra las Mujeres](#), February 5, 2018.

⁸ GLOBO, [Temer sanciona aumento de pena para feminicidio e prisão domiciliar para grávidas](#), December 19, 2018.

⁹ Centro de Información Oficial de Uruguay, [Ley N.º. 19.580. - Violencia hacia las Mujeres Basada en Género](#), January 9, 2018.

¹⁰ Inputs from the State of Uruguay for Chapter IV of the 2018 Annual Report of the IACHR, December 5, 2018.

¹¹ Instituto Nacional de la Mujer, ["Panamá presenta en la ONU, logros por los derechos humanos de las mujeres panameñas"](#), 13 de marzo de 2018, p. 1.

One example of a noteworthy judicial ruling was the judgment by Peru's Constitutional Court condemning the use of gender-based discriminatory stereotypes in trials involving sexual violence.¹²

27. With regard to social participation, some of the progressive measures highlighted by the IACHR include the use of participatory method in the implementation of Peru's National Human Rights Plan¹³ and the promulgation of legal initiatives to strengthen public defender (and Court-ordered defense counseling) services, in particular for persons with scant financial resources and the vulnerable living in precarious circumstances. Along the same lines a tool was developed to follow-up on implementation and monitoring of the National Human Rights Plan in Paraguay, which includes social participation mechanisms, especially for civil society.

28. On the subject of truth, justice, and reparation, the Commission highlights the operational implementation of the institutions comprising the Comprehensive Truth, Justice, Reparation and Non-Repetition System (SIVJRNR): the Special Jurisdiction for Peace (JEP); the Commission for the Clarification of Truth, Coexistence, and Non-Repetition (CEV); and the Unit to search for persons deemed missing in the context of and due to the armed conflict (UBPD). Another noteworthy development was the creation of a genetic database to search for disappeared person in the period of violence (1980–2000)¹⁴ in Peru. The Commission also points to the establishment of the National Commission to Search for Victims of Forced and other forms of Disappearance¹⁵ in Guatemala. It further underscores the Malvinas Humanitarian Project in Argentina, to identify the remains of unidentified Argentine soldiers buried in the Darwin Cemetery (Malvinas Islands)¹⁶.

29. With respect to progress made by the region's judiciaries in combating impunity, there were some notable rulings in 2018, including: The judgment of the First Instance Court of San Francisco Gotera in El Salvador, which characterized the event of the El Mozote Massacre as war crimes and crimes against humanity. Also noteworthy was the conviction of a Guatemalan soldier found guilty of crimes during the massacre in the community of Dos Erres, in December 1982, and the historic decision dealing a blow to impunity in the case of the forced disappearance of the child named Marco Antonio Molina Theissen.¹⁷ It is also important to mention the confirmation of prison sentences handed down in connection with the "Plan Cóndor" case and those handed down in the Ford case, which for the first time determined civil liability for human rights violations committed under the dictatorship¹⁸ in Argentina. Likewise, the IACHRE welcomed the judgments of the Caribbean Court of Justice, which ruled that the death penalty was unconstitutional¹⁹ in The Bahamas and the decision by the Supreme Court of the state of Washington, in the United States, declaring the death penalty to be unconstitutional.²⁰

30. With regard to access to information as a guarantee of transparency and accountability, there were a number of progressive initiatives. In terms of legislation, it is worth highlighting implementation of the law on access to information, as well as the signing of the Escazú agreement, the first legally binding treaty in the region on access to information, public participation, and justice in environmental matters²¹ in Argentina. In Mexico, a notable development was the adoption of the "Guidelines for

¹² El Peruano, [Justicia con enfoque de género](#), March 26, 2018.

¹³ Peru, Ministry of Justice and Human Rights. Report No. 062-2018-JUS/DGDH-DAIPAN, December 4, 2018, pp.2-3.

¹⁴ Peru, Ministry of Justice and Human Rights. Report No. 062-2018-JUS/DGDH-DAIPAN, December 4, 2018, pp.2-3. 12.

¹⁵ EFE, [Tribunal de Guatemala ordena crear la Comisión de búsqueda de desaparecidos](#), May 29, 2018.

¹⁶ Permanent Mission of the Argentine Republic to the Organization of American States. Note OEA N° 118, April 19, 2018.

¹⁷ AP News, ["Condenan a exmilitar por masacre de Dos Erres, en Guatemala"](#), November 21, 2018; ["El mundo. Cuatro militares de Guatemala, condenados por la desaparición de un menor y la violación de su hermana durante la guerra civil"](#), May 23, 2018.

¹⁸ Espacio Memoria y Derechos Humanos, [Causa Ford: La complicidad empresaria](#), September 21, 2018; CELS, [Causa Ford: condenas de 10, 12 y 15 años](#), December 11, 2018.

¹⁹ IACHR, [IACHR Welcomes Ruling by the Caribbean Court of Justice \(CCJ\) Making Mandatory Death Penalty in Barbados unconstitutional](#), July 23, 2018.

²⁰ ACLU, [Washington Supreme Court Abolishes the Death Penalty](#), October 11, 2018.

²¹ Permanent Mission of the Argentine Republic to the Organization of American States. Note OEA N° 174, June 14, 2018.

Recognizing the Work of Human Rights Defenders and Journalists."22 In terms of programs, Peru's adoption of the 2018-2021 National Integrity and Anti-Corruption Plan23 was also important. With regard to judicial rulings, Mexico's National Authority on Transparency and Access to Public Information issued a legally binding Opinion in which it maintained that institutional mail and messaging apps used in State institutions must be considered as subject to the right of access to public information.24

31. In the area of priority protection of groups traditionally subjected to discrimination, there were a number of outstanding measures in 2018. In terms of legislation, it is particularly worth recognizing the entry into force in Paraguay of the Law on Protection and Facilities for the Naturalization of Stateless Persons, which establishes a procedure for identifying and protecting stateless persons and provides a way to resolve their situation via a naturalization procedure.25 Uruguay also passed a law on Recognition and Protection of Stateless Persons (the second law in the region to specifically address this issue). In Uruguay, too, a law was passed to promote jobs for persons with disabilities, which provides that any private enterprise hiring personnel must employ persons with disabilities26.

32. Regarding program-based initiatives, Chile's launching of the National Early Childhood Agreement (Acuerdo Nacional por la Infancia) is particularly noteworthy. Canada also adopted a National Plan of Action on Trafficking in Persons. Likewise, worth underscoring is the implementation of the Indigenous Peoples Comprehensive Development Plan27 in Panama, which takes a specific look at the situation of indigenous women.28 At the same time, it is worth highlighting the implementation of social reinsertion programs for persons released from prison, such as the "Open Gates Justice System" and the "Agricultural Self-Sufficiency Program"29 in Jamaica.

33. Also worth mentioning is the progress made with addressing the plight of migrants in the region, given that a series of specific initiatives have been undertaken to attend to that population group. Programs include Administrative Registration of Venezuelan Migrants, aimed at designing humanitarian assistance for the Venezuelan population in Colombia. Also noteworthy are the adoption of the protocol for caring for children in "human mobility situations" (transit) and other Ecuadorian State initiatives, one of which provides for expired travel documents serving as I.D.s The Commission also draws attention to Costa Rica's implementation of an open doors policy and the revamping of shelters to attend to persons migrating due to the violence in Nicaragua.30 In Panama, a program got under way that provides for re-uniting or regrouping Venezuelans for humanitarian reasons31 and an Office for Humanitarian Affairs was set up to attend to Venezuelans living in Panama. The IACHR likewise underscores the Canadian Government's development of settlement plans for refugees and the start of an extensive program of alternatives to detention for the Border Services Agency. The IACHR notes the adoption in Chile of the Humanitarian Plan for the Orderly Return of Foreign Citizens to their Country of Origin,32 which has had a significant impact in

²² United Mexican States. Mechanism to Protect Human Rights Defenders and Journalists. [Lineamientos para el Reconocimiento a la Labor de Personas Defensoras de Derechos Humanos y Periodistas](#). January 2018

²³ El Peruano, [Normas Legales](#), April 26, 2018.

²⁴ Ministry of Justice and Human Rights. September 25, 2018. [Correos electrónicos de funcionarios y servidores sí son de acceso al público, precisa la Autoridad Nacional de Transparencia del MINJUSDH](#).

²⁵ Congress of the Nation [Protección y Facilidades para la Naturalización de las Personas Apátridas](#), November 7, 2018.

²⁶ Office of the President of Uruguay, [Ley N.º. 19.691 - Ley de Promoción del Trabajo para Personas con Discapacidad](#), 29 de octubre de 2018.

²⁷ It includes three thematic axes: the social, the legal-political, and the economic. [Ministry of the Interior. Proyecto para apoyar la implementación del plan de desarrollo integral de pueblos indígenas](#).

²⁸ Ministry of the Interior, World Bank, [Evaluación Sociocultural \(ESC\) para el proyecto apoyo para la implementación del plan de desarrollo integral de los pueblos indígenas de Panamá](#), January 17, 2018, p. 39.

²⁹ *Jamaica Observer*, [\\$1m saved under prison farm programme](#), June 13, 2018.

³⁰ IACHR, [Preliminary observations on the working visit to monitor the situation of Nicaraguans forced to flee to Costa Rica](#), November 1, 2018.

³¹ Gaceta Oficial Panamá, October 22, 2018.

³² Biblioteca del Congreso Nacional, [Plan Humanitario de Regreso Ordenado al País de Origen de Ciudadanos Extranjeros](#), October 26, 2018.

terms of the repatriation of Haitian migrants.³³ Finally, as regards human mobility, the IACHR notes the progress implied in the Salvadoran judiciary's judgment in the Constitutional Division of the Supreme Court of Justice, acknowledging the existence of the forced displacement of persons in connection with the violence and insecurity in El Salvador.

34. Inclusion of the gender and diversity perspective is another priority for public policies with a human rights approach. Here a number of legislative measures stand out, such as adoption of Chile's Gender Identity Law. Also worth mentioning is the passing in Uruguay of the Comprehensive Law for Trans Persons,³⁴ which guarantees the right to gender identity in accordance with inter-American standards in a manner that focuses on their right to self-determination and dignity.³⁵ Other outstanding developments are the amendments to the laws of the Mexican Social Security Institute and the State Employees Security and Social Services Institute, which bolster social security and survivor's pension rights for same sex couples.³⁶ Programmatic initiatives included, notably, the implementation of a protocol in Public Prosecutors' Office to handle cases involving sexual orientation or gender identity in Mexico.

35. As regards judicial rulings on the inclusion of the gender perspective and diversity, there was a noteworthy judgment by Mexico's Supreme Court of Justice recognizing the filial bond arising from assisted reproduction, in the case of a homosexual couple who conceived a child through this technique.³⁷ Also worth highlighting is the fact that, for the first time in the region judicial recognition was awarded to the legal characterization of transfemicide in Argentina. The Commission also acknowledges the importance of the decision of the Constitutional Division of the Supreme Court of Justice of Costa Rica, which declared that the article in the Family Code explicitly banning same-sex marriage was unconstitutional. It was likewise important that laws penalizing sexual relations among adults of the same sex in Trinidad and Tobago were declared unconstitutional. The IACHR also highlights the decision by the Federal Supreme Court in Brazil recognizing the right of trans persons to change their family and first names in the country's civil registries by means of a simple statement of their own, with no need for a judicial, medical, or psychological ruling and without the need to undergo sexual affirmation surgery.

36. In conclusion, the IACHR observed huge efforts by States to develop policies and practices, as well as legislative and judicial measures to forge ahead with promoting and effectively protecting the human rights of their inhabitants. The Commission acknowledges those efforts and urges States to continue formulating and applying public policies in response to recommendations by the organs of the inter-American human rights system, and to disseminate this approach in all State institutions and in society as a whole. The IACHR remains at the disposition of States to collaborate in any way needed to achieve these goals.

B. Universalization of the Inter-American Human Rights System

1. Status of ratification of Inter-American Instruments

37. The current status of signing and ratification of Inter-American human rights instruments can be viewed on the Web page of the OAS Department of International Law of the Secretariat for Legal Affairs, at the following URL: http://www.oas.org/es/sla/ddi/tratados_multilaterales_interamericanos_firmas.asp

³³ Reuters, *Chile sends 176 Haitian migrants home on criticized 'humanitarian flight'*, November 7, 2018; INDH, *INDH monitorea Plan de Retorno Voluntario de ciudadanos haitianos*, November 7, 2018.

³⁴ Centro de Información Oficial de Uruguay, *Ley N° 19.684 - Ley Integral para Personas Trans*, 7 de noviembre de 2018.

³⁵ Inputs from the State of Uruguay for Chapter IV of the 2018 Annual Report of the IACHR, December 5, 2018.

³⁶ Aristegui Noticias, *Avala Senado reforma que termina con discriminación a población LGBT en IMSS e ISSSTE*, 6 de noviembre de 2018, La Jornada, *Aprueba Senado dictamen que reordena leyes del IMSS e ISSSTE*, 25 de octubre de 2018

³⁷ Aristegui Noticias, *Corte reconoce derecho de pareja homosexual a convertirse en padres vía reproducción asistida*, November 21, 2018; El Universal, *SCJN concede amparo a pareja homoparental para registrar a su hijo en Yucatán*, November 21, 2018.

CURRENT STATUS OF RATIFICATION OF THE AMERICAN CONVENTION AND ACCEPTANCE OF THE JURISDICTION OF THE COURT

SIGNATORY COUNTRIES	SIGNING	RATIFICATION/ACCESSION	DEPOSIT	ACCEPTANCE OF 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				
Santa Lucia				
St. Vicente & Grenadines				
Surinam		12-11-87	AD 12-11-87	12-11-87
Trinidad & 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	23-06-77	RA 09-08-77**	09-08-77

Source: Department of International Law of the OAS General Secretariat

* Denunciation submitted in May 1998
RA = RATIFICATION

** Denunciation submitted in September 2012
AD = ACCESSION

38. With respect to other instruments, which make up the Inter-American System, the table below shows ratification or accession by the OAS Member States:

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

States	APACHRAESC R ³⁸	PACHRADP 39	IACPPT ⁴⁰	ICFDP ⁴¹	IACPPEV W ⁴²	IACEAFDPW D ⁴³	IACAFDI ⁴⁴	IACARRDRF I ⁴⁵	IACPHROP 46
Antigua and 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	S 07-06-13	S 07-06-13	R 23-10-17
Bahamas					A 03-05-95				
Barbados					R 08-02-95				
Belize					A 25-11-96				
Bolivia	R 12-07-06		R 26-08-96	R 19-09-96	R 26-10-94	R 27-02-03	S 10-03-15	S 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	S 07-06-13	S 07-06-13	S 15-06-15
Canada									
Chile		R 04-08-08	R 15-09-88	R 13-01-10	R 24-10-96	R 04-12-01	S 22-10-15	S 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	S 08-09-13	S 08-09-14	
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	S 07-06-13	S 07-06-13	
El Salvador	R 04-05-95		R 17-10-94		R 13-11-95	R 15-01-02			A 18-04-18

³⁸ Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, adopted in San Salvador, on November 17, 1998, 18th Regular Session of the General Assembly.

³⁹ Protocol to the American Convention on Human Rights to Abolish the Death Penalty, adopted in Asunción Paraguay, on June 8, 1990, 20th Regular Session of the General Assembly.

⁴⁰ Inter-American Convention to Prevent and Punish Torture, adopted in Cartagena de Indias, Barranquilla, Colombia, on December 9, 1985, 15th Regular Session of the General Assembly.

⁴¹ 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.

⁴² 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.

⁴³ Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, approved in Guatemala City, Guatemala, June 7, 1999, 29th Regular Session of the General Assembly.

⁴⁴ Inter-American Convention Against All Forms of Discrimination and Intolerance, adopted in Guatemala City, June 5, 2013, 43rd Regular Session of the General Assembly.

⁴⁵ Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance, adopted in Guatemala, June 5, 2013, 43rd Regular Session of the General Assembly.

⁴⁶ 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.

	APACHRAESC R	PACHRADP	IACPPT	ICFDP	IACPPEV W	IACEAFDPW D	IACAFDI	IACARRDRF I	IACPHROP
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	S 25-06-14	S 25-06-14	
Honduras	A 14-09-11	A 14-09-11		R 28-04-05	R 04-07-95	A 14-09-11			
Jamaica					R 11-11-05				
México	R 08-03-96	R 28-06-07	R 11-02-87	R 28-02-92	R 19-06-98	R 06-12-00	S 13-11-18		
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	S 05-06-14	S 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	S 25-10-16	S 25-10-16	
Dominican Republic		A 19-12-11	R 12-12-86		R 10-01-96	R 28-12-06			
San Kitts y Nevis					R 17-03-95				
Santa Lucia					R 08-03-95				
Saint Vincent and the Grenadines					R 23-05-96				
Surinam	A 28-02-90		R 12-11-87		R 19-02-02				
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 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
R = RATIFICATION S = SIGNING A = ACCESSION

2. Advances in the ratification and signature of the instruments of the Inter-American System in 2018

39. The IACHR has emphasized the importance of the universal ratification of the instruments of the Inter-American system as a critical element of the full respect and guarantee of human rights in the Americas.

40. Progress achieved in 2018 in terms of the signing and ratification of international human rights protection instruments is described below:

a. On April 18, 2018, the Republic of El Salvador deposited the instrument of accession [instrumento de adhesión](#) of the Inter-American Convention on Protecting the Human Rights of Older Persons.

b. On May 11, 2018, the Eastern Republic of Uruguay deposited the instrument of ratification [instrumento de ratificación](#) of the Inter-American Convention against All Forms of Discrimination and Intolerance.

c. On June 1, 2018, Antigua and Barbuda deposited the [instrumento de ratificación](#) instrument of ratification of the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance.

d. On November 13, 2018, Mexico signed the Inter-American Convention against All Forms of Discrimination and Intolerance at OAS headquarters in Washington DC [en la sede de la OEA en Washington DC](#).

41. The Commission commends these States and urges the others to follow the aforementioned examples and sign, ratify or accede to these and other Conventions, reiterating the importance of the universal ratification of the instruments of the Inter-American system as a critical element of the full respect and guarantee of human rights in the Americas.

C. Origin, Legal Basis, Structure, Purposes and Mandates

42. 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 the IACHR Statute. Along with the Inter-American Court of Human Rights, headquartered in San Jose, Costa Rica, the Inter-American Commission is one of two organs of the Inter-American system responsible for the promotion and protection of human rights.

43. The IACHR is comprised of seven members, who act independently of each other and do not sit in representation of any country. The Commissioners are elected by the OAS General Assembly for a four-year period and are eligible to be reelected once. The Inter-American Commission convenes regular and special sessions several times each year. Under Article 13 of the IACHR Rules of Procedure, the Executive Secretariat of the Inter-American Commission performs the tasks entrusted to it by the Commission and provides legal and administrative support to the Commission so that it can fulfill its duties.

44. In April 1948, in Bogota, Colombia, the OAS approved the American Declaration on the Rights and Duties of Man (“American Declaration”), which was the first international human rights instrument of a general nature. The IACHR was created in 1959 and held its first session in 1960.

45. In 1961, the IACHR began to conduct in situ visits to different countries in order to observe the human rights situation first hand on the ground. Since that time, it has conducted several visits to

Member States of the Organization. Based partly on these fact-finding missions, the IACHR has thus far published 128 country and thematic reports

46. In 1965, the IACHR was expressly authorized to hear complaints or petitions pertaining to specific human rights violations. Final published reports on these individual cases can be found in the Annual Reports of the IACHR and can also be viewed on the IACHR Web page under the Petitions and Cases tab.

47. The American Convention on Human Rights was approved in 1969 and came into force in 1978. As of December 2018, twenty-three Member States are parties to this instrument: Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Surinam and Uruguay. The IACHR, several times, has voiced its deep concern about the consequences of the denunciation of the American Convention by the Bolivarian Republic of Venezuela⁴⁷, as well as of Trinidad and Tobago.

48. The American Convention defines the human rights that the ratifying States have agreed to respect and ensure. This instrument also created the Inter-American Court of Human Rights and established the functions and procedures of the Inter-American Commission and Court. In addition to considering complaints of violations of the American Convention committed by States Parties to that instrument, the IACHR has the legal authority, under the OAS Charter and its own Statute, to examine alleged violations of the American Declaration by OAS Member States that are not yet parties to the American Convention.

49. In fulfillment of its mandate, the duties of the IACHR are to:

- a) Receive, examine and investigate individual petitions alleging human rights violations, in keeping 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) Observe the general human rights situation in the Member States and publish special reports on the situation in a particular Member State, when it is deemed necessary, as provided under Article 60 of its Rules of Procedure.
- c) Conduct *in situ* visits to countries in order to carry out a thorough analysis of the general situation and/or to investigate a specific situation, as provided for under 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 concerned, which is published and submitted to the OAS Permanent Council and General Assembly.
- d) Raise public awareness about human rights in the Americas. For this purpose, the IACHR conducts and publishes studies on specific themes in keeping with Article 15 of its Rules of Procedure. Examples include: what measures must be adopted to ensure greater access to justice; the effect of internal armed conflicts on particular groups of persons; the human rights situation of children, women, LGBTI persons, migrant workers and their families, persons deprived of liberty, human rights defenders, indigenous peoples and persons of African descent; racial discrimination, freedom of expression and economic, social and cultural rights.
- e) Organize and host visits, conferences, seminars and meetings with representatives of governments, academic institutions, non-governmental entities and others, in order

⁴⁷ IACHR. [CIDH lamenta decisión de Venezuela de denunciar Convención Americana sobre Derechos Humanos](#). [‘IACHR Regrets Decision of Venezuela to Denounce the American Convention on Human Rights’], Washington, D.C., September 12, 2012; IACHR, [CIDH manifiesta su profunda preocupación por efecto de la denuncia de la Convención Americana por parte de Venezuela](#). [‘IACHR Deeply Concerned over Result of Venezuela’s Denunciation of the American Convention’] Washington D.C., September 10, 2013.

to disseminate information and foster broad awareness of the work of the Inter-American human rights system, in accordance with Article 41 of the American Convention on Human Rights and Article 18 of the IACHR Statute.

- f) Recommend that the OAS Member States adopt measures that contribute to the protection of human rights in the countries of the hemisphere, in accordance with Article 41 of the American Convention on Human Rights and Article 18 of the IACHR Statute.
- g) Request Member States to adopt precautionary measures, as provided for by Article 25 of the Commission's Rules of Procedure, in order to prevent irreparable harm to persons in serious and urgent cases. Additionally, in keeping with Article 76 of its Rules of Procedure, the IACHR may request that the Inter-American Court orders the adoption of provisional measures in cases of extreme gravity and urgency to prevent irreparable harm to persons.
- h) Bring cases and appear before the Inter-American Court of Human Rights during the processing and consideration of the cases, in accordance with Article 61 of the American Convention on Human Rights and Articles 45 and 74 of the IACHR Rules of Procedure.
- i) Request advisory opinions from the Inter-American Court, in accordance with Article 64 of the American Convention and Article 19 of the IACHR Statute.

50. Every person, group of persons or non-governmental entity legally recognized in one or more OAS Member States may submit petitions to the Inter-American Commission regarding violations of a right recognized in the American Convention, the American Declaration or other relevant instruments, in accordance with the respective provisions thereof, the IACHR Statute and the Rules of Procedure. Additionally, in the circumstances described and regulated under Article 45 of the American Convention, the IACHR may consider interstate communications. Petitions may be submitted in any of the four official OAS languages (Spanish, French, English or Portuguese), either by the alleged victim of the human rights violation or by a third party; and in the case of interstate communications, by a government.