



CHAPTER IV.a

Development of Human Rights in the Region

**ANNUAL REPORT OF THE INTER-AMERICAN
COMMISSION ON HUMAN RIGHTS
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CHAPTER IV.A

DEVELOPMENT OF HUMAN RIGHTS IN THE REGION

A. Overview of the human rights situation by country

METHODOLOGY

1. The Commission agreed that Chapter IV.A of its 2022 Annual Report would present an overview of the human rights situation in the States of the region, with particular emphasis on the rights and issues prioritized by the IACHR, as well as on the following cross-cutting themes established by the Commission in its 2017-2021 Strategic Plan: The strengthening of democratic institutions (“Democratic Institutionalality”), Human Rights Institutionalality, Judicial Independence and Access to Justice, Citizen Security, Gender Equality and Diversity, and the strengthening of intercultural ties (“Interculturality”).

2. In preparing this section, the IACHR took into account information that it received on the situation of human rights in the region in 2022, in the course of its monitoring activities. The IACHR relied on inputs from the various mechanisms through which it monitored the situation in a country, including, inter alia, public hearings, thematic visits, requests for information under Article 41 of the American Convention on Human Rights, precautionary measures, information from civil society organizations, journalists' articles, and decisions and recommendations of specialized international agencies.

3. In addition, and pursuant to the powers established in Article 41 of the American Convention and Article 18 of the IACHR Statute, in October 2022, the Commission requested information from the member states on the aforementioned rights, issues, and cross-cutting themes prioritized in the Strategic Plan. The IACHR received responses from the following 13 member states: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, and Paraguay. The IACHR thanks the above-mentioned States and appreciates the information sent, the pertinent parts of which have been included in this report.

4. The Commission is also grateful for the information provided by institutions and civil society organizations throughout the year through the different monitoring mechanisms, the pertinent parts of which were included in this section.

TRENDS

5. Below, the IACHR presents an overview of the human rights situation in the region observed through the monitoring carried out during 2022. Based on the information it reviewed, the IACHR identified some trends in terms of human rights challenges, many of which remain the same as those observed the previous year.

6. The Commission notes with concern certain trends related to the weakening of democratic institutions and judicial independence. During 2022, the IACHR observed state actions from the different branches of government that pose serious challenges to the system of checks and balances and therefore put democratic institutions at risk, particularly through actions that reportedly weaken judicial independence in the region. The Commission reminds States of their obligation to protect justice operators from attacks, acts of

intimidation, threats, and harassment, and to investigate, and effectively punish, those who violate their rights. If States do not guarantee the security of their justice operators against all kinds of external pressures, the exercise of the jurisdictional function may be seriously impaired, thereby thwarting access to justice.

7. Likewise, the IACHR and the Inter-American Court of Human Rights have affirmed that the principle of the irremovability of judges from their positions is fundamental for maintaining judicial independence. Therefore, the early removal of a judge from office must be based exclusively on previously established grounds, following a proceeding that strictly respects the principle of legality and judicial guarantees. States must preserve democratic institutions by respecting the separation and independence of the branches of government.

8. The IACHR has also observed the weakening of national human rights institutions; the narrowing of opportunities for democratic dialogue and for journalists to go about their work; violence and criminalization of human rights defenders and journalists - assassinations, harassment, intimidation, murders, and prosecution.

9. In addition, the IACHR noted with concern the persistence of high levels of impunity and corruption in cases of both structural and circumstantial human rights violations, with serious implications, such as the weakening of social trust in state institutions.

10. For its part, the Commission received information on stepped-up military activity in the region, and notes with concern the greater frequency or propensity to resort to states of emergency (*estados de excepción*) as a measure to address situations that affect citizen security.

11. In addition, there has been an increase in the possession of firearms by private individuals and more flexible access to firearms through executive decrees; the presence of non-state armed groups in dispute for control over the operation of illegal economic activities; and an increase in homicides, mainly as a result of armed violence.

12. Similarly, the IACHR observed State actions aimed at repressing social protests through the disproportionate use of force.

13. Regarding the situation of groups in particular situations characterized by discrimination, exclusion, and/or vulnerability, the IACHR noted with special concern that one segment of the population that was especially hard hit were persons deprived of liberty, due to the prison crisis caused by deplorable conditions, overcrowding, and excessive use of pretrial detention; state neglect of the prison system; and the absence of criminal policies with a human rights approach.

14. The IACHR has also monitored the situation of migrants and persons in a situation of human mobility in the region. In this regard, the Commission noted with concern various regional crises and challenges characterized by: i) the humanitarian crisis of more than 7 million Venezuelans migrants and refugees in the region, according to UNHCR figures; ii) increased displacement of Nicaraguans; iii) migratory movements from Central to North America; iv) successive migratory movements of Haitians; v) risks and human insecurity at borders; vi) trafficking in persons; vii) historical and recent situations of forced internal displacement.

15. The Commission noted the lack of effective inclusion of displaced persons and the risks of violence during displacement, particularly in the case of women and girls, as well as policies and excessive use of force against people in human mobility circumstances, such as visa restrictions and prosecution of migrants on charges of illegal entry. At the same time, the IACHR noted the need to strengthen mechanisms for the resettlement of refugees in the host country in a sustainable manner consistent with that country's resources and abilities.

16. The IACHR also observed ongoing discrimination and various forms of violence against women, LGBTI, Afro-descendant and indigenous persons, children and adolescents, the elderly, and persons with disabilities.

17. In accordance with Article 59.2.e.i of the IACHR Rules of Procedure, the following is a country-by-country overview of the human rights situation in the Hemisphere observed by the Commission during 2022, complemented by material taken from the annual reports of RELE and REDESCA.

ANTIGUA AND BARBUDA

General Considerations

18. In relation to **progress** made, the Commission applauds the adoption of the ILO Convention No. 190 on Violence and Harassment in the Workplace and Convention No. 183 on the Protection of Maternity. The Commission also observes the State's continuous efforts in juvenile justice reform and the introduction of protective measures in the education system. The IACHR also notes the passing of the Sex Offenders Registry Bill 2022 and the implementation of Judge Alone Trials and welcomes the implementation of the migratory amnesty as well as the decision of the Eastern Caribbean Supreme Court which deemed the criminalization of sexual activity between consenting same sex adults unconstitutional.

19. With respect to **challenges**, the IACHR observes that the State has still not established a national human rights institution. It also is concerned about the increase in gun-related offences. Further, the Commission also highlights the protests by prisoners at Her Majesty's Prisons due to improper conditions and the use of force by law enforcement officers to curb these riots. In relation to persons with disabilities, the IACHR recognizes the need for greater dialogue between the State and the civil society organizations which support these persons. The Commission also observes the land issues faced by the indigenous community in Barbuda as well as the State's lack of progress in abolishing the death penalty.

20. The State did not respond to the request for information for the drafting of this chapter.

Specific Issues

21. With respect to **democratic institutional**ity, the IACHR takes note that according to the Rule of Law Index, issued by the World Justice Project, the State placed 6th out of 32 countries of the region of Latin America and the Caribbean, and 40th out of 140 countries worldwide¹. This represents a decline from the State's previous position of 5th in the region and 39th globally in 2021. This global ranking is based on the State's adherence to the universal principles of accountability, absence of corruption, compliance with the law, open government, and civil justice, among other factors².

22. Regarding **human rights institutions**, the IACHR observes that the State took part of the 2021 Universal Periodic Review. The Commission notes that on March 23, 2022, the United Nations Human Rights Council adopted the outcome of the Universal Periodic Review of Antigua and Barbuda³. According

¹ World Justice Project, [WJP Rule of Law Index – Antigua and Barbuda](#), 2022.

² Antigua Newsroom, [Antigua and Barbuda Ranks 40 out of 140 in Rule of Law Index](#), October 26, 2022.

³ United Nations, [Decision adopted by the Human Rights Council on 23 March 2022, A/HRC/DEC/49/11: Outcome of the universal periodic review: Antigua and Barbuda](#), March 29, 2022.; United Nations Human Rights, [Human Rights Council Adopts Outcomes of Universal Periodic Review of Eswatini, Antigua and Barbuda, and Trinidad and Tobago](#), March 23, 2022.

to the UN, the State accepted the recommendations on establishing a national human rights institution in accordance with the Paris Principles⁴. It also acknowledged that the State did not have a centralized reporting mechanism for human rights violations or a centralized statistical gathering system. However, the State noted the importance of having such an institution in terms of capabilities for reporting to international bodies and disseminating education and information on the promotion and protection of human rights in its jurisdiction⁵.

23. Regarding **citizen security**, the Commission takes note of the gun amnesty introduced by the State and the passing of the Sexual Offences Registry Bill. The Commission observes that crime statistics have revealed an increase in gun-related offences in the State⁶. According to the Acting Head of the Criminal Investigation Department (CID), there was a total of 1,518 crimes reported in the first six months of 2022. The Acting Head of the CID also stated that within last three years, there have been a total of 34 homicides, 14 of which were linked to illegal firearms⁷. Further, 10 illegal firearms and 232 rounds of ammunition were taken off the streets as of July 20, 2022⁸. Subsequently, the State introduced a gun amnesty for the period October 1, 2022, until December 31, 2022, with the objective of removing illegal guns from the streets⁹.

24. Additionally, the Lower House of Parliament unanimously passed the Sex Offenders Registry Bill 2022 which allows the names of people convicted of sexual offenses to be publicly listed along with other personal information¹⁰. The Bill aims to reduce incidence of sexual reoffending through the monitoring of convicted sex offenders, the sharing of sex offender information with participating jurisdictions within the Organization of Eastern Caribbean States and for other matters connected or incidental thereto¹¹.

25. In relation to **access to justice**, the IACHR welcomes the State's new measures to reduce the backlog of court cases. In January 2022, the Chief Justice of the Eastern Caribbean Supreme Court commended the State for successfully implementing Judge Alone Trials and affirmed that this measure will help with reducing the backlog of criminal cases without adversely affecting the fairness of the trial process¹². Further, the Commission observes the training provided in April 2022 by the Judicial Education Institute on digital audio recordings of court proceedings, which is intended to help judicial officers to increase the efficiency of the judicial process by reducing the length of trials and augmenting the case flow¹³.

26. Concerning the **rights of women**, the Commission welcomes the ratification of International Labor Organization Convention No. 190 on Violence and Harassment in the workplace and Convention No. 183 on the Protection of Maternity. The State is recognized as the first country in the Caribbean to adopt these instruments¹⁴. Additionally, in October 2022, a program for free access for women

⁴ United Nations, [Report of the Working Group on the Universal Periodic Review – Antigua and Barbuda A/HRC/49/15](#), December 20, 2021, para 86.

⁵ United Nations, [Report of the Working Group on the Universal Periodic Review – Antigua and Barbuda A/HRC/49/15](#), December 20, 2021, para 86.

⁶ Antigua Observer, [Latest crime stats reveal surge in gun-related offences](#), July 20, 2022.

⁷ Antigua Observer, [Latest crime stats reveal surge in gun-related offences](#), July 20, 2022.

⁸ Antigua Observer, [Latest crime stats reveal surge in gun-related offences](#), July 20, 2022.

⁹ Antigua Newsroom, [Top Cop Appeals to Gun Owners to Turn In Illegal Firearms during ongoing Amnesty](#), October 16, 2022; Antigua Newsroom, [Cabinet Notes of Wednesday, September 7, 2022](#), September 8, 2022.

¹⁰ Antigua Breaking News, [Parliament Passes Sexual Offences Registry Bill](#), October 25, 2022. Antigua Observer, [Parliament Passes Sexual Offences Registry Bill](#), October 24, 2022; Antigua Newsroom, [Antigua's Lower House passes Sexual Offences Registry Bill](#), October 23, 2022.

¹¹ Caribbean Loop News, [Antigua and Barbuda one step closer to having a sex offender registry](#), October 26, 2022; Caribbean Loop News, [Antigua: Gov't sends National Sex Offender Bill to Special Committee](#), July 12, 2022.

¹² BVI Platinum News, [There Are Many Benefits! Chief Justice On Judge-Alone Trials, Smaller Jury Panel At High Court](#), January 13, 2022.

¹³ Judicial Education Institute, [Eastern Caribbean Supreme Training in Digital Audio Recording of Court Proceedings](#), April 2022.

¹⁴ ILO, [First ratification of Convention No. 190 in the Caribbean](#), May 9, 2022.

to tests for the Human Papilloma Virus (HPV) by the Ministry of Health was implemented¹⁵. However, the Commission notes with concern that the criminalization of abortion continues in the country except in particular cases¹⁶. Further, despite an increase in cases of gender violence against women¹⁷, the State has stated the issue is being addressed by different policies and programs¹⁸.

27. Regarding the **rights of children**, the IACHR observes the State's ongoing work in the area of juvenile justice reform and the implementation of protection measures within the education system. The Commission welcomes the review and consultation process with governmental and non-governmental actors on the draft of the National Diversion, Rehabilitation and Reintegration Strategy of Antigua and Barbuda¹⁹. This process occurs within the framework of the implementation of the second phase of the Juvenile Justice Reform initiative of the Commission of the Organization of Eastern Caribbean States (OECS); whose goal is to reduce crime and violence rates among youth in the Eastern Caribbean²⁰. Additionally, the IACHR notes the initiatives of the state to implement a training process for the National Police, in order to intervene and adequately investigate incidents of child abuse²¹; as well as the announcement by the State of working on a regulatory project to avoid discrimination against children and adolescents who identify with the Rastafarian culture, in the educational system²².

28. Regarding the rights of **persons deprived of liberty**, the Commission takes note of the protests by the inmates at Her Majesty's Prison (HMP) and the State's efforts to renovate the prison. The Commission observes that protests were conducted by prisoners at HMP after approximately five days of inadequate food and water as well as being placed on total lockdown on December 18, 2022²³. According to public information, at least 164 inmates signed a petition, citing their lack of access to basic necessities²⁴. Further, when one prisoner contacted public media outlet to highlight these conditions, the inmates were placed on lockdown as punishment²⁵. According to public sources, upon releasing themselves from their cells, a riot ensued where officers allegedly resorted to using tear gas and rubber bullets to deescalate the situation²⁶. Local human rights organization have supported the inmates, calling for more humane treatment²⁷. Against this backdrop, the IACHR observes the current resources of HMP. According to public reports, while the optimal officer to inmate ratio is one on-duty officer to 7 inmates, the current ratio is one on-duty officer to approximately 40 inmates, as there are an estimated 250 inmates in the prison²⁸.

¹⁵ Associates Times, Antigua and Barbuda announces free HPV testing for women between ages of 30-49, October 20, 2022.

¹⁶ Global Citizen Solutions, Antigua and Barbuda Abortion Law, September 27, 2022.

¹⁷ Observer, Gender advocate says women's safety must become a national issue, October 11, 2022.

¹⁸ Observer, Safety advisory for women from the Office of the Directorate of Gender Affairs and the Force of Antigua and Barbuda, October 3, 2022; ECLAC Panel 2022. Minister Jonas Remarks - High Level ECLAC Panel 2022 Presiding Officers Meeting, 2022.

¹⁹ Searchlight, [OECS & USAID Launch Programme to Improve Youth Justice Systems in the Eastern Caribbean](#), October 28, 2022 Organisation of Eastern Caribbean States, [Improving juvenile justice in the Eastern Caribbean](#), n.d; Loop News Caribbean, [Antigua & Barbuda looks to tackle incidents of child abuse](#), May 19, 2022. Organisation of Eastern Caribbean States, [Improving juvenile justice in the Eastern Caribbean](#), n.d.; Loop News Caribbean, [Antigua & Barbuda looks to tackle incidents of child abuse](#), May 19, 2022.

²⁰ [La Organización de los Estados del Caribe Oriental \(OECS\) es un grupo subregional que reúne a los siguientes Estados y Territorios del Caribe: Antigua y Barbuda, Dominica, Granada, Montserrat, Saint Kitts y Nevis, Santa Lucía, San Vicente y las Granadinas y los Territorios dependientes del Reino Unido de Gran Bretaña de Anguila y las Islas Vírgenes Británicas, que son Miembros Asociados](#). Searchlight, [OECS & USAID Launch Programme to Improve Youth Justice Systems in the Eastern Caribbean](#), October 28, 2022; Antigua Observer, [Stakeholders review juvenile justice reform draft](#), October 28, 2022; Organisation of Eastern Caribbean States, [Improving juvenile justice in the Eastern Caribbean](#), s.f.; Loop News Caribbean, [Antigua & Barbuda looks to tackle incidents of child abuse](#), May 19, 2022.

²¹ Antigua Newsroom, [Police intervene after young boy was beaten severely by his father](#), May 18, 2022; Antigua Breaking News, [Cabinet Notes of Wednesday 18 May 2022](#), May 18, 2022.

²² Caribbean National Weekly, [Antigua's Education Ministry condemns discrimination against students with locks](#), September 9, 2022.

²³ Antigua Newsroom, [Prisoners at His Majesty's Prison riot due to improper treatment and conditions](#), December 19, 2022.

²⁴ Antigua Newsroom, [Prisoners at His Majesty Prison sign petition requesting better conditions](#), December 19, 2022.

²⁵ Antigua Newsroom, [Inmates get hold of keys and let themselves out of punishing lockdown at 1735: one prisoner allegedly shot by police officer](#), December 19, 2022.

²⁶ Antigua Newsroom, [Prison action escalates as civilians join the protest](#), December 21, 2022.

²⁷ Antigua Newsroom, [Prison action escalates as civilians join the protest](#), December 21, 2022.

²⁸ Antigua Newsroom, [Cabinet Notes of Wednesday 17 August 2022](#), August 18, 2022.

29. To this end, the Commission recognizes the State's latest renovations to HMP. According to the State, renovations included the addition of 170 beds, expansion of the remand section, upgrading of the kitchen and sanitation facilities, the construction of a new administrative office, and the installation of additional water storage tanks²⁹. The Commission further notes that the expansion of the section holding pretrial detainees would result in a reduction of the overall occupancy level at the prison in 2022, which was reported as 12% above its maximum level in 2021³⁰. Nevertheless, the IACHR urges the State to apply alternatives to pretrial detention to avoid the stigmatization of persons and their families, reduce recidivism, and to use public resources in a more efficient manner³¹.

30. In relation to **people in the context of human mobility**, the Commission welcomes the implementation of the migratory amnesty between March 1 and June 30, 2022. Official information indicates that the amnesty would allow migrants in an irregular migratory situation, who have resided in the country for a continuous period of four years, but less than seven years, to obtain a residence permit to remain legally in Antigua and Barbuda.³² According to official information, this permit was granted only to persons who resided legally in the country for four years, as well as to the additional categories expressly indicated by the State.³³ In this context, data reported by the State indicates that at least 4,000 migrants have benefited from this amnesty³⁴.

31. In relation to the rights of **older persons**, the IACHR welcomes the State's in guaranteeing accessibility in the exercise of the political rights of the elderly. In view of the elections that the State will hold in 2023, the electoral body has been implementing a procedure that facilitates electoral registration for the exercise of the right to vote for people with limited mobility such as the elderly³⁵.

32. Regarding the rights of **persons with disabilities**, the Commission notes that the State and civil society organizations held the Fifth Continental Congress on Community Rehabilitation in the Americas, with the objective of promoting actions aimed at guaranteeing the rights of persons with disabilities³⁶.

33. As it concerns the rights of **indigenous peoples**, the IACHR takes note of the concerns expressed by UN experts over whether Barbuda's population gave their free, prior, and informed consent for the construction of a private tourist resort at the biodiverse natural site of Palmetto Point³⁷. Further, during the 183rd period of sessions, on March 9, 2022, civil society stated that communities were not consulted about the use of their land by the government prior to granting licenses to companies for land development projects in Barbuda³⁸. However, the Commission takes note the Judicial Committee of the Privy Council (JCPC) in the United Kingdom, Antigua and Barbuda's highest Court of Appeal, dismissed the claim by Barbudans that their land was commonly owned. According to the JCPC, the right to land ownership by Barbudans will have to be determined in the future by the Crown Lands Regulation Act of 2018³⁹.

²⁹ Antigua Newsroom, [Phase 1 of prison upgrades sees installation of 170 new beds](#), January 22, 2022.

³⁰ IACHR, [Annual Report, Chapter IV.A "Antigua and Barbuda"](#), 2021, para. 71; World Prison Brief, [Antigua and Barbuda, 2021](#); World Population Review, [Incarceration Rates By Country 2021](#), 2021.

³¹ IACHR, [Report on Measures to Reduce Pretrial Detention](#), OEA/Sec. L/V/II. 163. Doc. 105, July 3, 2017, para.11.

³² Office of the Prime Minister, Antigua and Barbuda - Facebook, [Amnesty Details Revealed](#), February 16, 2022; Office of the Prime Minister, Antigua and Barbuda - Facebook, [Notes from Cabinet: \(PT2\)](#), April 28, 2022; Office of the Prime Minister, Antigua and Barbuda - Facebook, [Notes from Cabinet: \(PT2\)](#), July 21, 2022.

³³ Ministry of Foreign Affairs, International Trade and Immigration, Antigua and Barbuda, [Residency Permt FAQs](#), s.f.

³⁴ Office of the Prime Minister, Antigua y Barbuda - Facebook, [Notes From Cabinet: \(PT4\)](#), July 7, 2022.

³⁵ Antigua Observer, [Efforts underway to help elderly and disabled people access Electoral Commission services](#), July 17, 2022.

³⁶ Antigua Breaking News, [Antigua and Barbuda to host 5th CBR/CBID Continental Congress of the Americas](#), September 12, 2022; Loop Caribbean News, [Disability rights congress to be held in Antigua](#), August 8, 2022.

³⁷ UN, [Antigua and Barbuda: Luxury resort puts wetland and healthy environment at risk – UN experts](#). February 2, 2022.

³⁸ IACHR, Meeting with civil society organizations, March 9, 2022, IACHR Archive.

³⁹ JCPC, [Privy Council Appeal No. 0070 of 2021 – Mackenzie Frank and another \(Appellants\) v Attorney General of Antigua and Barbuda \(Respondent\) \(Antigua and Barbuda\)](#), June 13, 2022.

34. Regarding the rights of **LGBTI persons**, the Commission welcomes the ruling handed down by the Superior Court of Justice of the Eastern Caribbean Supreme Court on July 5, 2022, which declared the unconstitutionality of sections of the Law on Sexual Offenses which criminalized consensual activity between people of the same sex⁴⁰. The Commission notes with satisfaction that, the State, in general, did not oppose the petitioners' motion and accepted that the provisions were incompatible with human rights⁴¹.

35. In relation to the **death penalty**, the State continues to retain the death penalty punishment even though no executions have been carried out since 1991, and no one has been sentenced to death since this time⁴². The IACHR observes that although the Advisory Committee on the Prerogative of Mercy was appointed in 2021⁴³, to date there are no reports on the granting of pardons and remissions of convicted persons.

ARGENTINA

General Considerations

36. The State maintains a solid institutional framework for the protection of human rights. During 2022, the State continued and strengthened policies with respect to memory, truth and justice, as well as those to combat discrimination against women, LGBTI persons, and persons of African descent. Significant **progress** was also made in complying with measures for the Execution of the Judgment of the Inter-American Court of Human Rights in the Case of Indigenous Communities Members of the Lhaka Honhat Association (Nuestra Tierra).

37. On the other hand, **challenges** were observed with respect to prison conditions and the situation of violence and intersectional discrimination faced by indigenous women, girls, and adolescents.

38. On November 17, 2022, the State submitted its response to the request for information sent in order to prepare this chapter⁴⁴.

Specific issues

39. With respect to **human rights institutions**, the efforts made by the State to combat various forms of discrimination and violence are worthy of note. In this regard, the Ministry of Women, Genders, and Diversity (MMGyD) followed up on the *National Plan for Equality in Diversity (2021-2023)* and presented the new *National Plan of Action against Gender-Based Violence (2022-2024)*. Both plans seek to cause specific changes that are sustainable over time, in order to overcome gender inequalities. The gathering of information about the situation of women and LGBTI persons in rural environments was also launched, with the purpose of designing and implementing strategies to reduce the inequalities, acts of violence, and exclusion that they face in these settings.⁴⁵ The *Open Budget Platform with a Gender and Diversity Perspective* was also launched, with the purpose of identifying the public resources allocated to reduce gender gaps and to follow up on their implementation.⁴⁶

⁴⁰ Eastern Caribbean Supreme Court in the High Court of Justice of Antigua and Barbuda, [Claim ANUHCV2021/0042, Orden David and others v the Attorney General of Antigua and Barbuda](#), July 5, 2022.

⁴¹ IACHR, Press Release 162/22, [IACHR celebrates ruling on colonial law that criminalized sexual relations of LGBTI people in Antigua and Barbuda](#), July 15, 2022.

⁴² World Coalition Against the Death Penalty, [Antigua and Barbuda](#), August 30, 2021.

⁴³ IACHR, [Annual Report, Chapter IV.A "Antigua and Barbuda"](#), 2021, para. 72.

⁴⁴ Argentine Republic Inputs for the 2022 Annual Report of the IACHR, November 17 of 2022. On file at the IACHR.

⁴⁵ Argentine Republic Inputs for the 2022 Annual Report of the IACHR, p. 16.

⁴⁶ Ministry of Economy [Plataforma \(Platform\): Presupuesto abierto con Perspectiva de Género y Diversidad \(Open Budgeting with a Gender and Diversity Perspective\)](#), n.d., accessed on December 5, 2022

40. Likewise, the National Institute Against Discrimination, Xenophobia, and Racism (INADI) presented the new diagnosis on the forms in which discrimination is expressed in the country⁴⁷, and drafted the 2021-2024 National Plan against Discrimination, which seeks to update regulations, to advance and broadcast rights, and to implement programs focused on specific groups.⁴⁸ The *National Plan for Persons of African Descent (2021-2024)*⁴⁹ was also followed up on and the *National Program for Persons of African Descent and Human Rights* was created, with the purpose of developing and implementing measures for the protection and advancement of their rights from the perspective of ethnic and racial equity in the national territory, in coordination with international, national, provincial, and municipal organizations.⁵⁰ On the other hand, it is noted that the head of the Ombudsman's Office (DPN), a position that has been vacant since 2009, has still not been appointed.⁵¹

41. On the matter of **democratic institutions**, the State reported challenges for democratic coexistence. It highlighted the recent assault on the vice president.⁵² The State said that this event took place in a context of narratives that could incite violence and other discourses, especially about the serious violations of human rights that occurred during the dictatorship. It stated that, in order to counter these discourses, various strategies have been implemented, among them the publication of analysis and research documents on the matter.⁵³ Moreover, the State expressed concern over what they consider to be political persecution in the judicial system against public servants of the ruling party.⁵⁴

42. At the same time, on the matter of judicial independence, in a thematic session the IACHR heard information on reports of persecution against provincial prosecutors who are conducting investigations into acts of corruption and complex cases that involve officials and former officials, with the alleged intention of removing them from those investigations. According to the information provided, there would be challenges in this regard both at a provincial and federal level.⁵⁵ In this regard, the State said that the proceedings against prosecutors respond to accountability purposes and correspond to isolated situations, not to a national or generalized situation.⁵⁶

43. On the other hand, the State reported on proposed laws that, among other measures, would increase the number of members of the Council of Magistrates and the National Supreme Court of Justice (CSJN), considering the federal composition and gender parity.⁵⁷ It reported on the implementation of the Federal Network for Free Legal Representation, which complements the legal advice and support services

⁴⁷ National Institute Against Discrimination, Xenophobia and Racism (INADI). [INADI presented the new National Map of Discrimination at the Casa Rosada](#) May 31, 2022

⁴⁸ Argentine Republic Inputs for the 2022 Annual Report of the IACHR, p. 10.

⁴⁹ Argentine Republic Inputs for the 2022 Annual Report of the IACHR, p. 17.

⁵⁰ Argentine Republic Inputs for the 2022 Annual Report of the IACHR, pp. 17-18

⁵¹ IACHR. [2021 Annual Report. Chapter IV.A Development of Human Rights in the Region](#), par. 20.

⁵² IACHR. [Publication of September 2, 2022. IACHR condemns attack against Vice President Cristina Fernández de Kirchner @CFKArgentina on #September1 in Buenos Aires and calls on the State to investigate with due diligence, punish those responsible, and implement actions to prevent political violence.](#) (Twitter).

⁵³ Ministry of Justice and Human Rights. [El lawfare en América Latina y su impacto en la vigencia de los derechos humanos \(Lawfare in Latin America and its impact on the enforcement of human rights\). 1st edition](#) - November 2022; Repertorios Collection: perspectivas y debates en clave de Derechos Humanos (perspectives and debates on Human Rights): 1. "Negacionismo", 2021; INADI. [Report: Hate Speech](#), 2021

⁵⁴ Argentine Republic Inputs for the 2022 Annual Report of the IACHR, pp. 2-4.

⁵⁵ Argentine Association of Prosecutors (AAF) and Association of Prosecutors and Officials of the Public Prosecutors' Office of the Province of Santa Fe. Annex to the request for a hearing on impacts on the independence of provincial prosecutors in the framework of the fight against corruption in Argentina, for the 183rd Regular Session of the IACHR, January 19, 2022. On file at the IACHR.

⁵⁶ IACHR. Public hearing on the [situation of judicial independence in Argentina](#). 183rd Regular Session, March 18, 2022

⁵⁷ Argentine Republic Inputs for the 2022 Annual Report of the IACHR, p. 12; Ministry of Justice and Human Rights. [Deputies June 22, 2022](#)

provided by the Centers for Access to Justice. It also said that there are programs for comprehensive assistance to victims that have been reinforced.⁵⁸

44. With regards to **citizen security**, the continuity of specific training on the use of force aimed at the four federal security forces⁵⁹ and the implementation of several measures to combat institutional violence⁶⁰ are valued. Among them, the implementation of training programs aimed at provincial and federal security forces and federal prison staff to prevent institutional violence, highlighting the mandatory training in gender perspective for prison staff; the provision of comprehensive care services for victims of such violence⁶¹; the implementation of the *System for Registration, Communication, and Comprehensive Assistance for Victims of Institutional Prison Violence (SIRCAIVI)*⁶²; the approval of the *Protocol for Comprehensive Action in Cases of Institutional Violence* by the National Public Defender's Office (MPD)⁶³; among other measures⁶⁴.

45. On the other hand, and in relation to the **rights of indigenous peoples**, the IACHR monitored the raid in Villa Mascardi, Río Negro, carried out by approximately 200 state agents who fired tear gas and birdshot at 25 members of the Lof Lafken Winkul Mapu Mapuche Community who are trying to regain control of those lands.⁶⁵ In the raid, five children and seven women, among them one at an advanced stage of pregnancy, two lactating women, and the community's spiritual leader, were detained. According to available information, some of the women who were detained had allegedly been searched in a humiliating manner and had had to demand communication with their defense lawyer; others reportedly held a hunger strike to demand their immediate release.⁶⁶

46. Regarding this situation, the State reported on actions carried out by the National Institute for Indigenous Affairs (INAI) and the MMGyD to safeguard the rights of the women, from a gender and intercultural perspective, both during the proceedings and in the conditions of their detention, particularly for those who were pregnant and breastfeeding. Likewise, it reported on the mediation actions carried out by the Secretariat of Human Rights to avoid federal intervention in the Community's territory. However, it said that the Community had reportedly not begun the process of registration with the INAI, which caused the eviction to resume. It also stated that the INAI continues to try and launch a dialogue, for which the Community has requested that representatives of the national government be in attendance, with the political authority to provide a solution to the structural conflict with the Mapuche People in Río Negro.⁶⁷

47. On the other hand, the Commission welcomes the creation of the Unit for the Execution of the Judgment of the Inter-American Court of Human Rights in the Case of Indigenous Communities Members of the Lhaka Honhat Association (Nuestra Tierra).⁶⁸ Among the specific measures to comply with the ruling, standing out are the process for prior consultation on the state proposal about the water and the land, as

⁵⁸ Argentine Republic Inputs for the 2022 Annual Report of the IACHR, pp. 12-13

⁵⁹ Argentine Republic Inputs for the 2022 Annual Report of the IACHR, p. 14.

⁶⁰ According to information provided by the State, "institutional violence" is any structural practice of violation of rights committed by officials pertaining to the security forces, armed forces, prison services, and health care providers in the context of confinement. Argentine Republic. Inputs for the 2022 Annual Report of the IACHR, pp. 13.

⁶¹ Argentine Republic Inputs for the 2022 Annual Report of the IACHR, pp. 13-14

⁶² MPD (Defense Ministry). *Program against Institutional Violence, 2022*

⁶³ MPD. *DGN Resolution No. RDGN-2022-807-E-MPD-DGN#MPD* June 23, 2022.

⁶⁴ Argentine Republic Inputs for the 2022 Annual Report of the IACHR, pp. 10.

⁶⁵ Pp. 12. *By court order, federal forces carried out the eviction in Villa Mascardi* on October 5, 2022

⁶⁶ CELS, *Villa Mascardi: una semana de arbitrariedades contra las mujeres mapuche (Villa Mascardi: a week of arbitrariness against Mapuche women)* October 8, 2022; Río Negro, *Mujeres mapuches detenidas en Bariloche siguen en huelga de hambre por su liberación (Mapuche women detained in Bariloche continue hunger strike for their release)*, October 10, 2022.

⁶⁷ Argentine Republic Response to request for information Art. 41 659-22/CIDH/SE/MPCT-Art 41-Eviction in Villa Mascardi and situation of Mapuche women deprived of their liberty, December 2, 2022. Annex I - MMGyD, Annex III. National Directorate of Policies against Institutional Violence, and Annex IV-INAI, pp. 12-16. On file at the IACHR.

⁶⁸ Argentine Republic Inputs for the 2022 Annual Report of the IACHR, pp. 7.

well as the progress made in the delimitation and demarcation of the community's territory.⁶⁹ Likewise, a new Center for Access to Justice was inaugurated in Santa Victoria del Este, Salta Province, to offer legal advice and support to members of the neighboring indigenous communities.⁷⁰

48. On a different note, the Truth Trial for the Napalpí Massacre stands out, the ruling of which declared the responsibility of the State and acknowledged that these were crimes against humanity perpetrated in the framework of a process for the genocide of indigenous peoples.⁷¹ That ruling ordered a series of reparation measures, such as the implementation of public policies for historic reparation to the Qom and Moqoit peoples, and for the prevention and eradication of hatred, racism, discrimination, and xenophobia, thus guaranteeing the perspective of the indigenous peoples in the areas of health, education, and culture, all of this through prior consultation with the Communities.⁷² Moreover, the Unit for the Implementation of the Ruling for the Napalpí Massacre was created in order to comply with those reparation measures.⁷³

49. With regard to **women's rights**, note was taken of the "Caring in Equality" Draft Bill, which proposes the creation of a comprehensive care system with a gender perspective.⁷⁴ On the matter of sexual and reproductive rights, there was a strengthening of the access to short- and long-term birth control methods and emergency contraceptives, as well as the national programs for the prevention of unintended teen pregnancy and comprehensive sex education.⁷⁵ However, the civil society expressed concern about obstacles to the access to health services for the termination of pregnancy, including reports of limited availability of services in some provinces, the use of conscientious objection outside of the assumptions allowed by law, complaints of illegal requirements or mistreatment by health personnel, and the potential criminalization of both women and persons of childbearing potential who request the service, as well as the medical personnel who assist them in the process.⁷⁶

50. An increase was observed in the number of calls to the 144 Hotline for gender violence against women during the first half of 2022 when compared to the same period in 2021.⁷⁷ In the same period, the DPN registered 130 femicides,⁷⁸ while the civil society, as of October 2022, registered more than 200, most of them perpetrated in the victims' own homes and whose aggressors were primarily their partners or former partners.⁷⁹ Moreover, instances of the practice known as "chineo" [sexual violence against indigenous girls and women by non-indigenous men] were reported. Note was taken of the murder of two Wichí girls, aged 12 and 14, whose bodies were found with signs of sexual violence;⁸⁰ furthermore,

⁶⁹ Argentine Republic Inputs for the 2022 Annual Report of the IACHR, pp. 7-8; pp. 12, [Primera consulta a comunidades indígenas en Santa Victoria Este \(First consultation with indigenous communities in Santa Victoria Este\)](#) June 9, 2022.

⁷⁰ Ministry of Justice and Human Rights. [The 99th Access to Justice Center began operating in the far north of Salta](#), October 4, 2022

⁷¹ Argentine Republic Inputs for the 2022 Annual Report of the IACHR, p. 10; La Nación, [Chaco llevará adelante el primer "juicio por la verdad" por etnocidio de Napalpí, ocurrido hace 98 años \(Chaco will hold the first "truth trial" on the Napalpí ethnocide, which occurred 98 years ago\)](#) April 17, 2022.

⁷² Revista Pensamiento Penal, [Fallo sobre Masacre de Napalpí \(Ruling on the Napalpí Massacre\). Verdad histórica y crímenes de lesa humanidad \(Historical truth and crimes against humanity\)](#) July 1, 2022.

⁷³ Ministry of Justice and Human Rights. [The Secretariat participated in Chaco in the presentation meeting of the Unit for Executing the Napalpí Massacre Judgment](#), October 26, 2022.

⁷⁴ Ministry of Women, Genders, and Diversity of Argentina (MMGyD). [Cuidar en Igualdad \(Equality in Care\): the bill for the establishment of Argentina's Comprehensive Care Policies System was sent to the National Congress](#), May 2, 2022

⁷⁵ Argentine Republic Inputs for the 2022 Annual Report of the IACHR, pp. 5-6

⁷⁶ CELS, ELA, AIAR, FUNDEPS and MxM. [Contribution to the review of Argentina in the Fourth Cycle of the Universal Periodic Review, 2022; Página 12. Ley IVE: a dos años de la sanción, los avances y lo que falta \(IVE Law: two years after its enactment, progress, and what is missing\)](#), December 14, 2022

⁷⁷ MMGyD. [Datos públicos de la Línea 144 \(Line 144 public data\) - 2022](#), accessed on December 15, 2022

⁷⁸ Femicide Observatory of the Ombudsman of Argentina (DPN). [Partial Report January 1 to June 30, 2022](#) n.d., accessed on December 15, 2022

⁷⁹ Efeminista, [Más de 200 mujeres han sido asesinadas en Argentina en 2022 \(To date, More than 200 women have been murdered in Argentina in 2022\)](#), October 17, 2022.

⁸⁰ El País, [Argentina busca combatir el 'chineo', la violación en grupo de niñas y mujeres indígenas \(Argentina seeks to combat 'chineo', gang rape of indigenous girls and women\)](#), June 10, 2022.

the INAI requested the investigation of approximately 27 cases of “chineo,” femicide, and other instances of gender violence perpetrated against indigenous women, girls, and adolescents, most of them members of the Wichí People.⁸¹ In this regard, note is taken of the campaign led by indigenous women to demand that the State take concrete actions to eradicate this practice.⁸²

51. In relation to **persons deprived of their liberty**, note is taken of various rulings that protected the rights of women detained in provincial prisons during their pregnancies, at the time of childbirth, and during the postpartum period;⁸³ and of the ruling that ordered the transfer of women detained in a police station to a prison setting, given the worsening conditions of detention and discriminatory treatment they were being subjected to.⁸⁴ On the other hand, concern was expressed for the deplorable conditions of detention faced by persons deprived of their liberty in the province of Buenos Aires, who represent nearly 49% of the country’s total detained population.⁸⁵ Based on data from the Local Mechanism for the Prevention of Torture, such conditions, both in jails and in police stations, are mainly characterized by overcrowding, the systematic practice of torture and ill-treatment, the disruption of family ties, and the lack of or deficient health care.⁸⁶

52. On the matter of **Memory, Truth, and Justice (MVJ)**, the State reported that, since 2006, it has processed 637 cases of crimes against humanity perpetrated during the last civil-military dictatorship, of which 286 have already been sentenced, with 1,088 people convicted and 166 acquitted.⁸⁷ In this context, the IACHR notes the prosecution in a case that, for the first time, considered the systematic attack against the transvestite and transgender community as part of the actions of State terrorism.⁸⁸ The State also pointed out the measures implemented by the executive branch to set forth this process, which include the implementation of the Strategic Plan for the Advancement of Trials for Crimes against Humanity; the actions, in criminal cases, of the National Secretariat for Human Rights and the Special Unit for the Investigation of Crimes against Humanity perpetrated with economic motivation; the continuous updating of the website “Trials for Crimes against Humanity;” the publication of the booklet “Civil Liability in Cases of Crimes against Humanity;” among other actions.⁸⁹ Likewise, it reported on progress made in the marking of memorial sites, which total almost 250 marked sites, the plans for opening four new spaces, and the start of the process of large-scale digitization of archives of the former Secretariat of State Intelligence in order

⁸¹ National Institute for Indigenous Affairs (INAI). INAI requested the investigation of the cases of “Chineo” sexual abuse in the communities of the province of Salta, May 31, 2022.

⁸² Movimiento de mujeres indígenas por el buen vivir (Indigenous women’s movement for a decent life). Campaign #BastaDeChineo. Declaration of the 3er Parlamento Plurinacional de Mujeres y Diversidades Indígenas por el Buen Vivir, n/d, accessed on December 15, 2022

⁸³ Procuración Penitenciaria de la Nación (Penitentiary Procurator’s Office-PPN). La justicia resolvió a favor de personas gestantes detenidas con destacados aportes de la PPN (Thanks to outstanding contributions from PPN, Court ruled in favor of pregnant women detained) October 11, 2022. See also: Perfil. El TSI ordena garantizar los derechos de las detenidas que dan a luz en la cárcel (Supreme Court orders guarantees for the rights of detainees who give birth in prison), October 2, 2022; Infobae. Un juez prohibió que las embarazadas presas sean esposadas durante el parto (A judge banned pregnant prisoners from being handcuffed during childbirth), October 23, 2022.

⁸⁴ Revista Pensamiento Penal. Chaco: STJ hace lugar a Habeas Corpus y ordena el traslado de la totalidad de las detenidas en dependencia policial a un establecimiento penitenciario (Higher Court-STJ upholds Habeas Corpus and orders the transfer of all female detainees in police custody to a penitentiary facility), July 13, 2022

⁸⁵ The IACHR derives the aforementioned percentage from the most updated official data indicating that as of December 31, 2021, there were a total of 114,074 persons detained nationwide (including those held in police stations). As of October 2022, in the province of Buenos Aires, 55,863 people were deprived of their liberty (51,575 in prisons and 4,288 in police stations). In that connection, see: Dirección Nacional de Política Criminal en materia de Justicia y Legislación Penal (National Directorate of Criminal Policy on Justice and Criminal Legislation). SNEEP Report 2021, 2022, p. 5; CPM (Commission to Preserve Memories), Población carcelaria actual y Comisarías (Current prison population and Police Stations), October 2022.

⁸⁶ CPM. The CPM presents its 2022 annual report on security and confinement policies in the province of Buenos Aires, August 18, 2022.

⁸⁷ Argentine Republic Inputs for the 2022 Annual Report of the IACHR, pp. 8-10.

⁸⁸ Página 12, Secuestros, torturas y abusos contra el colectivo travesti y trans durante la dictadura (Kidnappings, torture, and abuse of the transvestite and trans community), April 19, 2022.

⁸⁹ Argentine Republic Inputs for the 2022 Annual Report of the IACHR, pp. 8-10.

to strengthen the processes of MVJ and access to information.⁹⁰ The IACHR also welcomed the identification of the 131st and 132nd grandchildren, recognizing the work and struggle of the Grandmothers of the Plaza de Mayo for the restitution of the identity of children taken during the military dictatorship.⁹¹

53. Regarding the **rights of LGBTI persons**, it welcomes the fact that the 2022 National Census of Population, Households, and Housing (2022 Census) included, for the first time, the necessary categories to account for LGBTI+ families and self-perceived gender identity,⁹² as well as the creation of the position of the Special Representative on Sexual Orientation and Gender Identity of the Ministry of Foreign Affairs, International Trade and Worship and the appointment of human rights activist Alba Rueda to the position.⁹³ On the other hand, there were reports of murders of trans persons, including the violent deaths of activists and human rights defenders Nicole Ruiz and Alejandra Ironici,⁹⁴ and reports of acts of violence against gay men, who were reportedly contacted by their aggressors through social networks and apps.⁹⁵

54. With regards to the **rights of persons of African descent and against racial discrimination**, it also appreciated that the 2022 Census included in the questionnaire the variable, for the entire population without delimiting sectors, to self-identify as a person of African descent or with Black or African ancestors.⁹⁶ On the other hand, civil society organizations point out the persistent invisibilization of ethnic-racial groups in the country, which would be reflected on the absence of persons of African descent in decision-making spaces.⁹⁷

55. In relation to the **rights of persons in the context of human mobility**, it is worthy of note the approval of the *Special Humanitarian Visa Program for Nationals and Residents of the United Mexican States, Central America, and the Caribbean Displaced by Socio-Natural Disasters*, which incorporated provisions of Resolutions No. 04/19⁹⁸ and 03/21⁹⁹ of the Commission, regarding the protection and guarantee of the human rights of these persons, as well as the non-refoulement of persons who are displaced for reasons directly or indirectly associated with climate change.¹⁰⁰ Likewise, it is worthy of note the decision of the CSJN that establishes a guiding criterion of institutional relevance on the need to consider the best interests of children in refoulement proceedings in which the complete protection of the family is at stake.¹⁰¹

⁹⁰ Argentine Republic Inputs for the 2022 Annual Report of the IACHR, p. 10.

⁹¹ IACHR, We celebrate the identification of grandson 131, abducted in 1977 while his mother and father were kidnapped; and we appreciate the tireless struggle of @abuelasdifusion to restore the identity of children abducted during the military dictatorship. Pronouncement of December 27, 2022, available at: <https://twitter.com/CIDH/status/1606379226994774033> ; IACHR, We celebrate the restitution of the identity of grandson 132, whose mother was abducted in 1976 and her remains identified in 2011. We highlight the work of @abuelasdifusion and @eaaficial to learn the truth and restore the identity of girls/boys abducted during the dictatorship. Statement of December 29, 2022, available at <https://twitter.com/CIDH/status/1608484008270385152> .

⁹² Argentine Republic Inputs for the 2022 Annual Report of the IACHR, p. 16.

⁹³ Ministry of Foreign Affairs, International Trade, and Worship, Cafiero designará a la referente del movimiento LGBTI+ Alba Rueda como Representante Especial sobre Orientación Sexual e Identidad de Género, March 4, 2022

⁹⁴ Agencia Presentes, Travesticidio en La Plata: falleció Nicol, golpeada brutalmente por defender a su hermana (Transvesticide in La Plata: Nicol died, brutally beaten for defending her sister)September 27, 2022; Agencia Presentes, Transfemicidio: asesinaron a Alejandra Ironici, pionera de la lucha trans travesti en Santa Fe (Transfemicide: Murder of Alejandra Ironici, a pioneer of the trans/transvestite struggle in Santa Fe)August 22, 2022

⁹⁵ Agencia Presentes, Violencias por apps de citas gays: piden se traten como crímenes de odio (Request for violence associated with appointments via gays' apps to be considered hate crimes), September 21, 2022.

⁹⁶ National Institute of Statistics and Census of Argentina (INDEC). Conocé las preguntas que se harán en el Censo 2022 (Get to know the questions to be asked in the 2022 Census). Accessed on December 5, 2022; Presentes. Cómo se reflejan las diversidades en el Censo 2022 de la Argentina. March 3, 2022.

⁹⁷ Página 12, La comunidad afroargentina reclamó "una justicia sin racismo", November 17, 2022

⁹⁸IACHR. Resolution 04/19: Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking, December 7, 2019.

⁹⁹ IACHR. Resolution 03/21: Climate Emergency: Scope and inter-American human rights obligations, December 31, 2021.

¹⁰⁰ Office of the Director General of Migrations. Provision 891/2022 DI-2022-891-APN-DNM#MIMay 16, 2022.

¹⁰¹ Supreme Court of Argentina (CSJN). C. G., A. v. EN - DNM s/Direct Appeal DNM, September 6, 2022, pp. 9-11.

56. With regards to the **rights of persons with disabilities**, the State reported that a draft bill is currently being worked on that is aimed at reconciling domestic legislation with international treaties on the matter that have been ratified.¹⁰² It also stressed its commitment to the implementation of reasonable accommodations and the carrying out of trainings for operators in the prison and judicial systems in relation to the rights of persons with disabilities.¹⁰³ At the same time, it is worthy of note the judgment ordering the Government of the Autonomous City of Buenos Aires to develop a public policy to prevent refusals to enroll children and adolescents in private educational institutions on the grounds of disability, in line with the principles of equality and non-discrimination and the right to education.¹⁰⁴ On the other hand, note is taken of public information indicating that 65% of persons with disabilities are unemployed and that the 4% labor quota in public employment is not met.¹⁰⁵

57. On the matter of **human trafficking**, note was taken of the "Evidence for Action" initiative, which seeks to generate knowledge about the garment production chain in order to strengthen public policies on trafficking and forced labor.¹⁰⁶ At the same time, the identification is observed of 528 victims rescued during the first half of 2022 in the modalities of sexual and labor exploitation, forced marriage, and domestic servitude.¹⁰⁷

58. With regards to the **rights of older persons**, the granting of a constitutional rank to the Inter-American Convention on the Protection of Older Persons is noted.¹⁰⁸ This way, the Convention goes on to become a part of the regulatory framework of mandatory observance in every state measure that pertains to this population group.

59. Regarding the rights of **children and adolescents**, note is taken of the submission of the draft bill on the illegal sale and adoption of children and adolescents, in compliance with the reparation measures ordered by the Inter-American Court of Human Rights in the case of Fornerón and daughter v. Argentina.¹⁰⁹ Likewise, the IACHR takes note of the regulation of Law No. 26.290, which establishes mandatory training for the Federal Police and Security Forces, and in all areas of institutional policy of the Ministry of Security of Argentina on the rights of children and adolescents.¹¹⁰ Said program has been developed jointly by the National Secretariat for Children, Adolescents, and Family (SENAF) of the Ministry of Social Development and the Ministry of Security.¹¹¹

¹⁰² Argentine Republic Inputs for the 2022 Annual Report of the IACHR, p. 8.

¹⁰³ Argentine Republic Inputs for the 2022 Annual Report of the IACHR, p. 15.

¹⁰⁴ First Instance Court in Administrative and Tax Litigation No. 6 asociación Civil por la Igualdad y la Justicia v. GCBA et al. on amparo education - other, June 6, 2022, p. 59.

¹⁰⁵ MinutoUno, Más del 65% de la población con discapacidad económicamente activa no tiene trabajo (More than 65% of the economically active population with disabilities is unemployed), August 29, 2022.

¹⁰⁶ ILO, Forced labor in the textile chain: ILO presented a project to the Committee against Trafficking in Persons 23 March 2022

¹⁰⁷ Government of Argentina, Yo le digo no a la trata (I say no to trafficking), June 30, 2022

¹⁰⁸ Argentine Republic Inputs for the 2022 Annual Report of the IACHR, p. 8.

¹⁰⁹ According to available information, this initiative proposes to criminalize and punish the illegal purchase and sale and adoption of children and adolescents in the Penal Code. Casa Rosada, Office of the President, April 28, 2022. See also IACHR, Press release 092/22 - IACHR concludes promotional visit to Argentina, May 4, 2022. The President received the draft bill that criminalizes the sale and purchase of children and adolescents and illegal adoption, April 28, 2022. See also IACHR, Press release 092/22 - IACHR concludes promotional visit to Argentina, May 4, 2022. See also Télam - Agencia Nacional de Noticias de la República Argentina, The President received the draft bill that criminalizes the buying and selling of children and adolescents and illegal adoption (casarosada.gob.ar) IACHR concludes promotional visit to Argentina (oas.org), September 14, 2022.

¹¹⁰ Ministry of Social Development, SENAF will design the new training program on children's and adolescents' rights for all security forces, May 2, 2022. See also Office of the President of Argentina, BOLETIN OFICIAL REPUBLIC OF ARGENTINA - SECURITY FORCES - Decree 219/2022, April 28, 2022.

¹¹¹ Ministry of Social Development, SENAF will design the new training program on children's and adolescents' rights for all security forces, May 2, 2022. See also Office of the President of Argentina, BOLETIN OFICIAL REPUBLIC OF ARGENTINA - SECURITY FORCES - Decree 219/2022, April 28, 2022.

60. The Commission is concerned about the information received from the Ombudsman's Office on the Rights of Children and Adolescents, about the death of children of the Wichi People¹¹² due to malnutrition and nutritional risk faced by the child population in the region, in a context of human rights challenges identified by the Ombudsman's Office that are affecting indigenous and criollo communities in northern Salta.¹¹³ According to UNICEF, in 2022 just over one million children and adolescents in Argentina have stopped eating one of the three daily meals due to a lack of resources, as a result of the COVID-19 pandemic, thus suffering risks to their health.¹¹⁴

BAHAMAS

General Considerations

61. As it relates to **progress**, the IACHR highlights the appointment of a human rights ambassador, the steps taken to promote transparency in governance, the measures adopted to tackle the ongoing crime situation and legislation regarding witness protection. It also takes note of the expanding resources of the State's judiciary and the establishment of the Domestic Violence Unit in the Royal Police Force. In addition, the State has commenced its review of laws which affect the rights of children and implemented support resources for welfare and probation officers. The Commission takes note of the State's intent to resolve issues surrounding gender inequality in citizenship transmission. Further, the State has implemented prison visitation by electronic means and announced the construction of new prison facilities.

62. In relation to **challenges**, the Commission notes with concern the lack of progress in establishing a national human rights institution, the increase in the number of recorded homicides and criminal activity. It also highlights the current issues faced in amending legislation to recognize and penalize rape within marriage and the increase in reports of domestic violence, rape, and other sexual assaults. There has also been no progress in abolishing the death penalty from the State's laws and the continued prohibition of same-sex relations between consenting adults.

63. The State did not respond to the request for information to prepare this chapter.

Specific Issues

64. With respect to **democratic institutional**ity, the IACHR underscores the Government's commitment to the promotion of human rights through the appointment of an ambassador with the mandate to assess the current human rights framework of the State and to ensure its compliance with international obligations¹¹⁵. The appointed ambassador has since met with the Commission on July 13, 2022 and discussed domestic judicial human rights mechanisms as well as the various means by which the State may strengthen its relationship with the Commission¹¹⁶. Moreover, the Commission observes that the Government publicly expressed its assurance on February 25, 2022, to deliver good governance on the three pillars of integrity, accountability, and equity¹¹⁷.

¹¹² DEFE, Segundo Informe de situación Derechos de niñas, niños y adolescentes de Comunidades Indígenas del Chaco Salteño (Second Report on the Status of the Rights of Children and Adolescents in Indigenous Communities of the Chaco Salteño), Defensoría de los Derechos de Niñas, Niños y Adolescentes República Argentina, 2022, pp. 3-5. On file at the IACHR.

¹¹³ DEFE, Segundo Informe de situación Derechos de niñas, niños y adolescentes de Comunidades Indígenas del Chaco Salteño, Defensoría de los Derechos de Niñas, Niños y Adolescentes República Argentina, 2022 pp. 3-5. On file at the IACHR.

¹¹⁴ UNICEF, *Rapid Survey on the Situation of Children and Adolescents 2022, Sixth Round, Results Report, Argentina, 2022*, p. 27-29, Argentina, 2022, p. 27-29.

¹¹⁵ IACHR, Meeting with the Ambassador, July 13, 2022, IACHR archive.

¹¹⁶ IACHR, Meeting with the Ambassador, July 13, 2022, IACHR archive.

¹¹⁷ Bahamas Information Services Updates, *Deputy Prime Minister assures Good Governance by Davis Administration*, March 1, 2022.

65. Further, in keeping with efforts to implement good governance, the Prime Minister indicated on March 16, 2022, that there will be an investigation into the previous administration spend of US\$ 54 million of a loan that was funded by the World Bank to improve the State's resilience during the pandemic¹¹⁸. According to public information, these funds were to be used to implement measures that enhanced unemployment benefits and to support the National Food Distribution Task Force in its food assistance programme for approximately 57,000 households affected by the COVID-19, particularly single mothers as well as children¹¹⁹. Accordingly, the Commission recalls the obligation of States to investigate conduct impairing human rights and, where the conduct in question may involve the participation of state agents, governments have a special obligation to clarify the facts and to prosecute those responsible¹²⁰.

66. With respect to **human rights institutions**, the Commission observes the State has neither established a national human rights system nor an Office of the Ombudsperson; despite proposed legislation having been developed since 2017 in relation to the latter¹²¹. The Commission notes there has been increased public call for the placement of independent ombudsmen throughout the public system to enhance accountability and public trust within government institutions as alleged misconduct, for example by police officers, is not being impartially investigated¹²².

67. Regarding **citizen security**, the IACHR takes note of the recorded homicides for the year, the increase in gun-related criminal activity, and the State's efforts to reduce crime¹²³. According to public information, the State recorded 127 homicides for the year¹²⁴, surpassing the previous year's total of 119 homicides¹²⁵. This also indicates that the State's homicide rate for 2022 was 31.13 per 100,000 inhabitants which is relatively high when measured against the State's population¹²⁶. In November 2022, the Royal Bahamas Police Force reported that the police seized over 300 illegal firearms off the streets between January and December¹²⁷. To combat the increase in crime, on April 7, 2022, the Prime Minister announced the implementation of several measures which included an increase in community policing and expanded manpower in hot spot areas¹²⁸.

68. In relation to **access to justice**, the IACHR observes the efforts of the judiciary and the Government to improve efficiency of the justice system and restore confidence in citizens' ability to access justice¹²⁹. On January 12, 2022, at the opening of the judiciary year, the Chief Justice highlighted the following: (i) the installation of the new Case Management System; (ii) the activation of the E-filing portal, the digitization of 3.2 million pages of court records; (iii) the activation of a Digital Court Reporting pilot program; (iv) the Bail Management System which became operational on March 7, 2022; and (v) the full operation of the Court Automated Payment system¹³⁰. Additionally, in May 2022, the Parliament advanced legislation allowing for evidence by 'video link' in all criminal proceedings, replacing the previous provisions for evidence by television link. These laws will protect witnesses and offenders by providing

¹¹⁸ Bahamas Information Services Updates, Bahamas Information Services, [Prime Minister Hon. Philip Davis Contribution to the mid-year budget debate](#), 16 March 2022; The Nassau Guardian, ['We can't account to World Bank for loan'](#), March 29, 2022.

¹¹⁹ The Nassau Guardian, ['We can't account to World Bank for loan'](#), March 29, 2022.

¹²⁰ IACHR, [Corruption and Human Rights in the Americas: Inter-American Standards](#), OEA/Ser.L/II. Doc. 236, December 6, 2019, para. 262-264.

¹²¹ Ombudsman Bill, 2017, [A Bill For An Act to Provide for the Office of Ombudsman](#), 2017.

¹²² Eyewitness News, [UB Ombudsman calls for neutral representation for government and law enforcement](#), October 13, 2022.

¹²³ Eyewitness News, [Police Crackdown on Firearms](#), September 21, 2022; Eyewitness News, [Murders up 30 percent compared to this time last year](#), July 4, 2022.

¹²⁴ The Tribune, [Commissioner: We will take policing to another level](#), December 31, 2022.

¹²⁵ Our News, [Men Killed in Deadly Ambush](#), December 9, 2022.

¹²⁶ The World Bank, [Population total, The Bahamas](#), 2021.

¹²⁷ Eyewitness News, [Police recover over 300 illegal firearms this year](#), November 8, 2022.

¹²⁸ Bahamas Information Services, [PM Davis Announces Steps to Address Crime](#), April 7, 2022.

¹²⁹ IACHR, [Annual Report, Chapter IV.A "Bahamas"](#), 2021, para. 82.

¹³⁰ Bahamas Information Services, [Attorney General and the Chief Justice Announce Strategies for More Efficient Justice System](#), January 14, 2022.

evidence through video links instead of appearing in court, particularly in circumstances where these persons may feel intimidated or threatened¹³¹.

69. On the other hand, the IACHR notes that the Attorney General underscored the need for the courts to function more efficiently by preserving the integrity of evidence. In this context, he made a commitment for the Executive to provide the necessary tools and resources to justice administration personnel, called for an improvement in the management of courts and the administration of trials, and looked forward to the establishment of specialty courts for children, the family, and for sexual offenders¹³². The Commission further takes note of the inauguration of the new Civil Procedure Rules which are intended to transform the way in which civil proceedings are conducted, and to ultimately improve the administration of justice in the Bahamas¹³³. This has been primarily instituted through the creation of a mediation unit within the judicial structure to increase the rate at which alternative dispute settlement is utilized, thereby reducing the number of cases that are litigated as well as case backlog¹³⁴.

70. Regarding the rights of **women**, the Commission values the establishment in March 2022 of the Special Unit for handling cases of domestic violence (Domestic Violence Unit) in the Royal Police Force to ensure specialized care for the victims of this crime¹³⁵. Additionally, the Commission observes the State's efforts directed towards the formulation of a law against gender-based violence¹³⁶, as well as to amend the Sexual Offences Act to recognize and penalize rape within marriage¹³⁷. In this regard, note is taken of the calls for the amendment to be consulted with civil society organizations, with a view to guaranteeing its compatibility with international standards on violence and non-discrimination against women¹³⁸.

71. The IACHR notes with concern that gender discrimination in nationality laws continue to be in force in the Bahamas. The Constitution and the Nationality Act establish a distinction in the automatic acquisition of Bahamian nationality for children born abroad based on the sex and marital status of the parent. They also prevent women from conferring nationality on their children and their spouses on an equal basis to men¹³⁹.

72. The IACHR is concerned with the increase in reports of domestic violence, rape and other sexual assaults. Reports indicate that from January to August 2022, 52 complaints of rape were registered, while in 2021 a total of 48 cases were registered. In the same period, reports of domestic violence increased by more than 50% compared to 2021. In addition, 6 murders were registered in the context of domestic violence¹⁴⁰. Furthermore, the Bahamas Crisis Centre estimates that three out of every four victims of sexual

¹³¹ Official Gazette of The Bahamas, Evidence (Amendment Act), 2022, sections 78A and B, May 20, 2022; Official Gazette of The Bahamas, Criminal Procedure Code (Amendment) Act, 2022, May 20, 2022.

¹³² Bahamas Information Services, Attorney General and the Chief Justice Announce Strategies for More Efficient Justice System, January 14, 2022.

¹³³ The Bahamas Judiciary, Information Re: Draft New Civil Procedure Rules 2022, 2022.

¹³⁴ The Tribune, Competitiveness boost on 70% of civil disputes, February 9, 2022.

¹³⁵ Royal Bahamas Police Force, Domestic Violence Unit, July 18, 2022; Eyewitness News Bahamas, Police to create domestic violence unit, March 20, 2022.

¹³⁶ The Government of the Bahamas, Government pursuing 'domestic legislation' on gender equality, gender based violence, February 17, 2022; The Bahamas Weekly, State-Minister encourages participants of 'historic' GBV Law Review Forum to continue dialogue in both public and private spaces, February 24, 2022.

¹³⁷ The Government of the Bahamas, Officials of the Department of Gender and Family Affairs Ministry of Social Services and Urban Development hosted a one day Symposium on the proposed Sexual Offences (Amendment), September 16, 2022; Eyewitness News, "Justice": New draft bill would criminalize marital rape, September 15, 2022; The Nassau Guardian, Judge rules: There is no rape in marriage, August 31, 2022.

¹³⁸ Eyewitness News, Equality Bahamas renews call for gov't action on gender-based violence, November 25, 2022; Eyewitness News, "OUTRIGHT LIE": Activist says advocacy groups vocal about marital rape issue, October 18, 2022.

¹³⁹ The Constitution of the Commonwealth of The Bahamas, Chapter II Citizenship, Articles 8, 9 and 10; Bahamas Nationality Act, Part II Acquisition of citizenship, 4.

¹⁴⁰ Loop News, Police startled by the prevalence of sexual violence in the Bahamas, August 30, 2022; Eyewitness News, Domestic violence reports increased by more than 50% in 2021, August 30, 2022.

violence do not report the offence. As such, the IACHR notes that the Prime Minister has encouraged all women to report any acts of sexual violence¹⁴¹.

73. With respect to the rights of **children**, the Commission recognizes the State's commitment to addressing the numerous inconsistencies in legislation regarding the age requirement of adolescents for sexual assault, legal age for marriage, and for requesting medical treatment without being accompanied by a parent or guardian. The IACHR takes note that the Government expressed the need for harmonizing the discrepancies in age found in various pieces of legislation since such a consensus would allow several agencies to respond in a more transparent manner to issues concerning the rights of adolescents¹⁴².

74. Further, the State launched a new assessment-case management system for welfare and probation officers who produce comprehensive probation reports for the courts and work with juveniles in conflict with the law. This new system allows officers to assess the risks, needs, and response patterns, and track and share information among themselves and with administrators more quickly¹⁴³. Additionally, the IACHR acknowledges the State's promotion of vocational education through its 'Smart Start' programme which offers training in carpentry, masonry, painting, plumbing, construction, and basic garment making, electrical and electronic systems to improve prospects of employment¹⁴⁴.

75. Regarding the rights of **people in the context of human mobility**, the most recent data from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) shows that between 20,000 and 50,000 Haitian migrants are living in an irregular situation in The Bahamas. This represents about 12% of the country's population, one of the highest percentages in Caribbean countries¹⁴⁵. The Commission also observes the State monitoring of the increase in the number of people seeking to reach the country. Public information estimates that, in 2022, the number of apprehensions of irregular migrants could exceed that of the previous three years combined¹⁴⁶.

76. With regard to **statelessness**, the State plans to introduce legislation to ensure gender equality in the transmission of citizenship¹⁴⁷. This is in accordance with the Court of Appeal's ruling of 21 June 2021, which allowed children born in The Bahamas, when one of their parents is not Bahamian, to acquire citizenship at birth, regardless of their marital status¹⁴⁸.

77. As for **persons deprived of liberty**, the Commission takes note of the Government's plans to improve the situation of prisoners, and people released from prison. In particular, on January 19, 2022, the Bahamas Department of Correctional Services (BDOCS) launched its pilot electronic inmate visitation program which allows inmates to receive visits virtually via video call¹⁴⁹. According to publicly available information, face-to-face visits remain closed to the public since the lockdown in 2020 due to COVID-19 pandemic¹⁵⁰. Even though the IACHR values the launch of the virtual visitation program in order to facilitate the communication between prisoners and their families, it recalls the importance of the in-person visits as they are an essential part of social reintegration. In keeping with Inter-American standards, the State is under a positive obligation to adopt comprehensive public policies aimed at rehabilitating convicts and

¹⁴¹ Nation News, [Bahamas PM urges women to report sexual assault](#), October 15, 2022.

¹⁴² Eyewitness News, [Cabinet is reviewing the age of consent as part of a compendium of proposed legislation](#), April 5, 2022.

¹⁴³ Eyewitness News, [Juvenile probation officers get new tool to help curb recidivism](#), July 13, 2022.

¹⁴⁴ The Government of the Bahamas, 'Smart Start' Initiative Launched for Students, July 21, 2022.

¹⁴⁵ OCHA, [The Bahamas: Country Profile \(as of May 2022\)](#), July 13, 2022.

¹⁴⁶ Reuters, [Bahamas migrant arrests soar in 2022 amid spike in sea voyages](#), August 8, 2022; Eyewitness News Bahamas, [Migrant apprehensions could reach record-breaking numbers in 2022](#), August 26, 2022; AP, [Bahamas detains 111 Haitian migrants aboard overloaded sloop](#), August 23, 2022.

¹⁴⁷ Eye Witness News, [AG Defends Plan to Change Laws on Citizenship](#), April 25, 2022; The Nassau Guardian, [AG defends plan for citizenship law](#), April 22, 2022; The Tribune, [We will end vexing issues over citizenship](#), June 23, 2022.

¹⁴⁸ CIDH, [Annual Report, Chapter IV.A - Development of Human Rights in the Region](#), 2021, para 89.

¹⁴⁹ The Nassau Guardian, [Virtual visitation program launched at prison](#), January 20, 2022.

¹⁵⁰ Eye Witness News, [New medium-security building at BDOCS to cost up to \\$40 million](#), March 1, 2022.

reintegrating them into society and as such, the State must devise plans and programs for work, education, and other activities to provide prisoners with the tools they need for their eventual return to society¹⁵¹.

78. Further, in March 2022, the Government announced its plans to construct two new prison facilities – a maximum-security prison and a medium-security unit within the next 17 months¹⁵². The Commission notes that these projects have been adopted as a response to the overcrowding and unsanitary conditions at the BDOCS facility¹⁵³. In addition, the IACHR notes that the Government has established a prison reform agenda which includes: i) the construction of a new juvenile facility, ii) training for prison and other law enforcement officers, and iii) courses for ex-convicts with the aim of social reintegration and the goal of reducing the level of recidivism¹⁵⁴.

79. In relation to the rights of **older persons**, according to public information, the International Monetary Fund has issued a warning that the current structure of the State's pension system lacks sustainability, and that a significant share of the elderly would be without pensions if the system is not urgently reformed¹⁵⁵. In addition, civil society organizations have highlighted the urgent need for laws to safeguard the elderly considering public instances which have significantly exposed the vulnerability of older persons¹⁵⁶. To this end, the IACHR calls on the State to revisit the 2019 Draft of the Older Persons Bill¹⁵⁷, and to bring it before Parliament alongside a national policy on elderly protection and to ensure issues of elder abuse are addressed.

80. Regarding the **rights of persons with disabilities**, the Commission takes note of the various challenges faced by them in the Bahamas. According to public information, some of these challenges include job discrimination and lack of employment opportunities, even for young adults with disabilities who have attained degrees from higher educational institutions. There is an absence of vocational rehabilitation agencies or employment services accessible and inclusive for Bahamians with disabilities which are essential to the needs of transition-aged youths and young adults with disabilities and needed to assist these individuals who are in pursuit of a productive and self-sufficient life.¹⁵⁸

81. However, the Commission welcomes the State's ongoing registration drive to record information concerning persons with disabilities in its effort to address these issues. According to official information, on July 18, 2022, the Ministry of Social Services and Urban Development commenced an island-wide registration of those persons with disabilities with the aim of establishing an updated database of this population in Grand Bahama. This registration also specifies the assistance and possible legislation that are needed to impact and improve the lives of individuals with disabilities positively¹⁵⁹.

82. Regarding the **rights of LGBTI persons**, during a meeting with the IACHR held on October 4, 2022, civil society representatives have expressed their concern to the IACHR about the lack of guarantees for the rights of trans, non-binary, and gender diverse persons, highlighting the vulnerability of LGBTI people to the impacts of climate change in the Bahamas and the Caribbean region¹⁶⁰.

151 IACHR, Report on the Human Rights of Persons Deprived of Liberty in the Americas, OEA/Ser.L/V/II. Doc.64, December 31, 2011, para 609.

152 The Nassau Guardian, New prison unit expected to be done in 17 months, September 20, 2022; Eye Witness News, New medium-security building at BDOCS to cost up to \$40 million, March 1, 2022.

153 Reuters, Uncertain conditions await Bankman-Fried at Bahamas detention center, December 14, 2022.

154 Eyewitness News, Equality Bahamas: Prison should not just be for punishment, December 30, 2022.

155 The Tribune, Reform pensions now - or elderly will be left with nothing, May 10, 2022.

156 Eyewitness News, Justice for the elderly: Local group condemns alleged abuse video, March 1, 2022.

157 The Bahama Journal, Bill to Protect Senior Citizens' Rights, August 30, 2019.

158 The Tribune, INSIGHT: 'Bahamas' attitude on the rights of the disabled is deplorable, July 18, 2022.

159 The Government of the Bahamas, Social Services to start Disability Registration Drive, July 15, 2022.

160 Monitoring information provided by the UCTRANS organization in a monitoring meeting with the LGBTTTI+TS Coalition before the OAS, October 4, 2022.

83. Concerning the **death penalty**, the IACHR once more notes that the Bahamas has a de facto moratorium in place. According to the World Coalition Against Capital Punishment, no executions have taken place since 2000, and no one has been sentenced to death since this time. The Commission further notes that, as of August 2021, no one was on death row in the State¹⁶¹.

BARBADOS

General considerations

84. Regarding **progress made**, the IACHR highlights efforts by the State to increase transparency and oversight in the Government. It also notes the State's effort to improve case management through the application of mediation by judges at the Barbados Supreme Court. The IACHR applauds the decriminalization of consensual same-sex sexual relations. The Commission takes note of the government's pledge to reduce the incidents of trafficking in persons with the launch of an awareness campaign.

85. With regards to **challenges**, the Commission notes with concern the increase in cases of abuse against children. The IACHR also notes an increase in unlawful firearm activities. Similarly, the Commission expresses concern about the retention of the death penalty on the country's statute books.

86. The State did not respond to the request for information for the preparation of this chapter.

Specific issues

87. With respect to **democratic institutional**ity, the Commission takes note of the early general elections, underscores the State's commitment to constitutional and parliamentary reform, and observes efforts to increase transparency and oversight in the Government. With respect to general elections, the IACHR observes that they were constitutionally due in May 2023 following the May 2018 general election¹⁶². However, the Prime Minister called an early election on January 19, 2022, and the governing party retained all 30 seats in the national legislature¹⁶³.

88. Moreover, regarding constitutional reform, the Commission notes that on May 29, 2022, the Government approved the establishment of a Constitution Reform Commission to recommend changes to the Constitution given Barbados' newly acquired Republican status¹⁶⁴. Official sources indicate that Commission was installed on June 20, 2022, and is comprised of 10 members¹⁶⁵. The IACHR notes that the Reform Commission has commenced public consultations regarding constitutional reform¹⁶⁶. This consultative approach is in keeping with the democratic process established by the Republic Status Advisory Committee to ensure the full participation of the public throughout the process of transition to a Republic¹⁶⁷.

89. In relation to transparency in governance, the Commission observes that during the swearing in of the new Government on January 26, 2022, the Prime Minister stated that despite the failure to pass the Integrity in Public Life Bill in 2020, all members of the Government will be required to declare their assets¹⁶⁸. The Integrity in Public Life Bill proposed the establishment of an Integrity Commission to

¹⁶¹ World Coalition Against the Death Penalty, [The Bahamas](#), August 30, 2021.

¹⁶² Barbados Electoral Department, [Report on the Barbados General Election 2018](#), 2018.

¹⁶³ Barbados Government Information Service, [Prime Minister & Attorney General Sworn In](#), January 20, 2022.

¹⁶⁴ Barbados Government Information Service, [Cabinet Approves Setting Up of Constitution Reform Commission](#), May 27, 2022.

¹⁶⁵ Barbados Government Information Service, [Constitutional Reform Commission Members Sworn In](#), June 20, 2022.

¹⁶⁶ Barbados Government Information Service, [Constitutional Reform Commission to Host Public Meetings](#), October 11, 2022.

¹⁶⁷ IACHR, [Annual Report, Chapter IV.A "Barbados"](#), 2021, para. 97.

¹⁶⁸ Barbados Government Information Service, [Cabinet Members Must Still Declare Assets](#), January 26, 2022.

promote integrity of persons in public life and strengthen measures for the investigation and prosecution of acts of corruption¹⁶⁹.

90. As regards **human rights institutions**, the IACHR notes that Barbados has an Office of the Ombudsman, which is a member of the Caribbean Ombudsman Association¹⁷⁰, the Commonwealth Forum of National Human Rights Institutions¹⁷¹, and the International Ombudsman Institute¹⁷². The office lost its accreditation as an NHRI in 2001 because it was deemed not to be in compliance with the Paris Principles¹⁷³; it currently operates in the absence of this accreditation.

91. With respect to **citizen security**, the IACHR observes an increase in unlawful firearm activities and efforts by the State to improve the employment conditions for police officers through the establishment of a reserve police service. Regarding increase in unlawful firearm activities, the Attorney General and Minister of Legal Affairs acknowledged a recent increase in unlawful firearm activities in the State¹⁷⁴. The statistics provided by the Minister stipulated that for the year 2019, there were 48 murders, 30 of which were firearm related and in 2020, 26 of the 41 murders recorded were firearm related. Moreover, in 2021, 17 of 32 murders were as a result of firearms and as of July 2022, 12 of 17 murders were as a result of firearms¹⁷⁵. In November 2022, the State passed the Firearms (Amendment) Act¹⁷⁶ which introduces increased fines and harsher penalties for criminal activity involving firearms. Additionally, the IACHR further observes that the State proposed the establishment of a reserve police service that would supplement the Barbados Police Service (BPS) to adequately respond to incidents of a serious nature during times of emergencies¹⁷⁷.

92. Regarding **access to justice**, the IACHR welcomes the judgment of the Caribbean Court of Justice (CCJ) that expanded the scope of the crime of rape defined in the Sexual Offences Act of Barbados, to protect all victims of rape, including LGBTI persons¹⁷⁸. Further, the Commission takes note that between January 3 to 7, 2022, members of the judiciary were trained on mediation as a more effective means of conflict resolution under the Improved Access to Justice in the Caribbean (IMPACT Justice) Project¹⁷⁹.

93. With regard to the rights of **children**, the Commission observes the establishment of an investigation in complaints at the Government Industrial School (GIS) and takes note of reports of increased cases of child abuse. Regarding the Child Protection Bill, the IACHR notes that it seeks to address child abuse, the management of child abuse cases in the justice system, the role of the Barbados Police Service in investigating child abuse matters and the role of the Child Care Board¹⁸⁰.

94. The IACHR observes that the State established an investigation panel on complaints of rights violations at the Government Industrial School (GIS) for adolescents in conflict with the law. As a result of these investigations, a report was released in September 2022, which made several recommendations to the State regarding the reform of GIS including¹⁸¹, the end to corporal punishment at

¹⁶⁹ Parliament of Barbados, [Integrity in Public Life Bill](#), 2020.

¹⁷⁰ Caribbean Ombudsman Association, [Members](#), 2022.

¹⁷¹ Commonwealth Forum of National Human Rights Institutions, [Barbados](#), 2022.

¹⁷² International Ombudsman Institute, [Members](#), 2022.

¹⁷³ Global Alliance of National Human Rights Institutions, [Barbados Accreditation status](#), November 29, 2022, pg. 14.

¹⁷⁴ Barbados Government Information Service, [Attorney General Addresses Recent Increase In Gun Crimes](#), July 8, 2022.

¹⁷⁵ Barbados Government Information Service, [Attorney General Addresses Recent Increase In Gun Crimes](#), July 8, 2022; Loop Barbados News, [AG confirms spike in gun crime](#), July 8, 2022.

¹⁷⁶ Barbados Parliament, [Firearms \(Amendment\) Act](#), 2022.

¹⁷⁷ Government Information Service, [Attorney General Puts Case For Reserve Police Service](#), March 31, 2022.

¹⁷⁸ IACHR, Press Release 038/22 - [IACHR takes note of the decision of the Caribbean Court of Justice concerning rape](#). Washington DC, February 23, 2022. Refer to Laws of Barbados, Part I, S.3(i), Chapter 154, [Sexual Offences Act](#), February 13, 1992.

¹⁷⁹ IMPACT Justice, [Impact Justice Hosts Mediation Sensitization Training for Judges](#), January 10, 2022.

¹⁸⁰ Barbados Government Information Service, [Greater Protection Coming For Barbados' Children](#), November 17, 2022, Barbados Government Information Service, [Child Protection Legislation Coming Soon](#), October 7, 2022.

¹⁸¹ Barbados Government Information Service, [Major Changes Coming at Government Industrial School](#), September 22, 2022.

the facilities and the transfer of girls from the Barrows, St. Lucy facility¹⁸². The Commission notes the State's assurance to give priority to the implementation of these recommendations and the actions taken to transfer girls to the upgraded GIS St. Philip facility¹⁸³.

95. Furthermore, the IACHR observes that on April 1, 2022, the Director of the Child Care Board expressed concern about the high number of cases of physical and sexual abuse of children and noted that during 2020, there were 476 cases of reported child abuse (including 111 cases of physical abuse and 106 of sexual abuse), in comparison to 2021 when the reported cases stood at 489 (including 114 cases of physical abuse and 115 of sexual abuse). This represents an increase of 2.75% of cases of child abuse in 2021¹⁸⁴.

96. Regarding the situation of the **rights of women**, the Commission welcomed the appointment of Santia Bradshaw as Deputy Prime Minister. With her appointment, the Government of the Republic of Barbados is led, for the first time in its history, by three women¹⁸⁵. Likewise, the ratification of Convention No. 190 on Violence and Harassment in the workplace of the International Labor Organization (ILO) stands out, becoming the second country in the Caribbean to adhere to this international instrument¹⁸⁶.

97. Regarding the rights of **persons deprived of liberty**, the IACHR takes note of the investigation into the management of the prison, efforts to implement non-custodial measures and the resumption of in-person prison visits. The Commission observes that the inquiry into Dodds' prison, the only prison in Barbados, sought to address concerns about the protection of persons deprived of liberty, including their medical care¹⁸⁷. In addition, according to official information, the State intends to reform the prison service to include a parole system, electronic monitoring, and an increase in programs for rehabilitation¹⁸⁸. In this regard, the Minister of Home Affairs announced the Government's intention to implement electronic monitoring and early release programs, which are expected to reduce recidivism and to effectively monitor compliance with sentences, with the objective of reducing the prison population¹⁸⁹. Further, the Commission observes that in-person prison visits were resumed on December 12, 2022, for family, friends and attorneys to inmates at Dodds Prison¹⁹⁰.

98. In relation to the **death penalty**, the Commission observes that the number of persons sentenced to death remains at 10, as reported by the IACHR in 2021¹⁹¹, and that no progress has been made with removing this penalty from the statute book although no executions have been carried out since 1984¹⁹². The IACHR once again calls on the State to abolish capital punishment.

99. Regarding **people in the context of human mobility**, the IACHR is concerned about the uncertain status of several Haitian migrants in the country. According to the Government, some 30 Haitians

¹⁸² Barbados Government Information Service, [Major Changes Coming at Government Industrial School](#), September 22, 2022.

¹⁸³ Barbados Government Information Service, [Girls To Be Relocated To GIS St. Philip Facility Next Week](#), September 28, 2022.

¹⁸⁴ Barbados Government Information Service, [Child Abuse Awareness & Prevention Month](#), April 1, 2022.

¹⁸⁵ IACHR, January 26, 2022. *IACHR salutes the appointment of Santia Bradshaw as Deputy Prime Minister, on #Jan24, who together with Sandra Mason, President and Mia Mottley, Prime Minister mark a milestone in history, integrating the first group of women who will lead the Republic of Barbados.* (Tweet), available at <https://twitter.com/CIDH/status/1486474996302163977>

¹⁸⁶ ILO. Barbados becomes the 2nd Caribbean country to ratify the ILO Violence and Harassment Convention (C190), September 14, 2022.

¹⁸⁷ Barbados Government Information Service, [Enquiries Ordered Into Operations At GIS & Dodds Prison](#), May 1, 2022.

¹⁸⁸ Barbados Government Information Service, [Dodds Prison to Become Model Institution](#), November 9, 2022.

¹⁸⁹ Barbados Government Information Service, [Electronic Monitoring & Early Release Of Prisoners Under Review](#), January 15, 2022.

¹⁹⁰ Government Information Service, [Prison Visits Resume from December 12](#), December 12, 2022.

¹⁹¹ IACHR, [Annual Report, Chapter IV.A "Barbados"](#) 2020, para. 103.

¹⁹² World Coalition Against the Death Penalty, [Barbados](#), August 30, 2021.

arrived in Barbados between February 20 and 25, 2022¹⁹³, and were granted a stay of six months in keeping with the Caribbean Community (Movement of Skilled Nationals) (Amendment) Act, 2020-3¹⁹⁴. The Commission observes that authorizing entry of the Haitians into Barbados is also in accordance with the principle of non-refoulement under the inter-American System of Human Rights, which applies to persons who are either refugees or migrants¹⁹⁵.

100. In relation to **forced internal displacement**, the most recent figures from the Internal Displacement Monitoring Centre (IDMC) show that by the end of 2021, a total of 380 new displacements related to natural disasters were reported in Barbados¹⁹⁶.

101. As for **trafficking in persons**, the Commission takes note of the government's pledge to reduce the incidents of trafficking in persons with the launch of an awareness campaign that aims at providing citizens with the tools to identify human trafficking. The awareness campaign is supported by the US Agency for International Development (USAID) and its CariSECURE project, and the United Nations Development Program (UNDP) in Barbados¹⁹⁷. Likewise, the IACHR also takes note of the government's commitment to continuing supporting the work of the National Task Force against Trafficking in Persons and the country's efforts that will result in the reviewing of the Trafficking in Persons Prevention Act¹⁹⁸.

102. Regarding the rights of **persons with disabilities**, the Commission highlights the creation of the Committee of Experts for the development of laws and public policies aimed at addressing the difficulties of access to education and employment, but also to public space and public transportation¹⁹⁹. Likewise, the IACHR took note of the complaints of discrimination against persons with disabilities in the country that is expressed, among other dimensions, in profound difficulties in accessing work²⁰⁰.

103. Regarding the rights of **LGBTI persons**, the IACHR received information from civil society that on December 12, 2022, the Barbados High Court of Justice, in an oral decision, declared unconstitutional articles 9 ('Sodomy') and 12 ('Gross Indecency') of the Sexual Offenses Act, Chapter 154, which criminalized consensual same-sex activity²⁰¹. The IACHR welcomes this decision and notes that this case supports the IACHR's position that the criminalization of consensual relationships between adults of the same sex violates the principle of equality, non-discrimination, and the right to privacy; fosters an environment that promotes discrimination, stigmatization, violence, and social control over LGBTI people. The mere existence of such laws can cause anxiety, guilt, and depression, which impacts the mental health of LGBTI people²⁰².

104. In relation to the rights of **older persons**, the IACHR observes that public information shows that the State announced that it will adopt new legislation in 2023 to protect older persons²⁰³, which is relevant given that specialists have affirmed that Barbados lacks legislation sufficient for the protection of the elderly against economic, physical, social, and even sexual abuse²⁰⁴. Likewise, the Ministry of People Empowerment and Senior Affairs announced that it will take a more holistic approach to the care of the elderly in Barbados for the development of their right to recreation and active aging²⁰⁵.

¹⁹³ Government Information Service, [Statement On Presence Of Haitian Nationals In Barbados](#), March 29, 2022.

¹⁹⁴ CARICOM, Article 45, [Revised Treaty of Chaguaramas, Chapter Three: Establishment, Services, Capital, and Movement of Community Nationals](#), July 5, 2001.

¹⁹⁵ IACHR, Article 22(8), [American Convention on Human Rights](#), November 22, 1969.

¹⁹⁶ IDMC, [Global Report on Internal Displacement 2022](#), April 2022, p. 161.

¹⁹⁷ United Nations, [Barbados launches campaign to reduce trafficking in persons](#), March 15, 2022.

¹⁹⁸ Government of Barbados, [Trafficking in Persons Prevention Act to Be Reviewed](#), March 9, 2022.

¹⁹⁹ BarbadosToday, [New advisory group to develop policies and legislation to benefit disabled community](#), June 2, 2022.

²⁰⁰ Barbados Today, [Landlords refusing to rent disabled persons](#), June 4, 2022.

²⁰¹ ECADE, [A Caribbean Republic changes discriminatory LGBTQ+ law](#), December 13, 2022.

²⁰² IACHR, Violence against lesbian, gay, bisexual, trans, and intersex people in America. OEA/Ser.L/V/II.rev.1, Doc. 36, November 12, 2015, paras. 55-95.

²⁰³ Barbados Today, [Laws to protect vulnerable groups soon](#), October 19, 2022.

²⁰⁴ Barbados Today, [Another appeal for protection of the island's senior citizens](#), June 16, 2022.

²⁰⁵ Barbados Today, [New projects in the works for senior citizens](#), March 12, 2022.

BELIZE

General considerations

105. Concerning **progress**, the Commission highlights the appointment of a new Ombudsman and the beginning of a constitutional reform process including the introduction of the People's Constitutional Commission Bill. The IACHR also highlights efforts undertaken by the State to provide protection to witnesses and to restructure the judiciary, to increase the age of compulsory education and the launch of the new National Child Labor Policy and Strategy. Finally, the Commission applauds the creation of the National Commission for Women to coordinate national efforts on gender equality and women's empowerment.

106. As for **challenges**, the IACHR notes increasing incidents of criminal activity in some districts of the country and reports of domestic and sexual violence against women. It also highlights challenges faced by indigenous persons regarding their right to consultation and free, prior, and informed consent. Additionally, the IACHR notes the prevalence of physical, sexual and financial abuse against older persons.

107. The State did not respond to the request for information for the drafting of this chapter.

Specific issues

108. With respect to **democratic institutional**ity, the Commission notes that the People's Constitutional Commission Bill was approved by Cabinet²⁰⁶ and then introduced into the National Assembly in July 2022²⁰⁷. This Bill provides for the establishment of the Peoples' Constitutional Commission which will be responsible for conducting a comprehensive review of the Belizean Constitution with the objective of making recommendations for its reform²⁰⁸.

109. Also, the IACHR observes that the Government continued with its investigation into all acts of corruption carried out under the previous administration²⁰⁹. In this regard, a Commission of Inquiry was held on the sale of government assets by the former administration, and a report detailing the findings of corruption, fraud, abuse of power and mismanagement of funds was presented to the Government on January 11, 2022²¹⁰.

110. Regarding **human rights institutions**, the IACHR takes note of the appointment of a new Ombudsman following the resignation of the previous office holder in April 2021²¹¹. Ombudsman Gilbert Swazo, who takes office in January 2023, was appointed during a special sitting of the Senate on December 14, 2022²¹². The Commission reiterates its call for strengthening of the Office of the Ombudsman under the principles of independence and autonomy in accordance with the Paris Principles to promote and protect human rights in the country²¹³.

²⁰⁶ Government of Belize Press Office, Cabinet Brief, June 16, 2022.

²⁰⁷ Amandala, People's Constitutional Commission Bill introduced, July 20, 2022.

²⁰⁸ National Assembly of Belize, The Peoples' Constitutional Commission Bill, 2022, sec. 6 (1).

²⁰⁹ IACHR, Annual Report, Chapter IV.A "Belize", 2021, para. 116.

²¹⁰ Government of Belize Press Office, Cabinet Brief, January 13, 2022.

²¹¹ IACHR, Annual Report, Chapter IV.A "Belize", 2021, para. 112.

²¹² National Assembly of Belize, Special Sitting of the Senate, December 14, 2022; Channel5Belize, Major Gilbert Swazo Officially Appointed New Ombudsman, December 14, 2022; Amandala, Senate confirms Gilbert Swazo's appointment as Ombudsman, December 14, 2022.

²¹³ IACHR, Annual Report, Chapter IV.A "Belize", 2021, para. 112.

111. As for **citizen security**, the Commission is concerned about the increasing incidence of crime in the districts of Belize. According to the Belize Crime Observatory (BCO) 1,035 major crimes took place in 2022, an increase of 17% over the 883 major crimes reported in 2021²¹⁴. Moreover, the IACHR notes that in relation to homicides, there were 113 reported in 2022, which represented a 9% decrease as compared to the 125 homicides reported in 2021²¹⁵.

112. Regarding **access to justice**, the Commission notes the efforts undertaken by the State to provide protection to witnesses and to restructure the judiciary. The IACHR welcomes the passage of the Protection of Witness Act in March 2022 which will provide for the granting of witness anonymity court orders to safeguard the identity of witnesses in criminal proceedings who may be afraid to testify due to intimidation and threats²¹⁶.

113. Moreover, the State introduced the Senior Courts Bill into the National Assembly with the aim of restructuring the administration of the Supreme Court and the Court of Appeal²¹⁷. According to official information, the State intends to improve the efficiency, accuracy, and consistency in the upper courts of the judicial system of Belize²¹⁸. This Bill proposes to restructure the courts' administrative system and introduce new officeholders such as Senior Judges of the Supreme Court, Masters, and Judicial Assistants, among other initiatives²¹⁹.

114. Further, the Commission observes that, in an effort to reduce the backlog of criminal cases before the court, on January 18, 2022, the Government approved the introduction of the Indictable Procedure (Amendment) Bill, 2022²²⁰ in the National Assembly. This Bill seeks to amend the Indictable Procedures Act in order to allow judge alone trials for additional offences including, child abduction, sexual offences and manslaughter.

115. With respect to the rights of **children and adolescents**, the IACHR highlights the increase in the age of compulsory education, the launch of the new National Child Labor Policy and Strategy and the collaboration with agencies to address cases of child abuse. Regarding the age of compulsory education, the Commission welcomes the raising the age of compulsory education from 14 to 16 years, which according to the State is a crucial move to prepare Belizean students for life²²¹.

116. Additionally, the IACHR welcomes the launch of the new National Child Labor Policy and Strategy 2022-2025²²². According to the Ministry of Labor, the new policy makes several new commitments particularly as it relates to removing all ambiguities in the Labor Act as to what constitutes child labor, harmonizing the definition of a child across legislations and fostering within the private sector the development of socially responsible code of ethics that protects children from sexual abuse and exploitation²²³.

117. The IACHR further notes that under the UN Spotlight Initiative, UNICEF and civil society organizations collaborated to digitize a training program of the National Organization for the Prevention of Child Abuse and Neglect (NOPCAN), which focuses on mandatory reporting of abuse and human trafficking²²⁴. The major objective of the program is to provide capacity building for primary and high school

²¹⁴ Belize Crime Observatory, [Crime Statistics](#), January 6, 2023.

²¹⁵ Belize Crime Observatory, [Crime Statistics](#), January 6, 2023.

²¹⁶ National Assembly of Belize, [Protection of Witnesses Act](#), 2022.

²¹⁷ National Assembly of Belize, [Senior Courts Bill](#), 2022.

²¹⁸ Government of Belize Press Office, [Cabinet Brief](#), May 5, 2022.

²¹⁹ National Assembly of Belize, [Senior Courts Bill](#), 2022.

²²⁰ National Assembly of Belize, [Indictable Procedure \(Amendment\) Bill](#), 2022.

²²¹ Government of Belize Press Office, [Cabinet Brief](#), July 14, 2022.

²²² The Government of Belize, [National Child Labor Policy and Strategy 2022-2025](#), 2022.

²²³ The Government of Belize Press Office, [Ministry of Labour Launches New National Child Labour Policy and Strategy](#), July 18, 2022.

²²⁴ Spotlight Initiative, [In Belize, teacher training makes schools safer for children](#), January 28, 2022.

teachers to detect and report signs of violence among students²²⁵. According to UNICEF, some 65% of children in Belize between the ages of one to 14 experience physical and psychological abuse at home²²⁶.

118. Regarding the situation of the **rights of women**, the Commission takes note of the measures approved in 2022 to improve the response capacity of the Ministry of Human Development, Families, and Indigenous Affairs in matters of gender equality and violence against women. In particular, it values the creation of the National Women's Commission to coordinate national efforts on gender equality and women's empowerment²²⁷, as well as the strengthening of the Department of Support for Women and Families to improve comprehensive care services for victims of domestic violence²²⁸. It also values the launch, in February 2022, in conjunction with the Spotlight Initiative, of the Sexual Violence Prevention and Response Program, which aims to address cases of sexual violence within the Belizean security forces, prioritize prevention and provide support services to victims for their recovery²²⁹. On the other hand, the Commission notes that, according to official records, from January to August 2022, reports of domestic and sexual violence increased by 18% and 41%, respectively, compared to the same period in 2021²³⁰.

119. As regards **people in the context of human mobility**, the Commission was aware of the migratory amnesty applied between August 2 and November 30, 2022. The purpose of this amnesty would be to grant permanent residence, with possibilities of citizenship to i) people seeking refuge who registered before March 31, 2020 (this would include persons initially rejected by the limitation requiring individuals to apply for asylum within 14 days of arrival in Belize); ii) persons referred by the Department of Human Services, including children and victims of human trafficking; and iii) persons who have resided in Belize since before December 31, 2016²³¹. According to UNHCR data, by August 20, 2022, a total of 7,000 applicants had registered for such amnesty, while 4,042 asylum seekers would be eligible to apply²³². On December 1, 2022, the State approved a three-month extension of the registration period of Amnesty to February 2023²³³.

120. In relation to **trafficking in persons**, the IACHR takes note of Belize's efforts by the ministries of Immigration, Human Development, Home Affairs, Agriculture, Labor, Tourism, and the Office of the Director of Public Prosecutions, to strengthen collaboration amongst ministries and departments in preventing and combating trafficking in persons especially children from child labor and other forms of exploitation. These actions will also promote inter-agency collaboration and the development of a national migration policy which will work in tandem with anti-trafficking efforts²³⁴.

121. In relation to **persons deprived of liberty**, at a meeting held during the 183rd period of sessions on March 9, 2022, civil society emphasized that in Belize many impoverished people of color are denied justice because most attorneys are not willing to work pro bono²³⁵. In addition, they reported that Afro descendant Belizean men are disproportionately incarcerated at the Belize Central Prison primarily because their families cannot afford an attorney who would represent their relatives adequately²³⁶.

²²⁵ Spotlight Initiative, [In Belize, teacher training makes schools safer for children](#), January 28, 2022.

²²⁶ Spotlight Initiative, [In Belize, teacher training makes schools safer for children](#), January 28, 2022.

²²⁷ Government of Belize-Press Office, [Cabinet Brief](#), September 8, 2022.

²²⁸ Government of Belize-Press Office, [Cabinet Brief](#), July 14, 2022.

²²⁹ UNICEF, [Joint launch sexual violence prevention and response programme](#), February 17, 2022.

²³⁰ Belize Crime Observatory, [Gender-based violence update, January to August 2022](#).

²³¹ Ministry of Foreign Affairs, Foreign Trade & Immigration, Belize, [Amnesty 2022, 2022](#). ACNUR, ["Belice: ACNUR reconoce al GOB por sus esfuerzos protegiendo a los solicitantes de asilo en Amnistía"](#), March 4, 2022.

²³² UNHCR, [Belize amnesty operational update \(October 2022\)](#), October 12, 2022.

²³³ Government of Belize-Press Office, [Cabinet Brief](#), December 1, 2022.

²³⁴ Government of Belize, [High-Level Meeting on Migrant Labour and Trafficking in Persons](#), April 12, 2022.

²³⁵ IACHR, Meeting with civil society organizations, March 9, 2022, IACHR archive.

²³⁶ IACHR, Meeting with civil society organizations, March 9, 2022, IACHR archive.

122. Regarding the **death penalty**, the IACHR takes note that there has been no progress with removing this punishment from the statutory books even though no execution has taken place since 1985, and no one is currently under sentence of death²³⁷.

123. In relation to the rights of **persons with disabilities**, the Commission has taken note of the public expressions of civil society organizations regarding the need to have representation of persons with disabilities in the Constitutional Commission²³⁸.

124. Regarding the rights of **indigenous peoples**, the Commission is aware of the challenges that the Maya people of southern Belize face in recognizing their representative authorities and the right to consultation and free, prior, and informed consent in the framework of the implementation process of a judgment of the Caribbean Court of Justice²³⁹. According to public information, there are allegations that the State had appointed the authorities in charge of implementing the judgement, presumably without consulting the Mayan communities. The authorities named, in turn, would have carried out a “Free, Prior and Informed Consent Protocol”, presumably, without due consultation with the traditional authorities of the Mayan people of southern Belize, which includes the Association of Mayors of Toledo²⁴⁰.

125. Regarding the rights of **LGBTI persons**, civil society representatives expressed their concern to the IACHR about the lack of state initiatives to collect data on violence against LGBTI persons in Belize. As reported to the IACHR, this has prevented the adoption of measures to address the phenomenon of prejudice-based violence²⁴¹. Moreover, the Commission notes that there has been no progress made in enacting the Equal Opportunities Bill 2020 since withdrawn by the Government in September 2020²⁴². This Bill sought to provide remedies against discrimination, including based on gender identity, sex, and sexual orientation.

126. In relation to the rights of **older persons**, the IACHR observes that public information shows that Belize, in recognition of the social value of older persons, celebrated the week of the elderly, highlighting the resilience of older women in a world of constant changes²⁴³. Notwithstanding the foregoing, the Commission notes that the National Council on Aging has acknowledged with concern that 1 in 6 older people will experience some form of abuse, including economic abuse or fraud, often committed by their caregivers, affecting their right to property. In this regard, specialists point out that older people in Belize are exposed to various forms of physical, emotional, psychological, sexual, and also financial abuse²⁴⁴.

BOLIVIA

General Considerations

127. During 2022, the IACHR took note of **progress** made in Bolivia, including initiatives to regularize the migratory status of 2,926 people, as well as the implementation of programs for the

²³⁷ World Coalition Against the Death Penalty, Belize, August 30, 2021.

²³⁸ According to the statement issued by the Belize Assembly for Persons with Disabilities (BAPDA), quoted in: BreakingNews Belize, Organization representing persons with disabilities seeks inclusion on People's Constitution Commission, October 20, 2022.

²³⁹ Caribbean Court of Justice, CCJ Appeal No. BZCV2014/002, BZ Civil Appeal No. 27 of 2010, Maya Leaders Alliance v. Attorney General of Belize, October 30, 2015. The Caribbean Court of Justice affirmed the customary tenure of the Mayan people of the District of Toledo which gives rise to collective and individual rights.

²⁴⁰ Cultural Survival, Belize Fails to Obtain Maya Consent on Consent Protocol, February 20, 2022.

²⁴¹ Monitoring information provided by the organization United Belize Advocacy Movement (UNIBAM), in a monitoring meeting with the LGBTTTI+TS Coalition before the OAS, April 12, 2022.

²⁴² Government of Belize Press Office, Cabinet Will Not Table Equal Opportunities Bill, September 15, 2020.

²⁴³ Amandala, Older Persons Week 2022 is observed, October 1, 2022.

²⁴⁴ Amandala, Elders are frequent victims of “swindling” — National Council on Ageing, July 9, 2022.

consultation of children and adolescents on the exercise of their rights to health, education, protection, and participation in different areas.

128. On March 11, 2022, the IACHR and the Plurinational State of Bolivia agreed on the constitution and Work Plan of the Special Mechanism to Follow-up on the recommendations of the final report of the Independent Experts Group (MESEG) in order to contribute to the consolidation of dialogue with the various sectors of society. On March 22, 2022, the Formal Act of Installation of the MESEG took place, and the delegation of the IACHR went to La Paz, Bolivia.

129. On the other hand, information continued to be received on **challenges** in terms of access to justice, reports of a high rate of implementation of preventive custody, as well as the prevalence of situations of violence motivated by historical social tensions and, on occasion, fostered by racial discrimination, with impacts on the situation of citizen security.

130. The State submitted a response to the request for information sent by the IACHR for the drafting of this chapter.²⁴⁵

Specific issues

131. On the matter of **human rights institutions**, the IACHR observed the process of electing and appointing the head of the Ombudsman's Office.²⁴⁶ The State reported on the creation of an inter-institutional coordination body for the presentation of reports to international mechanisms on forced disappearances and the Follow-Up Committee for Bolivia (MESEG) was established to follow up on the recommendations issued by the Interdisciplinary Group of Independent Experts (GIEI-Bolivia).²⁴⁷

132. With regards to **democratic institutions**, note was taken of the postponement, until 2024 of the Population and Housing Census originally scheduled to take place in 2022.²⁴⁸ This provoked contrary reactions and led to a strike in Santa Cruz motivated, among other factors, by the potential impact on the 2025 electoral process.²⁴⁹

133. On the matter of **access to justice**, the IACHR welcomes the decision of the Plurinational Constitutional Court to expunge the crime of sedition from the body of law, considering it to be unconstitutional;²⁵⁰ at the same time, it notes that the crime of terrorism remains in force in its current classification.²⁵¹

²⁴⁵ Plurinational State of Bolivia, Note verbale MPB-OAS-NV203-22, Report on the Human Rights Situation in the Plurinational State of Bolivia for inclusion in the 2022 annual report of the IACHR, November 28, 2022. On file at the IACHR.

²⁴⁶ IACHR, [Press Release 093/22](#), IACHR Monitors Appointment of New Ombudsperson in Bolivia, May 5, 2022.

²⁴⁷ IACHR, [Press Release 058/22](#), IACHR Launches Mechanism to Monitor Interdisciplinary Group Recommendations for Bolivia, March 22, 2022.

²⁴⁸ National Institute of Statistics of Bolivia, [President Announces Census To Be Held On March 23, 2024](#) November 12, 2022.

²⁴⁹ La Razón, [The TSE suggests elections in September 2025 and 'official data' from the Census one year earlier](#) November 17, 2022.

²⁵⁰ Plurinational Constitutional Tribunal, Case 33807-2020-68-AIA, Judgment of February 17, 2022.

²⁵¹ The IACHR has warned that certain national anti-terrorism laws violate the principle of legality because, among other things, they include an exhaustive definition of terrorism that is inevitably excessively broad and imprecise. See: IACHR, [Press Release 062/2021](#) IACHR Urges Bolivia to Respect Inter-American Standards for Due Process and Access to Justice and Stresses the Country's Obligation to Investigate and Punish Anyone Responsible for Human Rights Violations Committed in the Context of the 2019 Electoral and Institutional Crisis, and to Ensure Comprehensive Reparations for Victims and their Families, March 16, 2021. In the same vein, the final report of the Interdisciplinary Group of Independent Experts (GIEI-Bolivia) noted the arbitrary use of the legal classification of crimes of sedition, terrorism, and financing of terrorism, which are broadly defined in the country's criminal legislation; see: GIEI, [Final Report](#), p. 277.

134. During 2022, initiatives for the subsequent reform of the system of **justice administration** were monitored.²⁵² International and civil society organizations continued to highlight systemic challenges in the matter of access to justice, including the transitory nature of many appointments of judicial and prosecutorial personnel.²⁵³ This coincides with the observations of the Special Rapporteur on the independence of judges and lawyers, who also highlighted weaknesses in the judicial service, a lack of funds for the administration of justice, and patterns of interference in judicial work.²⁵⁴

135. On the other hand, the IACHR followed up on the processing of criminal proceedings referred to by the Bolivian justice system as "Coup d'état I" and "Coup d'état II," which deal with events that occurred during or that contributed to the 2019 electoral crisis. In the first of the aforementioned cases, note is taken of hearings and the arrest of the Governor of Santa Cruz, Luis Fernando Camacho.²⁵⁵ Regarding the "Coup d'état II" case, the conviction of seven individuals, including former President Jeanine Añez, was reported, for the crimes of malfeasance in office and resolutions contrary to the Constitution and the law in the context of the 2019 electoral crisis.²⁵⁶ The accused or convicted persons have denounced violations to due process, which has been refuted by the State.²⁵⁷

136. On the matter of **citizen security**, the IACHR expressed concern about various situations of social conflict that resulted in acts of violence, including the escalation of violence in the coca-growers' conflict in La Paz²⁵⁸ and during the protests against the population and housing census in Santa Cruz. Regarding the latter, the use of stigmatizing and discriminatory expressions was reported, as well as threats of eviction against the Ayoreo indigenous people in the municipality of Concepción.²⁵⁹ Moreover, there were reports of harassment of staff and users of a feminist civil society organization.²⁶⁰ In these contexts, historical social tensions have been reflected that can lead to acts of violence, as has happened in the past, and that reflect risks of discrimination based on ethno-racial origin and gender. Likewise, in the context of

²⁵² Ministry of Justice and Institutional Transparency, Minister Lima highlights García-Sayán's recommendation for dialogue and consensus to set judicial reform on track May 26, 2022.

²⁵³ The United Nations Special Rapporteur on the Independence of Judges and Lawyers, after a visit to the country in 2022, pointed to impunity, among other systemic difficulties for Bolivian society to have access to justice, especially with respect to crimes of femicide, prison overcrowding, abuse of pretrial detention, and lack of resources. See: United Nations, Justice is far from the people, says human rights expert after visit to Bolivia February 22, 2022 and Coalición de Organizaciones de Derechos Humanos de la Sociedad Civil (Fundación CONSTRUIR, Asociación Un Nuevo Camino, Fundación UNIR, Visión Mundial Bolivia, in coordination with the Human Rights Committee), Recommendations of the Human Rights Committee to the Plurinational State of Bolivia, 2022, 2022.

²⁵⁴ United Nations, Office of the United Nations High Commissioner for Human Rights, A/HRC/50/36/Add.1: Visit to the Plurinational State of Bolivia. Report of the Special Rapporteur on the independence of judges and lawyers, June 24, 2022.

²⁵⁵ Página Siete, Prosecutors will summon Camacho for the "Golpe I" case, once the conflict in Santa Cruz is resolved, 21 November 2022; Swissinfo, "Former minister of Añez is declared to be in contempt of court in the case "Golpe de Estado" in Bolivia, 12 September 2022; El País, Governor of Santa Cruz Luis Fernando Camacho arrested for crisis that led to the ousting of Evo Morales, 28 December 2022.

²⁵⁶ Plurinational State of Bolivia, Note verbale MPB-OAS-NEEUU-029-22, July 28, 2022, in response to the request for information sent by the IACHR on the judicial proceeding known as "Coup d'Etat II," on file with the IACHR.

²⁵⁷ Plurinational State of Bolivia, Note verbale MPB-OAS-NEEUU-029-22, July 28, 2022, in response to the request for information sent by the IACHR on the judicial proceeding known as "Coup d'Etat II," on file with the IACHR.

²⁵⁸ IACHR, #IACHR expresses concern over escalating violence in La Paz coca conflict, urges authorities and those leading protests to disavow violence, and the State to redouble efforts to guarantee #HumanRights, and facilitate broad dialogue, September 13, 2022. Pronouncement available at: https://twitter.com/CIDH/status/1569753070946648065?ref_src=twsrc^tfw|twcamp^tweetembed|twterm^1569753070946648065|twgr^7511e91aab7e1cf7579b5d9fc0589defd50c7d05|twcon^s1 &ref_url=https://correodelsur.com/politica/20220913-la-cidh-expresa-su-preocupacion-por-conflicto-cocalero-y-llama-al-estado-a-facilitar-el-dialogo.html

²⁵⁹ IACHR, Press Release 247/22 IACHR and Its Special Rapporteurship for Freedom of Expression (RELE)) Call for Effective Dialogue to Prevent Violence in Social Protest Contexts in Bolivia, November 3, 2022.

²⁶⁰ IACHR, Pronouncement on Twitter: #Bolivia#IACHR condemns new acts of violence in Santa Cruz: physical aggressions against journalists; sexual violence; harassment of staff and users of #CasadelaMujer and burning of a trade union federation. Urges the State to investigate with an ethnic-racial gender approach. November 12, 2022, Available at: <https://twitter.com/CIDH/status/1591551545656721410>

the demonstrations called after the arrest of the Governor of Santa Cruz, there were reports of excessive use of force, as well as violent acts perpetrated by organized groups.²⁶¹

137. With regards to the **rights of indigenous peoples**, the Commission received information on the situation of communities affected by the use of mercury in areas where mining activities are carried out.²⁶² According to the information, the inadequate regulation of the use and importation of mercury has had an impact on the health, life, food, and environment of indigenous communities in the Beni River basin, with differentiated impacts on women, children, and adolescents.²⁶³

138. In relation to **Memory, Truth and Justice**, the Commission welcomes the approval of Law No. 1446 of July 25, 2022, which aims to make effective the payment of compensation to victims of political violence by government administrations between 1964 and 1982.²⁶⁴ It welcomes as well the approval of Law 1463/2022 that declares July 17 as the National Day of Memory and establishes the carrying out memorial and commemoration activities on that day in recognition of the victims of that period.²⁶⁵ It also makes note of the agreement on the matter of reparations signed in August with the victims' platforms that have been in vigil in front of the Ministry of Justice for the past ten years.²⁶⁶

139. Regarding the situation of **women's human rights**, the Commission values the measures adopted in 2022 to address gender-based violence. It specially highlights the ruling of the Plurinational Constitutional Court that orders various agencies of the three branches of government to implement specific measures to protect and guarantee the rights of women who are victims of violence at all stages of the criminal process;²⁶⁷ the opening of a Comprehensive Center against Violence in Cochabamba that includes all services and institutions linked to the protection and care of women, girls, and adolescents who are victims of violence;²⁶⁸ and the drafting of a reform bill to strengthen the "Comprehensive Law To Guarantee a Life Free of Violence for Women," which is based on a broad consultation with public institutions and civil society.²⁶⁹

140. On the other hand, it warns of the persistence of gender violence against women and the unavailability of psychosocial counseling services, legal assistance, and proper shelters for survivors.²⁷⁰ According to official figures, in the period from January to October 2022, there were 77 femicides registered,²⁷¹ 31,187 reports of family or domestic violence, 4,495 reports of rape, and 4,371 reports of other sexual crimes against women, girls, and adolescents.²⁷² Concern is expressed as well over the acts of violence against women and harassment of staff and users of the Casa de Mujer [Women's House], which

²⁶¹ Ombudsman's Office, [DP Condemns Attack on Press Workers](#) December 31, 2022 and Bolivian National Press Association, [Cameraman falls injured after being hit by pellets fired by police](#) December 31, 2022.

²⁶² IACHR, Hearing on the Situation of the Human Rights of Indigenous Peoples in the Context of Extractive Activities in Bolivia, 183rd Period of Sessions, March 14, 2022.

²⁶³ IACHR, [Hearing on the Situation of the Human Rights of Indigenous Peoples in the Context of Extractive Activities in Bolivia, Period of Sessions No. 183, March 14, 2022](#), 183rd Period of Sessions, March 14, 2022.

²⁶⁴ The Senate, [Senado sanciona proyecto de Ley de Resarcimiento Excepcional para Víctimas de Violencia Política en período de 1964 a de 1982](#) July 8, 2022; Bolivia, Law No. 1446, July 25, 2022.

²⁶⁵ The Senate, [Senate sanctioned the PL that declares July 17 of each year "National Day of Memory", September 8, 2022: Bolivia, Law No. 1463, September 27, 2022](#) Bolivia, Law N° 1463, September 8, 2022; Bolivia, Law N° 1463, September 27, 2022.

²⁶⁶ Página Siete, [After 10 years of vigil, victims of the dictatorship will raise the tents set up in El Prado](#), August 20, 2022; Página 12, [Bolivia: Government signs national agreement to compensate victims of the 1964-1982 dictatorship](#), August 21, 2022.

²⁶⁷ Plurinational Constitutional Tribunal of Bolivia, [Plurinational Constitutional Recall \(certiorari\) Ruling 0001/2022](#) March 31, 2022.

²⁶⁸ UNFPA Bolivia, [El municipio de Sacaba cuenta desde hoy con el primer centro integral contra la violencia \(The municipality of Sacaba now has the first comprehensive center against violence\)](#) March 31, 2022

²⁶⁹ Plurinational State of Bolivia. Ministry of Justice and Institutional Transparency, Input document for the 2022 annual report of the Inter-American Commission on Human Rights, November 2022, p. 3. On file at the IACHR.

²⁷⁰ CEDAW Committee, [Concluding observations on the seventh periodic report of the Plurinational State of Bolivia](#), CEDAW/C/BOL/CO/7, 12 July 2022, para. 17 g)

²⁷¹ Fiscalía General del Estado [Attorney General's Office], [Femicides Report 08-11-2022](#) updated on November 8, 2022

²⁷² Fiscalía General del Estado [Attorney General's Office], [Crimes under Law 348 \(16-10-2022\)](#), accessed on December 10,

took place in the context of protests against the population and housing census in Santa Cruz.²⁷³ On the other hand, information was received regarding the differentiated effects on women due to the use and importation of mercury for mining activities.²⁷⁴

141. Regarding the rights of **persons with disabilities**, the Commission took note of the report prepared by the Ombudsman's Office, which states the structural barriers faced by persons with disabilities in accessing education. This report states that approximately 30% of persons with disabilities have not had access to any formal education, approximately 35% completed primary school, 15% reached secondary school, 4% have technical training, and 3% completed university studies. Moreover, of those persons with disabilities who have access to the educational system, 9% do so in the regular system while 91% have access to segregated special education, a situation contrary to inter-American and international recommendations and standards. Likewise, the Ombudsman's Office warns about the barriers at the level of educational infrastructure, such as the lack of training of the people responsible for education.²⁷⁵

142. With regards to the rights of **children and adolescents**, the Commission welcomes the implementation of the "My Voice Matters" program, through which 7,796 children and adolescents from 150 urban and rural municipalities were consulted about the exercise of their rights to health, education, protection, and participation in different areas.²⁷⁶

143. On the other hand, an increase was reported of the cases of sexual violence perpetrated against them.²⁷⁷ Furthermore, the Bolivian Ombudsman's Office also warns of the lack of implementation of specific and special measures in the investigation of these cases by the institutions in charge.²⁷⁸ According to the Prosecutor General's Office of the Plurinational State of Bolivia, there is a sustained annual growth of cases of rape against children and adolescents.²⁷⁹ In 2021, there were 2,092 of these cases, and for the first semester of 2022, the number of cases received was more than 60% of those received in the same period of the previous year, that is, 1,318 cases.²⁸⁰

144. The IACHR received information on the situation of the rights of LGBTI persons, especially the rights of trans persons and the recognition of the family ties of diverse families. This was during a thematic session in which the Ombudsman's Office of Bolivia and LGBTI activists reiterated their concern about the effects of the ruling 76/2017 of the Constitutional Court, which limited the rights recognized by the Gender Identity Law. Moreover, they stressed the need for the State to fully recognize the family ties of

²⁷³ IACHR. Publication of November 12, 2022. *IACHR condemns new acts of violence in Santa Cruz: physical aggressions against journalists; sexual violence; harassment of staff and users of #CasadelaMujer and burning of a trade union federation. It urges the State to investigate with an ethnic-racial gender approach.* (Twitter), Available at <https://twitter.com/cidh/status/1591551545656721410?lang=en> Bolivian Information Agency. Ombudsman denounces violation of women's rights in Santa Cruz strike, November 1, 2022; El País CR, Bolivia investigates 1,387 cases of violence against women during Santa Cruz strike, December 5, 2022

²⁷⁴ IACHR, Public hearing " The Situation of the Human Rights of Indigenous Peoples in the Context of Extractive Activities in Bolivia 183rd Period of Sessions, March 15, 2022. Information provided by civil society.

²⁷⁵ Ombudsman's Office, Plurinational State of Bolivia. La exclusión y segregación de las personas con discapacidad en el sistema educativo plurinacional (Exclusion and segregation of persons with disabilities in the plurinational education system), April 20, 2022.

²⁷⁶ UNICEF, Press Release, "My voice matters": the opinion of children and adolescents on their participation in municipal plans, August 24, 2022.

²⁷⁷ UNICEF, Press Release, UNICEF calls to protect children from all forms of violence, June 10, 2022.

²⁷⁸ Ombudsman's Office, The Ombudsman's Office is concerned about the increase in cases of sexual violence against children and adolescents, and urges the State to adopt measures to reduce these rates, August 9, 2022.

²⁷⁹ Attorney General's Office, Reports of violent crimes increase: in the first quarter the Office registered 11,963 cases nationwide, April 5, 2022.

²⁸⁰ Ombudsman's Office, The Ombudsman's Office is concerned about the increase in cases of sexual violence against children and adolescents, and urges the State to adopt measures to reduce these rates, August 9, 2022.

diverse families and expressed their concern about the lack of resolution of judicial actions for the recognition of the right to same-sex marriage.²⁸¹

145. With regards to **persons in the context of human mobility**, the Commission notes that, during 2022, the migratory situation of 2,926 persons was regularized²⁸² through the implementation of Supreme Decree No. 4576 of 2021.²⁸³ Furthermore, the Commission makes note of the approval of Ministerial Resolution No. 001/2022, in January 2022, which considers migrant persons among the groups in a situation of vulnerability and grants allowances for their registration in educational institutions, such as their enrollment throughout the school year.²⁸⁴

146. In turn, the Commission took note of the challenges that the children of migrants would face in the exercise of their rights, including the right to education,²⁸⁵ as well as other challenges derived from the implementation of migration control operations.²⁸⁶

147. With regards to the rights of **persons of African descent and against racial discrimination** in Bolivia, the IACHR, during its monitoring work, observed the first conference on the Language of the Afro-Bolivian people held in Cochabamba, with the support of the Autonomous Municipal Government of Cochabamba. The purpose of the event was to approve an alphabet to include it in the grammatical dictionary of this native language.²⁸⁷

148. Regarding **persons deprived of liberty**, the Commission takes note of the draft decree for the implementation of the presidential pardon to 60 women who are mothers and who are imprisoned throughout the country, announced by the Ministry of Justice in April.²⁸⁸ Nonetheless, the IACHR reiterates its concern regarding the excessive use of the measure of preventive custody.²⁸⁹ In particular, it notes that Bolivia, with a current rate of the implementation of preventive custody of 66%, continues to be the fourth country in the region with the highest percentage of persons in preventive custody.²⁹⁰

149. Regarding the rights of **older persons**, the IACHR notes that public information points to Bolivia having launched a process of transition from a private to a public model of retirement pensions, which allows for a more universal access in the face of the challenges of the informal economy in the Bolivian State. In this regard, the Commission makes note of concerns surrounding the nationalization of the pension system and the need to establish rules and control mechanisms to prevent and combat corruption in the system.¹⁴

²⁸¹ IACHR. Thematic Hearing: "Derecho a la identidad de género y reconocimiento vínculos familiares de personas LGBTI en Bolivia" (Right to gender identity and recognition of family ties of LGBTI persons in Bolivia). 185th regular session, held virtually on October 27, 2022.

²⁸² Ministry of the Interior (*Ministerio de Gobierno*), Bolivia, [Migratory Regularization in Bolivia manages to collect more than Bs 4 million and benefit 4,328 persons](#), August 29, 2022.

²⁸³ In particular, the Commission notes that the main countries of origin of regularized migrants include Venezuela (37.1%), Brazil (18.5%), Peru (11.4%), Colombia (8%), and Cuba (5.5%). General Directorate of Migration, Bolivia, Transmission via Facebook, [The General Directorate of Migration - Bolivia presents the results of migration regularization in the country](#), August 29, 2022, Minute 4:30.

²⁸⁴ Ministry of Education, Bolivia, [Ministerial Resolution 001/2022](#), January 2022.

²⁸⁵ Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, [Concluding observations on the third periodic report of the Plurinational State of Bolivia](#), CMW/C/BOL/CO/3, 4 October 2022, paras. 6 and 55.

²⁸⁶ Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, [Concluding observations on the third periodic report of the Plurinational State of Bolivia](#), CMW/C/BOL/CO/3, 4 October 2022, paras. 41 (a) and 42 (b).

²⁸⁷ Los Tiempos. [Comunidad afroboliviana reivindica sus derechos \(Afro-Bolivian community demands its rights\)](#). June 3, 2022.

²⁸⁸ Ministry of Justice and Institutional Transparency, Government of Bolivia, [Minister Lima announces project to modify the Children and Adolescents Code \(Código NNA\) and pardon 60 mothers of children living in prisons](#), April 12, 2022.

²⁸⁹ IACHR, [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#), par. 159.

²⁹⁰ World Prison Brief, Institute for Crime & Justice Policy Research, [World Prison Brief data - Bolivia](#), 2022.

150. With regards to **trafficking in persons**, the Commission takes note of the initiative to amend Law 263, "Comprehensive Law against Human Trafficking and People Smuggling," as part of the strategic actions proposed in the Plurinational Policy against Trafficking in Persons, the Illegal Smuggling of Migrants, and Related Crimes for the period 2021-2025. These changes seek, among other issues, to strengthen the institutions that work for the prevention, care, and protection of victims; to increase the punishment of the crime and penalties; and to create specialized courts, prosecutors' offices, and security forces.²⁹¹

151. Likewise, the Commission takes note of the recommendations of the United Nations Human Rights Committee which, within the framework of analysis of the implementation of the International Covenant on Civil and Political Rights, call upon the State, among other actions, to: i) increase its efforts to prevent, combat, and punish human trafficking and forced or bonded labor; ii) ensure that such cases are investigated promptly, thoroughly, and impartially with the allocation of financial and technical resources; and iii) redouble its efforts to identify victims.²⁹²

BRAZIL

General considerations

152. The Commission takes note of **progress made** in relation to the implementation of programs for access to justice and actions aimed at implementing the *María Da Penha* Law. Likewise, it highlights the measures taken to prevent violence in the electoral context.

153. Regarding **challenges**, the IACHR notes with concern the measures taken on the matter of indigenous peoples, the environment, and citizen security policies, as well as the weakening of the principle of separation of powers, and acts of political violence.

154. On November 21, 2022, the State submitted its response to the request for information sent in order to prepare this chapter.²⁹³

Specific issues

155. In terms of **human rights institutions**, particularly with respect to relevant public policies, the State documented progress in the modernization and universalization of the Civil Registry and Basic Documentation, which would have among its objectives to make early childhood policies more effective; to prevent the disappearance and trafficking of children; to ensure social inclusion and the improvement of basic income policies and distribution of social benefits; and to be an instrument to improve the management of citizen security.²⁹⁴ In relation to the National Policy for the Homeless Population, the State acknowledged that, despite the efforts made by several sectors for the protection of this population, the violations of their human rights and the lack of access to public policies did not decrease; at the same time, it stressed that in order to solve this situation it is implementing the "*housing first*" model, and highlighted that the "PlanHab" National Housing Plan is underway, which is the strategy for the planning and implementation of the National Housing Policy for the next two decades.²⁹⁵

²⁹¹ Government of Bolivia, [Vice Minister Siles: one of the strategic actions of the Plurinational Policy against human trafficking and smuggling is the amendment of Law 263](#), July 30, 2022

²⁹² United Nations, [International Covenant on Civil and Political Rights](#), 2 June, 2022.

²⁹³ Brazilian Mission to the Organization of American States, Note No. 426, November 21, 2022, Chapter IV A -Annual Report of the IACHR 2022, State Rapporteurship. On file at the IACHR.

²⁹⁴ República Federativa Do Brasil, Comissão Interamericana De Direitos Humanos, Capítulo IV A -Informe Anual CIDH 2022, Relatório do Estado, Novembro de 2022, p. 17, párr. 77. On file at the IACHR.

²⁹⁵ República Federativa Do Brasil, Comissão Interamericana De Direitos Humanos, Capítulo IV A -Informe Anual CIDH 2022, Relatório do Estado, Novembro de 2022, p. 18-23, párr. 79-95. On file at the IACHR.

156. The State also provided information about progress made in combating slave labor,²⁹⁶ as well as in programs for continuing education in human rights.²⁹⁷

157. In terms of **democratic institutions**, the IACHR highlighted the measures taken to prevent violence in the electoral context, in order to guarantee free and fair elections; in particular, it highlighted the agreement signed to combat gender-based political violence; the installation of an intelligence center to combat political violence in the electoral process; and the creation of specific criminal courts to try cases of political-partisan violence.²⁹⁸ However, the Commission on separate occasions rejected acts of intolerance and violence in the electoral context; among others, it condemned the murder of Marcelo Aloizio de Arruda, in Foz do Iguaçu, Paraná, on July 9, 2022, by a federal police officer, who shot at him for political reasons;²⁹⁹ the death of a minor, Luana Rafaela Oliveira, during a politically motivated shooting in Belo Horizonte, on October 30, 2022, a situation in which a man also died and a woman was assaulted; as well as the fainting of a child due to asphyxiation caused by a military police officer motivated by political reasons.³⁰⁰ According to official data from the civil society, between January and October 2022 there were 9 murders, 25 attacks, 96 threats, and 63 aggressions catalogued as cases of political violence.³⁰¹

158. The Commission also took note of available public sources that reported speeches issued by the executive branch against bodies of the justice system, in particular, constant attacks and criticism towards the Federal Supreme Court (STF)³⁰² and the Superior Electoral Court (TSE)³⁰³; as well as speeches by various sectors that, in the context of political polarization, incite violence and intolerance, such as the protests that took place against the result of the last elections and that demanded military intervention.³⁰⁴

159. On the **access to justice**, the IACHR welcomes various measures taken by the State, such as the launch of the National Judicial Policy for Early Childhood, which aims to expand access to justice and promote measures to protect the fundamental rights of early childhood, as well as to structure care for early childhood and their families within the scope of the judicial branch.³⁰⁵ Also worthy of note is the installation of interactive devices by the Superior Labor Tribunal so that the population can access electronically the services provided by the Labor Court.³⁰⁶ The Commission also took note of a cooperation agreement between the Court of Justice of the Federal District and Territories, and the Brazilian Bar Association, whose objective is to establish the procedures to be adopted in the "Justice Closer to the Citizen" program, which promotes access to the Judiciary.³⁰⁷ Within the framework of the recommendations for the [Simone André](#)

²⁹⁶ República Federativa Do Brasil, Comissão Interamericana De Direitos Humanos, Capítulo IV A –Informe Anual CIDH 2022, Relatório do Estado, Novembro de 2022, p. 26-27, párr. 100-105. On file at the IACHR.

²⁹⁷ República Federativa Do Brasil, Comissão Interamericana De Direitos Humanos, Capítulo IV A –Informe Anual CIDH 2022, Relatório do Estado, Novembro de 2022, p. 11-16, párr. 46-74. On file at the IACHR.

²⁹⁸ IACHR, Press Release, [IACHR Calls on Brazil to Hold Peaceful Elections That Respect Representative Democracy and Human Rights](#) No. 219/22, September 29, 2022

²⁹⁹ IACHR, Press Release, [IACHR Asks Brazil to Prevent, Investigate, and Punish Violence in Its Upcoming Election Process](#) No. 171/22, July 29, 2022

³⁰⁰ IACHR, Press Release, [IACHR and Its Special Rapporteurship for Freedom of Expression Reject Escalation of Tension, Intolerance, and Violence After Presidential Elections in Brazil](#) No. 266/22, December 2, 2022

³⁰¹ Global Justice & Land of Rights, [Violência política e eleitoral no Brasil](#) panorama das violações de direitos humanos de 2020 a 2022,

³⁰² Folha de S. Paulo, [Bolsonaro usa evento eleitoral para atacar STF e chamar a atos do 7 de Setembro](#), 30 de julho de 2022; Brasil de Fato, [Bolsonaro ataca STF em reta final de campanha para reviver antipolítica, dizem juristas](#), 18 de Outubro de 2022; Correio Braziliense, [Bolsonaro ataca STF e desqualifica carta em defesa da democracia](#), 30 de agosto de 2022

³⁰³ Globo G1, [In final round of elections in Brazil, foreign newspapers highlight secret ballot, polarization and attacks on Electoral Justice](#) October 28, 2022

³⁰⁴ UOL, [Bolsonaristas ask for military intervention after Lula's victory](#) November 2, 2022; [Folha de S. Paulo, 75% são contra protestos que pedem intervenção militar](#), December 27, 2022

³⁰⁵ CNJ, [CNJ lidera importantes ações voltadas ao acesso das crianças à Justiça](#), 12 de outubro de 2022

³⁰⁶ AgênciaBrasil, [TST instala totens para ampliar acesso à Justiça do Trabalho](#), 22 de setembro de 2022

³⁰⁷ Consultor Jurídico, [TI-DF, governo do DF e OAB assinam acordo para facilitar acesso à Justiça](#), 16 de novembro de 2022

Diniz Case, a national seminar was held to promote a link between public institutions and civil society organizations to combat racism in the justice system.³⁰⁸

160. The Commission also welcomes the launching, on March 22, 2002, of the National Accord of the Judicial Branch for Human Rights, which implements various measures aimed at strengthening the culture of human rights within the judicial branch, with special emphasis on the control of conventionality. This development constitutes a new effort by the Monitoring and Enforcement Unit of the Decisions of the Inter-American Court of Human Rights (UMF).³⁰⁹

161. With regards to **citizen security**, the Commission observed with extreme concern the acts of police violence such as violent raids that took place in favelas, resulting in multiple fatalities. Information was received that Heloysa Gabriela da Silva, 6 years old, died in Porto de Galinhas after being wounded by a bullet during a police action on March 30, 2022.³¹⁰ On November 25, 2022 in Complexo da Maré, 24-year-old resident Renan Souza de Lemos reportedly died during a police operation.³¹¹ In Jacarezinho, 18-year-old Jonathan Ribeiro de Almeida reportedly died from a bullet shot by police officers on April 25.³¹² The IACHR also took note of publicly available sources stating that Bahia was the Brazilian state with the highest number of violent deaths in the first half of 2022; in May alone, 461 violent deaths were recorded.³¹³

162. In relation to the **rights of indigenous peoples**, the State reported on the signing of an agreement that seeks to promote access to humanitarian and specialized healthcare for the indigenous and quilombola communities of the municipalities of Salvador and Cruz das Almas, as well as to train health professionals who would work with these populations.³¹⁴ The State also shared that, within the Program for the Protection of Human Rights Defenders, 49 people attached to the area of action of the Rights of Traditional-Indigenous Peoples and Communities received accompaniment due to threats, criminalization, or situations of vulnerability.³¹⁵

163. At the same time, the IACHR noted with concern some measures that could be regressive to the rights of indigenous peoples, such as the approval by the Chamber of Deputies of a bill that regulates the exploitation of mineral, water, and organic resources in indigenous reserves.³¹⁶ This bill and others that would also pose a threat to indigenous territories have been the subject of concern by the IACHR, and it has urged Brazil to refrain from implementing measures that are contrary to its international obligations regarding the rights of indigenous peoples.³¹⁷

164. In the context of the invasion of ancestral territories, the increase in violence was reported; between September 3 and 13, six indigenous persons from the Pataxó, Guarani Kaiowá, and Guajajara

³⁰⁸ República Federativa Do Brasil, Comissão Interamericana De Direitos Humanos, Capítulo IV A –Informe Anual CIDH 2022, , Relatório do Estado, Novembro de 2022, p. 4-5, párr. 10-14. On file at the IACHR.

³⁰⁹ AgênciaBrasil, [CNI lança Pacto Nacional dos Direitos Humanos](#), 22 de marzo de 2022;

³¹⁰ Folha de S. Paulo, [PM é denunciado por morte de menina de 6 anos em Porto de Galinhas](#), 17 de agosto de 2022

³¹¹ O Dia, [Homem é morto em operação no Complexo da Maré](#), 25 de novembro de 2022

³¹² CBN, [Polícia Civil investiga a morte do jovem Jonathan Ribeiro, no Jacarezinho](#), 26 de abril de 2022

³¹³ G1 Globo, [Monitor da Violência: Bahia registra maior quantidade de mortes violentas no primeiro semestre no Brasil](#), 25 de agosto de 2022

³¹⁴ República Federativa Do Brasil, Comissão Interamericana De Direitos Humanos, Capítulo IV A –Informe Anual CIDH 2022, , Relatório do Estado, Novembro de 2022, p. 8, párr. 31. On file at the IACHR.

³¹⁵ República Federativa Do Brasil, Comissão Interamericana De Direitos Humanos, Capítulo IV A –Informe Anual CIDH 2022, , Relatório do Estado, Novembro de 2022, p. 35, Tabela II - PPDDH: Total de pessoas acompanhadas pelo Programa Federal, por área de atuação. On file at the IACHR.

³¹⁶ Chamber of Deputies, [House approves urgency for bill on mining in indigenous lands; text to be analyzed by working group](#), March 9, 2022.

³¹⁷ IACHR. Press release No. 236/21. [IACHR Expresses Concern over Bills That Could Constitute Setbacks for the Human Rights of Indigenous Peoples in Brazil](#). September 9, 2021

peoples were reportedly murdered in the states of Bahia, Mato Grosso do Sul, and Maranhão.³¹⁸ Information was also received about a police action without a warrant in the communities of Tekohá Kurupi/São Lucas and Guapoy, on June 24, 2022; according to the documentation received, the Military Police reportedly used firearms and helicopters in these communities, where 2 people were killed and 10 wounded, including women and minors.³¹⁹

165. In this context of extreme violence against indigenous peoples and their territories, the IACHR and its SRFOE condemned the murders in Brazil of the beneficiaries of precautionary measures, journalist Dom Phillips and Bruno Araújo Pereira, an expert in indigenous peoples, who were reported missing since June 5, 2022 in the state of Amazonas.³²⁰ On the other hand, the IACHR has called attention to the extreme seriousness of the situation of the Yanomami, Ye'kwana, and Munduruku peoples, and therefore asked the IACHR Court for provisional measures for their protection, which have already been granted.³²¹

166. Deforestation in the Amazon was also a situation of special concern for the IACHR in 2022, due to the impact it could have on the survival of the indigenous peoples that inhabit this region. According to available public sources, deforestation of the Amazon rainforest reached 11 km² of forest between January and October 2022, the second highest number in the last 13 years. Since 2019, logging in this area of the country has been above 10,000 km² per year. In 2021, the record mark of the last 15 years was reached, with 13,000 km².³²²

167. The IACHR has warned that deforestation accompanies the processes of invasion of indigenous territories and acts of aggression, harassment, and murders of members of indigenous peoples who defend their territories.³²³ As an example, it has expressed concern about the excessive advancement of illegal mining in their territory which, in 2021, increased by 46% compared to 2020.³²⁴ The IACHR has pronounced itself on the critical situation of this people in various reports, communiqués, and requests for precautionary and provisional measures, and on the need to implement measures to protect the health, life, and integrity of members of this people, that include the effective protection of the territory and the expulsion of miners from the area.³²⁵

³¹⁸ Folha de S. Paulo, [Indigenous people denounce escalation of violence and ask for protection](#), September 22, 2022; Brasil de Fato, [Sete mortes em dez dias : violência contra indígenas dispara no Brasil \(Seven deaths in ten days: sharp increase in violence against indigenous people in Brazil\)](#), September 15, 2022.

³¹⁹ Articulação Dos Povos Indígenas Do Brasil (APIB), Denúncia, Ataques a comunidades indígenas Guarani Kaiowá no Mato Grosso do Sul, Brasil (Denounces attacks on Guarani Kaiowá indigenous communities in Grosso do Sul, Brazil). Atuação ilegal de forças militares do Estado de Mato Grosso do Sul, em regime de milícia privada, resultando em mortes e feridos, em 24 de junho de 2022, no município de Amambai e Naviraí, 25 de junho de 2022, pp. 1-2 (Illegal actions by armed forces in the state of Mato Grosso do Sul, acting as a private militia, resulting in people killed and wounded, on June 24, 2022 in the municipality of Amambai e Naviraí, June 25, 2022 pp. 1-2). On file at the IACHR.

³²⁰ Special Rapporteurship on Freedom of Expression (RELE), Press Release, [RELE condemns the murders of beneficiaries of precautionary measures, journalist Dom Phillips, and indigenous peoples expert Bruno Araújo Pereira in Brazil](#) No. R138/22, June 18, 2022; IACHR, Press Release, [IACHR Grants Precautionary Measures in Favor of Indigenous Peoples Expert Bruno Araújo Pereira and Journalist Dom Phillips in Brazil](#) No. 133/22, June 11, 2022.

³²¹ IACHR, Press Release, [IACHR requests precautionary measures to the I/A Court H.R. for the Yanomami, Ye'kwana, and Munduruku Indigenous Peoples in Brazil, given the extreme and serious risk they face](#) No. 107/22, May 18, 2022; Inter-American Court of Human Rights, Resolution, [Adoption of Provisional Measures](#) Case of Members of the Yanomami, Ye'kwana and Munduruku Indigenous Peoples against Brazil, July 1, 2022.

³²² Imazon, [Desmatamento da Amazônia chega a quase 10 mil km² de janeiro a outubro e invade maior bloco de áreas protegidas do mundo \(Deforestation of the Amazon totals 10,000 km² between January and October, invading the largest block of protected areas in the world\)](#) November 18, 2022; Ciclovivo, [With 26% of its total area devastated, the Amazon is approaching the point of no return](#), October 10, 2022; DW, [Desmatamento na Amazônia cai 11% em 2022 \(Deforestation of the Amazon declined by 11% in 2022\)](#), November 30, 2022

³²³ IACHR, Press release No. 236/21. IACHR Expresses Concern over Bills That Could Constitute Setbacks for the Human Rights of Indigenous Peoples in Brazil. September 9, 2021

³²⁴ IACHR. Press release No. 110/22. IACHR Urges State of Brazil to Protect Children of the Yanomami People Who Are Victims of Violence. May 23, 2022.

³²⁵ See in this regard, IACHR. [Press release No. 110/22. La CIDH urge a que el Estado de Brasil proteja a las niñas y niños del pueblo Yanomami víctimas de violencia](#). May 23, 2022.

168. With regard to **persons of African descent and against racial discrimination**, the State reported that it conducted an investigation to determine the ethnic-racial origin of the staff of the Attorney General's Office of Brazil, in order to comply with the policy of reserving vacancies for persons of African descent in public tenders; it also noted that although not all units of the Attorney General's Office have specialized prosecutors, most have bodies (commission, committee, coordination, center, among others) that are actively engaged in the fight against racism. At the same time, the IACHR noted positively that a census is being taken of the Quilombola peoples throughout Brazil for the first time in 150 years.³²⁶

169. Likewise, the Commission also expressed concern about acts of police violence against persons of African descent, particularly operations of the public security forces in areas of geographic concentration of this ethnic-racial group, such as in Vila Cruzeiro, Complexo da Penha, on May 26, 2022, which left at least 23 people dead,³²⁷ and in Complexo do Alemão, on July 21, 2022, which left at least 18 people dead.³²⁸ The IACHR also condemned the death of Genivaldo de Jesús Santos, a man of African descent with mental disabilities, after having been subjected to an operation by the Federal Highway Police (PRF) in Sergipe on May 25, 2022.³²⁹ On the other hand, official sources state that, during the first half of 2022, there were 610 complaints registered in Brazil for the crime of racism. In that same period, 97 complaints were reportedly registered for racial insults. São Paulo, Rio de Janeiro, and Minas Gerais would be the states with the highest number of complaints for both cases.³³⁰

170. On the other hand, note was taken of the persecution and attacks against the life and integrity of leaders and practitioners of religions of African origin in various States of the region, as well as reports of the destruction of temples and sacred spaces of communities of African descent.³³¹

171. In relation to the rights of **human rights defenders**, the State reported that the decrees concerning the Program for the Protection of Human Rights Defenders (PPDDH) were regulated in order to reinforce the objective of articulating protection measures for persons threatened as a result of their work in the defense of human rights who, being in a situation of risk or vulnerability, receive protection for their personal integrity. The State emphasized that many of the actions carried out by the PPDDH require cooperation between the different states.³³² It also reported that between 2020 and 2022, four new state protection programs were implemented in Rio Grande do Sul, Mato Grosso, Paraíba, and Amazonas, the latter still under implementation. These programs would be added to those already existing in Rio de Janeiro, Paraíba, Maranhão, Pará, Minas Gerais, Bahia, Pernambuco, and Ceará. In the states where there is no state program implemented, this implementation would take place through a collaboration term signed directly with a civil society organization.³³³ According to information provided by the State, up to March 2022, federal and state programs accompanied a total of 783 defenders.³³⁴ Despite this, the Commission has learned about some difficulties faced by the national protection program, particularly with regards to the formulation of risk assessment and protection measures taking into account race, gender, and ethnicity.³³⁵

³²⁶ Coordenação Nacional de Articulação de Quilombos (CONAQ), Censo 2022: População quilombola está sendo recenseada como grupo étnico populacional pela primeira vez, 6 de agosto de 2022; CONAQ, Censo 2022: Quilombolas de todo o Brasil vão ser recenseados pela primeira vez, 19 de agosto de 2022

³²⁷ G1 Globo, Operação da Vila Cruzeiro deixa 23 mortos, diz Polícia Civil, 26 de maio de 2022

³²⁸ Folha de S. Paulo, Operações policiais, como a do Complexo do Alemão, são marketing de terror, diz especialista, 25 de julho de 2022

³²⁹ CIDH, Comunicado de prensa, CIDH condena violencia policial contra personas afrodescendientes en Brasil y llama al Estado a combatir el perfilamiento racial, No. 120/22, 1 de junio de 2022

³³⁰ Ministério dos Direitos Humanos e da Cidadania, Cartilha reforça que o racismo é crime inafiançável no Brasil, 19 de setembro de 2022

³³¹ ANF, Relatora sobre os Direitos dos Afrodescendentes e contra a Discriminação Racial, Margarette May Macaulay, visita o Brasil, 27 de julho de 2022

³³² State of Brazil, Chapter IV A Report - Annual Report IACHR 2022, October 16, 2021, paras. 112-116.

³³³ State of Brazil, Chapter IV A Report - Annual Report IACHR 2022, October 16, 2022, paras. 123-125.

³³⁴ State of Brazil, Chapter IV A Report - Annual Report IACHR 2022, October 16, 2022, paras. 129.

³³⁵ United Nations, Human Rights Council, Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights as part of the Universal Periodic Review, A/HRC/WG.6/41/BRA/2, 25 August 2022, para. 24.

172. Likewise, the IACHR has observed that during 2022, violence continued to be registered against those who defend human rights in Brazil, particularly against those who defend lands, territories, and the environment. In this regard, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association expressed concern about the levels of violence against human rights defenders, the traditional communities, including quilombolas and indigenous peoples, and community leaders in favelas.³³⁶ For its part, the Commission learned of at least 20 murders of human rights defenders during 2022.³³⁷

173. With regards to the rights of **children and adolescents**, the IACHR noted with concern the context of violence affecting this group in Brazil; shootings, police operations, and stray bullets have resulted in 167 cases of children and adolescents who have been the victims of crossfire, which has claimed the lives of 41 of them.³³⁸ As noted by the Commission, violent actions have a disproportionate impact on communities of African descent and socioeconomically vulnerable, including the children and adolescents belonging to these communities.³³⁹ In this context, the Commission reiterates its concern to the State regarding the situation of systematic violence suffered by indigenous children and adolescents of the Yanomami People,³⁴⁰ highlighting that the presence of unauthorized third parties in their territories, who mainly carry out mining and logging activities, has exposed children and adolescents to murders, threats, violent attacks, sexual violence, health problems, in a context of scarce medical attention, and the alleged contamination by mercury derived from mining.³⁴¹ The IACHR is also concerned about the high rates of

³³⁶ United Nations, [Brazil: United Nations expert decries erosion of democracy, urges safe space for civil society](#), April 22, 2022.

³³⁷ IACHR, Press release No. 244/22, [IACHR: IACHR: Ongoing Violence Against Human Rights Defenders Recorded in Second Quarter of 2022](#), November 2, 2022; IACHR, Press Release No. 114/22, [IACHR: Increased Violence Against Human Rights Defenders during the First Four Months of 2022 Makes It More Urgent for States to Protect Their Lives and Work](#), May 25, 2022; IACHR, [Press Release No. 114/22](#), May 25, 2022; In December, [Raimundo Nonato Silva de Oliveira](#), a member of the Movimento dos Trabalhadores Sem Terra (MST) was murdered in Araguatins, Tocantins. In November, [Cleijomar Rodrigues Vasques](#) an indigenous LGBTI defender Guarani Kaiowá was murdered in Amambai, Mato Grosso do Sul, and [Nhandesy Estela Verá](#) a Guarani indigenous defender was murdered on November 15 in Japorá, Mato Grosso do Sul. In October, [Cleomar Xirixana](#) a Yanomami indigenous leader was murdered in Napolepi, Alto Alegre. In September [Vitorino Sanches](#) an indigenous Guarani Kaiowá leader was murdered in Amambai, Mato Grosso do Sul. He had previously survived an assassination attempt against him on August 2, as had Pataxó indigenous defender [Gustavo Conceição](#) in Comexatibá, Patax; indigenous defender and member of the Guardiões da Floresta [Janildo Oliveira Guajajara](#) in Amarante do Maranhão, Maranhão; and [Iael Carlos Miranda Guajajara](#) indigenous defender on September 3 in Arame, Maranhão. In July, the Guarani Kaiowá indigenous defender Marcio Moreira was murdered in the municipality of Amambai, state of Mato Grosso do Sul, as was Severino Bernardo da Silva, a member of the Landless Rural Workers Movement (MST) in Pedras de Fogo, Paraíba. In June, Guarani Kaiowá indigenous defender Vitor Fernandes was murdered in Amambai, in the state of Mato Grosso do Sul; campesino defender Wesley Flávio da Silva was murdered in the municipality of Campo Novo de Rondônia, Rondônia. The IACHR condemned the murder of journalist Dom Phillips and defender and expert on indigenous peoples Bruno Araújo Pereira, who were last seen on June 5, 2022, in the community of São Rafael. In May, Guarani Kaiowá indigenous defender Alex Vasques Lopes was murdered near the Taquaperi reserve in Coronel Sapucaia, Mato Grosso do Sul. In February the lifeless bodies of Ilma Rodrigues dos Santos, of the League of Poor Peasants - LCP, and her husband Edson Lima Rodrigues were found in the municipality of Porto Velho, Rondônia. The murder of nine-year-old Jonatas de Oliveira dos Santos was reported in the municipality of Barreiros, Pernambuco, allegedly in retaliation against his father, community leader Geovane da Silva Santos, who was wounded. In January, Gabriel de Souza Araujo, an LGBTI activist of the Movimento dos Trabalhadores Rurais Sem Terra (MST) was found dead in the municipality of Nova Venécia, Espírito Santo. Previously, the IACHR condemned the murder of environmental defender José Gomes, his wife Marcia and minor daughter Joene in the region of São Félix do Xingu, in the state of Pará, and of land defender José Francisco Lopes Rodrigues in the community of Cedro, in Arari, in the state of Maranhão.

³³⁸ Fogo Cruzado, [Fogo Cruzado records 165 children shot](#), October 11, 2022.

³³⁹ IACHR, Press Release 120/22 - [IACHR Condemns Police Violence Against Afro-Descendant Persons in Brazil. Calls on State to Fight Racial Profiling](#), June 1, 2022.

³⁴⁰ IACHR, Press Release 107/22 - [IACHR requests precautionary measures to the I/A Court H.R. for the Yanomami, Ye'kwana, and Mundurucu Indigenous Peoples in Brazil, given the extreme and serious risk they face](#), May 18, 2022. IACHR, Press release 110/22 - [IACHR Urges State of Brazil to Protect Children of the Yanomami People Who Are Victims of Violence](#), May 23, 2022. See also Hutukara Associação Yanomami Associação Wanasseduume Ye'kwana [Yanomami Under Attack. Illegal Mining on Yanomami Indigenous Land and Proposals to Combat it](#), April 2022, pp. 32 and 33

³⁴¹ IACHR, Press Release 107/22 - [IACHR requests precautionary measures to the I/A Court H.R. for the Yanomami, Ye'kwana, and Mundurucu Indigenous Peoples in Brazil, given the extreme and serious risk they face](#), May 18, 2022. IACHR, Press release 110/22 - [IACHR Urges State of Brazil to Protect Children of the Yanomami People Who Are Victims of Violence](#)

hospitalization of children and adolescents with malnutrition and chronic child malnutrition. In 2022, as of August 30, the public health network recorded a total of 2,115 hospitalizations of infants for malnutrition, bringing the average daily hospitalization rate to 8.7; an increase of 7% when compared to 2021.³⁴²

174. Moreover, with respect to the protection of children and adolescents against all forms of sexual violence, the Commission is on alert due to the decision of the Superior Court of Justice of Brazil that freed from criminal liability a person who had relations with a 12-year-old girl, contrary to express provision of law, which establishes the punishability of sexual relations with minors under 14 years of age, regardless of any type of threat or violence, since they lack the capacity to consent to the sexual act.³⁴³

175. Regarding **women's human rights**, the Commission appreciates the measures taken in 2022 to improve on the implementation of the Maria Da Penha Law, such as the law that establishes "Agosto Lilás" ("Lilac August") nationwide as the month during which to raise awareness to end violence against women;³⁴⁴ as well as the creation of the "Cycle of Dialogues of the Maria Da Penha Law" week.³⁴⁵ Moreover, an evaluation and orientation were carried out on emergency protection measures for the members of the civil service in the courts of justice;³⁴⁶ national guidelines were drafted for the care provided by the Military Police to women in situations of domestic and family violence;³⁴⁷ and the Ombudsman's Office for Women was created in the general ombudsman's office of all units of the Attorney General's Office.³⁴⁸ In addition, the National Council of Justice (CNJ) instructs the Courts of Justice to establish awareness-raising programs for perpetrators of domestic and family violence against women;³⁴⁹ to provide the representatives of public security agencies involved in the prevention and observation of violence against women with a profile to access electronic judicial procedures³⁵⁰; and to implement the "Protocol for Judging with a Gender Perspective."³⁵¹

176. Nonetheless, the fact is highlighted that, when compared to the first semester of 2021, the records of feminicides increased by 3.2% in the first semester of 2022, reporting 699 victims,³⁵² and those of rape against women and persons unable to give consent increased by 12.5%, totaling 29,285 victims, of whom the majority are women and girls of African descent.³⁵³ There has also been an increase in violence against women who are running for office or holding popularly-elected seats, especially Black trans women.³⁵⁴ On the other hand, multiple obstacles have been observed aimed at preventing access to legal

³⁴² May 23, 2022. See also Hutukara Associação Yanomami Associação Wanasseduume Ye'kwana Yanomami Under Attack. Illegal Mining on Yanomami Indigenous Land and Proposals to Combat it. April 2022, pp. 32 and 33

³⁴³ Fiocruz, Hospitalization of infants for malnutrition reaches worst level in 13 years, October 26, 2022.

³⁴⁴ Superior Tribunal de Justiça, Special Appeal No 2019664 - CE (2022/0251419-5), December 13, 2022. On file at the IACHR.

³⁴⁵ Office of the President of the Republic. Law No. 14.448 of September 9, 2022, September 9, 2022

³⁴⁶ Conselho Nacional Do Ministério Público (National Council of the Public Prosecutors' Office). Recommendation No. 89, January 27, 2022

³⁴⁷ Conselho Nacional de Justiça; Instituto Avon; Consórcio Lei Maria da Penha. Avaliação sobre a aplicação das Medidas Protetivas de Urgência da Lei Maria da Penha (Evaluation of the application of emergency protective measures under the Maria da Penha law), 2022.

³⁴⁸ Ministério da Justiça e Segurança Pública (Ministry of Justice and Public Safety). Diretrizes nacionais para atendimento policial militar às mulheres em situação de violência doméstica e familiar (National guidelines for the military police on how to treat women victims of domestic and family violence), 2022.

³⁴⁹ Conselho Nacional Do Ministério Público (National Council of the Public Prosecutors' Office). Recommendation No. 88, January 27, 2022

³⁵⁰ Judiciary. National Council of Justice, Recommendation No. 124, January 27, 2022.

³⁵¹ Judiciary. National Council of Justice, Recommendation No. 137, September 14, 2022

³⁵² Judiciary. National Council of Justice, Recommendation No. 128, February 15, 2022

³⁵³ Forum Brasileiro De Segurança Pública. Violence against girls and women in the first half of 2022, 2022, p. 2.

³⁵⁴ Forum Brasileiro De Segurança Pública. Violence against girls and women in the first half of 2022, 2022, pp. 9, 10

³⁵⁵ Coalizão Negra por Direitos, Article 19, et. al. Attachment to the request for a thematic hearing on the lack of measures to ensure for black, transsexual, and travesti women participation in elections on an equal footing and on anti-democratic attacks in online political violence and desinformation. 185th period of sessions of the IACHR, August 15, 2022; United Nations Human Rights Special Procedures. Brazil: UN specialist denounces erosion of democracy, and speaks of the urgency of safe spaces for civil society, April 11, 2022; PSOL. Benny Briolly, PSOL's councillor in Niterói (RJ), once again threatened with death, January 26, 2022.

termination of pregnancy in cases of rape, such as misinformation, stigmatization, revictimization, and threats of legal prosecution against persons who accompany legal abortion procedures, among others;³⁵⁵ as well as the intention of imposing greater restrictions through legal means.³⁵⁶ Finally, note is taken of the approval of a law that amends the procedures related to “parental alienation”.³⁵⁷

177. With regards to **Memory, Truth and Justice**, the IACHR appreciates the inauguration of the Pernambuco Democracy Memorial, dedicated to preserving the struggles for the end of the military dictatorship and which will safeguard the archives of the Dom Helder Câmara Memory and Truth Commission.³⁵⁸ On the other hand, it observed various challenges related to memory. In this sense, it [repudiated](#) the theft of plaques and acts of vandalism on the “Calçada da Memória” in Recife³⁵⁹ and learned about the challenges denounced by the civil society regarding the preservation and restoration of memory plaques in Porto Alegre.³⁶⁰ The Commission also regrets that, once again, the Ministry of Defense published a note that honors and exalts the actions of the military in the events related to March 31, 1964, as well as the amnesty law.³⁶¹ Likewise, it underlines the statements by authorities of the executive and judicial branches that diminish the relevance of the content of the recordings released in April, which reveal that the Superior Military Tribunal at the time knew about the torture practices implemented during the dictatorship.³⁶²

178. On the matter of justice, the IACHR highlights the launching of an investigation into the alleged collaboration of two iron and steel works in Minas Gerais with the military regime.³⁶³ Moreover, the Commission continued to receive information on the dismantling of policies for comprehensive reparations and the search for victims of the civil-military dictatorship.³⁶⁴ In this regard, it [expressed](#) concern about the news that the Special Commission on Persons Dead or Disappeared for Political Reasons would meet with the goal of approving a report to dismantle the institution. The IACHR rejects the publication of a decree by the President of the Republic approving this decision on December 30, 2022³⁶⁵ and calls for the urgent reestablishment of actions to search for victims of forced disappearance from this period.

³⁵⁵ Center for Reproductive Rights, Cladem Brazil, IPAS, et. al. Ref. Recent regulations and impact on Child pregnancy and the denial of access to legal abortion in Brazil, June 24th, 2022. On file at the IACHR; The Intercept. [A child has been in a shelter for more than a month so that she does not have access to her right: a legal abortion.](#) June 20, 2022; La Mala Fe. [A technical document from the Ministry of Health proposes to investigate rape victims who resort to abortion, despite the fact that this service is legal for such cases.](#) 2022.

³⁵⁶ BBC. [Between January 2021 and June 29, 2022, at least seven bills were presented in the Chamber of Deputies that provide for further restrictions on abortion in Brazil.](#) July 8th, 2022.

³⁵⁷ Office of the President of the Republic. [Law No. 13.340.](#) May 18, 2022

³⁵⁸ Recife City Hall, [Recife ganha Memorial da Democracia de Pernambuco](#), December 29, 2022; Folha de Pernambuco, [Lembrar para não esquecer: Recife ganha Memorial da Democracia de Pernambuco](#), December 29, 2022.

³⁵⁹ G1, [Placas da calçada da memória foram parcialmente destruídas, no Recife.](#) February 2022; Diário de Pernambuco, [Homenagem aos desaparecidos políticos da ditadura militar é destruída no Recife](#) February 13, 2022.

³⁶⁰ Matinal, [Project that installs plaques in torture centers in Porto Alegre awaits renovation from Marchezan administration](#) October 17, 2022.

³⁶¹ G1, [Golpe de 64 gerou 'fortalecimento da democracia', diz ministro em ordem do dia de 31 de março](#) March 30, 2022 Ministério Público Federal (Federal Public Prosecutors' Office), [Golpe militar: MPF requests urgent withdrawal of note published by the Ministry of Defense](#) March 31, 2022.

³⁶² Fórum, [Presidente do Tribunal Militar ironiza áudios sobre tortura: "Não estragou a Páscoa de ninguém"](#), April 19, 2022; Jornal da advocacia, [CDH da OAB SP repudia fala do vice-presidente da República sobre áudios que expõem violência contra presos políticos](#), April 18, 2022.

³⁶³ Folha de SP, [Siderúrgicas mineiras são investigadas por suposta colaboração com a ditadura militar.](#) June 1, 2022.

³⁶⁴ Chamber of Deputies, [Uma lei em desmonte: especialistas e vítimas da ditadura avaliam situação da Lei da Anistia](#) May 24, 2022; Câmara dos Deputados, [Ex-conselheiro denuncia crimes e irregularidades da atual Comissão de Anistia](#) June 21, 2022; Câmara dos Deputados, [Especialistas denunciam "resistência institucional" à Lei da Anistia, que completa 43 anos](#), August 3, 2022; Rede Brasil Atual, [Bolsonaro mantém perseguição a vítimas da tortura na ditadura](#), July 1, 2022.

³⁶⁵ Official Gazette. No. 246-A, Section: 1 - Extra A, Page: 1, Organ: Presidência da República, Despacho do Presidente da República, Ministério Da Mulher, Da Família E Dos Direitos Humanos, Relatório Final de Atividades da Comissão Especial sobre Mortos e Desaparecidos Políticos - CEMDP (Office of the President of the Republic, Ministry of Women, the Family, and Human Rights, Final Report on the Activities of the Special Commission on Politically-Motivated Deaths and Disappearances - CEMDP), for the period between December 1995 and December 2022, prepared in accordance with Article 13 of Law No. 9.140, of December 4, 1995. Adopted on December 30, 2022.

179. Regarding the rights of **LGBTI persons**, the IACHR makes positive note of the increase in nominations of trans persons and the LGBTI population for public office in the 2022 elections, as well as the historic election of two trans women to the federal Congress.³⁶⁶ On the other hand, the IACHR observes the increase in the number of users requesting the recognition of their “social name” in the educational environment in at least 12 states of Brazil,³⁶⁷ which allows students to register according to their self-determined name through simplified processes with an impact on the school setting.³⁶⁸ Also noteworthy are the measures taken by the state of São Paulo to support trans students.³⁶⁹ The Commission also monitored the process of including a sexual diversity perspective in the next national census, scheduled to take place in 2023, which was suspended by decision of the Regional Federal Court of Brasília.³⁷⁰

180. Regarding the recognition of gender identity, the IACHR welcomes the decision that the Maria da Penha law against gender-based violence is also applicable to trans women. In a similar vein, the Commission takes note of several court rulings that resulted in convictions related to stigmatizing discourse against LGBTI persons. Likewise, it takes note of the process launched by the Electoral Justice Court of Rio de Janeiro regarding criminal action for the crime of gender-based political violence perpetrated through stigmatizing discourse against a trans councilwoman.³⁷¹

181. However, the IACHR continues to receive information on cases of violence and discrimination against LGBTI persons, particularly trans persons, lesbians, and persons of African descent, as well as violence perpetrated by state agents.³⁷² In the first six months of the year, reports from the civil society registered at least 135 deaths allegedly of LGBTI persons.³⁷³ On the other hand, the Commission is concerned about the proliferation of initiatives by local governments that seek to restrict the teaching of comprehensive sex education and sexual diversity in public schools, restricting the right to comprehensive education of children and adolescents.³⁷⁴ The Commission also received information on the violence and discrimination experienced by transgender members of Parliament in the course of their duties.³⁷⁵

182. With regards to **persons deprived of liberty**, the IACHR is concerned that Brazil continues to be the country with the third largest prison population in the world. In this regard, public figures indicate that, as of June 2022, the total prison population was 654,704 persons, corresponding to 626,005 men (95.6%) and 28,699 women (4.4%). Considering that the official housing capacity is 470,116 persons, the overcrowding rate is 39%.³⁷⁶ In relation to women detainees, the Commission welcomes the enactment of a law that guarantees humane treatment before, during, and after childbirth, and during the postpartum

³⁶⁶ The Guardian, [Brazilian left celebrates election wins for trans and Indigenous candidates](#), October 3, 2022; Xtra, [Queer and trans candidates are running for office in Brazil in record numbers](#), 28 de septiembre de 2022

³⁶⁷ CNN Brazil, [Use of social names in public schools grows 300% in the last decade](#) April 13, 2022

³⁶⁸ Ministry of Education, Resolution of the National Council of Education No. 1 of January 2018.

³⁶⁹ Yahoo, [SP expands actions within public schools to try to protect and protect transgender students](#) February 21, 2022

³⁷⁰ Globo, [Desembargador suspends judicial decision that obliged IBGE to include 'sexual orientation' in Census 2022](#), June 27, 2022; El País, ['Queer' statistics needed](#), August 10, 2022.

³⁷¹ Yahoo News, [Justiça condena apresentador Gilberto Barros à prisão por dizer que vomita e bate em homens que se beijam](#) August 16, 2022; OUL News, [Deputada bolsonarista pagará R\\$ 50 mil por associar LGBTs à pedofilia](#), July 13, 2022; Globo, [Justiça manda IBGE incluir questões sobre orientação sexual no Censo 2022](#), June 3, 2022; [Consultor Jurídico, Mulher que proferiu insultos homofóbicos terá que pagar indenização de R\\$ 20 mil](#) May 26, 2022; DW, [Brazil opens first criminal action for gender-based political violence](#) August 28, 2022; DW, [Brazil opens first criminal action for gender-based political violence](#), August 28, 2022

³⁷² RC24H, [Travesti é assassinada a tijoladas em Cabo Frio](#), 30 de enero de 2022; Globo, ['Era sempre alegre e nunca chorava' diz irmã de travesti assassinada em Fortaleza](#), 12 de febrero de 2022; Globo, [PM é acusada de transfobia contra irmãs trans em SP: 'Vai fazer RG no nome de mulher'](#), 3 de febrero 2022; Globo, [Visibilidade Lésbica: 24.76% of women heard in LesboCenso say they were raped](#), August 31, 2022; ANDES, [Coletivos publicam pesquisa inédita para mapear perfil demográfico de lésbicas no Brasil](#), September 8, 2022

³⁷³ Forum, [Brazil registers 135 deaths of LGBTs in first semester of 2022](#) diz pesquisa, June 28, 2022

³⁷⁴ Minuto MT, [Prefeito de Sinop proíbe ideologia de gênero em escolas](#), March 14, 2022; Globo, [Deputados aprovam projeto que proíbe 'ideologia de gênero' nas escolas de Goiás](#), August 28, 2022; HRW, [Brazil: Attacks on gender and sexuality education](#) May 12, 2022

³⁷⁵ Total News, [Transgender parliamentarians live in political isolation and boycott projects](#) May 19, 2022

³⁷⁶ SISDEPEN - Departamento Penitenciário Nacional (DEPEN), Government of Brazil, [Informações Gerais Período de janeiro a junho de 2022 12º de coleta](#), 2022.

period, as well as comprehensive healthcare for them and their newborn babies.³⁷⁷ Similarly, regarding adolescents deprived of liberty, the IACHR appreciates the implementation by the National Council for the Rights of Children and Adolescents (CONANDA) of Resolution No. 233 of December 30, 2022, which establishes guidelines for the socio-educational care of this population in the National System for Socio-Educational Services (SINASE).³⁷⁸

183. On the other hand, the IACHR expresses its concern and condemnation for acts of intra-prison violence that occurred in Brazilian prisons during 2022. In particular, according to public information, three men deprived of liberty were allegedly murdered on July 26 by cellmates at the CPP located in the Aparecida de Goiânia Penitentiary Complex in the state of Goiás. In addition, the following day, in the same detention center, there was a riot that resulted in the death of a detainee.³⁷⁹ Likewise, on March 5, prisoners staged a riot at the Juiz de Fora II-Professor Ariosvaldo Campos Pires Penitentiary in the state of Minas Gerais, demanding their right to have visits because they had been reduced.³⁸⁰ In addition, on September 14, there was a fight between detainees in the Provisional Prison House (CPP) located within the Aparecida de Goiânia Prison Complex in the state of Goiás, which resulted in 13 prisoners being injured.³⁸¹ Also, on October 15, acts of violence and an attempted riot took place at the Oeiras Regional Penitentiary located in the state of Piauí, in which one of the inmates was taken hostage by their fellow inmates.³⁸²

184. In addition to the above, the Commission is concerned about suicides of imprisoned LGBTI persons. In this regard, according to data published by the press, between 2021 and mid-2022, in the LGBTQIA+ wards of the Professor Jason Soares Albergaria Penitentiary located in the state of Minas Gerais, at least 12 persons deprived of liberty would have committed suicide and more than 60 would have attempted suicide. This was due to the deplorable conditions they reportedly faced, mainly characterized by the lack of healthcare professionals, psychological assistance, and prison officers trained to provide specific care, in addition to the lack of control over access to medications. In this scenario, in July, the courts decreed the partial interdiction of this detention center and ordered that, for 365 days, these spaces can only receive detainees from the Metropolitan Region of Belo Horizonte.³⁸³

185. With regards to **torture**, the Commission welcomes the decision of the Supreme Federal Court of Brazil that declared unconstitutional the 2019 decree that had suspended funding for the National Mechanism to Prevent and Combat Torture (MNPCT), forcing its members to serve on a voluntary basis.³⁸⁴ On the other hand, the IACHR expresses its condemnation of information it has received indicating the indiscriminate, unregulated, and potentially unlawful use of less lethal weapons against persons deprived of liberty. In particular, the MNPCT registered the use of military devices such as pepper spray, rubber bullets, stun bombs, tear gas, light and sound bombs, and smoke bombs in closed environments, both in centers of the penitentiary system and the socio-educational system used to house adolescents.³⁸⁵ In addition to the above, the IACHR notes that, according to data published by the press, the National

³⁷⁷ Office of the President of the Republic, Government of Brazil, [Law No. 14,326](#) adopted on April 12, 2022.

³⁷⁸ Imprensa Nacional, Government of Brazil, [Resolution No. 233](#) adopted on December 30, 2022.

³⁷⁹ Metr p les, [GO: in two days, 4 prisoners were killed in the Provisional Prison](#), July 28, 2022. See also: Globo 1, [Three prisoners are found dead inside the Provisional Prison of Aparecida de Goi nia](#), July 26, 2022.

³⁸⁰ O Tempo, [Detentos iniciam motim em pres dio de Juiz de Fora](#), March 5, 2022; Joje Emdia, [Detentos fazem motim em penitenci ria de Juiz de Fora: video showra momento da revolta](#), March 5, 2022; and Estado de Minas, [Presos pedem visitas e iniciam inc ndio em pres dio de IF: veja v deo](#), March 5, 2022.

³⁸¹ Metr p les, [Princ pio de motim deixa 13 presos feridos no maior pres dio de Goi s](#), September 14, 2022; and Tempo de Not cias, [Princ pio de motim deixa 13 presos feridos no maior pres dio de Goi s](#), September 14, 2022.

³⁸² Globo 1, [Detento   feito ref m durante tentativa de motim em penitenci ria em Oeiras, no Pia ](#), October 16, 2022; Cidade Verde, [Presid rios fazem detento ref m durante tentativa de motim na penitenci ria de Oeiras](#), October 17, 2022; and Sert o Atual, [detento   feito ref m durante tentativa de motim em penitenci ria em Oeiras, no Pia ](#), October 17, 2022.

³⁸³ Thus, O Tempo, [Justi a interdita alas LGBTQIA+ de pres dio ap s 12 suic dios e 60 tentativas](#), July 13, 2022; Metr p les, [Pris o com detentos LGBTQIA+   interditada ap s tentativas de suic dio](#), July 13, 2022; and O Globo, ['Mortes em s rie': pris o para detentos LGBTQIA+   parcialmente interditada em MG ap s crise humanit ria](#), July 19, 2022.

³⁸⁴ Asociaci n para la prevenci n de la tortura (Association for the Prevention of Torture), [Brazil: Supreme Court ruling is a major victory for torture prevention](#), May 13, 2022.

³⁸⁵ IACHR, Request for Public Hearing for the 185th Period of Sessions, August 13, 2022, on file at the IACHR.

Mechanism to Prevent and Combat Torture (MNPCT) and the Mechanism to Prevent and Combat Torture of Rio de Janeiro, through a document sent to the Transitional Public Security group on December 12, requested the end of the Federal Penitentiary Intervention Task Force (FTIP) since it would perpetrate acts of torture and would not be supervised by the Ministry of Justice.³⁸⁶

186. In relation to the rights of **persons in the context of human mobility**, the Commission welcomes the creation of the Observatory on Violence against Refugees created by the National Committee for Refugees (CONARE), which would have the goal of monitoring incidents of violence against the refugee and migrant population in Brazil in order to follow up on the complaints that are filed and support the development of public policies.³⁸⁷ On the other hand, the Commission notes the implementation of a regulation that extended, until September 15, 2022, the deadline for obtaining or registering a residence permit and for registering a temporary visa—without penalty for delays in the registration or for overstaying within that period—for foreign nationals whose migratory documentation had expired by March 16, 2020.³⁸⁸

187. Regarding Venezuelan refugees and migrants, the most recent data indicate that, as of June 2022, a total of 94,524 asylum applications had been submitted. Moreover, 49,805 persons were recognized as refugees; 294,0907 temporary residence permits were granted; and 88,996 persons were granted an indefinite residence permit.³⁸⁹ The Commission notes that UNHCR and the Ministry of Citizenship renewed the partnership to continue the internal relocation strategy for Venezuelan refugees and migrants,³⁹⁰ which would have benefited more than 76,000 persons.³⁹¹

188. 151. With respect to **human trafficking**, the IACHR took note of the approval of the 2022 work plan by the National Committee of the Attorney General's Office to Combat Labor in Conditions Similar to Slavery and Human Trafficking. This Plan provides for intersectoral dialogue, improvement, and exchange of databases for the formation of indicators and the study of investigation procedures.³⁹² At the same time, the Commission noted the measures taken for the creation of an orientation manual that will provide guidance to health professionals on procedures, care, reporting channels, and typical signs and symptoms of victims of human trafficking.³⁹³ It also welcomes the signing of an agreement within the framework of the Freedom in the Air Project, which provides for the training of aviation professionals, pilots, and the airport community on human trafficking and slave labor.³⁹⁴

189. Regarding the rights of **persons with disabilities**, the Commission received information from the State on the training of personnel involved in mental healthcare on the principles that should govern the treatment of persons with psychosocial disabilities, following up on the provisions of the Case

³⁸⁶ In a document sent to the Transition Team, the National Mechanism to Prevent Torture (MNPCT) and the State Mechanism to Prevent and Combat Torture in Rio de Janeiro (MEPCT/RJ) recommended the deactivation of the FTIP, due to the spread (capilarização) of collective torture in the prison units in which it intervenes, in addition to the complete lack of regulation and control of that body. Twitter account of Brazil's MNPCT (@Mnpct_brasil). [Publication of December 20, 2022](#). See also: Metr p les, [Força-tarefa federal em pris es comete tortura, diz  rg o   transi o](#), December 20, 2022.

³⁸⁷ UNHCR, [Brazil: UNHCR welcomes the creation of the Observatory on Violence against Refugees by CONARE](#), February 3, 2022.

³⁸⁸ Di rio Oficial da Uni o, Brasil, [Portaria N  28/2022-Direx/Pf. De 11 de Mar o de 2022](#), March 11, 2022.

³⁸⁹ Minist rio da Justi a e Seguran a P blica e OIM, [Subcomit  Federal para Recep o, Identifica o e Triagem dos Imigrantes - Migra o Venezuelana, Janeiro 2017 - Junho 2022](#), 30 de julho de 2022, p.2.

³⁹⁰ UNHCR, [Brazil: UNHCR and Ministry of Citizenship renew partnership for Venezuelan refugees and migrants](#), January 26, 2022.

³⁹¹ ACNUR, [Interioriza o beneficia mais de 76 mil pessoas refugiadas e migrantes da Venezuela no Brasil](#), 12 de junho de 2022.

³⁹² Gobierno de Brasil, [Comit  de lucha contra el trabajo esclavo y la trata de personas establece plan de trabajo para 2022](#), 30 de mayo de 2022

³⁹³ Government of Brazil, [Trafficking in persons: manual guides SUS health professionals to deal with cases](#), July 30, 2022

³⁹⁴ Government of Brazil, [Cooperation agreement strengthens the fight against human trafficking in civil aviation](#), July 29, 2022

Ximenes Lopes v. Brazil.³⁹⁵ On the other hand, the IACHR took note of official information on the inequalities affecting persons with disabilities in the country; among others, the employment rate of persons with disabilities is 28% compared to 66% for persons without disabilities. This inequality is also observed in the rate of formal employment, which is around 34% in the case of persons with disabilities and 51% for persons without disabilities, which also shows the barriers to access to social security.³⁹⁶ Similarly, there are barriers to access to education, especially for persons with physical or psychosocial disabilities or with more than one disability, who, taking into account persons between 6 and 14 years of age, have school attendance rates 30% lower than persons without disabilities.³⁹⁷

190. With regard to the rights of **older persons**, the IACHR notes that, according to public information, in Brazil there is a bill to raise the age for qualifying as an older person from 60 to 65 years of age. The IACHR takes note of this legislative initiative considering the impact that this type of change could have on access to pensions, support systems, and non-contributory pensions for persons close to accessing such coverage based on their age, as well as the situation of lack of protection into which they could fall.³⁹⁸ Likewise, in Brasilia, a bill was approved that will change the signage that identifies older persons with symbols that could reinforce stereotypes to the detriment of this population group.³⁹⁹ The IACHR is evaluating the measure and will follow up on its legislative approval and replication in other federal entities of the State.

CANADA

General Considerations

191. With respect to **progress made**, the Commission takes note of actions such as those promoted by the government to introduce legislation to strengthen measures to control and contain armed violence; the creation of the National Council for the Reconciliation of Canada and the forms of violence perpetrated against indigenous groups; and the empowerment of survivors of human trafficking. On top of this, the IACHR also welcomes criminal code reform measures that prohibit conversion therapies to modify gender orientation and gender identity; as well as actions to financially assist students with disabilities and the appointment of the first indigenous person to the Supreme Court of Canada.

192. In relation to the **challenges**, the IACHR expresses its concern about the potential increase in the number of detentions of foreign persons and new internal displacements related to natural disasters, which between 2020 and the end of 2021 would increase by 230%. The IACHR is also concerned about the situation of gender-based violence, particularly against indigenous women. Finally, it notes with concern the discovery of around 93 unmarked graves on the grounds of a former boarding school in British Columbia, as well as the overrepresentation of indigenous persons in the prison system.

Specific issues

193. On the matter of **citizen security**, the Government of Canada announced the introduction of Bill C-21 to strengthen gun control measures and contain violence. The new measures would include: i) implementing a nationwide ban to firearms; ii) withdrawing firearm licenses from those who engage in acts of violence; iii) combating gun smuggling and trafficking; and, iv) addressing intimate partner violence,

³⁹⁵ Federative Republic of Brazil, Chapter IV A - Annual Report of the IACHR 2022, Report on the Country, November 2022, pp. 201-206

³⁹⁶ Brazilian Institute of Geography and Statistics (IBGE), [Pessoas com Deficiência e as Desigualdades Sociais no Brasil](#), September 19, 2022, p. 14.

³⁹⁷ Brazilian Institute of Geography and Statistics (IBGE), [Pessoas com Deficiência e as Desigualdades Sociais no Brasil](#), September 19, 2022, p. 20.

³⁹⁸ Tribuna de Minas, [JF is prepared for the development of its population?](#) November 13, 2022.

³⁹⁹ Correo Braziliense, [Projeto que modifica placas de sinalização para idosos avança na CLDF](#), October 20, 2022.

gender-based violence, and self-harm with firearms.⁴⁰⁰ On the other hand, the IACHR notes the work done with First Nations indigenous leaders to take action against guns and gangs, and the announcement of the creation of the Building Safer Communities Fund (BSCF) with an allocation of \$250 million Canadian dollars.⁴⁰¹

194. Likewise, the Commission also received from the Government of Canada its response to a request regarding the public safety emergency measures imposed by the Government in the months of January and February. In its response, the State pointed out that the declaration of emergency under the Emergencies Act was invoked for nine days (February 14 to 23, 2022) to address demonstrations and illegal blockades in Ottawa and elsewhere in Canada. According to the State, the acts of violence against persons and property met the high threshold required by the Emergency Act for the declaration of a public safety emergency, in response to attacks perpetrated against persons and expressions of hatred based on perceived sexual or gender identity and racial discrimination.⁴⁰² The Commission notes that a committee has been created to investigate the circumstances giving rise to the invocation of such a declaration, and the report is expected to be submitted in February 2023.⁴⁰³

195. With respect to **access to justice**, and according to information available to the Commission, the signing of agreements of understanding on judicial governance and judicial education has been recorded, and these recognize that the principle of judicial independence includes the independence of the Judicial Council of Canada for the appointment of the Commissioner for Federal Judicial Affairs. Also, that the recognition of judicial education is an essential element of Canada's justice system for the respect of judicial independence, transparency, and accountability to the public; respectively.⁴⁰⁴

196. On the rights of **persons in the context of human mobility**, the most recent information from the Canada Border Services Agency (CBSA) indicates that, as pandemic-related travel restrictions continued to ease, the number of entries of foreign nationals continued to increase. This, according to the CBSA, would lead to a potential increase in the number of detentions. In this regard, figures released by CBSA in April 2022 indicate that the number of detentions of migrants doubled from 565 to 1,211 in the fourth quarter of fiscal year 2021⁴⁰⁵ when compared to the same period during fiscal year 2020-2021. According to available official information, the quarterly figures reflect the number of persons detained at a given time and could include a person detained for two quarters.⁷

197. In addition, the Commission notes that the CBSA would continue to prioritize the use of migrant detention centers for cases of detention and alternatives to detention. Moreover, it would be working to identify release options for detained individuals, where possible. In particular, it notes that release decisions are made on a case-by-case basis, using a dynamic risk assessment process that aligns individual risk indicators with conditions that may mitigate that risk.⁴⁰⁶

198. In relation to **forced internal displacement**, the most recent figures from the Internal Displacement Monitoring Centre (IDMC), released in May 2022, indicate that by the end of 2021 there was

⁴⁰⁰ Government of Canada, [Further strengthening our gun control laws](#), May 30, 2022

⁴⁰¹ Government of Canada, [New funding for Six Nations of the Grand River to support anti-gang programming](#), July 22, 2022

⁴⁰² Permanent Mission of Canada to the Organization of American States, [Note of response from the Government of Canada dated April 5, 2022 with respect to the request via letter Art. 41](#), April 5, 2022

⁴⁰³ Permanent Mission of Canada to the Organization of American States, [Note of response from the Government of Canada dated April 5, 2022 with respect to the request via letter Art. 41](#), April 5, 2022

⁴⁰⁴ Government of Canada, [Strengthening judicial independence and increasing public confidence in the justice system: Chief Justice of Canada and Minister of Justice sign two key Memoranda of Understanding](#), April 28, 2022

⁴⁰⁵ According to official information, the fiscal year begins on April 1 and ends on March 31. The quarters are composed as follows: i) first quarter from April 1 to June 30; ii) second quarter from July 1 to September 30; iii) third quarter from October 1 to December 31; and iv) fourth quarter from January 1 to March 31. Canada Border Services Agency, Quarterly detention statistics: Second quarter fiscal year 2021 to 2022, April 28, 2022.

⁴⁰⁶ Canada Border Services Agency, Quarterly detention statistics: Second quarter fiscal year 2021 to 2022, April 28, 2022.

a total of 60,000 new displacements related to natural disasters in Canada.⁴⁰⁷ This compares to the 26,000 displacements reported by the end of 2020.⁴⁰⁸

199. With regard to the **rights of children and adolescents**, the IACHR welcomes the implementation of the National Action Plan to End Violence against Indigenous Women and Girls.⁴⁰⁹ It also takes note of the legislative proposal for the creation of the National Council for Reconciliation, whose goal is to follow up on the recommendations of the Truth and Reconciliation Commission of Canada, regarding the legacy of the Residential School system for indigenous people; as well as the forms of violence perpetrated against this group in that system, including the graves of children and adolescents found in former school grounds. The IACHR takes note of the continued identification of new anonymous graves found at the sites of the former residential schools, other than those in the Report of the Truth and Reconciliation Commission.⁴¹⁰

200. On the matter of **trafficking in persons**, the IACHR appreciates the efforts of the Office of Public Security where, through the "Promote Development Program," survivors of trafficking in persons are being empowered to regain their independence. According to available information, the Program provides subsidized housing for survivors of labor and sexual exploitation and supports a development center for survivors aged 16 and over to access specialized training and education.⁴¹¹ In addition, the Commission notes the efforts involving the private sector in partnership with Truckers Against Trafficking (TAT), a non-profit organization that educates drivers to combat human trafficking in their daily work.⁴¹²

201. On the matter of **persons deprived of liberty**, the Commission takes note of the May 27 ruling issued by the Supreme Court that declared unconstitutional Article 745.51 of the Criminal Code retroactively from its enactment in 2011. That statute allowed a court to impose on convicted persons a prison sentence without the possibility of parole for a term of 50 years or up to 150 years in cases of multiple counts of first-degree murder. As a result, the law that was in force before 2011, which allows persons sentenced to life imprisonment to be eligible for parole after 25 years, was reinstated.⁴¹³

202. With regards to the rights of **LGBTI persons**, the IACHR takes note of the enactment of the Federal Action Plan 2SLGBTQI+, which contains measures to guarantee human rights with an intersectional perspective and prioritizes the participation of communities.⁴¹⁴ It also takes note of the lifting of the ban on blood donations by gay, bisexual, and other men who have sexual relations with men, based on recommendations and scientific evidence.⁴¹⁵ The IACHR also welcomes the enforcement, effective starting on January 7, of the ban on practices that seek to modify gender orientations and identities, also known as "conversion therapies," after parliament approved a reform to the criminal code in 2021.⁴¹⁶

⁴⁰⁷ IDMC, Global Report on Internal Displacement 2022 April 2022, p. 161.

⁴⁰⁸ IDMC, Internal displacement in a changing climate, May 10, 2022, p. 147.

⁴⁰⁹ Office of the High Commissioner for Human Rights, [Experts of the Committee on the Rights of the Child commend Canada on the Truth and Reconciliation Hearing Commission for Indigenous Children, Ask Questions about Children in Court and "Jordan's Principle"](#), May 18, 2022. See also Missing and Murdered Indigenous Women, Girls, [2022 Progress Report on the Missing and Murdered Indigenous Women, Girls, and 2SLGBTQIA+ People National Action Plan](#), May 23, 2022.

⁴¹⁰ CBC, [More Deaths At Quebec Residential schools than previously reported, investigation reveals](#), December 8, 2022.

⁴¹¹ Government of Canada, [On International Women's Day Government of Canada announces project empowering survivors of human trafficking to regain independence](#), March 8, 2022

⁴¹² The Seeker, [Heroes of the Highway Fight Human Trafficking](#), April 7, 2022; Penticton Western News, [Eyes on the road: Canadian truckers fight human trafficking along highways](#), April 9, 2022; CBC, [Maritime trucking company partners with U.S. non-profit to combat human trafficking](#), April 20, 2022

⁴¹³ Supreme Court of Canada, Government of Canada, [Case in Brief R. v. Bissonnette No. 2022 SCC 23](#), May 27, 2022.

⁴¹⁴ Government of Canada, [Canada's first Federal 2SLGBTQI+ Action Plan... Building our future, with pride](#), August 28,

2022.

⁴¹⁵ Global News Canada, [Blood donation ban on men who have sex with men can end: Health Canada](#), April 28, 2022.

⁴¹⁶ CTV News, [Conversion therapy is now illegal in Canada](#), January 7, 2022

203. In relation to the rights of **persons with disabilities**, the Commission highlights the presentation of the Plan of Action for the Inclusion of Persons with Disabilities, which seeks to reduce economic inequalities; improve access to quality jobs; reduce physical, communication, and attitudinal barriers to improve the community living of persons with disabilities, and modernize the country's institutions on their approach to persons with disabilities.⁴¹⁷ Likewise, the IACHR also took note of the Financial Assistance Program for Students, including students with disabilities, to improve access to education.⁴¹⁸

204. Regarding the situation of the rights of **women**, the Commission welcomes the nomination of who would be the first indigenous woman to sit on the Supreme Court of Canada.⁴¹⁹ The IACHR also continues to monitor the implementation of the national plan of action to end gender-based violence.⁴²⁰ It also expresses its concern regarding the situation of gender-based violence, particularly against indigenous women. According to public information, from January to November 2022, a total of 158 murders of women were registered.⁴²¹ In this regard, it takes note of the actions of the civil society and local authorities to incorporate the term femicide into the Criminal Code;⁴²² in particular, in June 2022, a jury in Ontario issued recommendations to the Federal Government in this regard following its conviction of a man for the murder of three women.⁴²³

205. Likewise, the Commission observes that the homicide rate of indigenous women registered in 2021 was almost five times higher than that of non-indigenous women, a rate that has been maintained in 2022.⁴²⁴ Along the same lines, recent information indicates that more than 6 out of 10 indigenous women have reported physical or sexual violence in their lives, a situation that would be more serious in the case of those who identify as lesbian, bisexual, or trans.⁴²⁵

206. On the other hand, the IACHR takes note of reports of sexual violence by military leaders against female members of the Canadian Armed Forces, leading to an external review of the situation in 2022 that culminated in numerous recommendations to various authorities to punish these behaviors and ensure non-recurrence.⁴²⁶ In the same vein, it notes reports of harassment, discrimination, and violence against indigenous women by members of the Royal Canadian Mounted Police.⁴²⁷

207. On the rights of **indigenous peoples**, the Commission continued to monitor the impacts of the legacy of residential schools established for the assimilation of indigenous children. In January 2022, leaders of the Williams Lake First Nation announced the discovery of around 93 unmarked graves on the

⁴¹⁷ Government of Canada. [Canada's Disability Inclusion Action Plan](#), August 2, 2022.

⁴¹⁸ Government of Canada. [Government of Canada announces improved financial support for students with disabilities](#), August 2, 2022.

⁴¹⁹ CBC News. [Michelle O'Bonsawin becomes 1st Indigenous person nominated to Supreme Court of Canada](#), August 19, 2022.

⁴²⁰ Government of Canada, [National Action Plan to End Gender-Based Violence a significant step towards gender equality](#), November 9, 2022.

⁴²¹ Canadian Femicide Observatory for Justice and Accountability. [2022 Victims](#), consulted in November 2022.

⁴²² Policy Options. [When will Canada say enough is enough when it comes to femicide](#), March 7, 2022; Toronto Star. ['This is a crisis': Ontario police board wants femicide added to Criminal Code](#), July 2022

⁴²³ The Guardian. [Jury calls for sweeping reforms to Canada's approach to femicide](#), July 1, 2022.

⁴²⁴ UN Women and UNODC. [Gender-related killings of women and girls \(femicide/feminicide\). Global estimates of gender-related killings of women and girls in the private sphere in 2021 Improving data to improve responses](#), March 2022, p. 22

⁴²⁵ Human Rights Watch. [World Report 2022 Events of 2021](#), 2022., p. 135; See also: CBC. [Indigenous women more likely to face violence if they were children in care: report](#), May 1, 2022.

⁴²⁶ Honourable Louise Arbour, C.C., G.O.Q. [Report of the Independent External Comprehensive Review of the Department of National Defence and the Canadian Armed Forces](#), May 2022; PRIO. [Sexual Violence by Military Leaders: The Canadian Leadership Crisis](#), October 5, 2022.

⁴²⁷ The Canadian Feminist Alliance for International Action (FAFIA), Justice for Girls and Dr. Pamela Palmater. Annex to the Request for a Hearing on the Royal Canadian Mounted Police: Systemic Discrimination and Violence against Indigenous Women, for the 185th Period of Sessions of the IACHR, August 11th 2022; Radio-Canada. [Mujeres indígenas enfrentan discriminación y violencia sistémica por parte de la RCMP](#), May 10, 2022

grounds of a former residential school in British Columbia.⁴²⁸ On the other hand, note is taken of the overrepresentation of indigenous people in the prison system, where they represent 30% of the imprisoned population at the federal level, despite the fact that the indigenous adult population represents only 5% of the national population.⁴²⁹

208. In relation to the rights of **older persons**, public information reports that the National Institute on Ageing of Canada published the study “Coming out and coming in to living with dementia: Enhancing Support for 2SLGBTQI People Living with Dementia and their Primary Unpaid Carers.” The study includes qualitative findings regarding 2SLGBTQI persons living with dementia, their caregivers, and service providers. The IACHR welcomes the publication of this intersectional report and highlights the value of this type of document to improve the steps Canada can take in designing systems of care and permanent care for seniors, as well as providing necessary support to families, partners, or persons in their extended social network who serve as their caregivers.⁴³⁰

CHILE

General Considerations

209. The Commission takes note of **progress made**, such as the creation of the System of Guarantees and Comprehensive Protection of the Rights of Children; as well as the enablement of the exercise of the right to vote for persons deprived of liberty, for the first time in the history of the country. It also highlights the adherence to international instruments such as the Protocol of San Salvador and the Escazú Agreement; and the implementation of reparation plans for the victims of the social outbreak.

210. In connection with the IACHR's visit to Chile from May 25 to 28, 2022, the State and the Commission agreed to create the Joint Follow-up Mechanism to assist the process of compliance with the recommendations of the [Report on the Situation of Human Rights in Chile](#).

211. Regarding **challenges**, the IACHR notes with concern the implementation of public security measures that seek to combat organized crime in the country's southern macro-region and, at the same time, have a differentiated impact on historically discriminated groups, such as the declaration of states of emergency in regions of the country with a high concentration of communities of the Mapuche People, where the lack of an effective response to claims on ancestral lands has given rise to conflict.

212. On November 25, 2022, the State submitted its response to the request for information sent in order to prepare this chapter.⁴³¹

Specific issues

213. In terms of **democratic institutions**, the Commission highlights the work of the Public Criminal Defender's Office and the National Institute of Human Rights (INDH). At the same time, it takes note of the constitutional plebiscite that rejected the text proposed by the Constitutional Convention, which

⁴²⁸ The Globe and Mail, [Williams Lake First Nation identifies 93 potential burial sites at former residential school](#). 25 de enero de 2022; El País, [Halladas decenas de tumbas sin marcar en otro antiguo internado para niños indígenas en Canadá](#), January 26, 2022.

⁴²⁹ Reuters, [Indigenous woman nominated to Canada's Supreme Court in 'historic moment'](#) August 19, 2022.

⁴³⁰ National Institute on Ageing, [“Coming put and coming in to living with dementia: Enhancing Support for 2SLGBTQI People Living with Dementia and their Primary Unpaid Carers.”](#), May 2022.

⁴³¹ Permanent Mission of Chile to the Organization of American States, Note No. 232/22, November 25, 2022. Annex, Report of the Republic of Chile to the Inter-American Commission on Human Rights, November 2022, Communication 568-22/CIDH/SE/MPCT-IVA. On file at the IACHR.

had a turnout of 95.7% of the electoral roll, according to information from the State.⁴³² In this context, the IACHR observed the constitutional reform that enables a new constituent process, which establishes the creation of the Constitutional Council, the Expert Commission, and the Technical Committee on Admissibility for the drafting of a second proposal for a Political Constitution for Chile.⁴³³

214. With regards to **human rights institutions**, the IACHR welcomes the submission of the instrument of Ratification of the Additional Protocol to the American Convention on Human Rights in the matter of Economic, Social, and Cultural Rights, and the State's adherence to the Regional Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean.⁴³⁴

215. Likewise, the IACHR welcomes the launching of the "Comprehensive Agenda for Truth, Justice, and Reparation for victims of human rights violations during the social unrest,"⁴³⁵ as well as the "Plan of Accompaniment and Care for Eye Trauma Survivors (PACTO)."⁴³⁶ In this regard, it learned that the round table on reparation for victims of the social outbreak in Bío Bío held its first session in November, during which the Ministry of Justice presented the needs and proposals for a Comprehensive Reparation Law.⁴³⁷ In this context, it highlights the signing of a working plan for the Joint Follow-up Mechanism to the recommendations of the report on the Situation of Human Rights in Chile (MESECH), between the State of Chile and the IACHR.⁴³⁸

216. On the matter of **citizen security**, the IACHR observed the declaration of a state of constitutional exception in the Araucanía Region and the provinces of Biobío and Arauco, due to acts of violence in that area.⁴³⁹ In that regard, the Commission observes that the Chilean State has resorted on different occasions⁴⁴⁰ to the declaration of a state of emergency in that region, in a context where an intercultural conflict persists as a result of historical discrimination, stigmatization, prejudice, practices of intolerance, and criminalization based on the ethno-racial origin of the native peoples. The Commission also took note of initiatives for police reform, including the creation of a Commission and an Advisory Unit. The State reported that this reform is based on the principles of subordination to civil authority and a focus on gender.⁴⁴¹

⁴³²Permanent Mission of Chile to the Organization of American States, Note No. 232/22, November 25, 2022. Annex, Report of the Republic of Chile to the Inter-American Commission on Human Rights, November 2022, Communication 568-22/CIDH/SE/MPCT-IVA. On file at the IACHR.

⁴³³ Official Gazette of the Republic of Chile, Ministry of the Interior and Public Security, Ministry of the General Secretariat of the Presidency, Law No. 21.533, Modifies the Political Constitution of the Republic in order to establish a procedure for the drawing up and adoption of a new Political Constitution of the Republic, January 17, 2023.

⁴³⁴Permanent Mission of Chile to the Organization of American States, Note No. 232/22, November 25, 2022. Annex, Report of the Republic of Chile to the Inter-American Commission on Human Rights, November 2022, Communication 568-22/CIDH/SE/MPCT-IVA. On file at the IACHR.

⁴³⁵ Government of Chile, President presented Comprehensive Agenda for Truth, Justice and Reparation to victims of Human Rights violations during the social unrest, May 24, 2022

⁴³⁶ Chilean Ministry of Health, Government launches new PACT Plan for victims of eye trauma from the social explosion, August 3, 2022

⁴³⁷ Bio Bio Chile, First round table for the reparation of victims of the so-called social explosion in the Bío Bío is held, November 6, 2022

⁴³⁸ IACHR Press Release 276/2022 IACHR Sets Up Joint Mechanism to Monitor Recommendations Held in the Report Situation of Human Rights in Chile, December 12, 2022.

⁴³⁹ Chilean Senate, Macrozona Sur: Estado de excepción se extenderá por 15 días más, December 12, 2022.

⁴⁴⁰ CNN, Boric's government in Chile extends state of emergency in Araucanía and Biobío due to violence, May 30, 2022; Senate of the Republic of Chile, State of exception under the Constitution extended in La Araucanía and provinces of Arauco and Biobío, July 29, 2022; Senate of the Republic of Chile, Renuevan estado de excepción en La Araucanía y provincias de Biobío y Arauco, September 13, 2022 September 13, 2022.

⁴⁴¹Permanent Mission of Chile to the Organization of American States, Note No. 232/22, November 25, 2022. Annex, Report of the Republic of Chile to the Inter-American Commission on Human Rights, November 2022, Communication 568-22/CIDH/SE/MPCT-IVA. On file at the IACHR.

217. On the matter of **access to justice**, the IACHR received information on the application of the gender perspective in punishing acts of violence perpetrated against women during the dictatorship.⁴⁴² In turn, the State reported on the work carried out by the Office for the Coordination of Cases of Human Rights Violations created by the Full Court of the Supreme Court, highlighting its role as Technical Secretariat of the Intersectoral Roundtable of public institutions that assist the justice system in the search for and identification of victims of forced disappearance that took place between 1973 and 1990.⁴⁴³ In addition, it stated other measures of the Coordination Office to seek greater speed in the hearing and ruling of appeals before the Second Chamber of the Supreme Court and training and awareness-raising of public agents related to the administration of justice.

218. With regards to the **rights of indigenous peoples**, the IACHR welcomes the implementation of the "Plan Buen Vivir" (Good Living Plan), which includes the restitution of land and the creation of a Ministry of Indigenous Peoples, as the two central axes to address the State's historical debt to the Mapuche People.⁴⁴⁴ At the same time, the Commission learned, through publicly available sources, of a ruling by the Court of Appeals of Santiago that ordered compensation to Mapuche leader Héctor Llaitul for torture and harassment suffered at the end of the civil-military dictatorship in 1988.⁴⁴⁵ The IACHR also took note of a bill that seeks to amend the regulation that does not consider a hunger strike as a serious offense when it involves a person deprived of liberty who is a member of an Indigenous People. The purpose of the bill is to apply the disciplinary consequences of a hunger strike as a serious offense, regardless of the ethno-racial origin, nationality, socioeconomic status, language, ideology, political opinion, religion, or belief of the person deprived of liberty.⁴⁴⁶

219. With regard to **Memory, Truth, and Justice**, the State pointed out the process of designing the National Search Plan based on the national and regional meetings with groups of relatives of victims of forced disappearance by the civil-military dictatorship, human rights organizations, experts, hearings, and working groups with representatives of public institutions in that area of expertise.⁴⁴⁷ It also stated that the Ministry of Health is designing a protocol for the delivery of information to collaborate with the search and finding of persons who were victims of the alteration or suppression of their identity related to the abduction of children and forced adoptions during the dictatorship.⁴⁴⁸ On the other hand, during 2022, the IACHR continued to receive information about attacks to memorial sites.⁴⁴⁹ In this context, it appreciates that the Senate has restored the resources of the National Cultural Heritage Service that had been eliminated from the 2023 budget, ensuring the operation and preservation of different memorial sites in the country.⁴⁵⁰

⁴⁴² Red Latinoamericana de Litigio Estratégico en Género, [Transitional Justice in Chile: moves to achieve adequate reparation reflecting the differential impacts of sexual and gender-based violence](#), 2022, Judiciary [Corte de Santiago ordena indemnizar a víctimas de detención ilegal y torturas sexuales en recintos de la Armada en Concepción](#), January 31, 2022; Judicial Branch [Corte de Santiago aplica perspectiva de género y duplica indemnización a víctima de detención ilegal y torturas](#), March 18, 2022.

⁴⁴³ Ministry of Foreign Affairs, Report of the Republic of Chile to the Inter-American Commission on Human Rights, Communication 568-22/CIDH/SE/MPCT-IVA, November 2022, Diplomatic Note No. 232, November 25, pp. 27-29.

⁴⁴⁴ Ministry of Foreign Affairs, Report of the Republic of Chile to the Inter-American Commission on Human Rights, Communication 568-22/CIDH/SE/MPCT-IVA, November 2022, Diplomatic Note No. 232, November 25, p. 62.

⁴⁴⁵ Swissinfo, [Chilean court confirms compensation to Mapuche leader for torture in 1988](#), November 7, 2022

⁴⁴⁶ Constitutional Journal [bill incorporates hunger strike by persons deprived of liberty as a serious misdemeanor, October 9, 2022](#); Civil Society Organizations, [Charter Request Art. 41](#), October 9, 2022; Civil Society Organizations, [Charter Request \(Solicitud de Carta\) Article 41. Case of Chile for regressive resolution on hunger strike by persons deprived of liberty](#), November 18, 2022. On file at the IACHR.

⁴⁴⁷ Ministry of Foreign Affairs, Report of the Republic of Chile to the Inter-American Commission on Human Rights, Communication 568-22/CIDH/SE/MPCT-IVA, November 2022, Diplomatic Note No. 232, November 25, p. 13.

⁴⁴⁸ Ministry of Foreign Affairs, Report of the Republic of Chile to the Inter-American Commission on Human Rights, Communication 568-22/CIDH/SE/MPCT-IVA, November 2022, Diplomatic Note No. 232, November 25, pp. 27-29.

⁴⁴⁹ El Desconcierto, [Agrupación de Familiares de Detenidos Desaparecidos denuncia ataque con ofensiva imagen](#), October 16, 2022; Villa Grimaldi, [RESLAC repudia los 5 ataques a Melinka-Puchuncaví y demanda una investigación urgente](#) 2022; University of Valparaíso, [Críticas por ataque a Memorial de Detenidos Desaparecidos y Ejecutados Políticos](#), August 21, 2022.

⁴⁵⁰ Museum of Memory and Human Rights, [Budget: Senate replenished cultural heritage resources for human rights institutions](#), November 24, 2022; Bio bio Chile, [Marathon session: Chamber dispatches 2023 Budget and leaves Museum of Memory and National Institute of Human Rights \(INDH\) without funds](#), November 17, 2022.

220. On the matter of the rights of **persons in the context of human mobility**, the IACHR welcomes the approval of Supreme Decree No. 177, which regulates, among others, the temporary residence subcategories of family reunification permits and humanitarian permits for humanitarian reasons for victims of human trafficking, victims of domestic or gender-based violence, victims of illegal smuggling of migrants, pregnant foreign women, children and adolescents, and refugees. In accordance with the provisions of the Decree in question, the holders of these permits will be entitled to apply for permanent residence.⁴⁵¹

221. On the other hand, the Commission has continued to observe with concern the acts of violence perpetrated against migrants, particularly in northern Chile.⁴⁵² According to press reports, a group of people set fire to various objects belonging to migrants who were spending the night in makeshift homes in Antofagasta. This took place in the context of protests that started due to the increase in crime in that region.⁴⁵³ The IACHR reiterates its call to continue implementing measures to prevent and eliminate xenophobic practices, as well as to act with due diligence to prevent human rights violations, to investigate, and to punish those responsible, and to provide reparations to the victims.⁴⁵⁴

222. The IACHR also notes with concern that, on the northern border, migrants are reportedly being forced to appear at a border center in Colchane to undergo a mandatory criminal background check. However, those who are denied entry into Chile are also reportedly being prevented from entering Bolivia for having entered Chile in an irregular migratory capacity. This would have caused the collapse of the Colchane migrant center.⁴⁵⁵ In addition, the Commission notes that Law 21.325 on Migration and Immigration—which entered into force in February 2022—introduced the concept of "immediate deportation or return at the border," which would apply to migrants who enter the Chilean territory irregularly.⁴⁵⁶ In this regard, the UN Human Rights Council noted that migrants expelled under this procedure would face greater legal uncertainty and the risk of suffering further violations to their human rights in the territories to which they are expelled.⁴⁵⁷

223. With regards to **trafficking in persons**, the Commission takes note of the creation of programs to protect victims of this crime; in particular, the establishment of a temporary and safe place of residence for women over the age of 18 and their children under the age of 14 who are at risk because they have been victims of the crime of trafficking in persons, regardless of the form of exploitation, their nationality, and culture of origin.⁴⁵⁸ At the same time, it welcomes the approval of the regulation of Law No. 21.325 on Migration and Immigration, by which, among others, persons who show signs of being victims of trafficking in persons will not be reshipped, and pregnant women who are victims of trafficking may receive permission to regulate their stay in the country.⁴⁵⁹

⁴⁵¹ Ministry of the Interior and Public Security, Chile, Supreme Decree 177 establishing the subcategories of temporary residence under the new migration and aliens law No. 21.325, May 14, 2022, Article 10.

⁴⁵² IACHR, Press Release 263/21 - IACHR Condemns Violent, Xenophobic Acts against Venezuelan Migrants in Iquique, Chile Washington D.C., October 5, 2021.

⁴⁵³ Biobiochile.cl, Antofagasta: queman pertenencias de extranjeros durante protesta por adolescente asesinado (Antofagasta: foreigners' belongings burned during protest for murdered teenager), August 1, 2022. Infomigra, Queman pertenencias de personas extranjeras durante protesta por joven asesinado en Antofagasta (Foreign nationals' belongings burned during protest for young man killed in Antofagasta), August 2, 2022.

⁴⁵⁴ IACHR, Press Release 263/21 - IACHR Condemns Violent, Xenophobic Acts against Venezuelan Migrants in Iquique, Chile Washington D.C., October 5, 2021.

⁴⁵⁵ OCHA, Latin America & the Caribbean, Weekly Situation Summary (February 6-13, 2022), February 14, 2022; United Nations, "Venezuelans in Chile, Childhood Cancer, Omicron.... Las noticias del martes" (Tuesday's News), February 15, 2022.

⁴⁵⁶ Ministry of the Interior and Public Security, Chile, Law 21325 Ley de Migración y Extranjería (Migration and Aliens Law), February 12, 2022, Article 131.

⁴⁵⁷ Human Rights Council, Report of the Special Rapporteur on the rights of migrants, Human rights violations at international borders: trends, prevention, and accountability, A/HRC/50/31, April 26, 2022, para. 45.

⁴⁵⁸ Government of Chile, Casa de acogida para mujeres vulneradas por la trata de personas y migrantes en situación de explotación (Shelter for women victims of human trafficking and migrants in situations of exploitation), March 14, 2022

⁴⁵⁹ Government of Chile, Ministry of the Interior and Public Security Approves Enabling Regulations to Law No. 21.325 on Migration and Aliens, February 12, 2022.

224. Regarding the **human rights of women**, the Commission appreciates the Government's commitment to mainstream a gender perspective at a national and international level through a Feminist Foreign Policy.⁴⁶⁰ It should be noted that all 24 government ministries have gender advisors, and 14 of these are headed by women.⁴⁶¹ Also, the Gender Unit was created at the National Migration Service,⁴⁶² and the Gender and Citizen Participation Unit at the Undersecretariat for Crime Prevention.⁴⁶³ On the other hand, within the framework of the implementation of the gender equality and non-discrimination policy for the judicial branch, measures were adopted to promote gender parity in the composition of the Courts of Appeals and the Supreme Court, and workshops and training courses were given to address cases of sexual harassment within the judicial branch, and to incorporate the gender perspective in the administration of justice.⁴⁶⁴ In addition, it took note of the decision of the Court of Appeals of Santiago that confirmed the compensation to victims of illegal detention and sexual torture by the military during the dictatorship, and recognized the differentiated impact of violence on women.⁴⁶⁵

225. Measures have also been taken to advance the economic autonomy of women and the equitable distribution of caregiving duties. Among them, Law No. 21.484 on parental responsibility and effective payment of past-due child support debts was enacted;⁴⁶⁶ the Work and Family Conciliation Board was set up, under which monetary support has been granted to women who require childcare services in small companies, and there has been a push to extend parental postnatal leave;⁴⁶⁷ and progress has been made in the installation of the National Care System, which seeks to improve the conditions of persons who provide care services under a feminist and economic justice perspective.⁴⁶⁸ According to the Global Gender Gap Analysis, Chile registered an increase of +0.020 points in terms of gender equality⁴⁶⁹ in the economic, political, and social spheres, compared to 2021.⁴⁷⁰

226. Regarding the rights of **children and adolescents**, the IACHR welcomes the enactment of the Law that creates the System of Guarantees and Comprehensive Protection of the Rights of Children. This law establishes a new protection system, with the obligation to prevent situations of violation of the rights of children and adolescents through the expansion and creation of 79 Local Offices for Children nationwide.

⁴⁶⁰Government of Chile. Ministry of Foreign Affairs. Chancellor Antonia Urrejola: "El desarrollo de una política exterior feminista será un sello distintivo y elemento de vanguardia de nuestra diplomacia" ("The development of a feminist foreign policy will be a hallmark and avant-garde feature of our diplomacy"), March 22, 2022

⁴⁶¹Government of Chile. Report of the Republic of Chile to the Inter-American Commission on Human Rights, November 2022, p. 56. On file with the IACHR; EuroNews, Women to gain power in Chile : Boric to install the Ministry of Women's Affairs in the Palacio de la Moneda, March 9, 2022

⁴⁶²Government of Chile. Report of the Republic of Chile to the Inter-American Commission on Human Rights, November 2022, p. 69. On file at the IACHR.

⁴⁶³Ministry of the Interior and Public Security, Together with Vice President and Minister of Women's Affairs, Undersecretary of Crime Prevention launches new Gender and Citizen Participation Unit, June 9, 2022

⁴⁶⁴Government of Chile. Report of the Republic of Chile to the Inter-American Commission on Human Rights, November 2022, pp. 19, 20-22. On file at the IACHR.

⁴⁶⁵IACHR. Publication of February 2, 2022. *IACHR values Santiago Court of Appeals ruling published on #31Jan that confirms compensation to victims of illegal detention and sexual torture by military in Biobío during the dictatorship and recognizes the differential impact of violence on #Women*. (Tweet), available at: <https://twitter.com/CIDH/status/1488936782737686531>

⁴⁶⁶Library of Congress of Chile (BCN). Law No. 21.484, published on September 7, 2022

⁴⁶⁷Government of Chile. Report of the Republic of Chile to the Inter-American Commission on Human Rights, November 2022, pp. 36-37. On file at the IACHR.

⁴⁶⁸Government of Chile. Report of the Republic of Chile to the Inter-American Commission on Human Rights, November 2022, pp. 37-38. On file at the IACHR.

⁴⁶⁹In this regard, the IACHR emphasizes that the index reflects an annual evaluation that ranks countries in terms of four dimensions: economic and political participation, education, and health. The closer the coefficient is to 1, the greater the gender parity.

⁴⁷⁰World Economic Forum. Global Gap Report 2022, pp. 10, 20.

⁴⁷¹ On the other hand, with regards to alternative care, the Commission takes note of the work carried out by the State for the conversion of mass centers to residential units.⁴⁷²

227. However, it reiterates its concern regarding violations of the rights of children and adolescents in residences and centers of the Mejor Niñez [Better Childhood] initiative (formerly, SENAME).⁴⁷³ According to information received by the IACHR, there is still a lack of comprehensive responses to the cases of sexual and commercial exploitation detected, as well as a lack of specialized care and urgent protection measures for victims.⁴⁷⁴ Also of concern is the lack of investigation, control, and punishment of perpetrators, and the development of prevention policies to ensure non-recurrence.⁴⁷⁵

228. Additionally, it stresses that in the month of June alone, approximately 400 children and adolescents living in the municipalities of Quintero and Puchuncaví,⁴⁷⁶ according to reports from the Ombudsman's Office of Chile, were affected by episodes of intoxication due to industrial and mining activity in the area.⁴⁷⁷ The IACHR highlights that, although there is a ruling by the Supreme Court of Justice of Chile, admitting an appeal for protection in favor of these children and adolescents in 2019, these measures have not yet been complied with.⁴⁷⁸

229. Regarding the rights of **LGBTI persons**, the State reported on the creation of the "LGTBIQA+ Working Group" as one of the guidelines considered in the action plans of the Ministry of Women and Gender Equity. This Group is made up of civil organizations and a team of female gender advisors, inter-ministerial in nature, and its goal is to generate and prioritize, together with the civil society, the development of public policies on the matter, from an inter-sectorial perspective.⁴⁷⁹

230. The State also reported on the creation of the "Trans Health Board", a collaborative work strategy whose purpose is to build a public policy on trans health in Chile. Likewise, it reported that work has begun with civil society organizations on issues related to access to housing, recognizing acts of violence in public spaces, and raising awareness of these issues. Moreover, the forms and formats for care have been updated to guarantee the recognition of gender identity in migratory matters.⁴⁸⁰ The IACHR also learned, through public information, that the Chamber of Deputies approved a bill that punishes discrimination

⁴⁷¹ Government of Chile, [President Piñera promulgates Law creating the system of guarantees and comprehensive protection of the rights of children](#), March 6, 2022.

⁴⁷² Committee on the Rights of the Child, [Concluding observations on the sixth and seventh combined periodic reports of Chile - CRC/C/CHL/CO/6-7](#), June 22, 2022, para. 24.

⁴⁷³ Chamber of Deputies, [Report of the Special Investigative Commission on situations of abuse and sexual exploitation of children and adolescents under the protection of the State \(CEI 67\)](#), March 10, 2022. See also Committee on the Rights of the Child, [Concluding observations on the combined sixth and seventh periodic report of Chile - CRC/C/CHL/CO/6-7](#), June 22, 2022, para. 24.

⁴⁷⁴ Chamber of Deputies, [Report of the Special Investigative Commission on situations of abuse and sexual exploitation of children and adolescents under the protection of the State \(CEI 67\)](#), March 10, 2022. See also Committee on the Rights of the Child, [Concluding observations on the combined sixth and seventh periodic report of Chile - CRC/C/CHL/CO/6-7](#), June 22, 2022, para. 24.

⁴⁷⁵ Chamber of Deputies, [Report of the Special Investigative Commission on situations of abuse and sexual exploitation of children and adolescents under the protection of the State \(CEI 67\)](#), March 10, 2022. See also Committee on the Rights of the Child, [Concluding observations on the combined sixth and seventh periodic report of Chile - CRC/C/CHL/CO/6-7](#), June 22, 2022, para. 24.

⁴⁷⁶ Defensoría de la Niñez (Children's Ombudsman's Office), [Defensoría de la Niñez asks the Inter-American Commission on Human Rights to issue precautionary measures in favor of children and adolescents in Quintero and Puchuncaví - Defensoría de la Niñez](#), June 23, 2022.

⁴⁷⁷ Defensoría de la Niñez (Children's Ombudsman's Office), [Defensoría de la Niñez asks the Inter-American Commission on Human Rights to issue precautionary measures in favor of children and adolescents in Quintero and Puchuncaví - Defensoría de la Niñez](#), June 23, 2022.

⁴⁷⁸ Defensoría de la Niñez (Children's Ombudsman's Office), [Defensoría de la Niñez asks the Inter-American Commission on Human Rights to issue precautionary measures in favor of children and adolescents in Quintero and Puchuncaví - Defensoría de la Niñez](#), June 23, 2022.

⁴⁷⁹ Government of Chile. Report of the Republic of Chile to the Inter-American Commission on Human Rights, Communication 568-22/CIDH/SE/MPCT-IVA, November 2020, pp. 60-63. On file at the IACHR.

⁴⁸⁰ Government of Chile. Report of the Republic of Chile to the Inter-American Commission on Human Rights, Communication 568-22/CIDH/SE/MPCT-IVA, November 2020, pp. 60-63. On file at the IACHR.

based on sexual orientation and gender identity in educational centers.⁴⁸¹ The Commission also notes that in October, the Civil Registry issued the first identification document to a non-binary person, following a ruling by the Court of Appeals that ordered the correction of the birth certificate of an activist person so that it did not reflect either the male or female sex.⁴⁸²

231. Notwithstanding the above information, the Commission takes note of civil society reports that point to an increase in crimes related to prejudice against non-normative sexual orientations and gender identities. Crimes against LGBTI persons reportedly increased by 66% over the previous year, including the vicious murder of Ignacia Palma, and of Jaime Vergara, the latter allegedly organized through a dating network.⁴⁸³

232. Regarding **persons deprived of liberty**, the Commission welcomes the adoption, on September 4, 2022, of measures to guarantee the exercise of the right to vote by this population. A total of 737 persons detained in various prisons voted in the constitutional plebiscite; this process was observed by the INDH.⁴⁸⁴ Also welcomed is the signing of an agreement that institutionalizes the "+R Project" aimed at the labor insertion of incarcerated persons. Based on official information, this guarantees the continued application of this project that was implemented in 2019 and, since its inception and until January 2022, has allowed the training in trades of 1,140 people and the labor insertion in companies of 357 women and men.⁴⁸⁵

233. In addition to the above, the Commission takes note of the installation of a system of online visits that will allow persons deprived of liberty to communicate with their families.⁴⁸⁶ With regards to women deprived of liberty, the Commission welcomes the adoption by the Chilean Gendarmerie of a protocol that guarantees the rights of pregnant women in detention, particularly with respect to their specialized healthcare and humane treatment, as well as the care of newborn babies.⁴⁸⁷

234. On the matter of **torture**, the IACHR welcomes the implementation of the "System for registration, communication, and comprehensive care for victims of institutional prison violence" (SIRCAIVI) by the Public Criminal Defender's Office of Chile, within the framework of the European Union's EUROsociAL+ Program, of which Argentina and Costa Rica are also a part. In particular, its objective is to strengthen access to justice for detainees who have been victims.

235. In relation to the rights of **persons of African descent and against racial discrimination**, the State of Chile reported that in 2022 the Judicial Academy offered the course "Indigenous Peoples, Tribal People of African Descent, and Access to Justice in Chile"⁴⁸⁸ as part of the Improvement Program. Likewise,

⁴⁸¹ La Diaria, Chile: Chamber of Deputies approves bill to punish discrimination based on sexual orientation and gender identity in educational centers, June 16, 2022

⁴⁸² Pp. 12. Chile: The Civil Registry delivered the first identity document to a non-binary person, October 14, 2022; Universidad de Chile, Clinica Jurídica U. de Chile achieves first ruling that recognizes non-binary gender of a person of legal age, July 8, 2022

⁴⁸³ SwissInfo, Hate crimes in Chile increase 66% compared to 2021, November 14, 2022; Movilh, Brutal crime: trans woman murdered and burned in Valparaíso, August 3, 2022; La Cuarta, Una cita por Grindr terminó en un crimen de odio: así fue el asesinato de Jaime Vergara, reconocido chef de Quillota (A Grindr date ended in a hate crime: this was the murder of Jaime Vergara, renowned chef from Quillota), August 3, 2022.

⁴⁸⁴ INDH, Government of Chile, INDH observed in thirteen prisons historic voting of persons deprived of liberty for the exit plebiscite, September 5, 2022.

⁴⁸⁵ SENAME, Government of Chile, Government, CPC, and Civil Society signed an agreement that institutionalizes the +R Project, which has inserted 357 inmates into the labor market, January 19, 2022.

⁴⁸⁶ Gendarmería Chile, Government of Chile, Gendarmería inaugurates virtual visitation system in prisons, November 2, 2022.

⁴⁸⁷ Gendarmería de Chile, Government of Chile, New protocol emphasizes rights of pregnant women deprived of liberty, January 13, 2022. See also: Termómetro, Presentan protocolo que garantiza los derechos de mujeres embarazadas privadas de libertad (Protocol presented to guarantee the rights of pregnant women deprived of their liberty), January 14, 2022.

⁴⁸⁸ Annual Report of the Republic of Chile to the Inter-American Commission on Human Rights. Communication 568-22/CIDH/SE/MPCT-IVA. November 2022, p. 32.

the IACHR appreciates that the State carries out a consultation process aimed at persons of African descent⁴⁸⁹ about the protocol of Law No. 21.151, which granted legal recognition to the Chilean tribal people of African descent.⁴⁹⁰

236. Regarding the rights of **persons with disabilities**, the Commission was informed by the State about programs to support and reduce barriers faced by persons with disabilities in the areas of education and access to justice.⁴⁹¹ Likewise, the State highlighted the program to support labor inclusion, which, among its objectives, includes the oversight of compliance with hiring quotas for persons with disabilities in the public and private sectors, as provided for in Law No. 21.015.⁴⁹² Additionally, the State pointed out that it is working on the implementation of a follow-up, monitoring, and reporting mechanism on the State's progress in complying with international human rights commitments assumed by the National Disability Service.⁴⁹³

237. In relation to the rights of **older persons**, the IACHR notes that, according to public information, Chile has adopted a series of measures to guarantee the right of older persons to community integration. In this regard, it carried out a series of activities in the framework of the month of older persons⁴⁹⁴ and created the "Piensa en Grandes" [Think of the Elderly] fund to promote innovative ideas to improve the quality of life of the elderly and their close environment.⁴⁹⁵ In relation to the institutions in charge of overseeing the rights of older persons, the Commission notes that civil society organizations have requested the creation of an Ombudsman's Office for Older Persons.⁴⁹⁶ In relation to access to information, freedom of expression, and the situation of the digital divide with regards to older persons, the IACHR takes into consideration the publication of a study by the Organization of Ibero-American States on Chile, which states that more than 50% of the older persons surveyed said they do not know how to use the Internet, while 25% said they are no longer of an age to learn.⁴⁹⁷

COLOMBIA

General considerations

238. With respect to **progress made**, the IACHR welcomes various measures adopted by the State on the matter of human rights. In particular, it highlights the progress made in the implementation of actions focused on security and memory, truth, and justice contained in the Peace Agreement. In particular, those aimed at learning the truth about what happened in the armed conflict, promoting the political participation of the victims of the armed conflict, and resolving disputes over rural property. It also stresses the importance of the peace talks that are taking place in the country.

239. With regard to the **challenges**, the Commission reiterates the structural persistence of violence in the country and its particular impact on human rights defenders, social leaders, representatives

⁴⁸⁹ DiarioUChile, [Mes de la herencia africana \(African Heritage Month\): Lanzan proceso de Consulta al Pueblo Tribal Afrodescendiente presente en el país \(Launching of the consultation process with the Afrodescendant Tribal People present in the country\)](#). November 28, 2022.

⁴⁹⁰ Library of the National Congress of Chile, [Law No. 21.151. Grants legal recognition to the Afro-descendant tribal people in Chile](#). Consulted on December 5, 2022.

⁴⁹¹ Republic of Chile, Report of the Republic of Chile to the Inter-American Commission on Human Rights, Communication 568-22/CIDH/SE/MPCT-IVA, November 2022, p. 55.

⁴⁹² Republic of Chile, Report of the Republic of Chile to the Inter-American Commission on Human Rights, Communication 568-22/CIDH/SE/MPCT-IVA, November 2022, p. 56.

⁴⁹³ Republic of Chile, Report of the Republic of Chile to the Inter-American Commission on Human Rights, Communication 568-22/CIDH/SE/MPCT-IVA, November 2022, p. 54.

⁴⁹⁴ El Mostrador, [La era de las personas mayores \(The Age of the Elderly\)](#), November 14, 2022.

⁴⁹⁵ Diario Sustentable, [Abren postulaciones para fondo que apoya emprendimientos para personas mayores](#), November 10, 2022.

⁴⁹⁶ Diario Uchile, [Organizaciones solicitan al gobierno crear Defensoría de las Personas Mayores](#), October 27, 2022.

⁴⁹⁷ OEI, [Estudio revela que el 66% de las personas mayores no usa correo electrónico](#), November 11, 2022.

of indigenous peoples, peasant farmers, persons of African descent, women, LGBTI persons, and children and adolescents. In addition, the IACHR underscores the increase in the number of displaced persons and the number of people confined as a result of the violence in the country, as well as the overrepresentation of indigenous persons and persons of African descent among the victims.

240. On November 21, 2022, the State submitted a response to the request for information sent in order to prepare this chapter.

Specific topics

241. On the matter of **democratic institutions**, the State reported on the holding of the general elections for the Senate of the Republic, the House of Representatives and the first round of the presidential elections on May 29, 2022, and the second round on June 19, 2022, in which President Gustavo Francisco Petro Urrego and Vice President Francia Elena Márquez Mina were elected. According to public information, these elections took place in a context of socio-political polarization and violence.⁴⁹⁸ In this context, it is worthy of note the importance of the elections of 16 seats for the House of Representatives, from the 16 Special Transitory Peace Districts, which strengthens the representation of the victims of the armed conflict and the population of the 167 municipalities most affected by the conflict.⁴⁹⁹ Additionally, it especially values the number of female senators and deputies elected, the highest in the history of Colombia, as well as the number of indigenous and Afro-Colombian persons in the legislative branch.

242. However, the IACHR expressed concern over the acts of violence registered in the context of the electoral campaign,⁵⁰⁰ especially the threats against candidates for the legislative and executive branches, as well as the expressions of power carried out by illegal armed groups in various territories.⁵⁰¹ Various complaints have been registered regarding the implementation of Legislative Act 02 of 2021, which regulates the elections of the 16 Special Transitory Peace Districts, especially regarding the delays and challenges to its implementation that hindered the electoral campaigns and guarantees.⁵⁰² Similarly, inconsistencies in the vote counting process during the legislative elections were reported, which resulted in public controversy and distrust in the institutions responsible for transparency in this election.⁵⁰³

243. In relation to **human rights institutions**, the State highlighted the presentation of Bill 222 of 2022 through which the Ministry of Equality and Equity was created with the aim of strengthening the protection of populations in vulnerable situations, with emphasis on excluded and marginalized territories, with a differential and intersectional approach.⁵⁰⁴ On December 12, 2022, the Senate announced the approval of this project.⁵⁰⁵

244. The Commission also highlights the work of the Ombudsman's Office, especially its Risk Prevention mechanism and Early Warning System, through which it has issued 22 alerts of imminent and/or structural risk of human rights violations during the year 2022.⁵⁰⁶

⁴⁹⁸ Republic of Colombia, Colombia's inputs for the IACHR Annual Report- Chapter IV Section A "Annual Overview of the human rights situation in each country of the region" MPC/OEA No.: 1820/2022, November 21, 2022, pp. 5-6.

⁴⁹⁹ National Electoral Council of Colombia, [Infographics of the Senate of the Republic 2022 - 2026 CNE](#), November 30, 2022.

⁵⁰⁰ IACHR, [IACHR Concerned About Violence Linked to the Actions of Non-State Armed Groups in Colombia](#), May 20, 2022

⁵⁰¹ IACHR, [IACHR Concerned About Violence Linked to the Actions of Non-State Armed Groups in Colombia](#), May 20, 2022

⁵⁰² Washington Office on Latin America (WOLA), [Victim Seats in Congress Could Help Advance Peace in Colombia](#), March 11, 2022.

⁵⁰³ Electoral Observation Mission, [Pronouncement 03- Post-electoral](#), April 5, 2022.

⁵⁰⁴ Republic of Colombia, Colombia's inputs for the IACHR Annual Report- Chapter IV Section A "Annual Overview of the human rights situation in each country of the region" MPC/OEA No.: 1820/2022, November 21, 2022, p. 26. On file at the IACHR.

⁵⁰⁵ Senate of the Republic of Colombia, [Se APRUEBA el Proyecto de Ley número 222 de 2022 Senado - 261 de 2022 Cámara, por medio del cual se crea el Ministerio de la Igualdad y Equidad \(Adoption of Senate bill number 222 - House bill 261 of 2022, creating the Ministry of Equality and Equity\)](#), Twitter December 12, 2022.

⁵⁰⁶ Ombudsman's Office, [Early Warnings 2022](#), February 2, 2023.

245. With respect to **access to justice**, the State reported on the creation of the Agrarian and Rural Jurisdiction provided for in the Peace Accords, with the goal of addressing the demands of the rural population with respect to, for example, land ownership, property guarantees, and judicial security, among others.⁵⁰⁷ The State also reported on the progress in the digitization of judicial files, which will increase speed in the management of judicial processes and also facilitate access to judicial files for society.⁵⁰⁸

246. On the other hand, the IACHR took note of information from the civil society regarding the status of the investigations into the events that took place during the demonstrations of September 9 and 10, 2020, where people were killed and wounded due to the alleged unlawful use of force by the National Police.⁵⁰⁹ According to public information, no progress has been made in the investigations, or to explain what happened. Likewise, the institutions have not provided trustworthy information regarding the status of the investigations. These aspects, according to the civil society organization, show that these institutions are not fulfilling their role of punishing those responsible as a measure of non-recurrence of these events.⁵¹⁰

247. In terms of **citizen security**, the State reported on the implementation of the "2022-2026 Policy for Security, Citizen Coexistence, and National Defense," whose main objective is to dismantle criminal structures and recover sovereignty in the territory.⁵¹¹ It also reported on the Comprehensive and Interinstitutional Strategy for Life and Peace, known publicly as "Total Peace," which seeks to dismantle multi-crime groups through the prosecution of their criminal actions, finances, along with the development of a comprehensive response agreed with the communities and other state institutions.⁵¹² Finally, it was indicated that the National Commission for Security Guarantees held 8 sessions and, at present, the technical committee will present the action plan and the policy for the dismantling of criminal groups under the terms granted by the JEP on January 15, 2022.⁵¹³

248. Nevertheless, the Commission reiterates its extreme concern over the persistent levels of violence in the country. According to available information, this situation continues to be concentrated mainly in the departments of the Pacific region, Antioquia, Putumayo, Norte de Santander, and Arauca, with a disproportionate number of indigenous peoples, persons of African descent, and peasants. The territories most affected by violence are characterized, among other aspects, by a limited state presence that particularly affects security guarantees and the full enjoyment of economic, social, cultural, and environmental rights, as well as by the presence of non-State armed groups in dispute for the control of the operation of illicit economies.

249. In this context, the IACHR highlights, with particular concern, the violence in Arauca, where 341 selective homicides were reported in 2022, including 12 persons with social leadership and 3 with

⁵⁰⁷ Republic of Colombia, Colombia's inputs for the IACHR Annual Report- Chapter IV Section A "Annual Overview of the human rights situation in each country of the region" MPC/OEA No.: 1820/ 2022, November 21, 2022, pp. 19 -20.

⁵⁰⁸ Republic of Colombia, Colombia's inputs for the IACHR Annual Report- Chapter IV Section A "Annual Overview of the human rights situation in each country of the region" MPC/OEA No.: 1820/ 2022, November 21, 2022, pp. 20 -21.

⁵⁰⁹ Rapporteur on the violence that occurred on September 9 and 10, 2020, Bogotá Mayor's Office, [Final Report. Para el esclarecimiento de los hechos ocurridos los días 9 y 10 de septiembre de 2020 \(For the clarification of the events that took place on September 9 and 10, 2020\)](#) December 13, p. 5

⁵¹⁰ Temblores, Ni un minuto de silencio. 9s sin olvido, September 29, 2022, p. 116.

⁵¹¹ Republic of Colombia, Colombia's inputs for the IACHR Annual Report- Chapter IV Section A "Annual Overview of the human rights situation in each country of the region" MPC/OEA No.: 1820/ 2022, November 21, 2022, p. 23.

⁵¹² Republic of Colombia, Colombia's inputs for the IACHR Annual Report- Chapter IV Section A "Annual Overview of the human rights situation in each country of the region" MPC/OEA No.: 1820/ 2022, November 21, 2022, pp. 24 -25.

⁵¹³ Republic of Colombia, Colombia's inputs for the IACHR Annual Report- Chapter IV Section A "Annual Overview of the human rights situation in each country of the region" MPC/OEA No.: 1820/2022, November 21, 2022, p. 25.

political leadership,⁵¹⁴ and in the face of the cessation of economic, social, and political activities ordered by illegal armed groups in various municipalities and departments.⁵¹⁵

250. With regards to the **rights of indigenous peoples**, the IACHR was informed by the State about the creation of the National Intersectoral Commission for Historical Reparation, whose central objective is to overcome the effects of racism, racial discrimination, and colonialism on the country's ethnic peoples.⁵¹⁶ It also highlighted the bill to ratify the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance⁵¹⁷ and the policies for the protection of persons with leadership and human rights defenders, with individual and collective differential approaches, focused on the protection of the territory.⁵¹⁸

251. On the other hand, the Commission recorded constant violence against indigenous peoples. In this context, it expressed its concern over the murder of adolescent Breiner Cucuñame and the member of the Indigenous Guard Guillermo Chicame Ipia, both of the Nasa People, which took place on January 14, 2022, in Buenos Aires, Cauca. On January 24, in this same municipality, the former zonal coordinator of the Indigenous Guard, Albeiro Camayo, was murdered, and his son Arli Oliver Camayo was kidnapped.⁵¹⁹ On March 15, in El Tambo, Cauca, Miller Correa, leader of the Nasa People and beneficiary of [precautionary measure 255/11 granted by the IACHR](#), was murdered.⁵²⁰ It also recorded what happened on March 28 in Putumayo where, in an operation by the National Army in Puerto Leguizamo, 11 people lost their lives, among them Pablo Panduro Cochinche, Indigenous Governor of the Kichwa Cabildo of Bajo Remanso and the President of the Community Action Board Didier Hernandes.⁵²¹ Similarly, it condemned the murder of Juan Orlando Moreno, leader of the Awá people and member of the Indigenous Unit of the Awá People (UNIPA), along with his bodyguards and members of the Indigenous Guard, John Nastacuas and Carlos García, which occurred on July 3 in the Inda Sabaleta reservation, Tumaco, Nariño.⁵²²

252. At the same time, information was obtained on the human rights violations faced by indigenous peoples in this region. Civil society organizations denounced that the exclusion of the Amazon region in the Peace Agreement and the failures in its implementation have generated a complex scenario for the Amazonian indigenous peoples, impacted by the dynamics of the upsurge in the various expressions of violence and the recruitment of children and young people. Similarly, they reported on the violation of self-determination implied by Decrees Law 632 of 2018 and 2200 of 2022, through municipalization and the imposition of forms of government and administration of ancestral territories. They also highlighted the advance of deforestation, mining activities, and hydrocarbon exploitation, which would have been installed without a prior, free, and informed consultation, along with the pollution generated by these activities in water sources and in their sacred and subsistence territories.⁵²³

⁵¹⁴ Ombudsman's Office, Since the beginning of the year, one person a day has been killed in Arauca as a result of the conflict and the territorial dispute between illegal armed groups, December 6, 2022.

⁵¹⁵ IACHR, [IACHR Concerned About Violence Linked to the Actions of Non-State Armed Groups in Colombia](#), May 20, 2022.

⁵¹⁶ Republic of Colombia, Colombia's inputs for the IACHR Annual Report- Chapter IV Section A "Annual Overview of the human rights situation in each country of the region" MPC/OEA No.: 1820/2022, November 21, 2022, p. 28.

⁵¹⁷ Republic of Colombia, Colombia's inputs for the IACHR Annual Report- Chapter IV Section A "Annual Overview of the human rights situation in each country of the region" MPC/OEA No.: 1820/2022, November 21, 2022, p. 27.

⁵¹⁸ Republic of Colombia, Colombia's inputs for the IACHR Annual Report- Chapter IV Section A "Annual Overview of the human rights situation in each country of the region" MPC/OEA No.: 1820/2022, November 21, 2022, p. 4.

⁵¹⁹ IACHR, [IACHR Reiterates Its Concern Over the Increase in Structural Violence in Colombia](#), February 25, 2022.

⁵²⁰ IACHR, [IACHR Calls on State of Colombia to Investigate Violence Against Ethnoracial Groups and Peasant Communities](#), April 12, 2022.

⁵²¹ IACHR, [IACHR Calls on State of Colombia to Investigate Violence Against Ethnoracial Groups and Peasant Communities](#), April 12, 2022.

⁵²² IACHR, [#Colombia #IACHR condemns the murder of Juan Moreano, Awá leader, beneficiary of #CautelaryMeasures, and bodyguards John Nastacuas and Carlos García, occurred on #3jul in the Resguardo Inda Sabaleta. #IndigenousPeoples](#), Twitter, July 11, 2022.

⁵²³ Meeting of the IACHR with the National Organization of Indigenous Peoples of the Colombian Amazon (OPIAC) and the representation of fourteen Indigenous Governments of the Eastern Colombian Amazon, May 20, 2022, on file with the IACHR.

253. Finally, the IACHR and its SRESCER pointed out the serious violations of the Wayuu People's human rights, particularly regarding the right to water, food, a healthy environment, health, housing, decent work, education, cultural rights, territorial rights, as well as the lack of prior, free, and informed consultations, and the right to self-determination, among others. One of the most painful examples of the violations of the rights of this population is the death of approximately 60 children and adolescents of the Wayuu People due to causes associated with chronic malnutrition between January and October 2022.⁵²⁴

254. With regard to **human rights defenders**, the State reported that, as of October 5, 2022, the National Protection Unit (UNP) is protecting 1,200 persons due to their status as "leaders, representatives, or activists of organizations of human rights defenders, organizations of victims, social organizations, civic organizations, community organizations, or peasant organizations." It also noted that the Office of the Delegate Attorney General for the Defense of Human Rights called for regional talks between local authorities, territorial agencies, and social organizations.⁵²⁵ In turn, the Commission welcomes the approval on October 10, 2022, of the Regional Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean, also known as the Escazú Agreement.⁵²⁶

255. Despite these efforts, the Commission highlights the increase in violence against human rights defenders and social leaders. According to figures from the Ombudsman's Office, between January 1 and November 30, 2022, there were 199 homicides against people with social leadership and human rights defenders.⁵²⁷ On its part, the OHCHR states that, as of November 30, 2022, there were 236 allegations of homicides of human rights defenders, of which 89 cases have been verified, 31 cases are in the process of being verified, and 116 cases are inconclusive.⁵²⁸ It is worth highlighting the overrepresentation in these records of violence of people with leadership in the country's ethnic and peasant communities.

256. This is in a context of failures in the implementation of protection measures that, as reported to the IACHR, are characterized by the passive and limited role of the beneficiaries, who are prevented from being interviewed by technical personnel without being able to give their opinion on the measures in question, the lack of trust in the personnel assigned to their protection, the granting of inadequate and poorly maintained material measures, as well as the real lack of consultation among beneficiaries, which is often reflected in a lack of application of differential gender and ethnic approaches. For its part, the State, in addition to its commitment to a substantial change in the protection mechanisms, expressed its openness to dialogue with the civil society, saying that it was in favor of establishing a follow-up roundtable to address the proposals mentioned in the framework of the hearing.⁵²⁹

⁵²⁴ Prensa Senado, [Comunidad Wayúu reclama cumplimiento de sus derechos \(Wayúu community demands fulfillment of its rights\)](#), November 16, 2022. See also Constitutional Court [CConstitucional]. (October 21, 2022) This year, 60 children have died in La Guajira, 52 of them in the 4 municipalities considered in the judgment. For this reason, progress has been made in a process of consultation aimed at forming teams of traditional and western doctors: @MinSaludCol @CarolinaCorcho [Tweet]. Twitter: <https://twitter.com/CConstitucional/status/1583538802626220032?cxt=HHwWgMCqgdWI7vkrAAAA>. See also Infobae, [Unos 39 niños wayúu han muerto en el 2022 por causas asociadas a la desnutrición \(Some 39 Wayúu children have died in 2022 from causes associated with malnutrition\)](#), August 3, 2022.

⁵²⁵ Republic of Colombia, Colombia's inputs for the IACHR Annual Report- Chapter IV Section A "Annual Overview of the human rights situation in each country of the region" MPC/OEA No.: 1820/2022, November 21, 2022, p. 9.

⁵²⁶ Economic Commission for Latin America and the Caribbean (ECLAC), Regional Agreement on Access to Information, Public Participation, and Justice in Environmental Matters in Latin America and the Caribbean. (LC/PUB.2018/8/Rev.1), Santiago, 2022, Article 9.

⁵²⁷ Ombudsman's Office Colombia, [Between January and November, 199 leaders, social leaders, and human rights defenders were murdered](#), December 7, 2022.

⁵²⁸ OHCHR Colombia, [Homicides of Human Rights Defenders](#) updated as of November 30, 2022.

⁵²⁹ IACHR, Public Hearing "[Colombia: Implementation of Precautionary Measures for Human Rights Defenders](#)" held within the framework of the 185th Session, October 27, 2022.

257. In relation to progress in the investigations of crimes against human rights defenders, the State said that the Prosecutor General's Office (FGN) continues with the implementation of the Strategy for Investigation and Prosecution of crimes against human rights defenders that has been implemented since 2016.⁵³⁰ Regarding the crime of threats, it noted that by 2021 the National Working Group for the investigation of threats against defenders continued to be strengthened, and that by 2022, it would have 10 prosecutors. As of October 2022, these measures have resulted in 11 convictions, 55 cases with requests for accusation or indictment and 18 arrest warrants.⁵³¹ Regarding the crime of homicide, the State reported that the Special Investigation Unit of the FGN continued to be strengthened.⁵³² Despite this, civil society organizations informed the Commission that, within the framework of these investigations, the hypothesis of self-threats would be prioritized, or that persons close to or related to the complainants would be linked to these investigations. Additionally, the investigations would be segmented or partial and would continue to focus on material perpetrators, or only on advancing certain procedural stages without investigating the intellectual authors.⁵³³

258. Regarding the rights of **persons of African descent and against racial discrimination**, the State reported that on November 3, 2022, the bill to ratify the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance was submitted to Congress. It also reported that the Government has set as one of its objectives the creation of a National Cross-sectoral Commission for Historical Reparation to overcome the effects of racism, racial discrimination, and colonialism on the ethnic peoples of the country, a mission that has been entrusted to the Vice-Presidency of the Republic.⁵³⁴

259. In its monitoring work, the Commission took note of the Constitutional Court's ruling on the violation of the fundamental rights of the Afro-Colombian population, due to the deficiencies that affected the implementation of the 18th National Population Census and 7th Housing Census of 2018, and that "resulted in the *statistical invisibility* of a significant part of this population."⁵³⁵ The Constitutional Court concluded that the omissions of the census affect the official recognition of the diversities in the Colombian population and obstruct the design of suitable public policies that allow for overcoming the huge gaps that disproportionately impact Afro-Colombian populations.⁵³⁶

260. At the same time, civil society reports denounce that police violence has a racist component that exposes the institutional violence in which law enforcement agents repress, discriminate, and use excessive force based on historical patterns of criminalization and racial prejudice.⁵³⁷ Institutional violence against persons of African descent is also expressed in other institutional spheres, such as the incidents reported by educator Kerlin Murillo Mena, who states that she and her two children were victims of racism, discrimination, violence, and sexual violence in an educational institution located in the corregimiento of Morcote, municipality of Paya, Boyacá.⁵³⁸ Similarly, the poverty rates and living conditions of persons of

⁵³⁰ Republic of Colombia, Colombia's inputs for the IACHR Annual Report- Chapter IV Section A "Annual Overview of the human rights situation in each country of the region" MPC/OEA No.: 1820/2022, November 21, 2022, p. 11.

⁵³¹ Republic of Colombia, Colombia's inputs for the IACHR Annual Report- Chapter IV Section A "Annual Overview of the human rights situation in each country of the region" MPC/OEA No.: 1820/2022, November 21, 2022, pp. 11 and 12.

⁵³² Republic of Colombia, Colombia's inputs for the IACHR Annual Report- Chapter IV Section A "Annual Overview of the human rights situation in each country of the region" MPC/OEA No.: 1820/2022, November 21, 2022, p. 13.

⁵³³ IACHR, Public Hearing "*Colombia: Implementation of Precautionary Measures for Human Rights Defenders*" held within the framework of the 185th Session, October 27, 2022.

⁵³⁴ Republic of Colombia, Colombia's inputs for the IACHR Annual Report- Chapter IV Section A "Annual Overview of the human rights situation in each country of the region" MPC/OEA No.: 1820/2022, November 21, 2022, p. 27.

⁵³⁵ Constitutional Court. Judgment T-276/22. August 1, 2022.

⁵³⁶ IACHR. Economic, Social, Cultural, and Environmental Rights of Persons of African Descent: Inter-American Standards for the Prevention, Combating, and Eradication of Structural Racial Discrimination. OEA/Ser.L/V/II). Par. 63.

⁵³⁷ Consultancy for Human Rights and Forced Displacement - CODHES; ILEX - Legal Action; International Institute on Race, Equality, and Human Rights - Race and Equality. *Silencio e impunidad: racismo sistémico y violencia policial contra personas afrodescendientes en Colombia (Silence and impunity: systemic racism and police violence against Afro-descendants in Colombia)*. 2022.

⁵³⁸ Semana, [Aterrador: este es un caso de violencia racista en Boyacá que debería indignar a toda Colombia Una docente afrocolombiana y sus hijos fueron víctimas de rechazo, golpes y hasta abuso sexual en un colegio del municipio de Paya. \(Terrifying: this is a case of racist violence in Boyacá that should outrage all of Colombia. An Afro-Colombian teacher and her children were victims](#)

African descent in Colombia are an indicator of the structural conditions of inequality and the existing gaps in the enjoyment of fundamental rights that affect this ethnic-racial population.⁵³⁹

261. With respect to **persons in the context of human mobility**, the Commission welcomes the measures implemented for the protection and integration of Venezuelan migrants. In particular, it highlights: (i) the adoption of the strategy for the integration of the Venezuelan migrant population, which would seek to outline a working route for the next ten years to ensure the sustainability of their integration;⁵⁴⁰ (ii) the decision of the migration authorities to allow migrant children and adolescents in an irregular migratory situation to access, until May 30, 2031, the Temporary Protection Statute for Venezuelan Migrants (ETPV);⁵⁴¹ and iii) the resolution of the Constitutional Court that resolves to benefit the entire population of children and adolescents of Venezuelan origin, irregular migrants, and in a situation of proven abandonment, who prove at least one year of permanent and continuous domicile in Colombia, for the exclusive purpose of processing their Colombian nationality by adoption.⁵⁴²

262. On the other hand, the IACHR noted with concern the adoption of Resolution No. 7300 of July 27, 2021 "whereby the joint procedure for the annulment of civil birth records for the formal reasons set forth in Article 104 of Decree 1260 of 1970 and the subsequent cancellation of citizenship cards for false identity" is established. Such resolution would seek to analyze the civil registries and background documents that supported the extemporaneous and possibly irregular registrations. This, in order to initiate administrative procedures for the cancellation of the civil registries that presented the identified irregularities.⁵⁴³

263. In this regard, the State said that the National Civil Registry has adopted measures to prevent statelessness and to guarantee the right to nationality for persons who meet the regulatory requirements. Additionally, it said that, in the framework of the implementation of the resolution in question, no cancellations of persons who were children or adolescents on the date of registration in the Civil Registry were made, nor were there any expulsions from the country.⁵⁴⁴ However, during the public hearing held during the 184th Period of Sessions, civil society organizations denounced before the IACHR: i) the lack of notification of the annulment of the documents; ii) the carrying out of massive annulments; and iii) the denial of access to health services as a consequence of the annulments. In addition, such procedures would jeopardize access to education, the right to movement, the right to work, and the right to vote, among others, would be restricted.⁵⁴⁵

264. In relation to **internally displaced persons**, the IACHR welcomes the Constitutional Court's decision to order the design of differential protocols that guarantee the right to participation of

of rejection, beatings, and even sexual abuse in a school in the municipality of Paya.) SEMANA spoke with the protagonist of this drama, December 3, 2022.

⁵³⁹ Consultancy for Human Rights and Forced Displacement - CODHES; ILEX - Legal Action; International Institute on Race, Equality, and Human Rights - Race and Equality. *Silencio e impunidad: racismo sistémico y violencia policial contra personas afrodescendientes en Colombia (Silence and impunity: systemic racism and police violence against Afro-descendants in Colombia)*. 2022.

⁵⁴⁰ National Council for Economic and Social Policy, Colombia, CONPES 4100, Estrategia para la integración de la población migrante venezolana como factor de desarrollo para el país (Strategy for the integration of the Venezuelan migrant population as contributing to development in the country), July 11, 2022.

⁵⁴¹ Migración Colombia, Legal Concept regarding the possibility for Venezuelan children and adolescents to access Temporary Protection Status for Venezuelan Migrants (ETPV) after May 28, 2022, July 8, 2022. IACHR, Annual Report, Chapter IV.A. Development of Human Rights in the Region, 2021, par. 314.

⁵⁴² Constitutional Court, Colombia, Decision SU 180 - 2022, May 26, 2022, seventh operative paragraph.

⁵⁴³ National Registry of Civil Status, Colombia, Resolution 7300 of 2021 IACHR, Request for Information to the State of Colombia, Note No. IACHR/SE/Art.41/04-2022/251, Article 41, IACHR Archive, April 18, 2022.

⁵⁴⁴ State of Colombia, Response of the Colombian State to the request for information by the Inter-American Commission on Human Rights in light of Article 41 of the American Convention on Human Rights on the annulment of I.D.s, IACHR Archive, May 20, 2022, pp. 1 and 3.

⁵⁴⁵ IACHR, Public Hearing "Situation of the Right to Nationality of Persons in a Situation of Human Mobility in Colombia," 184th session, June 22, 2022; Red de Litigio Estratégico en Migración (Red-LEM), *Información sobre Colombia: anulación de registros civiles de nacimiento y la consecuente cancelación de cédulas colombianas*, September 2022, IACHR Archive.

indigenous peoples and Afro-descendant communities within the participation component of the public policy on forced displacement.⁵⁴⁶ This, as a follow-up to the implementation of Ruling T-025.⁵⁴⁷

265. However, it is noted with concern that it continues to impact mostly Afro-Colombian communities and indigenous peoples. In addition, a total of 59,800 displaced persons have not yet returned to their places of origin due to a lack of security conditions since 2021; while 74,100 people are in situations of confinement or restricted mobility due to the actions of non-state armed groups; the victims of these situations are also, preponderantly, members of indigenous peoples and Afro-Colombian communities.⁵⁴⁸

266. In relation to **human trafficking**, the IACHR learned of measures adopted by the Specialized Directorate for the Termination of the Right of Ownership of the Prosecutor General's Office, which include the seizure of real estate property destined by criminal networks for the sexual exploitation of adolescents. The assets would be placed at the disposal of the Special Assets Society for their administration.⁵⁴⁹ At the same time, it takes note of the educational workshops conducted by the Ministry of Commerce, Industry, and Tourism called "Ojos en todas Partes" [Eyes Everywhere], and by the Colombian Institute of Family Welfare (ICBF) with the purpose of giving tourist service providers information on the channels for denouncing the sexual and commercial exploitation of children and adolescents.⁵⁵⁰

267. On the matter of the rights of **children and adolescents**, the Commission welcomes the incorporation of a differentiated and multidisciplinary approach to childhood and adolescence in the Final Report of the Commission for Truth, Coexistence, and Non-Recurrence.⁵⁵¹ This report also showed that 16,238 children and adolescents were victims of forced recruitment, as well as the experience of hundreds of children and adolescents in the context of the conflict.⁵⁵²

268. However, the Commission is deeply concerned that, according to the Risk Monitoring Mechanism of the Comprehensive System for Peace, from January to October, there have been 82 cases of serious violations of children's rights, including forced recruitment, use and utilization, sexual violence, murder, and torture.⁵⁵³ In addition to the above, the IACHR is alarmed by the numbers of sexual violence and sexual exploitation networks of children and adolescents that have been identified in several cities in the country, particularly in the city of Cartagena.⁵⁵⁴ From January to October, the Colombian National Police

⁵⁴⁶ Constitutional Court, Colombia, Special Chamber for Follow-up of Judgment T-025 of 2004, Order 214 of 2022 February 28, 2022, third operative paragraph.

⁵⁴⁷ IACHR, Violence and Discrimination Against Women in the Armed Conflict in Colombia, OEA/Ser/L/V/II. Doc. 67, October 18, 2006, par. 191.

⁵⁴⁸ OCHA, Report on Trends and Humanitarian Impact in Colombia 2022 - Cut-off date: January - July 2022, August 26, 2022.

⁵⁴⁹ Republic of Colombia, Fiscalía ocupó bienes que habrían sido destinados para trata de personas (Prosecutor's Office seized assets that were allegedly destined for trafficking in persons), August 22, 2022; Wradio, Prosecutor's Office Seized Assets Allegedly Destined for Human Trafficking, August 16, 2022

⁵⁵⁰ Republic of Colombia, Ministra de Comercio invita a tener "Ojos en todas partes" para combatir explotación sexual de niños, niñas y adolescentes (Minister of Commerce calls for "Eyes Everywhere" to combat sexual exploitation of children and adolescents) February 23, 2022; Government of Colombia, ICBF previene la explotación sexual comercial de niños, niñas y adolescentes en Arauca (Colombian Family Welfare Institute - ICBF prevents commercial sexual exploitation of children and adolescents in Arauca), March 1, 2022

⁵⁵¹ IACHR, Press Release No. 154/22. - IACHR: Colombian Truth Commission Report Will Support National Reconciliation Process, July 12, 2022.

⁵⁵² IACHR, Press Release No. 154/22. - IACHR: Colombian Truth Commission Report Will Support National Reconciliation Process, July 12, 2022.

⁵⁵³ Risk Monitoring Mechanism of the Integral System for Peace, Violent events in Colombia, 2022. See also El Tiempo, Denuncian reclutamiento forzado de tres menores en el Cauca (Forced recruitment of three minors in Cauca denounced), April 18, 2022.

⁵⁵⁴ El Universal, Ofrecen agentes encubiertos de EE.UU (U.S. undercover agents offered) Para frenar la explotación sexual (to curb sexual exploitation), April 5, 2022. MSN, Indignante: al descubierto explotación sexual infantil en Cartagena, Medellín y Cali (Outrageous: child sexual exploitation uncovered in Cartagena, Medellín, and Cali), April 6, 2022. See also Infobae, Menores de edad siguen siendo explotadas sexualmente en Cartagena (Underage girls continue to be sexually exploited in Cartagena), April 6, 2022.

reported 24,149 victims of pedophilia nationwide;⁵⁵⁵ and, according to the ICBF, in 2022 the institution has launched more than 16,221 processes to restore the rights of children and adolescents victims of sexual violence, including 235 for commercial sexual exploitation.⁵⁵⁶

269. With regard to **Memory, Truth, and Justice**, on June 28, the IACHR [attended](#) the presentation of the Final Report of the Commission for Truth, Coexistence, and Non-Recurrence (CEV), and [acknowledged](#) the work carried out by the institution while calling on the State to comply with its recommendations. The IACHR highlighted the results and potential reconciliatory impact of an unprecedented plural, participatory, and dialogical extrajudicial investigation into the causes and consequences of Colombia's internal armed conflict. Notwithstanding the above, it is noteworthy that in March, the IACHR was informed about the invasion of the residence and theft of information guarded by a CEV investigator, and [called](#) on the State to investigate these events on that occasion.

270. The Commission received information on progress made in the seven macro-cases opened by the Special Jurisdiction for Peace (JEP) and on the opening of three new macro-cases in 2022: Case 008, which investigates crimes perpetrated by members of the security forces or other state agents in association with paramilitary groups or civilian third parties; Case 009, which investigates crimes committed against ethnic peoples and territories; and Case 010, which investigates other serious crimes and breaches of IHL perpetrated by the FARC-EP.⁵⁵⁷ The IACHR took note of the request from civil society organizations to open a macro case that specifically investigates sexual violence and other crimes motivated by the gender, sex, orientation, or gender identity of the victim,⁵⁵⁸ and reiterates that the opening of this macro case represents a historic opportunity to learn the truth and promote access to justice and reparations for gender-based crimes committed in the context of the conflict.⁵⁵⁹

271. On the other hand, in May, the Commission was informed about the extradition of a leader of an illegal armed group under investigation, prosecuted and convicted for serious human rights violations in the context of the internal armed conflict, and requested information from the State about, among other issues, the mechanisms and steps that safeguard the production of information relevant to the clarification of serious human rights violations, as well as the prosecution and punishment of their perpetrators and participants whenever their extradition is requested for less serious crimes.⁵⁶⁰ The State provided information in response to this request in a communication sent on June 28, 2022.⁵⁶¹

272. The IACHR also appreciates the progress made by the Unit for the Search of Disappeared Persons (UBPD), which has found 11 persons alive and carried out 173 dignified handovers of the bodies of

⁵⁵⁵ Colombian National Police, [Capturados 79 agresores sexuales de niñas, niños y adolescentes en 'Operación María Goretti' \(79 sex offenders of children and adolescents captured in 'Operation Maria Goretti'\)](#), October 7, 2022. See also Colombian National Police, [Policía Nacional ha capturado 880 delincuentes por violencia sexual contra niñas y adolescentes \(National Police has captured 880 offenders for sexual violence against girls and adolescents\)](#), March 8, 2022.

⁵⁵⁶ ICBF, [ICBF desarrolla jornadas para prevenir la explotación sexual comercial de la niñez en Cartagena \(ICBF conducts workshops to prevent commercial sexual exploitation of children in Cartagena\)](#), December 20, 2022

⁵⁵⁷ Special Jurisdiction for Peace, [Main Statistics](#) December 23, 2022; Special Jurisdiction for Peace, [Comunicado 071 OF 2022, SIP opens Case 08 that will investigate crimes committed by members of the security forces and other State agents, in a association with paramilitary groups or civilian third parties](#), August 30, 2022; Special Jurisdiction for Peace, [Comunicado 075 OF 2022, The SIP opens Case 09 to investigate crimes committed against ethnic peoples and territories](#), September 13, 2022; Special Jurisdiction for Peace, [Comunicado 054 of 2022, the SIP opens macro-case 10 to investigate serious crimes and breaches of IHL committed by the FARC-EP](#), July 15, 2022.

⁵⁵⁸ Sisma Mujer, [Claves para comprender la necesidad de un macro-caso de violencia sexual en Colombia \(Keys to understanding the need for a macro-case drawing attention to sexual violence in Colombia\)](#), April 7, 2022.

⁵⁵⁹ IACHR, July 21, 2022. IACHR highlights the opening by @JEP_Colombia of macro-case 10, to investigate serious crimes and breaches of international humanitarian law committed by FARC-EP and that they will soon adopt a decision on the opening of macro-cases 08, 09, and 11. (Tweet), available at <https://twitter.com/CIDH/status/1550185116797964289>

⁵⁶⁰ IACHR, Request for information from the State of Colombia, Note No. 209-22/CIDH/SE/MPCT-Art.41, REF: Extradition of person prosecuted and convicted for serious violations in the armed conflict, May 24, 2022.

⁵⁶¹ Ministry of Foreign Affairs, Note S-GAPDH-22-015627, June 28, 2022

identified persons to their loved ones.⁵⁶² In this context, the IACHR [recognized](#) the dignified handover by the JEP, in coordination with the UBPD, of the mortal remains of a victim who had been missing for 40 years.⁵⁶³ The Commission also takes note of the implementation of the National and Regional Search Plans, with spaces for the participation of victims and the civil society.⁵⁶⁴ On the other hand, it has received information on the theft of materials with information from the Nydia Erika Bautista Foundation, including data on the victims that the organization is accompanying and searching for.⁵⁶⁵ The Commission stresses that the Foundation is a beneficiary of precautionary measure 42-14 granted by the IACHR and calls on the State to conduct a prompt, diligent, and effective investigation to consider, as a central hypothesis of the facts, its work in the defense of human rights and the search for truth, justice, and reparation for the incidents of the internal armed conflict.

273. With regard to the measures and progress observed in 2022 with respect to the **human rights of women**, the Commission highlights and welcomes ruling C-055 of 2022 of the Constitutional Court of Colombia, which decriminalized the voluntary termination of pregnancy up to the 24th week of gestation, ⁵⁶⁶ in line with applicable inter-American standards. Similarly, it also welcomes the withdrawal of the adherence to the Geneva Consensus Declaration, which expressly excludes access to abortion as an integral part of the right to the sexual and reproductive health of women. ⁵⁶⁷ Also noteworthy is the acknowledgement by the Commission for Truth, Coexistence, and Non-Recurrence of sexual and reproductive violence perpetrated against women and trans persons in this context.⁵⁶⁸ On the other hand, the State reported on the presentation of Bill 222 of 2022, which creates the Ministry of Equality and Equity, which would ensure the protection of rights, with a differential and intersectional approach, of populations in vulnerable situations, with an emphasis on excluded and marginalized territories, with a differential and intersectional approach.⁵⁶⁹

274. In terms of challenges, the continuity in 2022 of situations of violence against women, girls, and adolescents is observed. The FGN recorded 214 complaints for perpetrated feminicides and 232 for attempted feminicides, in the period from January to October. ⁵⁷⁰ In the same period, the Institute of Legal Medicine and Forensic Sciences recorded 827 violent deaths of women.⁵⁷¹ Likewise, it reported an increase in cases of intimate partner violence against women,⁵⁷² and of forensic medical examinations performed for alleged sexual crimes, most of them on girls and adolescents between 5 and 17 years of age,⁵⁷³ compared to

⁵⁶² Search Unit for Missing Persons, [Progress of the search unit - 2022, with a cut-off date of November 30, 2022](#), December 21, 2022.

⁵⁶³ IACHR. May 17, 2022. IACHR acknowledges the dignified handover of the remains of Germán Darío Flórez, a victim who had been missing for 40 years, to his next of kin by [@JEP Colombia](#). And highlights the work of the [@UBPDcolombia](#) in coordinating family participation in the research. (Tweet), available at: https://twitter.com/CIDH/status/1526671282800058373?s=20&t=5R9Q8Mr96gwJ2x_SNuZthg

⁵⁶⁴ Search Unit for Missing Persons, [Progress of the search unit - 2022, with a cut-off date of November 30, 2022](#), December 21, 2022.

⁵⁶⁵ Nydia Erika Bautista Foundation, Subject: Denounces theft of sensitive information regarding victims from the Nydia Erika Bautista Foundation and acts against members of its Board of Directors and allied organizations, August 6, 2022, on file with the IACHR; Unit for the Search for Missing Persons, [The Comprehensive System for Peace rejects aggressions against the Nydia Erika Bautista Foundation](#), June 7, 2022.

⁵⁶⁶ Constitutional Court of Colombia. Judgment C-055 of 2022. File D-13.956, February 21, 2022

⁵⁶⁷ Republic of Colombia, Colombia's inputs for the IACHR Annual Report- Chapter IV Section A "Annual Overview of the human rights situation in each country of the region" MPC/OEA No.: 1820/2022, November 21, 2022, p. 26. On file at the IACHR.

⁵⁶⁸ Commission for the Clarification of the Truth, Coexistence, and Non-Repetition. Final Report, Mi cuerpo es la verdad (My body is the truth). Experiences of women and LGBTIQ+ people in the armed conflict, August 2022.

⁵⁶⁹ Republic of Colombia, Colombia's inputs for the IACHR Annual Report- Chapter IV Section A "Annual Overview of the human rights situation in each country of the region" MPC/OEA No.: 1820/2022, November 21, 2022, p. 26. On file at the IACHR.

⁵⁷⁰ The calculation was based on the monthly report of registered complaints. Office of the Attorney General of the Nation. Crime Reporting Statistics, accessed on December 1, 2022

⁵⁷¹ National Reference Center on Violence - CRNV. Monthly statistical bulletin, October 2022, Report, p. 2.

⁵⁷² National Reference Center on Violence - CRNV. Monthly statistical bulletin, October 2022, Report, p. 12; See also: El Colombiano, Violencia intrafamiliar está desbordada en Medellín: van 28.000 reportes en tres años (Domestic violence is rampant in Medellín: 28,000 reports in three years), November 29, 2022

⁵⁷³ National Reference Center on Violence - CRNV. Monthly statistical bulletin, October 2022, p. 8.

the same period of 2021.⁵⁷⁴ In this line, it is noted that only in January 2022, 89 births were registered in girls and adolescents under 14 years of age.⁵⁷⁵

275. In this context, Venezuelan migrant women, girls, and adolescents are at particular risk of suffering gender-based violence, mainly violence and sexual exploitation, mostly in border regions, being exposed to discrimination and compound stereotypes based on their gender, age, nationality, among others, which hinder their access to protection and justice measures, comprehensive health services, and decent working conditions.⁵⁷⁶ On the other hand, information was received on various judicial and administrative measures promoted by the Government to reactivate aerial spraying with glyphosate, the consequences of which negatively impact women's reproductive health, as identified by civil society organizations and academic institutions.⁵⁷⁷

276. Regarding the rights of **LGBTI persons**, the State informed the Commission about draft bill 222 of 2022 that would create the Ministry of Equality and Equity, which would provide assistance to excluded and marginalized territories, and protect the rights with a differential and intersectional approach of populations in vulnerable situations and conditions, including women and LGBTI persons. The Commission was also informed that in November, the national government, the Ministry of Foreign Affairs, and the Ministry of the Interior submitted to Congress the bill to ratify the Inter-American Convention against all forms of discrimination and intolerance, which expressly includes sexual orientation and gender identity as elements protected against discrimination.⁵⁷⁸

277. According to publicly available information, in October, the Prosecutor General's Office approved the first guide for investigating crimes against the LGBT population. In addition, the Prosecutor General's Office claimed to have made progress in clarifying 51% of cases of homicides and feminicides against LGBTI persons.⁵⁷⁹ The IACHR also learned that the JEP announced the launch of a secondary line of investigation in Case 07 on discrimination and violence against children with diverse sexual orientations, gender identities, and gender expressions in the context of recruitment.⁵⁸⁰

278. It was also known that the Constitutional Court ruled in favor of the need to allow non-binary identification in identity documents. Also, according to public information, a bill was submitted in May to prohibit "conversion therapies" against non-normative sexual orientations and gender identities.⁵⁸¹

279. However, the media and the Prosecutor General's Office state that violent crimes against LGBTI persons and murders increased when compared to 2021, totaling "111 homicides and feminicides perpetrated against persons who have been characterized as LGBTIQ+ population, between January 1 and

⁵⁷⁴ National Reference Center on Violence – CRNV. Monthly statistical bulletin, October 2022, pp. 9 and 14.

⁵⁷⁵ MSNBC, Embarazos en menores de 14 años aumentaron en Colombia el año pasado (Pregnancies in children under 14 years of age increased in Colombia last year), March 29, 2022

⁵⁷⁶ Amnesty International. Unprotected. Gender-based violence against Venezuelan refugee women in Colombia and Peru, July 2022; Semana, Alarma por mujeres venezolanas que estarían siendo violadas en la vía Cúcuta-Pamplona (Alarm over Venezuelan women being raped on the Cúcuta-Pamplona highway), May 20, 2022

⁵⁷⁷ De Justicia, Center for Reproductive Rights, et. al. Annex to the request for a thematic hearing on the risks to human rights as a consequence of the measures aimed at reactivating the Illicit Crop Eradication Program by aerial spraying with the herbicide Glyphosate, for the 184th Regular Period of Sessions of the IACHR, April 20, 2022. On file at the IACHR.

⁵⁷⁸ Republic of Colombia, Colombia's inputs for the IACHR Annual Report- Chapter IV Section A "Annual Overview of the human rights situation in each country of the region" MPC/OEA No.: 1820/2022, November 21, 2022. On file at the IACHR.

⁵⁷⁹ Office of the Attorney General of the Nation. Prosecutor Francisco Barbosa signs first guidelines to investigate crimes against LGBTIQ+ population. In 2022, the Attorney General's Office made progress in clarifying 51.31% of cases of homicides and feminicides against lesbian, gay, bisexual, transgender, intersex, queer, and other persons. Tweet, October 27, 2022.

⁵⁸⁰ Special Jurisdiction for Peace, The SJP opens investigation into discrimination and violence against LGBTI recruitment victims in Case 07, February 11, 2022

⁵⁸¹ AS, Corte ordena incluir el género no binario en documentos de identidad (Court orders non-binary gender to be included in identity documents), March 1, 2022; El espectador, Histórico fallo permitirá identificarse como persona "no binaria" en la cédula (Landmark ruling will allow identification as a "non-binary" person on ID cards), January 26, 2022; La Diaria, Colombia: se presentó proyecto de ley para prohibir "terapias de conversión (Colombia: bill introduced to ban "conversion therapies"), May 11, 2022

October 20, 2022."⁵⁸² Likewise, several homicides were registered which, according to media reports, could be related to the use of dating networks, particularly in the city of Medellín.⁵⁸³

280. In relation to the **rights of persons with disabilities**, the IACHR was informed by the State about the strategic goals to be implemented, among which are: the National Disability System, with emphasis on promoting the participation of persons with disabilities; the National Observatory for the Social and Productive Inclusion of Persons with Disabilities; the National Public Policy on Disability and Social Inclusion; the promotion of the development of a culture of inclusion and non-discrimination; the strengthening of guarantees for the enjoyment of sexual and reproductive rights; the prevention of violence; an employability strategy; and access to education for persons with disabilities.⁵⁸⁴ In addition, the State highlighted its support for the draft resolution at the United Nations to update the commitments of the States Parties to the United Nations Convention on the Rights of Persons with Disabilities, particularly with respect to guarantees of the rights of caregivers.⁵⁸⁵

281. On the other hand, it has recorded the persistence of structural violations of the rights of persons with disabilities in the country. An example of this are the inequalities in access to education where it has been recorded that men and women with disabilities have not had access to any type of formal education in 38.5% and 33.8% of cases, respectively, compared to 16% of people without disabilities; a similar gap is observed in access to secondary education.⁵⁸⁶ Similarly, inequities are observed in access to the labor market; in the July-September quarter, the employment rate for persons with disabilities was 21%, while for the rest of the population it was 59%, a difference of 38 points.⁵⁸⁷ Additionally, persons with disabilities who participate in the labor market earn 18% less income than households with persons without disabilities.⁵⁸⁸ In this context, the IACHR urges the State to redouble its efforts to guarantee access to education and decent work without discrimination for persons with disabilities, along with gender-focused policies that contribute to the reduction of these gaps.

282. In relation to the rights of **older persons**, Colombia adhered to the Inter-American Convention on the Protection of the Human Rights of Older Persons on September 27, 2022. Likewise, in relation to the right to participation of older persons, the State socialized its Policy on Aging and Old Age with a tour of four regions of the country.⁵⁸⁹ Regarding the right to a pension, public information indicates that Colombia announced the launching of a non-contributory pension for older persons, the approval of which, through the corresponding legislative process, will be promoted by the executive branch.⁵⁹⁰ Finally, the Commission finds that, according to the "Total Peace" Law, an alternative to military service will be the care of older persons in the framework of the program known as "social service for peace." The IACHR values

⁵⁸² DW, Homicides of LGBTI people in Colombia this year double those of 2021, October 28, 2022;

⁵⁸³ RTVC noticias, Alcaldía de Medellín trabajará con Grindr por asesinatos de personas LGBTI (Mayor's Office in Medellín will work with Grindr on murders of LGBTI persons), April 4, 2022.

⁵⁸⁴ Republic of Colombia, Colombia's inputs for the IACHR Annual Report- Chapter IV Section A "Annual Overview of the human rights situation in each country of the region" MPC/OEA No.: 1820/2022, November 21, 2022, pp. 28 -29.

⁵⁸⁵ Republic of Colombia, Colombia's inputs for the IACHR Annual Report- Chapter IV Section A "Annual Overview of the human rights situation in each country of the region" MPC/OEA No.: 1820/2022, November 21, 2022, pp. 29 -30.

⁵⁸⁶ United Nations body (UN Women) for Gender Equality and the Empowerment of Women, Infographic "Disability in Colombia": ¿Quién es la población con discapacidad y qué brechas de desigualdad la afectan? (Who are persons with disabilities and what inequality gaps affect them?) May 2022.

⁵⁸⁷ DANE, Technical Bulletin, Labor Market, Information July - September 2022 November 10, 2022

⁵⁸⁸ United Nations body (UN Women) for Gender Equality and the Empowerment of Women, Infographic "Disability in Colombia": ¿Quién es la población con discapacidad y qué brechas de desigualdad la afectan? (Who are persons with disabilities and what inequality gaps affect them?) May 2022.

⁵⁸⁹ Semana, Cada vez hay más adultos mayores en Colombia y así se busca garantizar su calidad de vida (There are more and more older adults in Colombia and this is the way to guarantee their quality of life), November 10, 2022.

⁵⁹⁰ Depor, Bono de 500 mil pesos para adultos mayores: quiénes son beneficiarios y cuándo podrán cobrar (500 thousand pesos bonus for senior citizens: who are the beneficiaries and when can they collect it?), November 14, 2022.

this initiative, and also stresses the importance of implementing it with the rights of older persons as its priority.⁵⁹¹

283. With regards to **persons deprived of liberty**, in a pronouncement dated [June 28](#), the IACHR condemned the death of at least 51 persons deprived of liberty in a fire that reportedly occurred during a riot at the Tuluá prison in Valle del Cauca. The Commission also reiterates its concern regarding the situation faced by detainees both in prisons and in temporary detention centers.⁵⁹² In particular, according to the Ombudsman's Office, this situation is characterized by high rates of overpopulation that, as of August 2022, reached 177% in the Transitory Detention Centers, with a total overpopulation of 14,176 persons; and 20% in the National Prison Establishments, with an overpopulation of 16,297 persons deprived of liberty.⁵⁹³

284. In relation to women deprived of liberty, the IACHR welcomes the October 20 ruling of the Constitutional Court that decided to declare the constitutionality of Bill No. 093 of 2019-Senate and 498 of 2020-Chamber, which proposes the implementation of measures so that women in prison can leave to provide a service to society, which would favor their social reintegration, while reducing the negative effects of incarceration on their families.⁵⁹⁴ On the other hand, the Commission expresses its concern about the deplorable conditions of detention in the women's prison in Bogotá, characterized, according to civil society data, by: i) overcrowding; ii) challenges to health care; iii) deficient food and delivery of spoiled food; iv) obstacles to visits; v) deficient hygiene; and vi) mistreatment.⁵⁹⁵

COSTA RICA

General considerations

285. Regarding **progress made**, the Commission welcomes the adoption of various measures regarding access to justice for different population groups. In particular, it highlights the adoption of Law 10263 on comprehensive reparations for survivors of femicide, the implementation of policies to strengthen access to justice for indigenous peoples, as well as some progress in the publicity of votes for the selection of justice operators due to the new reforms to the Rules of Procedure of the Legislative Assembly and the Organic Law of the Judiciary.

286. In terms of **challenges**, despite the progress made in the publicity of voting for the selection of justice operators, there are still complaints about practices and measures that would affect the independence of the judicial branch, particularly due to weaknesses in the design and implementation of the selection and appointment processes. In this regard, the information indicates the absence of clear and objective criteria to determine the selection based on merit and abilities, the insufficient adoption of measures to promote the participation of women, and the lack of mechanisms for citizen participation. On

⁵⁹¹ El Espectador, [Cuidar adultos mayores, la nueva alternativa para no prestar servicio militar \(Caring for the elderly, the new alternative to military service\)](#), November 3, 2022.

⁵⁹² IACHR, [#IACHR condemns the deaths of at least 51 #PersonsDeprivedofLiberty in a fire, which according to @INPEC, Colombia reportedly occurred during a riot, in the Tuluá prison in Valle del Cauca, on #28JUN](#), Twitter, June 28, 2022.

⁵⁹³ RINDHCA, [Defensor del Pueblo propone penas alternativas y aplicación de medidas restaurativas frente a la crisis penitenciaria y carcelaria del país \(Ombudsman proposes alternative sentences and application of restorative measures to address the country's penitentiary and prison crisis\)](#), September 2, 2022.

⁵⁹⁴ Constitutional Court of Colombia, [Judgment No. C-256 of 2022](#), October 20, 2022.

⁵⁹⁵ Communiqué of Mujeres Libres Colombia. Twitter account of Mujeres Libres Colombia (@MujeresLibresCo). [Publication of September 6, 2022](#). Noticias Canal 1 ["Se agravó la crisis carcelaria" \("Prison crisis worsened"\)](#): Commission to follow up on the Court's decision, August 23, 2023.

the other hand, it notes the adoption of measures and practices that would restrict the rights of persons seeking international protection and the suppression of rules for the protection of stateless persons.

287. The State submitted a response to the request for information sent for the preparation of this chapter.⁵⁹⁶

Specific topics

288. With regard to **democratic institutions**, the Commission took note of the presidential elections held in 2022, which resulted in the election of Rodrigo Chaves for the 2022-2026 term, following a second round of voting. According to reports from the OAS Electoral Observation Mission, the elections were held in a climate of peace and civility. Regarding the second round of voting held on April 3, 2022, it highlighted the professionalism and technical expertise of the Supreme Electoral Tribunal. Likewise, it recommended a series of measures regarding campaign financing, political participation of women, and electoral justice.⁵⁹⁷

289. Regarding **human rights institutions**, the IACHR learned of the removal process of the then head of the Ombudsman's Office, Catalina Crespo, initiated in April 2022 following a complaint filed with the Legislative Assembly. In this regard, the Network of National Institutions for the Promotion and Protection of Human Rights of the American Continent (RINDHCA) pointed out that the head of the Ombudsman's Office was summoned by a Commission of the Legislative Assembly to a hearing for her removal from office without observing several guarantees of due process, such as allowing her to learn of the accusation in advance, the evidence presented, and access to the case file.⁵⁹⁸ According to public information, the hearing was finally suspended due to the issuance of precautionary measures by the Constitutional Chamber of the Supreme Court of Justice (CSJ).⁵⁹⁹

290. Regarding the cross-cutting issue of **citizen security**, the IACHR takes note of the results of the 2022 Global Peace Index, according to which Costa Rica is the safest country in the region.⁶⁰⁰ However, according to the National Survey on Citizen Security Costa Rica 2022 conducted by the School of Statistics of the University of Costa Rica and the United Nations Development Program (UNDP), 65.5% of those surveyed consider the country to be not very or not at all safe.⁶⁰¹ In addition, women (72%) expressed greater fear of being victims of a crime than men (56%) such as robbery, fraud, or kidnapping.⁶⁰²

291. Regarding **access to justice and judicial independence**, the State reported on the implementation of the Policy Project for Access to Justice by Indigenous Peoples in order to identify the obstacles presented by the judicial system to effective access and judicial protection for indigenous peoples.⁶⁰³ The IACHR also takes note of the approval of the Law on Comprehensive Reparation for

⁵⁹⁶ Ministry of Foreign Affairs and Worship - Office of the Director General of Foreign Policy, Report of Costa Rica Requested by the Inter-American Human Rights Commission, DGPE-2373-2022, on file with the IACHR.

⁵⁹⁷ OAS, Press Release D-001/22 - [Preliminary Report of the OAS Electoral Observation Mission to Costa Rica](#), February 8, 2022; OAS, Press Release C-017/22 - [OAS Electoral Observation Mission Congratulates the Costa Rican People on a Successful Presidential Run-Off Election](#), April 4, 2022; OAS, Press Release D-003/22 - [Preliminary Report of the OAS Electoral Observation Mission for the second round in Costa Rica](#), April 4, 2022.

⁵⁹⁸ RINDHCA, [Communiqué Case of Catalina Crespo, Ombudsman of Costa Rica](#), April 15, 2022; La República, [Ombudsman's Office: Legislative Commission violates Catalina Crespo's due process and right to defense by summoning her to impeachment hearing](#), April 12, 2022.

⁵⁹⁹ RINDHCA, [Communiqué Case of Catalina Crespo, Ombudsman of Costa Rica](#), April 25, 2022.

⁶⁰⁰ Institute for Economics & Peace, [Global Peace Index 2022: Measuring Peace in a Complex World](#), June 2022.

⁶⁰¹ Delfino, [UNDP and UCR survey: 65.5% of people consider that Costa Rica is not very or not at all safe](#), October 20, 2022; Swissinfo, [Most Costa Ricans feel insecure and reject carrying weapons](#), October 20, 2022; La Nación, [Seven out of ten people consider Costa Rica insecure](#), October 21, 2022.

⁶⁰² Monumental, [More women than men feel vulnerable to the possibility of being victims of crime in Costa Rica](#), October 20, 2022; Teletica, [More and more women fear becoming victims of crime, according to UNDP and UCR](#), October 23, 2022; El País, [Insecurity disrupts Costa Rica's 'pura vida'](#), October 24, 2022.

⁶⁰³ Official Letter DVV-SP-79-2022 sent to the Executive Secretariat of the IACHR by the Permanent Mission of Costa Rica to the OAS.

Survivors of Femicide (Law 10263), which establishes a comprehensive reparation system for family members of femicide victims, creating an economic fund for reparation and a comprehensive support system that includes medical and psychological care, scholarships for study and housing, as well as legal advice and representation in administrative and judicial proceedings related to the crime of femicide.⁶⁰⁴

292. On the other hand, the IACHR was informed about various challenges in the selection and appointment processes of justice operators. In particular, it followed up on the selection of the presidency⁶⁰⁵ and four vacant judgeships of the CSJ, as well as the head of the Attorney General's Office.⁶⁰⁶ Within the framework of these processes, it received information on the lack of objective instruments to determine the selection based on merit and abilities of the candidates, the insufficient adoption of measures to promote the participation of women under equal conditions, as well as the lack of mechanisms for citizen participation to facilitate public scrutiny.⁶⁰⁷ Regarding the selection of the presidency of the CSJ, the appointment to the position was achieved after 18 failed rounds of voting, and was highly contested due to the fact that it was carried out by secret ballot.⁶⁰⁸ This situation led to the adoption of reforms to the rules of procedure of the Legislative Assembly and to the Organic Law of the Judiciary in order to make public all votes concerning the appointment of justice operators, including the judgeships of the CSJ by the Legislative Assembly and the appointment of the Attorney General by the Supreme Court.⁶⁰⁹ Notwithstanding the above, the selection process of the new Attorney General, who took office at the end of October 2022, was also questioned due to the lack of objective criteria to determine the suitability of the person elected, as well as the absence of women in the final rounds of selection, among other factors.⁶¹⁰

293. On the other hand, the IACHR has been informed about questioning regarding the application of the Law against Organized Crime and its legal consequences on due process and the principles of legality and non-retroactivity of criminal law, among other rights. Defense lawyers point out that the judicial bodies in criminal matters allegedly would not have powers to initiate proceedings for organized crime due to the fact that the legislation granting them jurisdiction would apparently not be in force.⁶¹¹ According to this information, in 2017, through Law No. 9481, the Legislative Assembly reformed the Law against Organized Crime with the aim of creating a specialized jurisdiction on the matter, thus repealing the power of ordinary criminal courts to hear such matters. Although the entry into force of this reform was scheduled to begin 12 months after its publication,⁶¹² that is, as of October 14, 2018, this term was amended through Law No. 9591 to begin "24 months after its publication,"⁶¹³ namely, as of October 14, 2019. Subsequently, a second extension was approved through Law No. 9769 with the objective that such reform

⁶⁰⁴CNN, [New law compensates and orders support for relatives of victims of femicide in Costa Rica](#), April 29, 2022; Swissinfo, [Costa Rica approves law to provide reparations to families of femicide victims](#), April 29, 2022.

⁶⁰⁵ Semanario Universidad, [Orlando Aguirre assumes Presidency of the Court with a commitment to defend the independence of the Judiciary](#), September 26, 2022; Delfino, [Court elects Orlando Aguirre Gómez as the new president of the Judiciary](#), September 26, 2022.

⁶⁰⁶IACHR, Press release No. 241/22, [IACHR: Costa Rica Must Ensure Transparency and Participation in the Recruitment of Judicial Officers to Guarantee Their Independence](#), Washington D.C., October 28, 2022.

⁶⁰⁷Final Report. Independent Panel of Experts for the Election of the Attorney General of the Republic of Costa Rica, June 2022.

⁶⁰⁸ Judge Orlando Aguirre Gómez was elected to the presidency of the Supreme Court. Semanario Universidad, [Orlando Aguirre assumes Presidency of the Court with the commitment to defend the independence of the Judiciary](#), September 26, 2022.

⁶⁰⁹IACHR, Press release No. 241/22, [IACHR: Costa Rica Must Ensure Transparency and Participation in the Recruitment of Judicial Officers to Guarantee Their Independence](#), Washington D.C., October 28, 2022.

⁶¹⁰ Carlo Israel Díaz Sánchez was elected to the position of Attorney General. El Semanario, [New Attorney General Carlo Díaz promises internal reorganization of the Public Prosecutors' Office](#), October 31, 2022; Final Report. Independent Panel of Experts for the Election of the Attorney General of the Republic of Costa Rica, June 2022.

⁶¹¹ Communication received on March 16, 2022, on file with the IACHR.

⁶¹² Legislative Assembly, Law No. 9481, Creation of the Jurisdiction Specializing in Organized Crime in Costa Rica, single transitory File 19.645.

⁶¹³ The Commission notes that Law No. 9591 stipulates the following: "SINGLE ARTICLE- The entry into force of Law No. 9481, Creation of the Jurisdiction Specializing in Organized Crime in Costa Rica, of September 13, 2017. The text would then read: Enters into force twenty-four months after its publication. Enters into force as of its publication." See at: Legislative Assembly, Law No. 9591, Amendment of the entry into force of Law No. 9481, Creation of the jurisdiction specializing in organized crime in Costa Rica, of September 13, 2017, File 20.745, sole article.

would enter into force "eighteen months after the necessary budget for its implementation has been granted, according to the technical studies of the judicial branch."⁶¹⁴ However, the legislative decree was published on October 30, 2019, when Law No. 9481 would have already entered into force, being effective as of October 14, 2019 and, therefore, having repealed the articles that gave jurisdiction to the ordinary criminal courts in matters of organized crime. The Commission notes that there would be various bills that would seek to remedy this problem.⁶¹⁵

294. With regard to **persons in the context of human mobility**, the Commission takes note of the adoption of Executive Decree No. 43393 that formalizes the National Comprehensive Refugee Response Framework (MINARE). According to official information, MINARE's coordination structure includes several ministries,⁶¹⁶ functioning as a national platform for discussion and coordination of actions on asylum-related issues in Costa Rica.⁶¹⁷ Notwithstanding the above, the IACHR notes with concern the impact that Decree No. 43810-MGP could have, as well as the restrictions to exercise work activities until the deadline for resolving the asylum request, under warning of denying the request and applying the sanctions established in the General Law on Migration and Immigration. It also expressed concern that the requests for protection of persons who, before entering Costa Rica, passed through other countries considered safe by the General Directorate of Migration and Immigration without requesting protection, would be declared inadmissible. In addition, it warns of the repeal of standards related to the protection of stateless persons, without indication of substitution.⁶¹⁸

295. On the other hand, Costa Rica maintains its recognized open-door policy. The IACHR continued to observe an increase in asylum requests from Nicaraguan nationals.⁶¹⁹ According to the most recent figures known to UNHCR, displaced Nicaraguans number more than 150,000, which is equivalent to 3% of Costa Rica's total population of five million.⁶²⁰ Additionally, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) noted that Costa Rica has more than 200,000 pending asylum applications and another 50,000 people waiting for an appointment to make a formal request. According to OCHA data, Nicaraguans represent almost 9 out of every 10 applicants.⁶²¹ The Commission notes that, in the framework of the UN General Assembly, the State of Costa Rica indicated that it is the fourth nation in the world that received the most asylum applications per capita during the last five years, and added that

⁶¹⁴The Commission notes that Law No. 9769 stipulates the following: "ARTICLE 4- The entry into force of Law No. 9481, Creation of the Jurisdiction Specializing in Organized Crime in Costa Rica, of September 13, 2017. The text would then read: It shall enter into force eighteen months after the budget needed for its implementation has been granted, in accordance with the technical studies of the Judicial Branch [...] It shall be in force as of its publication." See: Legislative Assembly, Law No. 9769, Strengthening of the Jurisdiction Specializing in Organized Crime, File 21.559, Article 4.

⁶¹⁵ File 23.208 "Law to reinstate the special procedure declaration in the fight against organized crime: amendment of Law 8754." File No. 23.208, Department of Parliamentary Services, Bills, Files, and Laws Unit; Bill 23.090 "Amendment of the Law against Organized Crime, Law for the Creation of the Jurisdiction Specializing in Organized Crime in Costa Rica, and Law for the Strengthening of the Specialized Jurisdiction"; Initiative of the following members of Congress: Delgado Ramírez, Carolina; Pacheco Castro, Alejandro José; Larios Trejos, Alejandra; Segura Gamboa, David Lorenzo; Vargas Rodríguez; Navas Montero, Glorias Zaide; Morera Arrieta; Campos Cruz; García Molina, Carlos Felipe; Valverde Méndez, Geison Enrique; Rojas Méndez, Sonia, and Moreira Brown, Katherine Andrea.

⁶¹⁶ According to official information, MINARE includes the Ministries of Foreign Affairs and Worship, Labor and Social Security, National Planning and Economic Policy, Human Development and Social Inclusion, and Public Education; the Vice-Ministry of Government and Police, the General Directorate of Migration and Aliens, the Costa Rican Social Security Fund, and the National Learning Institute,

⁶¹⁷ Office of the President, Costa Rica, "[País consolida política pública para atención integral a la población refugiada](#)" ([Country consolidates public policy for comprehensive care for refugees](#)) January 19, 2022.

⁶¹⁸ Executive Branch, [Executive Decree No. 43810-MGP Amendment of Articles 15, 54, 58, 59, 59, 121, 140: repeal of Articles 15, 16, 18, and 139, and inclusion of a single transitory provision in the Regulations on Refugees, Executive Decree No. 36831-G, September 28, 2011](#), November 29, 2022, pp. 574 and 575.

⁶¹⁹ MIRPS, [IV Informe Anual del Marco Integral Regional para la Protección y Soluciones \(Annual Report of the Comprehensive Regional Protection and Solutions Framework\) \(MIRPS\)](#), 2021, p. 20.

⁶²⁰ UNHCR, "[The number of displaced Nicaraguans in Costa Rica has doubled in less than a year.](#)", March 25, 2022.

⁶²¹ OCHA, [Latin America & the Caribbean Weekly Situation Summary \(September 5-11, 2022\) to September 12, 2022](#) September 12, 2022, p. 1.

both the country's economic situation and fiscal constraints, together with the massive migratory flow, limit the capacity for action and put at risk the adequate coverage of persons seeking refuge.⁶²²

296. The IACHR reiterates its call to all States in the region to implement a strategy based on shared responsibility and a comprehensive human rights approach, in light of the factors of forced displacement of Nicaraguan persons and their needs for protection, including through the granting of asylum and other protection measures or for humanitarian reasons. It also encourages member states to support Costa Rica in providing the necessary capacities to make effective the principles of solidarity and international protection.

297. With regard to **trafficking in persons**, the Commission takes note of binational operations between Costa Rica and Panama, in which the First Superior Prosecutor's Office against Organized Crime, the Costa Rican Migration Police, the National Border Service (SENAFRONT), and the National Police carried out joint interventions called "Luz de Esperanza" [Light of Hope] to dismantle human trafficking networks for the purpose of sexual exploitation and to rescue their victims.⁶²³ In particular, it notes that at least 10 children and adolescents were rescued from sexual exploitation networks, including transnational ones, within the framework of these operations.⁶²⁴ Similarly, the Commission learned of the signing of a letter of understanding between the Ministry of Public Security of Costa Rica and the Department of Homeland Security of the United States to promote cooperation on migration policy issues and to generate options for strengthening the Professional Migration Police and the Border Police of Costa Rica.⁶²⁵ For its part, the State reported the implementation of training processes on human trafficking, under a preventive and detection approach, through the Institutional Program for Gender Equity.⁶²⁶

298. Regarding the rights of **LGBTI persons**, the State reported on efforts made by the Ministry of Health for training and awareness-raising on sexual diversity; the impact of stigmas and discrimination, as well as the guarantee of the right to health of LGBTI persons. It also reported on training efforts on mental health and suicide prevention. The Ministry of Health has also worked on the review of compliance with the actions programmed on health rights of LGTBIQ persons in the 2022 programming. In addition, the State reported on efforts made in conjunction with the civil society to integrate actions and goals related to the right to health of older LGTBIQ persons in the new National Plan for Healthy Aging.⁶²⁷

299. Regarding the rights of **people of African descent and against racial discrimination**, the State reported that the Ministry of Health conducted a review of the 2018-2021 National Health Plan for people of African descent in order to define the critical health issues of the population of African descent, in addition to the fact that it has promoted the inclusion of the topic of interculturality in higher education programs in the area of health. It also pointed out that the Interculturality Course of the Ministry of Health contemplates the incorporation of topics on African culture.⁶²⁸ Moreover, it highlighted the entry into force of Law No. 10001 on "Affirmative Actions in favor of people of African descent" on March 9, 2022, which declares of national interest the development, implementation, and dissemination of affirmative actions for

⁶²² United Nations, [Costa Rica requires the support of the international community in the face of the migration challenge](#), September 21, 2022. See also: MIRPS, [IV Informe Anual del Marco Integral Regional para la Protección y Soluciones \(Annual Report of the Comprehensive Regional Protection and Solutions Framework\) \(MIRPS\)](#), 2021, p. 20.

⁶²³ Government of Costa Rica, [In operation with Costa Rica. Public Prosecutor's Office makes arrests for human trafficking for child sexual exploitation](#), February 3, 2022.

⁶²⁴ UNICEF, Press release, [On recent dismantling of child sexual exploitation network](#), February 4, 2022. Organismo de Investigación Judicial, [Special Conference Lic Erick Lewis Cybercrime 20221020 091724 Recording of the meeting](#), October 20, 2022. Telemetro, [Fundación Unidos por la Niñez expresses concern and condemns cases of child trafficking](#), February 5, 2022.

⁶²⁵ Government of Costa Rica, [Costa Rica and United States work to strengthen bilateral relations and address common challenges](#), March 15, 2022.

⁶²⁶ Ministry of Foreign Affairs and Worship - Office of the Director General of Foreign Policy, Report of Costa Rica Requested by the Inter-American Human Rights Commission, DGPE-2373-2022, on file with the IACHR.

⁶²⁷ Government of Costa Rica. Report of Costa Rica requested by the Inter-American Commission on Human Rights, Chapter IV A - IACHR Annual Report 2022. On file with the IACHR, p. 23.

⁶²⁸ Ministry of Foreign Affairs and Worship. Office of the Director General of Foreign Policy. Report of Costa Rica. Requested by the Inter-American Commission on Human rights. Chapter IV A - IACHR 2022 Annual Report. DGPE-2373-2022, p. 24.

the benefit of people of African descent.⁶²⁹ The Commission appreciates that, in January 2022, the National Institute of Statistics and Census (INEC) issued the "Technical Guidelines for the Ethnic-Racial Approach"⁶³⁰ for the production and dissemination of official statistics, as well as the classification of hate crimes, imposing a high prison sentence for anyone who kills a person for reasons of hate because they belong to a particular racial group, among others.⁶³¹

300. The Commission takes note of the statements made by the resident coordinator of the United Nations system in Costa Rica regarding the fact that, despite the important steps taken by the State of Costa Rica to advance in the fight against racism and racial discrimination, the population of African descent continues to experience social and economic inequality gaps in which the existing disparities are evident.⁶³² Therefore, the IACHR urges the State of Costa Rica to continue moving forward with the adoption of special measures to guarantee the rights of people of African descent and to eradicate racial discrimination.

301. Regarding the situation of the **human rights of women**, the Commission welcomes the approval in April 2022 of the 2021-2031 National Care Policy, which seeks to contribute to the reduction of the gender gap in labor matters, as well as to establish a system of care for persons who need support and care to carry out their daily activities.⁶³³ Also, it values the legislative measures adopted in 2022 that incorporate paternity leave and extend maternity leave in certain cases,⁶³⁴ and that seek to prevent, address, punish, and eradicate violence against women in politics.⁶³⁵ In addition, it takes note of the implementation of the National Strategy to Combat Sexual Harassment and Harassment against Women,⁶³⁶ including the training and awareness-raising processes on the subject provided to the personnel of the Costa Rican Social Security Fund (CCSS).⁶³⁷

302. Likewise, it observes the dissemination of informative material on the sexual and reproductive rights of women with disabilities in health services⁶³⁸; as well as the training of CCSS officials and specialists in gynecology and obstetrics for the implementation of the clinical care protocol for the therapeutic interruption of pregnancy.⁶³⁹ In this regard, it notes the announcement of the executive branch

⁶²⁹Ministry of Foreign Affairs and Worship. Office of the Director General of Foreign Policy. Report of Costa Rica. Requested by the Inter-American Commission on Human rights. Chapter IV A - IACHR 2022 Annual Report. DGPE-2373-2022, pp. 25 and 26.

⁶³⁰ INEC. Technical guidelines for incorporating the ethnic-racial approach in the production of official statistics. January 2022.

⁶³¹ Criminal Code: Article 112: A prison term of twenty to thirty-five years shall be imposed on anyone who kills: 1) A person for hate motives because of his or her belonging to an age, racial, ethnic, or religious group, nationality, political opinion, immigration status, sexual orientation, gender identity or expression, disability, or genetic characteristics. (The foregoing was added by the sole article of Law No. 10175 of April 25, 2022).

⁶³² United Nations, United Nations Calls for Recognition of Rights and Access to Opportunities for Afro-descendant Populations, August 31, 2022; SWI. United Nations urges recognition of Afro-descendants' rights in Costa Rica, August 31, 2022.

⁶³³Ministry of Foreign Affairs and Worship. Report of Costa Rica requested by the Inter-American Commission on Human Rights, Chapter IV A - IACHR Annual Report 2022, p. 22; Instituto Mixto de Ayuda Social. Política Nacional de Cuidados (National Care Policy) 2021-2031, n.d.

⁶³⁴Ministry of Foreign Affairs and Worship. Report of Costa Rica requested by the Inter-American Commission on Human Rights, Chapter IV A - IACHR Annual Report 2022, p. 20; SCIJ (Costa Rican Legal Information System), Ley para combatir la discriminación laboral contra las mujeres en condición de maternidad (Law to combat labor discrimination against pregnant women), 2022; SCIJ. Public Employment Framework Law, 2022.

⁶³⁵Legislative Assembly of the Republic of Costa Rica. Ley para prevenir, atender, sancionar y erradicar la violencia contra las mujeres en la política (Law to Prevent, Punish, and Eradicate Violence against Women in Political Life). Law No. 10235, published in Alcance n. 98 of the Official Gazette (La Gaceta) n. 90 of May 17, 2022.

⁶³⁶Office of the President of Costa Rica. Government signs gender route decree that seeks to combat sexual harassment of women, October 27, 2022.

⁶³⁷Ministry of Foreign Affairs and Worship. Report of Costa Rica requested by the Inter-American Commission on Human Rights, Chapter IV A - IACHR Annual Report 2022, p. 5.

⁶³⁸Ministry of Foreign Affairs and Worship. Report of Costa Rica requested by the Inter-American Commission on Human Rights, Chapter IV A - IACHR Annual Report 2022, p. 16.

⁶³⁹El Mundo, Ministerio de Salud revisará la norma técnica para la interrupción terapéutica del embarazo (Ministry of Health to review the technical standard for therapeutic interruption of pregnancy), May 19, 2022.

to review the technical standard for therapeutic abortion,⁶⁴⁰ for which it urges the State to ensure that both the process and the outcome of the review are in accordance with the inter-American standards on reproductive rights of women and persons with gestational capacity.

303. On the other hand, the Commission was informed about the barriers faced by women in human mobility, among them, to access social security benefits, such as sexual and reproductive health services; the precarious socioeconomic situation, the lack of access to formal jobs and the requirement of identity documents issued by the immigration authorities of the country.⁶⁴¹ Finally, it notes with concern the public data indicating that, from January to November 2022, there were 34 violent deaths of women registered, 8 of which have been classified as femicides.⁶⁴²

304. Regarding the **rights of indigenous peoples**, the State reported on the Sub-commission on Access to Justice for Indigenous Peoples, composed of representatives of the judicial branch, external organizations, and the civil society, which promotes coordinated inter-institutional actions to provide care to indigenous users or those who are parties to judicial proceedings.⁶⁴³ It also reported on actions taken by the judicial branch to guarantee access to justice for the beneficiaries of IACHR Precautionary Measure 321-12 of the Teribe and Bribri indigenous peoples, as well as to coordinate actions to be taken to guarantee the life and personal integrity of members of these peoples.⁶⁴⁴ It also provided information on programs for a differentiated approach to the healthcare of indigenous women, including obstetric care, and programs for the healthcare of indigenous persons in the context of the COVID-19 pandemic.⁶⁴⁵

305. On the other hand, it observes with concern the situation of threats, attacks, and reports of alleged arbitrary detentions of members of the Cabécar indigenous people who are in the process of recovering the ancestral territory of China Kichá, which has been the cause of conflict and confrontation with landowners and the security forces.⁶⁴⁶

306. On the matter of the **rights of children and adolescents**, the Commission highlights the submission of a special bill to prevent violence against children and adolescents by the Costa Rican Public Prosecutor's Office. It also highlights the drafting of the 2022-2025 National Action Plan against Commercial Sexual Exploitation of Children and Adolescents.⁶⁴⁷ Regarding the right of children and adolescents to live with a family, the Commission welcomes the campaign "Día del #padrepresente todo el año" [Day of the #fatherpresent all year long], which seeks to eradicate toxic masculinity and to exercise positive

⁶⁴⁰ El Mundo, [Ministry of Health will review the technical norm for the therapeutic interruption of pregnancy](#), May 19, 2022.

⁶⁴¹ Center for Justice and International Law, HIAS, Instituto para las Mujeres en la Migración, Centro de Derechos Humanos Fray Matías de Córdova A.C., Women's Link Worldwide, CLADEM and Equality Now. Annex to the request for a thematic hearing on the situation of sexual violence against women, girls, and adolescents in the context of human mobility in Central America and Mexico, for the 185th Regular Session of the IACHR, August 15, 2022, p. 7. On file at the IACHR.

⁶⁴² El País.cr. [UN Costa Rica calls for an end to violence against women](#), November 25, 2022.

⁶⁴³ Report of Costa Rica requested by the Inter-American Commission on Human Rights, Chapter IV A - IACHR Annual Report 2022, p. 13.

⁶⁴⁴ Report of Costa Rica requested by the Inter-American Commission on Human Rights, Chapter IV A - IACHR Annual Report 2022, p. 15.

⁶⁴⁵ Report of Costa Rica requested by the Inter-American Commission on Human Rights, Chapter IV A - IACHR Annual Report 2022 DGPE-2373-2022, pp. 6, 7.

⁶⁴⁶ Radioemisoras UCR, [China Kichá: La recuperación de una tierra arrebatada \(Reclaiming a land that has been taken from us\)](#), June 30, 2022; @UNCOSTARICA. [@UNCOSTARICA is in Bajo Chirripó, following up on the situation of two indigenous leaders who have been victims of recent attacks and are under investigation](#), June 11, 2022; Coordinadora de Lucha Sur Sur - CLSS, [Nueva detención arbitraria contra recuperador Cabécar del Territorio de China Kichá, Costa Rica \(New arbitrary detention against Cabécar who recovered the Territory of China Kichá, Costa Rica\)](#), May 3, 2022; Surcos Digital, [Nueva recuperación de tierra-territorio en el territorio cabécar de China Kichá \(New recovery of land-territory in the Cabécar territory of China Kichá\)](#), November 5, 2022.

⁶⁴⁷ Consejo Nacional de la Niñez y la Adolescencia (National Council for Children and Adolescents), [Comisión Nacional contra la Explotación Sexual Comercial de Niños, Niñas y Adolescentes Plan Anual de Trabajo 2022 \(National Commission against the Commercial Sexual Exploitation of Children and Adolescents, Annual Work Plan 2022\)](#), Costa Rica, April 6, 2022, p. 1

masculinities and parenting without violence, through a joint effort between the National Children's Trust, UNICEF, and the Costa Rican national soccer league.⁶⁴⁸

307. Regarding **persons deprived of liberty**, the Commission welcomes the implementation, in February 2022, of the System for Registration, Communication, and Comprehensive Assistance for Victims of Institutional Prison Violence (SIRCAIVI) under the EUROsociAL+ Program, implemented in cooperation with the European Union. In this regard, SIRCAIVI is a tool that would facilitate the identification, reporting, and monitoring of cases of institutional violence in Costa Rican prisons, while allowing for the accompaniment of victims and family members who require it, among other functions.⁶⁴⁹

308. Regarding the rights of **persons with disabilities**, the IACHR highlights the publication of the Regulation on the End User Protection Regime of the Superintendency of Telecommunications, which establishes measures to guarantee the rights of persons with disabilities who are users of telecommunications.⁶⁵⁰ It also took note of an initiative by the Committee on Disability and Elderly Affairs, which held a forum with civil society organizations of persons with disabilities in order to inform the legislative agenda for the guarantee of their rights.⁶⁵¹ On the other hand, the IACHR took note that the National Council of Persons with Disabilities (CONAPDIS) expressed its opposition to bill number 22.530 that would extend the useful life of buses manufactured more than 15 years ago and which are not accessible to persons with disabilities, in contravention of the Law on Equal Opportunities for Persons with Disabilities.⁶⁵² On this issue, it notes that civil society organizations have held demonstrations to demand accessibility conditions in the area of transportation.⁶⁵³

DOMINICA

General Considerations

309. With respect to **progress**, the IACHR notes the State's enhancement of its crime fighting resources, the legislative measures adopted to enhance the rights of children as well as the programmes adopted by the State to address child abuse.

310. In relation to **challenges**, the IACHR observes the increase in murders, the cases of domestic violence, the need for additional resources at the State's prison and that the State has still not resumed prison visits which had been halted since the pandemic's inception. The Commission also takes note of the ongoing electoral reform in the State and the pending report of the Electoral Reform Commissioner. There also remains a lack progress in removing the death penalty and the criminalization of same sex relations between consenting adults.

311. The State did not respond to the request for information for the preparation of this chapter.

Specific Issues

⁶⁴⁸ Liga Promerica, Impulsan campaña para que más padres estén presentes en la crianza diaria de niñas y niños (Campaign to encourage more fathers to participate in the daily upbringing of girls and boys), June 20, 2022.

⁶⁴⁹ EurosociAL, Costa Rica pone en funcionamiento un sistema para la atención a víctimas de violencia institucional carcelaria (Costa Rica implements a system for the care of victims of institutional violence in prisons), February 7, 2022. See also: Defensa Pública (Public Defense) - Judiciary, Government of Costa Rica, SIRCAIVI, 2022.

⁶⁵⁰ SUTEL, Reglamento sobre el Regimen de protección al Usuario Final (Regulation on the End-User Protection Regime), August 25, 2022.

⁶⁵¹ El Mundo, Es el turno de las personas con discapacidad para exponer sus problemáticas (It is now time for people with disabilities to voice their issues), November 10, 2022.

⁶⁵² CONAPDIS, Oposición al proyecto de ley de Protección a Sector Autobusero (Opposition to the Bus Sector Protection Bill), November 15, 2022.

⁶⁵³ Semanario Universidad, Personas con discapacidad se movilizan al Congreso para pedir no ampliar vida útil de los buses (People with disabilities mobilize to Congress to ask not to extend the useful life of buses), November 28, 2022.

312. Regarding **democratic institutional**ity, as the Commission previously reported in 2021, the sole Electoral Reform Commissioner was appointed to review the State's Constitution, relevant legislation, systems, and processes, and to make recommendations regarding electoral reform based on consultations with all stakeholders⁶⁵⁴. The Commission notes that, according to public information, as of November 2022, the electoral reform report was in its final stages of preparation by the Commissioner⁶⁵⁵. The Commissioner stated that the report will be presented in two parts with Phase I addressing the Registration of Electors and Phase II dealing with the Election Process⁶⁵⁶.

313. During the IACHR's promotional visit to the State held in June 2022, the Commission was informed that several virtual consultations have already taken place between the Electoral Reform Commissioner and civil society. Further, it was expected that more consultations would take place physically when the Electoral Reform Commissioner visits Dominica. During the IACHR visit, the Electoral Commission noted that they are still awaiting the report of the Electoral Reform Commissioner, which is expected to make recommendations to the State concerning election reform⁶⁵⁷. The IACHR was further informed that there is draft legislation, including a Bill and regulations, which have been provided by the Electoral Reform Commissioner to complement the electoral reform process⁶⁵⁸.

314. Additionally, the IACHR observes the final decision of the Caribbean Court of Justice (CCJ) in relation to ten (10) election petitions claiming that the elections were conducted in a manner contrary to established electoral laws and regulations⁶⁵⁹. The CCJ agreed with the Court of Appeal that the Petitioners who challenged the results of the 2019 General Elections by way of election petitions, had no right to appeal the decision of the High Court judge to strike out their petitions. However, the CCJ stated that the efforts by the citizenry, in good faith, to call attention to perceived deficiencies in the electoral process, should not be discouraged⁶⁶⁰.

315. Further, according to official information, on November 6, 2022, the Prime Minister called a snap General Election on December 6, 2022⁶⁶¹. With general elections having not been constitutionally due until 2024 and the electoral reform process incomplete, the IACHR observes that opposition parties and several civil society organizations in the State have condemned the actions by Prime Minister, considering the decision an abuse of his power and trampling of Dominica's democratic system and have called on him to reverse his decision to dissolve parliament and to take immediate action to facilitate the electoral reform process⁶⁶². To this end, according to public information, on November 17, 2022, the Electoral Reform Coalition (ERC) which comprises opposition parties and civil society organizations in Dominica staged a peaceful protest⁶⁶³. The Commission takes note that according to official information, in 6 constituencies, the sole candidate nominated was declared duly elected and the 15 remaining constituencies were contested on election day⁶⁶⁴. This was primarily due to the decision of the main opposition party, United Workers Party, to boycott the general election⁶⁶⁵.

⁶⁵⁴ IACHR, Annual Report, Chapter IV.A. Dominica, 2021, para. 461; Electoral Office, Notice: Electoral Reform, April 22, 2021.

⁶⁵⁵ Dominica News Online, Sir Byron tells Opposition Leader he is 'working towards expediting' presentation of electoral reform recommendations, Phase 1 to be presented this month, November 8, 2022.

⁶⁵⁶ Dominica News Online, Sir Byron tells Opposition Leader he is 'working towards expediting' presentation of electoral reform recommendations, Phase 1 to be presented this month, November 8, 2022.

⁶⁵⁷ IACHR, Notes on the Promotional Working Visit to Dominica (June 20 to 25, 2022)– Meeting with the Electoral Office, June 23, 2022. In IACHR Archive.

⁶⁵⁸ IACHR, Notes on the Promotional Working Visit to Dominica (June 20 to 25, 2022)– Meeting with the Electoral Office, June 23, 2022. In IACHR Archive.

⁶⁵⁹ The Caribbean Court of Justice, Cuffy and Others v Skerrit and Others [2022] CCJ 12 (AI) DM, July 5, 2022.

⁶⁶⁰ The Caribbean Court of Justice, CCJ Agrees Petitioners Have No Right of Appeal, July 6, 2022.

⁶⁶¹ CARICOM Today, PM Skerrit Announces Snap Election in Dominica, November 10, 2022.

⁶⁶² Dominica News Online, Opposition and civil society groups say Skerrit's snap election announcement is 'an insult' to Dominican people: call for widespread condemnation of this action, November 9, 2022.

⁶⁶³ Dominica News Online, Crowd gathered at peaceful protest on electoral reform told 'this is only the start', November 18, 2022.

⁶⁶⁴ Government Information Service Dominica, 15 Constituencies to go to the Polls on December 6, November 19, 2022.

⁶⁶⁵ Loop Caribbean News, Dominica: Another opposition party to boycott snap poll, November 9, 2022.

316. On December 6, 2022, the results of the General Election indicated that the Dominica Labour Party won 13 of the 15 contested constituencies, for a final tally of 19 of the 21 seats in the House of Assembly⁶⁶⁶. The remaining seats were won by two independent candidates⁶⁶⁷. The Commission notes the public commitments made by the Prime Minister to consult and engage constructively with the successful independent candidates, the leadership of the United Workers Party, Team Unity Dominica, and other political stakeholders, to reach consensus on the way forward⁶⁶⁸.

317. In addition, the Commission values that the OAS and the Secretariat of the Commonwealth deployed observation mission during the General Election. According to the post electoral preliminary statements by these organizations, the State was commended for peaceful and orderly manner of the election process⁶⁶⁹ as well as the substantial number of women and youth who participated in the electoral process, not only as candidates and voters but also as polling staff, party agents, and witnesses/observers⁶⁷⁰. However, the OAS Electoral Observation Mission stated that there is an urgent priority to implement the long-discussed modernization of the State's electoral framework and to ensure the country's continued social and political progress and that the State cannot proceed to another election under the current rules⁶⁷¹. Among the key aspects of the electoral process that were analyzed, the OAS Electoral Observation Mission recommended: (i) the issuance of photo ID Cards to voters and the use of tools, to assist with the identification of voters; (ii) developing a training syllabus for Election Day workers; (iii) reconvening the Constituency Boundaries Commission to conduct a review that takes population changes; and (iv) reviewing and discussing a suitable timeline for conducting the claims and objection process⁶⁷².

318. In terms of **human rights institutions**, the Commission recalls that the State has yet to establish a national human rights institution in accordance with the Paris Principles⁶⁷³. However, the Commission acknowledges that during its promotional visit to Dominica, the State notified the Commission that the appointment of a Parliamentary Ombudsman was on the Government's agenda⁶⁷⁴. The IACHR has emphasised the necessity of establishing an independent body at the national level for the promotion and protection of human rights, and it continues to offer its technical assistance mechanism for institutional improvement in this area.

319. In the area of **citizen security**, the Commission recognizes the efforts of the State to fight criminal activity but is concerned about the increase in the number of murders in the country. According to public information, the State recorded 17 murders for the year⁶⁷⁵. This figure represents a 70% increase in murders when compared to the same period for 2021⁶⁷⁶. On the other hand, official sources indicate that on March 30, 2022, the State added 51 new police recruits to the Commonwealth of Dominica Police Force⁶⁷⁷.

⁶⁶⁶ Government of the Commonwealth of Dominica Electoral Office, [2022 General Election Results](#), December 6, 2022.

⁶⁶⁷ Government of the Commonwealth of Dominica Electoral Office, [2022 General Election Results](#), December 6, 2022.

⁶⁶⁸ Dominica News Online, [Skerrit congratulates independent candidates; plans to meet with UWP leader](#), December 6, 2022.

⁶⁶⁹ OAS, [Preliminary Report of the OAS Electoral Observation Mission for The General Elections of December 6, 2022 in the Commonwealth of Dominica](#), December 8, 2022.

⁶⁷⁰ The Commonwealth, [Dominica elections reflect the collective will of voters - Commonwealth observers](#), December 8, 2022.

⁶⁷¹ OAS, [Preliminary Report of the OAS Electoral Observation Mission for The General Elections of December 6, 2022 in the Commonwealth of Dominica](#), December 8, 2022.

⁶⁷² OAS, [Preliminary Report of the OAS Electoral Observation Mission for The General Elections of December 6, 2022 in the Commonwealth of Dominica](#), December 8, 2022.

⁶⁷³ IACHR, [Annual Report Chapter IV.A – Dominica](#), 2021, para 458.

⁶⁷⁴ IACHR, Notes on the Promotional Working Visit to Dominica (June 20 to 25, 2022) – Meeting with Meeting with the Acting Prime Minister of Dominica and Permanent Secretary at the Ministry of Foreign Affairs, International Business and Diaspora Relations, June 22, 2022. In IACHR Archive.

⁶⁷⁵ Caribbean Times, [DOMINICA-CRIME-Police investigates the murder of a medical practitioner](#), December 31, 2022.

⁶⁷⁶ Nature Isle News, [UPDATE-Dominica records two homicides in less than 24 hours in 2022](#), January 2, 2022.

⁶⁷⁷ Government Information Service Dominica, [51 Recruits Join Dominica Police Force](#), April 4, 2022.

320. In connection with the rights of **children**, the Commission notes the steps taken by the State to reform laws to address child abuse and the status of children under State care. The IACHR recalls the State's legislation previously excluded children considered "illegitimate" from being able to judicially establish their paternity or maternity⁶⁷⁸ and that the State indicated its intent to remedy this inadequacy through the Children (Care and Adoption) Bill⁶⁷⁹. During the promotional visit to the State in June 2022, the IACHR was informed that the Bill was approved by the Cabinet and removes all reference to children as illegitimate. Consequently, once the Bill is approved by Parliament, all children will be equal before the law. The Commission was further informed that the Bills regarding children were awaiting approval by the Parliament, namely the Children (Care and Adoption) Bill, the Status of Children Bill, and the Child Justice Bill⁶⁸⁰.

321. In relation to the sexual abuse of children in the State, during a meeting with officials of the Ministry of Youth Development and Empowerment in June 2022, the Commission was informed that there is a need for a multidisciplinary approach to assist children who have suffered abuse. The Commission was advised that there are reporting procedures in place but there is no protocol for a unified approach by all stakeholders involved in caring for the wellbeing of the child. It was also noted that there is significant delay in processing of cases and the State is planning to implement time limits on the processes with the introduction of new legislation⁶⁸¹.

322. Additionally, the Ministry of Education indicated that it works closely with police and the Social Welfare Division of the Ministry of Youth Development and Empowerment to address child abuse. The Ministry further noted that there are programs in place to assist victims of child abuse at both the primary and secondary level and every secondary school has a counsellor⁶⁸².

323. Further, in relation to children in the State's care, the Commission was informed that as of June 2022 there were approximately 100 children in foster care in the State, with 31 of these children residing at a children's home named "Chances". The State noted that financial support is provided to foster children including clothing allowance and medical care, as well as public assistance to some 2,000 families⁶⁸³.

324. Regarding the rights of **women**, the Commission observes the cases of domestic violence and the need for resources to support victims of abuse. According to public information, on December 30, 2022, two women were killed mere hours apart in separate instances due to cases of domestic violence⁶⁸⁴. Subsequently, calls have been made for the government to implement programs, which support domestic violence victims, and to invest in resources that support the work of institutions such as the Bureau of Gender Affairs, the Women's Bureau and the Welfare Division⁶⁸⁵.

⁶⁷⁸ Government of Dominica, [Status of Children Bill](#), October 9, 2018.

⁶⁷⁹ DBS, [Dominica is to take the Child Care and Adoption Bill to its Parliament this Year. July 30, 2021.](#)

⁶⁸⁰ IACHR, Notes on the Promotional Working Visit to Dominica (June 20 to 25, 2022) – Meeting with the Ministry of Youth Development and Empowerment, Youth at Risk, Gender Affairs, Seniors Security and Dominicans with Disabilities, June 23, 2022. In IACHR Archive.

⁶⁸¹ IACHR, Notes on the Promotional Working Visit to Dominica (June 20 to 25, 2022) – Meeting with the Ministry of Youth Development and Empowerment, Youth at Risk, Gender Affairs, Seniors Security and Dominicans with Disabilities, June 23, 2022. In IACHR Archive.

⁶⁸² Government Information Service of Dominica, [Ministry of Education Working to Curb Child Abuse Says PS Hyacinth](#), July 11, 2022.

⁶⁸³ IACHR, Notes on the Promotional Working Visit to Dominica (June 20 to 25, 2022) – Meeting with the Ministry of Youth Development and Empowerment, Youth at Risk, Gender Affairs, Seniors Security and Dominicans with Disabilities, June 23, 2022. In IACHR Archive.

⁶⁸⁴ Dominica News Online, [UWP leader condemns recent "brutal murders," calls for increased protection for victims of domestic violence](#), December 31, 2022.

⁶⁸⁵ Dominica News Online, [UWP leader condemns recent "brutal murders," calls for increased protection for victims of domestic violence](#), December 31, 2022.

325. Concerning **persons deprived of liberty**, according to official sources, as of April 2022, the Stockfarm Prison contained 206 inmates with 203 of those being males and three females⁶⁸⁶. This figure represents a 9% in the total population from the previous 189 inmates at the end of 2021 in less than four months⁶⁸⁷. Further, according to publicly available information, prison staff have indicated that there is a need for additional personnel as it relates to performing duties at the institution more effectively⁶⁸⁸.

326. Additionally, according to public information, there are 33 inmates requiring psychological care and many of these inmates are presumably housed with other inmates resulting in fights due to the behavior and aggressive nature of those inmates with psychological needs⁶⁸⁹. The Commission also notes that prison visits have not resumed and there has been no indication of when inmates will be allowed to be visited by friends, families and loved ones. In this regard, the Commission reiterates that persons deprived of liberty must be afforded the right to maintain direct and personal contact through regular visits with members of their family, legal representatives, and their respective partners⁶⁹⁰.

327. Regarding the rights of **older persons**, the IACHR notes with concern statements by civil society specialists that indicate that the COVID-19 pandemic has exacerbated financial abuses committed through fraud against older persons by those in charge of their care⁶⁹¹. According to public information, cases of elder abuse in the State are woefully underreported and the main perpetrators are members of the victim's family⁶⁹². However, the Senior Security Ministry has acknowledged elder abuse as a growing and critical problem in Dominica's culture and has highlighted the various government initiatives which have been implemented to assist older persons such as the 'Yes We Care' program and non-contributory pension schemes⁶⁹³.

328. Regarding the rights of **LGBTI persons**, the IACHR reiterates its concern over the 1998 Sexual Offenses Act, section 15, which penalizes same-sex relationships between consenting adults with prison terms of up to ten years— and the possibility of internment in psychiatric institutions⁶⁹⁴. The criminalization of consensual relationships violates the principle of equality, non-discrimination, and the right to privacy; they foster an environment that promotes discrimination, stigmatization, violence, and social control over LGBTI people. The mere existence of such laws can cause anxiety, guilt, and depression, which affects the mental health of LGBTI people⁶⁹⁵.

329. Regarding the **death penalty**, there remains a lack of progress in removing this penalty from the State's statutes even though no prisoners are currently on death row and no executions have been carried out since 1986⁶⁹⁶.

ECUADOR

General considerations

⁶⁸⁶ World Prison Brief, Dominica, April 14, 2022; Nature Isle News, Dominica Prison Faced with Several Challenges, April 22, 2022.

⁶⁸⁷ IACHR, Annual Report, Chapter IV.A. Dominica, 2021, para. 465.

⁶⁸⁸ Nature Isle News, Dominica Prison Faced with Several Challenges, April 22, 2022.

⁶⁸⁹ Nature Isle News, Dominica Prison Faced with Several Challenges, April 22, 2022.

⁶⁹⁰ IACHR, Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, March 3-14, 2008, pg. 164.

⁶⁹¹ Dominica News, Elder financial abuse is an ongoing pandemic, and is on the rise says DCOA, June 15, 2022.

⁶⁹² The Sun, Elder Abuse is a Demon, Exorcise It, July 28, 2022.

⁶⁹³ Q95FM, Seniors Security Minister, Dr Adis King says abuse of elders is one of the most under-investigated forms of violence and is rarely addressed, as Dominica observed World Elder Abuse Awareness Day on Wednesday, June 16, 2022.

⁶⁹⁴ Dominica Gazette, Sexual Offenses Act 1998, section 15 (Sodomy).

⁶⁹⁵ Dominica. Sexual Offenses Act 1998, section 15 (sodomy), section 16 (attempted sodomy); IACHR, Violence against lesbian, gay, bisexual, trans, and intersex people in America, OEA/Ser.L/V/II.rev.1, Doc. 36, November 12, 2015, paras. 55-95.

⁶⁹⁶ World Coalition Against the Death Penalty, Dominica, August 30, 2021.

330. During 2022, **progress** was made in the area of human mobility, particularly in the extraordinary process of migratory amnesty and regularization for Venezuelan migrants and their families, as well as the approval of the LGBTI Diversity Action Plan.

331. Structural **challenges** persist in terms of the rights of persons deprived of liberty, including reports of violence inside detention centers that, during 2022, resulted in the death of at least 122 people. Likewise, citizen security challenges in the context of social protests, in which acts of violence and allegations of excessive use of police force were reported, in a context of heightened social tensions.

332. The State submitted, on November 22, 2022, a response to the request for information sent for the preparation of this chapter.⁶⁹⁷

Specific topics

333. The State reported on the strengthening of **human rights institutions**, including the process of creating the National Coordination Mechanism for the Implementation and Follow-up on Human Rights Recommendations from international human rights organizations.⁶⁹⁸ The State signed a technical cooperation agreement with the IACHR to strengthen the rights of persons deprived of liberty and the adaptation of public policies to inter-American standards.⁶⁹⁹

334. Regarding **democratic institutions**, the executive branch submitted a proposal for a constitutional amendment on different aspects of institutionality and citizen security, including the proposal for the complementary support of the Armed Forces in the functions of the National Police to combat organized crime, among other aspects.⁷⁰⁰ The Constitutional Court (CC) issued an opinion determining the appropriate ways for the proposed amendments.⁷⁰¹

335. On the other hand, note was taken of the censure and dismissal of members of the Citizen Participation Council by the National Assembly.⁷⁰² In this context, the Multicompetent Judicial Unit of the canton of La Concordia, province of Santo Domingo de los Tsáchilas, issued a precautionary measure in favor of the dismissed individuals.⁷⁰³ This judicial decision was rejected by the presidency of the Legislative Assembly as an interference in its functions.⁷⁰⁴ Finally, the dismissed members were reinstated as a result of a constitutional action decided by a court with constitutional competencies in La Concordia.⁷⁰⁵

336. On **access to justice and judicial independence**, the National Court of Justice opened spaces and presented proposals to address structural challenges such as the reduction of personnel in

⁶⁹⁷ State of Ecuador, Note 4-2-289/2022, Report of the Ecuadorian State regarding the request for information in connection with the drafting of Chapter IV-A of the Annual Report of the IACHR, November 22, 2022.

⁶⁹⁸ State of Ecuador, Note 4-2-289/2022, Report of the Ecuadorian State regarding the request for information in connection with the drafting of Chapter IV-A of the Annual Report of the IACHR, November 22, 2022.

⁶⁹⁹ IACHR, [Press Release 220/2022](#) IACHR Unveils Technical Cooperation with Ecuador, Acknowledges Progress Concerning Recommendations, September 30, 2022.

⁷⁰⁰ El Comercio, [Guillermo Lasso entregó reforma constitucional en Asamblea](#) (Guillermo Lasso delivered constitutional reform in Assembly), in a tense atmosphere, December 7, 2022, and Presidency of the Republic, Pronouncement of December 7, 2022, available at: https://twitter.com/LassoGuillermo/status/1600529512508293120?ref_src=twsrc^tfw

⁷⁰¹ Constitutional Court of Ecuador, [Opinion 4-22-RC](#) October 12, 2022.

⁷⁰² Primicias, [La Asamblea censura y destituye a cuatro vocales del CPCCS](#) (Assembly censures and removes four members of the Citizen Participation and Social Oversight Council - CPCCS), November 19, 2022.

⁷⁰³ El Universo, [Juez acepta medida cautelar autónoma y dispone la suspensión de los efectos de la destitución de los cuatro consejeros del CPCCS](#) (Judge accepts autonomous precautionary measure and orders the suspension of the effects of the dismissal of the four CPCCS councilors), November 23, 2022.

⁷⁰⁴ National Assembly of Ecuador, Pronouncement of November 23, 2022, available at: <https://twitter.com/asambleaecuador/status/1595476695032774670>

⁷⁰⁵ El Universo, [Asamblea Nacional cumple fallo constitucional y se disculpa con los cuatro vocales del Consejo de Participación Ciudadana](#) (National Assembly complies with constitutional ruling and apologizes to the four members of the Council of Citizen Participation), December 13, 2022.

judicial bodies, the lack of implementation of the electronic case file, and delays in the processing of cases, among others.⁷⁰⁶

337. The IACHR records state information on **citizen security** emergencies through the reporting system of the Integrated Security Service *ECU 911* which, during 2022, oversaw more than 2 million cases.⁷⁰⁷ However, there were serious acts of violence related to organized crime in the country and the prison system in Ecuador⁷⁰⁸ and, on the other hand, acts of violence in the context of heightened social tensions during protests.⁷⁰⁹ The protests, which began on June 13, following a call by the Confederation of Indigenous Nationalities of Ecuador (CONAIE), were motivated by various demands, including attention to economic, social, cultural, and environmental rights. According to information from the Ombudsman's Office, 6 people lost their lives in the context of the protests, at least 2 as a result of gunshot wounds. Also, according to other sources, at least 166 demonstrators and 120 National Police officers were injured.⁷¹⁰ Civil society organizations expressed concern about the arrest of social leaders, including the detention of the leader of CONAIE, and possible cases of abuse of police force, including raids on hostels on university grounds where protesters were staying.⁷¹¹

338. In reaction to the violence, the IACHR noted that the State declared states of exception, which were subject to control by the Constitutional Court.⁷¹² Among the measures ordered by the decrees were joint operations by the Armed Forces and the National Police.⁷¹³

339. The Commission does not lose sight of the fact that the citizen security situation in Ecuador is marked, to a large extent, by the structural challenges that persist in the detention centers and the absence of a comprehensive criminal policy.⁷¹⁴ In this regard, the Commission continues to note the serious crisis in the prison system, characterized by high levels of violence and corruption, which result in challenges to the rights of **persons deprived of liberty**.

340. During 2022, violence inside detention centers would have resulted in the death of at least 122 persons.⁷¹⁵ In the framework of a public hearing, the IACHR listened to the challenges faced by the

⁷⁰⁶ National Court of Justice (CNJ), CNJ and the country's bar associations met to analyze problems and propose solutions in the jurisdictional area of the justice administration system, February 10, 2022 and Proposals for a working group with Ecuador's bar associations were submitted to the Judiciary Council, March 2022.

⁷⁰⁷ State of Ecuador, Note 4-2-289/2022, Report of the Ecuadorian State regarding the request for information in connection with the drafting of Chapter IV-A of the Annual Report of the IACHR, November 22, 2022.

⁷⁰⁸ IACHR, Press Release 255/2022 IACHR condemns serious violence in Ecuador, November 11, 2022.

⁷⁰⁹ At the time, civil society organizations expressed concern about the detention of social leaders and possible cases of abuse by the police, as well as violence against journalists. The State claimed that, in order to establish a policy of permanent dialogue with civil society, it had created spaces for rapprochement between public institutions and social groups to address issues of greatest concern to them, prompted by the protests. At the same time, it affirmed its commitment to human rights standards on protest. Note Verbale 4-5-121-2022 in response to the IACHR's request under Article 41 of the ACHR, on file with the IACHR. See also: IACHR, Press Release 145/2022 IACHR and Its Special Rapporteurship for Freedom of Expression (RELE), concerned About Escalating Social Tension in Ecuador, Call for Urgent, Inclusive, and Effective Dialogue, June 24, 2022.

⁷¹⁰ IACHR, Press Release 145/2022 IACHR and Its Special Rapporteurship for Freedom of Expression (RELE), concerned About Escalating Social Tension in Ecuador, Call for Urgent, Inclusive, and Effective Dialogue, June 24, 2022

⁷¹¹ IACHR, Press Release 145/2022 IACHR and Its Special Rapporteurship for Freedom of Expression (RELE), concerned About Escalating Social Tension in Ecuador, Call for Urgent, Inclusive, and Effective Dialogue, June 24, 2022

⁷¹² In view of the violence during the protests, a state of emergency due to serious internal disturbances was declared in some of the country's provinces, first, by means of Decree 455 of June 17, and subsequently, by means of Decree 459 of June 20, 2022, each valid for 30 days. Then, in the face of serious violence in November 2022, the Government decreed a state of exception (estado de excepción) in the provinces of Esmeraldas, Guayas, and Santo Domingo de los Tsáchilas for a period of 45 days. El Comercio, Corte Constitucional declara constitucionalidad de estados de excepción (Constitutional Court declares that states of exception are allowed under the Constitution), August 31, 2022.

⁷¹³ Government of Ecuador, Armed Forces and National Police step up security in Guayas and Esmeraldas, November 2, 2022.

⁷¹⁴ IACHR, Report on the Situation of Persons Deprived of Liberty in Ecuador, OEA/Ser.L/V/II, adopted on February 21, 2022.

⁷¹⁵ On this, see: IACHR, Press Release 220/22 IACHR Unveils Technical Cooperation with Ecuador. Acknowledges Progress Concerning Recommendations. Washington DC, September 30, 2022; and SNAI Communiqués. Twitter account of the National Service of Comprehensive Care for Adults Deprived of Liberty and Adolescent Offenders (@SNAI_Ec). Publications of October 3, 2022, October 5, 2022; October 24, 2022; and November 3, 2022. The Commission issued statements condemning these events: IACHR [@CIDH].

families of detainees.⁷¹⁶ In this regard, it welcomes the State's willingness to provide technical cooperation to the IACHR, as expressed during its working visit in September 2022, during which the aforementioned agreement was signed.

341. On the other hand, note was taken of Constitutional Court decisions on the **rights of indigenous peoples** that emphasized the State's duty to adopt effective and efficient mechanisms to prevent illegal mining, due to the impact it has on these peoples⁷¹⁷ and the guarantee of the Shuar people's right to prior consultation.⁷¹⁸

342. However, the IACHR received information on structural challenges that condition the human rights of indigenous peoples, including inequality, poverty, and the absence of public policies drafted with full participation of the peoples. This resulted in the call for protests in June 2022. The organizations denounced the criminalization of persons who participated in the protests.⁷¹⁹ This led to the signing of an agreement with the government, with organizations demanding its compliance.⁷²⁰ The State reported on the roundtables set up to address the demands of the indigenous peoples and reported on the follow-up to the agreements reached after the protests.⁷²¹

343. With regard to the rights of **persons of African descent and against racial discrimination**, note is taken of academic research that highlights that of the persons living below the poverty line, 39.5% are Afro-Ecuadorian, and of the population living in extreme poverty, 18.9% corresponds to Afro-Ecuadorians, which would reveal structural inequalities in that racialized populations are precisely those who are in precarious situations, in terms of social class.⁷²²

344. Regarding the **human rights of women**, the State reported on the adoption of the Inter-institutional Protocol for Action on Emergency Alerts Related to Gender Violence against Women and Domestic Violence⁷²³ and the Protocol To Prevent the Revictimization of Child and Adolescent Victims of Sexual Violence in an Educational Setting, for the use of judicial authorities.⁷²⁴ In addition, it expressed its commitment to creating the first Ministry of Women and Human Rights, to territorialize public policies for the prevention and eradication of violence, as well as the intention to open Centros Violeta [Violet Centers]

(May 9, 2022) IACHR condemns the violence at the Centro de Privación de Libertad Santo Domingo N1, on #9MAY, where at least 41 #PersonsDeprivedOfLiberty died, and 13 were injured, according to @MinInteriorEc. [Tweet] Twitter: <https://twitter.com/CIDH/status/1523815579567759360>; IACHR [@CIDH]. (July 21, 2022) IACHR regrets new acts of violence in Centro de Privación de Libertad Santo Domingo N1, which left at least 13 #PersonsDeprivedOfLiberty dead and 2 injured on #18July. [Tweet] Twitter: <https://twitter.com/CIDH/status/1550232489335132160>; and IACHR [@CIDH]. (October 4, 2022) IACHR deplores acts of violence in Cotopaxi N1 penitentiary, following which at least 15 #PersonsDeprivedOfLiberty died and 21 were injured, according to @SNAI_Ec; and reiterates that it will continue working on the cooperation agreement with the State to comply with recommendations. [Tweet] Twitter: <https://twitter.com/CIDH/status/1577390644414267392>

⁷¹⁶CIDH, Public hearing "Situation of the human rights of persons deprived of liberty and their families in Ecuador," 184th regular session, June 21, 2022.

⁷¹⁷Constitutional Court of Ecuador, Judgment No. 273-19-IP/22, January 27, 2022.

⁷¹⁸El Universo, Corte Constitucional sienta precedente para que el Estado cumpla con consulta previa a pueblos indígenas antes de implementar proyectos extractivos (Constitutional Court sets precedent for the State to comply with prior consultation with indigenous peoples before implementing extractive projects), December 14, 2022.

⁷¹⁹IACHR, Press Release 145/2022IACHR and Its Special Rapporteurship for Freedom of Expression (RELE), concerned About Escalating Social Tension in Ecuador, Call for Urgent, Inclusive, and Effective Dialogue, June 24, 2022.

⁷²⁰BBC, Protests in Ecuador: strike ends after agreement between government and indigenous movement, June 30, 2022 and CONAIE Ecuador, Press conference, Tweet of November 30, 2022.

⁷²¹IACHR, 185 Period of Sessions, Ecuador: Social protests and indigenous peoples, Thematic hearing on October 24, 2022.

⁷²²Primicias. La desigualdad en Ecuador y la indiferencia frente a ella (Inequality in Ecuador and the indifference to it). March 15, 2022. Presenza. Lo que el paro reveló sobre el racismo en el Ecuador (What the strike revealed about racism in Ecuador). July 21, 2022.

⁷²³This is to facilitate the use of the Integrated Security Service ECU 911. See: Republic of Ecuador. Information from the Ecuadorian State in accordance with Article 41 of the American Convention on Human Rights, November 2022, p. 8. On file at the IACHR.

⁷²⁴HRC (Human Rights Council). Working Group on the Universal Periodic Review, National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21. A/HRC/WG.6/41/ECU/1, August 15, 2022, para. 121.

in each province, spaces designed to respond and take action immediately to acts of violence against women of all ages.⁷²⁵

345. However, the Commission notes with concern the situation of violence against women in the country. Official data report 70 feminicides and 275 violent deaths of women in a criminal context, in the period from January to November 2022. On the other hand, the civil society registers 272 feminicides in the same period, most of them perpetrated by people close to them.⁷²⁶ According to civil society reports, Venezuelan migrant women, girls, and adolescents are exposed to greater risks of suffering various forms of gender-based violence, especially in border areas.⁷²⁷ In September 2022, the feminicide of María Belén Bernal was registered, currently under investigation.⁷²⁸ This case prompted a series of feminist protests against gender violence, including protests outside the Quito Police Academy, where Bernal was last seen.⁷²⁹

346. On the other hand, there were complaints of police repression against women and others who were peacefully protesting during the March 8 demonstrations.⁷³⁰

347. On the matter of reproductive rights, the Commission appreciates the enactment of the law that decriminalizes the voluntary termination of pregnancy in cases of rape, up to the 12th week of gestation. At the same time, it warns that the partial veto of this law by the executive branch introduced modifications that seriously restrict the real possibility of access to the interruption of pregnancy in these cases.⁷³¹ On the other hand, girls and adolescents informed the Commission about their limited or no access to comprehensive sexual education, highlighting that the little information they receive is based on myths, prejudices, and stereotypes.⁷³²

348. On the rights of **LGBTI persons**, the IACHR received information on discrimination against trans and intersex children in Ecuador, including challenges in the recognition of their gender identities.⁷³³ In addition, the organizations highlighted various challenges faced by diverse families, including the constitutional prohibition of adoption by LGBT couples and challenges in the civil registration of children of LGBT couples. The State reported on institutional actions to guarantee the rights of LGBTIQ+ persons and highlighted actions to promote the registration of children of LGBTI couples.⁷³⁴

⁷²⁵ Republic of Ecuador. Information from the Ecuadorian State in accordance with Article 41 of the American Convention on Human Rights, November 2022, p. 3. On file at the IACHR.

⁷²⁶ Aldea Foundation. [272 femi\(ni\)cidios en Ecuador en 2022: en este 25N exigimos verdad, justicia y reparación integral \(272 femi\(ni\)cides in Ecuador in 2022: on this 25N we demand truth, justice, and full reparation\)](#), November 22, 2022

⁷²⁷ Amnesty International, [Ecuador: Another State joins the regional trend of discrimination and lack of protection for Venezuelan women survivors of gender-based violence](#), November 17, 2022; El universal, ["Venezuelan women, girls, and adolescents are targets of abuse in border areas"](#), February 4, 2022

⁷²⁸ CNN, [A feminicide: what we know about the case of Maria Belen Bernal in Ecuador](#), September 22, 2022 and BBC News, [María Belén Bernal | "It is impossible that no one heard her screams": the denunciation of the mother of the lawyer murdered in Ecuador by her police officer husband](#), January 15, 2023.

⁷²⁹ Euronews, [Feminist protest in Quito after the murder of María Belén Bernal](#), October 3, 2022.

⁷³⁰ HRW, [Ecuador must investigate police abuses during Women's Day marches](#), March 16, 2022

⁷³¹ These include the requirement of a complaint, medical examination, or sworn statement, as well as the consent of the legal representative in the case of girls and adolescents - except only when the latter is the perpetrator of the violence; the broad regulation of conscientious objection; and the disregard for the additional obstacles that women in situations of aggravated vulnerability face in the exercise of their reproductive rights. The IACHR notes that the Constitutional Court temporarily suspended the requirements incorporated through the veto, leaving the final ruling on the constitutionality of the requirement of consent of the legal representative in cases of children and adolescents still pending. National Assembly of the Republic of Ecuador, [Organic Law regulating the voluntary termination of pregnancy for girls, adolescents and women in case of rape](#) April 29, 2022; SwissInfo, [Rape abortion law amended by Lasso enters into force in Ecuador](#), April 30, 2022, and Constitutional Court of Ecuador, [Case File No. 41-22-IN](#), accessed on December 1, 2022.

⁷³² IACHR. Public hearing on the [Situation of access to sexual and reproductive education for children and adolescents in Ecuador](#) 183rd Period of Sessions, March 18, 2022. Information provided by civil society.

⁷³³ IACHR, Public Hearing on the [Situation of the Rights of LGBTIQ+ Children and Families in Ecuador](#), June 22, 2022.

⁷³⁴ IACHR, Public Hearing on the [Situation of the Rights of LGBTIQ+ Children and Families in Ecuador](#), June 22, 2022.

349. The State reported that the Population and Housing Census includes the gender variable; it also reported that a nationwide survey is being conducted on the living conditions of the LGBTI+ population for the recognition of rights. Similarly, the State reported progress in the institutionalization of the registration process for children of same-sex couples. The first public policy tool, the 2022-2025 Diversity Action Plan for the prevention of violence, for social inclusion, and for institutional capacity building, among other issues, was launched in 2022.⁷³⁵

350. With regard to the rights of **persons in the context of human mobility**, the Commission welcomes the decision to implement Decree No. 439 containing the process of migratory amnesty and extraordinary regularization for Venezuelan migrants and their families who entered the country through official migration control points before June 1, 2022, and who are in an irregular migratory situation.³¹ According to the decree in question, persons who meet the requirements of the regularization process will be granted an Exceptional Temporary Residence Visa for Venezuelan Citizens (VIRTE), which will be valid for two years and may be extended for one single instance.³² In addition, the State recognized the validity, for purposes of the regularization process, of the current identity cards and passports of Venezuelan nationals for up to five years after the date of their expiration or extension.³³

351. However, the Commission is concerned about the requirement to present authenticated documents with an apostille affixed in order to apply for the VIRTE.³⁴ According to the Interagency Coordination Platform for Refugees and Migrants (R4V), these types of requirements are a major obstacle due to the difficulty in obtaining them³⁵, and result in challenges to the exercise of other rights, such as education.³⁶

352. With regards to **human trafficking**, the Commission learned of activities developed under the "Track4TIP" initiative of the United Nations Office on Drugs and Crime (UNODC) and the Ministry of Government, which seek, through training rounds, to strengthen the knowledge of officials from the security and justice sectors for the identification, reporting, and investigation of cases of human trafficking in migratory contexts.⁷³⁶

353. In relation to the rights of **persons with disabilities**, the Commission was informed by the State about the approval of the "Inter-institutional Protocol To Address Emergency Alerts Related to Persons With Disabilities," the purpose of which is to establish a specific procedure for addressing emergency alerts.⁷³⁷ On the other hand, the IACHR took note of the complaints expressed by persons with disabilities regarding the difficulties in accessing the labor market, the educational and health systems in the country, as well as discrimination on the basis of disability that they face both at the institutional level and in society.⁷³⁸

354. On the matter of the **rights of older persons** in Ecuador, the IACHR notes that public information reports the launching of a program that seeks to convert unused state-owned buildings into social housing, with preferential access for older persons, among other populations.⁷³⁹

355. With regard to the rights of **children and adolescents**, the Commission welcomes the incorporation of Ecuador into the tripartite cooperation initiative promoted by the IACHR in partnership

⁷³⁵ State of Ecuador, Note 4-2-289/2022, Report of the Ecuadorian State regarding the request for information in connection with the drafting of Chapter IV-A of the Annual Report of the IACHR, November 22, 2022.

⁷³⁶ United Nations, Criminal profiling applied to trafficking in persons as a strategy to combat this crime: UNODC seminar seeks to strengthen the capacity of justice operators in Ecuador, January 11, 2022.

⁷³⁷ Republic of Ecuador; Information from the Ecuadorian State in accordance with Article 41 of the American Convention on Human Rights, November 22, 2022, p. 8.

⁷³⁸ Primicias, Personas con discapacidad tienen mayor probabilidad de vivir en pobreza (People with disabilities are more likely to live in poverty), August 8, 2022.

⁷³⁹ Vistazo, De subutilizados a viviendas de interés social: el plan del Gobierno Nacional para aprovechar los edificios del Estado (From underutilized to social housing: the National Government's plan to take advantage of State buildings), November 13, 2022.

with the non-governmental organization Both Ends Believing, for the voluntary implementation of the "Children First" system, in order to provide appropriate follow-up and responses to children and adolescents deprived of parental care.⁷⁴⁰ In addition, in the framework of guaranteeing the right to live with a family, the IACHR takes note of the "Abrazo de adopción" [Adoption Hug] program, implemented by the State to reduce the duration and broadcast to citizens the adoption process of children and adolescents.⁷⁴¹ On the other hand, the Commission notes with concern the lack of access to medicines for children and adolescents, particularly those with catastrophic illnesses. Likewise, the Commission has been informed about the State's vaccination policy against pneumonia and poliomyelitis, which does not cover all serotypes of those diseases; with documented cases of children who, under the State's vaccination scheme, have contracted any of the mentioned diseases.

356. Additionally, in the aforementioned public hearing on the rights of LGBTI persons, the IACHR urged the State to ensure that legislation and policies conform to international standards in favor of the rights of children, including the right to live with a family⁷⁴².

EL SALVADOR

General considerations

357. The IACHR notes some **progress** on the matter of human rights registered in the country during the year 2022, among which it acknowledges the reduction of homicide figures. It also values the measures adopted to promote gender equality and to respond to gender violence, highlighting the approval of the 2021-2025 National Equality Plan, the reform of the Law of the Salvadoran Institute for the Development of Women and the amendments to the Criminal Procedure Code that prevent the revictimization of victims or witnesses in cases of gender violence, sexual freedom, and human trafficking. It also welcomes the decision of the Constitutional Chamber of the Supreme Court of Justice that determines to reform the Law of the Name of the Natural Person to enable the change of name for reasons of gender identity.

358. In relation to the **challenges**, the IACHR repeatedly expressed its concern regarding the suspension of rights and guarantees in the context of the state of exception since March 2022. The Commission received several complaints of human rights violations related to massive and arbitrary arrests based on discriminatory criteria, violations of judicial protection and judicial guarantees, as well as severe restrictions on the rights of persons deprived of liberty. In this regard, it urged the State to ensure that citizen security and prison policies are implemented with respect for human rights.

359. On November 22, 2022, the State submitted a response to the request for information sent for the preparation of this chapter.⁷⁴³ It also sent additional information on December 12, 2022.⁷⁴⁴

⁷⁴⁰ MIES, Letter of intention regarding interagency cooperation between the Ministry of Economic and Social Inclusion and the Non-Governmental Organization "Both Ends Believing", 2022. On file with the IACHR.

⁷⁴¹ Government of the Republic of Ecuador, [El "programa abrazo de adopción" realiza la primera formación a familias interesadas en el proceso que apunta a 9 meses - ministerio de inclusión económica y social \(The "embrace adoption program" provides initial training for families interested in the 9-month process - Ministry of Economic and Social Inclusion\)](#), January 18, 2022.

⁷⁴² IACHR, Situation of the Rights of LGBTIQ+ Children and Families in Ecuador. Youtube <https://www.youtube.com/watch?v=xZARZmwMZxg>

⁷⁴³ Republic of El Salvador, Report of the State of El Salvador to the Inter-American Commission on Human Rights Regarding the Request for Information on Chapter IV A (IACHR Annual Report 2022), November 22, 2022, Diplomatic Mission MPOEA-OAS-209-/2022, November 22, 2022, on file with the IACHR (hereinafter Report of the State of El Salvador, Chapter IV A, November 22, 2022).

⁷⁴⁴ Republic of El Salvador, Additional Report of the State of El Salvador to the Inter-American Commission on Human Rights Regarding the Request for Information on Chapter IV A (IACHR Annual Report 2022), December 8, 2022, Diplomatic Mission MPOEA-

Specific topics

360. Throughout 2022, the Commission observed with concern incidents related to citizen security, **democratic institutions, and access to justice** in El Salvador. The State said that public security has been established as a national priority issue, implementing the Territorial Control Plan since June 2019.⁷⁴⁵ It stated that, in the face of these state actions, the response of criminal groups has been extremely violent, with a wave of violence in March of this year that took the lives of at least 92 people. It added that this situation gave rise to a serious disturbance to public order and an evident national emergency that threatened the independence and security of the State and, as a response, a State of Exception was declared to provide the institutions in charge of public security with extraordinary powers to comply with the State's obligation to effectively protect the rights of citizens. Furthermore, it stated that it has restricted only the rights necessary to contain the alarming situation of public danger of risk to the security of the State and the Salvadoran population, with the actions of the institutions in charge of public security subject to control through various mechanisms. It also pointed out tools and protocols that the National Civil Police, the Ministry of Justice and Security, and the Ministry of National Defense implemented to guide and supervise their actions within this framework.⁷⁴⁶

361. The IACHR [rejected](#) the acts of violence that resulted in the deaths of dozens of people and triggered the declaration of the state of exception. Decree No. 333 of March 27, 2022, suspended, for a period of thirty days and at the national level, the constitutional provisions related to: freedom of association, the right of assembly, judicial guarantees, and protection against arbitrary or abusive interference to private life. From this decree, the term of administrative detention was extended from 72 hours to 15 days, with the understanding that people could be detained and not informed of the reason; that they would not have the right to know their rights or to have access to defense counsel in administrative detention; that they could be forced to testify, and that judicial control would not be necessary to violate all kinds of correspondence and telecommunications. This regulation was extended for nine consecutive months.⁷⁴⁷

362. In that context, the IACHR learned of the deployment of joint national operations between the National Civil Police and the Armed Forces, as well as the concern of civil society organizations regarding arbitrary detentions and other human rights violations.⁷⁴⁸ It was also informed about the approval, with waiver of formalities, of a set of legislative initiatives that amended criminal and criminal procedural legislation to combat organized crime.⁷⁴⁹ In this regard, it requested information on the reasons, object, and purpose of the declaration of the state of exception; the security operations and detentions carried out; how were judicial guarantees being ensured; the proposed amendments to the criminal and criminal procedural

OAS-214-/2022, December 9, 2022, on file with the IACHR (hereinafter Additional Report of the State of El Salvador, Chapter IV A, December 8, 2022).

⁷⁴⁵ State of El Salvador Report, Chapter IV A, November 22, 2022, pp. 3-5.

⁷⁴⁶ State of El Salvador Report, Chapter IV A, November 22, 2022, pp. 3-5.

⁷⁴⁷ Legislative Assembly, Decree No. 358, April 24, 2022; Legislative Assembly, Decree No. 396, May 25, 2022; Legislative Assembly, Decree No. 427, June 21, 2022; Legislative Assembly, Decree No. 454, July 19, 2022; Legislative Assembly, Decree No. 476, August 16, 2022; Legislative Assembly, Decree No. 503, September 14, 2022; Legislative Assembly, Decree No. 530, October 14, 2022; Legislative Assembly, Decree No. 569, November 15, 2022; Legislative Assembly, Decree No. 611, December 14, 2022.

⁷⁴⁸ NY Times, ["They're grabbing everyone": mass arrests raise fears of repression in El Salvador](#), March 29, 2022; Europa press, [HRW warns that El Salvador is violating basic rights after declaring state of emergency](#), March 30 2022.

⁷⁴⁹ Legislative Assembly, Decree No. 337 - Amend the Criminal Code, March 30, 2022; Legislative Assembly, Decree No. 338 - Amend the Law Regulating Drug Activities, March 30, 2022; Legislative Assembly, Decree No. 339 - Amend the Code of Criminal Procedure, March 30, 2022; Legislative Assembly, Decree No. 341 - Amend the Special Law Against Acts of Terrorism, March 30, 2022; Legislative Assembly, Decree No. 342 - Amend the Juvenile Criminal Law, March 30, 2022; Legislative Assembly, Decree No. 343 - Amend the Special Law Against Acts of Terrorism, March 30, 2022. No. 341 - Amend the Special Law Against Acts of Terrorism, March 30, 2022; Legislative Assembly, Decree No. 342 - Amend the Juvenile Criminal Law, March 30, 2022; Legislative Assembly, Decree No. 343 - Amend the Special Law Against the Crime of Extortion, March 30, 2022; Legislative Assembly, Decree No. 344 - Law on Rewards and Elimination of Impunity for Acts of Terrorism, March 30, 2022.

legislation; among others.⁷⁵⁰ The State answered about the declaration of the state of exception, its results, the control mechanisms, and the legislative reforms carried out.⁷⁵¹

363. During the state of exception justified by reasons of citizen security, in force during 2022 since March 27, the IACHR received extensive information on the human rights situation in the country.⁷⁵² In public hearings held in June and October, civil society organizations questioned the necessity and proportionality of the suspension of rights and guarantees protected by the ACHR, denouncing that recent state actions in the framework of citizen security, access to justice, and treatment of persons deprived of liberty had culminated in various human rights violations.⁷⁵³ According to information released by the Attorney General's Office, as of December 13, 2022, there had been 59,600 people detained, 2,100 of whom were released and 53,156 were being held in preventive custody.⁷⁵⁴ The organizations denounced the practice of massive, illegal, arbitrary detentions, based on discriminatory profiles on the basis of age, socioeconomic status, physical appearance, or place of residence. They also reported on the immediate decision of preventive custody, in massive hearings and with restrictions on judicial guarantees and judicial protection.

364. On April 20, 2022, the Commission [urged](#) the State to ensure that actions to prevent and punish crime and delinquency are implemented within the limits and procedures that guarantee public safety and respect for human rights and dignity. It noted that the State should observe judicial guarantees and due process of law in all circumstances, including within the framework of the state of exception. In June, it [reiterated](#) its calls in light of the news of the second extension of the state of exception and the arrest of tens of thousands of people. After more than seven months of this state of exception being in place, the IACHR [reminded](#) the State, in November, that the suspension of rights and guarantees constituted a provision for extraordinary circumstances and not a means to confront common crimes, so the State of El Salvador should ensure that states of exception comply with the requirements of Article 27 of the American Convention.

365. In that circumstance, the State reported that it maintained the state of exception in order to “respond to the violence and complexity of the gang phenomenon,” thus being able to provide the institutions in charge of public security with “extraordinary powers to deal promptly and effectively with this escalation of brutality perpetrated by terrorist groups.”⁷⁵⁵ It said that, since the implementation of the

⁷⁵⁰ IACHR, Request for information from the State of El Salvador, 156-22/CIDH/SE/MPCT-Art.41, Ref.: Exceptional Regime Decree No. 333 on Salvador, April 4, 2022.

⁷⁵¹ Republic of El Salvador, Report of the State of El Salvador to the Inter-American Commission on Human Rights on Emergency Regime Decree No.333, April 26, 2022, Diplomatic Note, MPOEA-OEA-063/2022, April 26, 2022.

⁷⁵² Cristosal, [Violaciones a los derechos humanos Durante el régimen de excepción en El Salvador. \(Human Rights Violations During the Emergency Regime in El Salvador\)](#) Situation Report for the period March 27 to April 26, 2022, May 2022; Amnesty International, [El Salvador: President Bukele plunges the country into a human rights crisis after three years in office.](#), June 2, 2022; Cristosal, [Violaciones a los derechos humanos Durante el régimen de excepción en El Salvador \(Human Rights Violations During the Emergency Regime in El Salvador\).](#) Situation Report for the period from April 27 to May 25, 2022, June 14, 2022; Agrupación Ciudadana por la Despenalización del Aborto; Asociación Azul Originario; et al, [Carta al Grupo de Trabajo sobre la Detención Arbitraria de las Naciones Unidas \(Letter to the United Nations Working Group on Arbitrary Detention\)](#), Ref: El Salvador - Arbitrary Detentions During the Current State of Emergency, July 19, 2022; WOLA, [Corruption and the State of Emergency in El Salvador: A Democracy Without Oxygen](#), September 27, 2022; Cristosal, [Human Rights Violations. During the state of emergency \(régimen de excepción\) in El Salvador. Situation Report for the period June to September 2022](#) October 19, 2022; Agrupación Ciudadana por la Despenalización del Aborto; Asociación Azul Originario; et al; [Alternative report in follow-up to the United Nations Committee Against Torture evaluation of El Salvador](#), November 8, 2022; Human Rights Watch, Cristosal, [“Podemos detener a quien queramos” Violaciones generalizadas de derechos humanos durante el “régimen de excepción” en El Salvador \(“We can detain whoever we want” Widespread human rights violations during the “emergency regime” in El Salvador\)](#), December 2022.

⁷⁵³ IACHR, Hearing on ‘Situation of Human Rights and the Rule of Law in El Salvador’, 184th period of sessions, June 23, 2022; IACHR, Hearing on ‘Arbitrary Detentions and Situation of Persons Deprived of Liberty during the State of Emergency in El Salvador’, 185th period of sessions, October 25, 2022.

⁷⁵⁴ La Prensa Grafica, [Delgado: 53,156 personas enviadas a detención provisional en régimen \(53,156 persons sent to pre-trial detention under the state of emergency\)](#), December 16, 2022.

⁷⁵⁵ El Salvador, Position of the State of El Salvador Regarding the IACHR Communiqué “Seven Months of the Emergency Regime: IACHR Reminds El Salvador To Comply with Its Human Rights Obligations,” November 10, 2022.

state of exception to date, “a significant decrease in the country’s crime rates” had been achieved, with “the month of October becoming the safest since records have been kept in El Salvador.”⁷⁵⁶ According to data released by the National Civil Police, 609 homicides were registered from January 1 to December 20, 2022, which would reflect a decrease of 45% in the same period of the previous year.⁷⁵⁷ At the same time, civil society organizations have demanded greater transparency regarding citizen security policies as a whole, pointing out that restrictions have been set on certain statistical data and official records on violence and crime from different institutions and on the information and documents related to the Territorial Control Plan.⁷⁵⁸

366. The Commission recognizes the importance of reducing crime rates, particularly those related to homicides perpetrated in the country, a challenge that it [has highlighted](#) as a priority in terms of citizen security in recent years. On the other hand, it reinforces that measures for the prevention and deterrence of violence and crime must be implemented without compromising human rights, with their full validity being the standard in the rule of law. In this context, the IACHR expressed its willingness to visit the country and provide technical collaboration in the implementation of inter-American standards in this regard.

367. Finally, the Commission takes note of the information provided by the State in the area of democratic institutions, which refers to the study of proposed laws and the issuance of rulings that have made it possible to transfer real estate in favor of low-income families; and the creation of autonomous official institutions to improve service with respect to the basic needs of the population, such as the conversion of the Fire Department of El Salvador into a Directorate of the Ministry of the Interior.⁷⁵⁹

368. In relation to the situation of **justice operators**, the IACHR observed that judicial independence in El Salvador continues to be an area of concern. As a result of the reforms to the Judicial Service Law and the Organic Law of the Attorney General’s Office in 2021, civil society organizations expressed the fear of justice operators of being removed or transferred as a result of their judicial decisions, and the non-observance of the constitutional and legal procedures for appointments and promotions of members of the judicial branch.⁷⁶⁰

369. During the hearing “Situation of Judicial Independence in El Salvador,” held in the framework of the 193rd Session Period, the Commission was informed that justice operators have been attacked and criminalized for exercising their duties and expressing their disagreement with the decisions imposed by the ruling party. The IACHR received information on acts of harassment by the National Civil Police and the Armed Forces against judges, as well as allegedly unjustified summons to the Attorney

⁷⁵⁶ El Salvador, Position of the State of El Salvador Regarding the IACHR Communiqué “Seven Months of the Emergency Regime: IACHR Reminds El Salvador To Comply with Its Human Rights Obligations,” November 10, 2022.

⁷⁵⁷ Última Hora, [El Salvador cerrará 2022 con histórica reducción en tasa de violencia homicida \(El Salvador to close 2022 with historic reduction in homicide violence rate\)](#), December 23, 2022.

⁷⁵⁸ Human Rights Watch, Cristosal, [“Podemos detener a quien queremos” Violaciones generalizadas de derechos humanos durante el “régimen de excepción” en El Salvador \(“We Can Arrest Whomever We Want” Widespread Human Rights Violations During the “Emergency Regime” in El Salvador\)](#), December 2022, p. 43; Gato Encerrado, [Es falso que la información sobre el Plan Control Territorial es pública \(It is false that the information on the Territorial Control Plan is public\)](#), November 11, 2021; La Prensa Gráfica, [4,060 personas con reporte de desaparición entre 2020 y 2022 \(4,060 people reported missing between 2020 and 2022\)](#), November 16, 2022; WOLA, [Corruption under the State of Emergency in El Salvador: a democracy without oxygen](#), September 27, 2022; La Prensa Gráfica, [Homicidios a la baja, pero sin contraste \(Homicides on the decline, but with no comparison \(pero sin contraste\)\)](#), August 3, 2022; La Prensa Gráfica, [Mesa tripartita desaparecería por falta de funcionamiento \(Tripartite roundtable reportedly to disappear due to lack of operation\)](#), July 29, 2022; Reuters, [In El Salvador, discrepancy over deaths and mass graves alarms critics](#), August 3, 2022; Gato Encerrado, [Policía reserva datos de feminicidios y declara confidencial detalles de los delitos \(Police withholds femicide data, declares details of crimes to be confidential\)](#), July 28, 2022; Gato Encerrado, [Policía reserva información sobre homicidios y personas desaparecidas \(Police withhold information on homicides and missing persons\)](#), June 21, 2022.

⁷⁵⁹ State of El Salvador Additional Report, Chapter IV A, December 8, 2022, pp. 13-14.

⁷⁶⁰ Meeting with civil society organizations held on June 9, 2022, on file with the IACHR.

General's Office. They also reported on the transfer of magistrates of the Environmental Chamber in San Salvador after having ordered a halt to the deforestation of the Bicentennial Park and the construction of the eighth hydroelectric plant on the Sensunapán River. In said hearing, the State indicated to the Commission that the reforms carried out in 2021 have been relevant to make the work of the justice system more efficient and that they seek to guarantee access to justice and to dignify the work of the judicial branch.

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370. The State also reported on the impact of the aforementioned reforms on the service within the justice system.⁷⁶² It claimed that they have guaranteed the exercise of the duties of the members of the judicial and prosecutorial services, insofar as they establish a clear legal framework in relation to the beginnings, transfer, promotions, and termination of said service, requiring a duly motivated resolution in order to carry out the transfers.⁷⁶³ It also claimed that they reportedly improved the employment status of members of the judicial service, since the categories established by law are improved. On the other hand, it reported on good practices, progress, and achievements obtained by the judicial branch from the implementation of technological tools in the distribution of workload, procedural processing, judicial proceedings, information safekeeping, and communication with users; also measures for education, outreach, guidance, and attention in terms of access to justice; among others.⁷⁶⁴

371. Regarding **persons deprived of liberty**, the Commission closely monitored the situation faced by this population in general, particularly in the context of the state of exception. In this regard, the Commission reiterates its concern about the high rates of overcrowding that would occur as a result of mass arrests, coupled with the hardening of security policies, the excessive use of preventive custody, and the lack of application of alternative measures to the deprivation of liberty.⁷⁶⁵ In particular, according to official data, in addition to the 59,600 persons deprived of their liberty under the state of exception,⁷⁶⁶ there are 37,866 persons in detention as of May 2021.⁷⁶⁷ These figures would represent an overcrowding rate of 247%, considering that there would be a total of 97,466 people incarcerated and the official declared capacity of the penitentiary system would be 28,054 people.⁷⁶⁸

372. According to the civil society, with a rate of 2,144 people detained per 100,000 inhabitants, El Salvador would be one of the world's countries with the highest number of people detained.⁷⁶⁹ Regarding preventive custody and according to data from the Ministry of National Defense, as of September 27, at least 47,893 people detained in the context of the state of exception are being held in preventive custody.⁷⁷⁰ Taking into account the total number of persons detained at that time, these figures indicate that the rate of application of this precautionary measure is at least 51%.

373. In addition, the IACHR noted with concern the deplorable conditions of detention faced by incarcerated persons, which represent serious risks to their life and integrity, and have reportedly caused

⁷⁶¹ IACHR, Public Hearing "Status of Judicial Independence in El Salvador", held within the framework of the 183rd Period of Sessions, March 16, 2022.

⁷⁶² Decree Law No. 144 of August 31, 2021, and Decree Law No. 145 of August 31, 2021, respectively.

⁷⁶³ State of El Salvador Report, Chapter IV A, November 22, 2022, pp. 1-3.

⁷⁶⁴ State of El Salvador Additional Report, Chapter IV A, December 8, 2022, pp. 1-12.

⁷⁶⁵ In the same vein, see also: IACHR, Situation of Human Rights in El Salvador, OEA/Ser.L/V/II. Doc. 278, October 14, 2021, par. 134.

⁷⁶⁶ La Prensa Grafica, Delgado:53.156 personas enviadas a detención provisional en régimen (53,156 people sent to provisional detention during the state of emergency), December 16, 2022; Twitter @SeguridadSV (December 13, 2022) "The #WarAgainstGangs continues, we will not stop until every terrorist is behind bars. #Seguimos.60.019 terroristas capturados #Guerracontrapandillas (60,019 terrorists captured #War against gangs)".

⁷⁶⁷ Republic of El Salvador, Diplomatic Note No. MPOEA-OAS-149/2021, November 19, 2021, p. 1.

⁷⁶⁸ Republic of El Salvador, Diplomatic Note No. MPOEA-OAS-149/2021, November 19, 2021, p. 3.

⁷⁶⁹ IACHR, Hearing "Arbitrary detentions and the situation of persons deprived of liberty under the State of Emergency in El Salvador", 185th period of sessions, October 25, 2022.

⁷⁷⁰ IACHR, Press Release No. 254/22 - Seven Months of the Emergency Regime: IACHR reminds El Salvador to comply with its human rights obligations, November 11, 2022.

the deaths of at least 80 persons deprived of liberty.⁷⁷¹ According to the information received, in addition to the high rates of overcrowding, there would be no public or accurate information on the persons detained, specifically, the places where they would be held, as well as the number of persons released. Furthermore, incarcerated persons would face mistreatment such as beatings and the use of pepper spray; negligent medical care; not enough food due to the reduction of food; and lack of contact with the outside world caused by the suspension of visits and calls.⁷⁷² Moreover, in the framework of the public hearing "Arbitrary detentions and the situation of persons deprived of liberty in the State of Exception in El Salvador" held during the 185th session period, the IACHR was informed about the restriction of drinking water, poor sanitation and hygiene conditions, and excessive use of solitary confinement. Likewise, due to the lack of adoption of measures respectful of the gender perspective, women would face greater risks.⁷⁷³

374. With respect to **human rights institutions**, the Commission takes note of the election of the new head of the Office of the Human Rights Ombudsman (PDDH) in October 2022.⁷⁷⁴ The State also reported that the PDDH has deployed a National Verification Plan for the control, monitoring, and comprehensive assistance to victims of possible human rights violations and their families within the framework of the state of exception.⁷⁷⁵ Additionally, it indicated that the new head of the institution was invited by the President of the Republic to carry out a verification, in accordance with her constitutional mandate, of the conditions of persons deprived of liberty in various detention centers nationwide. Also, according to public information from December 8, the verifications are not yet underway.⁷⁷⁶

375. In relation to the situation of **human rights defenders**, the Commission notes that during 2022, there were challenges that prevented the free exercise of the defense of human rights. In this regard, the Commission registered the murder, on March 22, 2022,⁷⁷⁷ of Elizabeth De León, a defender of women's rights and companion of women in situations of violence. On the other hand, according to information from civil society organizations, between January and June 2022, a total of 81 aggressions against 40 female human rights defenders were registered, mostly through digital media.⁷⁷⁸

376. In addition, the Commission received information on the increase in stigmatizing and discrediting discourse against associations for the defense of human rights, from the highest state authorities in the framework of the state of exception.⁷⁷⁹ The Commission notes that the disqualification of the work carried out by human rights defenders through pronouncements by state officials leads to stigmatization and, at the same time, can promote a climate of hostility and intolerance by various sectors

⁷⁷¹ IACHR, Hearing "Arbitrary detentions and the situation of persons deprived of liberty under the State of Emergency in El Salvador", 185th period of sessions, October 25, 2022.

⁷⁷² IACHR, Press Release No. 126 /22 - IACHR Urges El Salvador to Comply with Its International Obligations and Ensure Prisons and Law Enforcement Policies That Respect Human Rights, June 3, 2022.

⁷⁷³ IACHR, Hearing "Arbitrary detentions and the situation of persons deprived of liberty under the State of Emergency in El Salvador", 185th period of sessions, October 25, 2022.

⁷⁷⁴ Diario El Mundo, Juramentada Raquel Caballero de Guevara como titular en la PDDH (Raquel Caballero de Guevara sworn in as head of the Office of the Procurator for the Defense of Human Rights - PDDH), October 15, 2022.

⁷⁷⁵ State of El Salvador Report, Chapter IV A, November 22, 2022, p. 4.

⁷⁷⁶ La Prensa Gráfica, PDDH sigue sin ejecutar el plan de verificación en los centros penales (PDDH still not executing the verification plan in prisons), December 8, 2022.

⁷⁷⁷ IACHR, Press Release No. 114/22, IACHR: Increased Violence Against Human Rights Defenders during the First Four Months of 2022 Makes It More Urgent for States to Protect Their Lives and Work, May 25, 2022.

⁷⁷⁸ Red Salvadoreña de Defensoras de Derechos Humanos, Information on the situation of defenders in El Salvador, July 28, 2022, on file with the IACHR; IM Defensoras, En El Salvador, la violencia digital es violencia de Estado (In El Salvador, digital violence is State Violence), October 26, 2022.

⁷⁷⁹ Roundtable on the right to defend rights, Defending human rights in crisis contexts: Analysis of cases of aggressions against human rights defenders and journalists 2021-2022, September 6, 2022, pp. 11 and 14; CELS, El salvador: state of emergency (estado de excepción) and attacks against human rights defenders, March 31, 2022; FUSADES, Information on events affecting human rights defenders in El Salvador, received on October 22, 2022, on file with the IACHR; Twitter @nayibbukele (April 24, 2022) "If there is one thing that should leave us with a big lesson, it is who comes out to defend this scum. Look at the organizations, the NGOs, the media, the "friendly governments". May it help us to understand, once and for all, who has always been behind the suffering of our people..."

of the population that hinders the legitimate exercise of their freedom of association.⁷⁸⁰ On the other hand, civil society organizations reported on the launch of criminal investigations against human rights defenders for carrying out their investigative work and expressing their positions on public policies. In this regard, the Salvadoran Network of Female Human Rights Defenders reported that at least seven female human rights defenders have faced arbitrary detentions in the framework of the state of exception under accusations of being members of illegal or terrorist groups.⁷⁸¹

377. In this context, the Commission notes that to date there has been no progress in the creation of a solid legal framework to support the work of human rights defenders in El Salvador;⁷⁸² a situation also noted by the United Nations Committee against Torture, which urged the State to adopt a regulatory framework in this regard.⁷⁸³

378. Regarding the situation of the **human rights of women**, the Commission appreciates the measures adopted in 2022 to respond to gender-based violence. In this regard, the State reported on the decision of the Legislative Assembly to approve the Law for the Creation of the ISDEMU to strengthen its competencies as the governing body in the area of public policies for the prevention, care, and prevention of violence against women, as well as to promote the incorporation of the principle of equality and non-discrimination in the functions of the State.⁷⁸⁴ It also indicated that ISDEMU opened a shelter for returned migrant women;⁷⁸⁵ and that various amendments to the Code of Criminal Procedure were approved to allow victims or witnesses in cases of gender-based violence, sexual freedom, and trafficking in persons to give their statements in advance and in safe settings, in order to avoid revictimization and improve access to justice and protection.⁷⁸⁶

379. It also takes note of the information provided by the State on the measures adopted in 2022 in the area of gender equality. In particular, the approval of the 2021-2025 National Equality Plan, which seeks to make operative the principle of equality and non-discrimination by promoting the development and autonomy of women.⁷⁸⁷ Likewise, the measures implemented for the empowerment and promotion of the economic autonomy of women in vulnerable conditions, including the MERCAMUJER initiative; the project to strengthen the productive capacities, autonomy, and economic rights of women in rural and urban areas of municipalities prioritized at the national level;⁷⁸⁸ and the provision of guidance services, training courses on financial products and services, delivery of supplies and resources, facilitation of micro-credits, entrepreneurship fairs, among others.⁷⁸⁹ In addition, note is taken of the publication in October 2022 of the *Love Converted into Food for the Promotion, Protection, and Support of Breastfeeding Law*, which, among

⁷⁸⁰ IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II. Doc. 66, December 31, 2011, par. 125.

⁷⁸¹ Red Salvadoreña de Defensoras de Derechos Humanos, Information on the situation of defenders in El Salvador, July 28, 2022, on file with the IACHR.

⁷⁸² La Prensa Gráfica, Personas defensoras de derechos humanos aseguran que persisten los ataques por su trabajo en los territorios (Human rights defenders claim that attacks for their work in the territories continue), November 22, 2022; Mesa por el derecho a defender derechos, Defending human rights in crisis contexts: Analysis of cases of aggressions against human rights defenders and journalists 2021-2022, September 6, 2022, p. 66.

⁷⁸³ Committee Against Torture - CAT, Concluding observations on the third periodic report of El Salvador, 25 November 2022, para. 37.

⁷⁸⁴ Informe del Estado de El Salvador, Chapter IV A, November 22, 2022, p. 6; Legislative Assembly, Decree No. 472, August 17, 2022.

⁷⁸⁵ ISDEMU (Salvadoran Institute for the Development of Women). ISDEMU inaugurates a Shelter House for returned women migrants, January 3, 2022.

⁷⁸⁶ Legislative Assembly, Plenary reforms Code of Criminal Procedure to allow victims and witnesses to make advance statements, October 14, 2022.

⁷⁸⁷ Republic of El Salvador. Report of the State of El Salvador to the Inter-American Commission on Human Rights on the status of compliance with the recommendations contained in the report "Situation of Human Rights in El Salvador" approved after an on-site visit carried out in 2019, July 2022, p. 45.

⁷⁸⁸ State of El Salvador Report, Chapter IV A, November 22, 2022, p. 7.

⁷⁸⁹ State of El Salvador Report, Chapter IV A, November 22, 2022, p. 6.

other objectives, seeks to ensure that public and private institutions provide spaces and decent conditions for women to breastfeed or collect their milk.⁷⁹⁰

380. On the other hand, the Commission notes with concern that the statistical information on feminicides and missing persons was classified as confidential in May 2022, which is why the National Civil Police has not provided information in this regard.⁷⁹¹ This, coupled with the dissolution of the General Directorate of Statistics and Census in August 2022, raises concerns about access to complete and updated statistical data on the situation of violence and discrimination against women in the country.⁷⁹² In this context, it takes note of the information published by the Attorney General's Office until May 2022, which registers in the period from June 1, 2021 to May 31, 2022 a total of 144 crimes of gender-based violence against women; 7,023 crimes of sexual violence; 2,807 crimes of physical violence; 6,144 crimes of psychological violence; and 857 crimes of patrimonial violence.⁷⁹³ Particularly between January and February 2022, the FGR, in consensus with the PNC and the Institute of Forensic Medicine, registered 20 feminicides.⁷⁹⁴ For their part, civil society organizations indicated that between January and October 2022, at least 42 feminicides have been registered, 13 perpetrated by partners or former partners.⁷⁹⁵ Likewise, after requests for information to the FGR, they report that between January and February 2022, there were 114 complaints of domestic violence registered⁷⁹⁶ and 1,081 cases of sexual violence, in which 72% of the victims are children and adolescents.⁷⁹⁷

381. On the matter of sexual and reproductive rights, the Commission welcomed the release of two women, in [January](#) and [February](#) 2022 respectively, who were sentenced to prison terms for aggravated homicide after suffering obstetric emergencies. However, it also [expressed alarm](#) at the sentencing of two other women to 30- and 50-year terms, respectively, for similar facts and circumstances. The Commission notes with concern the persistence of the absolute criminalization of the voluntary termination of pregnancy, as well as the adoption of measures that reinforce existing obstacles to accessing reproductive health services without discrimination. In this regard, it warns that the *Growing Together Law for the Comprehensive Protection of Early Childhood, Children, and Adolescents*—approved in June 2022—as well as the Policy for Gender Equality and Equity in Health—adopted in March 2022 by the Ministry of Health—exclude from health services the care in cases of emergencies related to the interruption of pregnancy.

382. Finally, the Commission received information on the differential impact on women of detentions under the state of exception.⁷⁹⁸ According to available information, women are in the majority among those persons who search for detained family members, those who visit them in detention centers, and those who seek legal assistance in their criminal proceedings. In carrying out these activities, they

⁷⁹⁰ Republic of El Salvador. Update on compliance with the recommendations contained in the report: "Situation of Human Rights in El Salvador", p. 4; Republic of El Salvador. [Official Gazette Volume No. 437, p.3](#), October 14, 2022.

⁷⁹¹ Gato Encerrado. [Policía reserva información sobre homicidios y personas desaparecidas \(Police withholds information on homicides and missing people\)](#), June 21, 2022; Gato Encerrado. [Policía reserva datos de feminicidios y declara confidenciales detalles de los delitos \(Police withholds data on feminicides and declares details of crimes to be confidential\)](#), July 28, 2022

⁷⁹² La Prensa Gráfica. [Disolución de la Digestyc afectaría cifras sobre violencia de género \(Dissolution of Office of Director General of Censuses and Statistics - Digestyc would affect figures on gender-based violence\)](#), August 8, 2022; El Salvador.com, [Asamblea elimina la Digestyc y traslada funciones al Banco Central de Reserva \(Assembly Eliminates Digestyc and Transfers Functions to Central Reserve Bank\)](#), August 9, 2022.

⁷⁹³ Office of the Attorney General. [Annual Report 2021-2022](#), June 1, 2021 to May 31, 2022, p. 184.

⁷⁹⁴ Ministry of Security. [Certified Record \(Acta Homologada\) of Homicides and Feminicides, February 2022](#), accessed on November 15, 2022.

⁷⁹⁵ Observatory on violence against women. [At least 42 feminicides from January to October 2022](#), October 21, 2022; Observatory on violence against women. [13 feminicides committed by partners from January to October 2022](#), November 1, 2022.

⁷⁹⁶ Observatory on violence against women. [114 cases of Domestic Violence January-February 2022](#), accessed on November 15, 2022.

⁷⁹⁷ Observatory on violence against women. [18 daily cases of sexual violence in the months of January/February 2022](#), accessed on November 15, 2022.

⁷⁹⁸ IACHR. Public hearing on [El Salvador: arbitrary detentions and the situation of persons deprived of their liberty](#). 183rd Regular Session, October 25, 2022.

reportedly face stigmatization and harassment by the authorities for being linked to a detainee considered a gang member⁷⁹⁹.

383. The State also reported on training and awareness-raising initiatives on the rights of **LGBTI persons**, among which stand out the activities carried out by the Ministry of Culture. Some of the actions it mentioned include an agenda to commemorate the month of diversity with the aim of promoting reflection on the various forms in which violence and discrimination are manifested against the LGBTIQ+ population and the various forms in which they can be prevented.⁸⁰⁰ It reported on the design and implementation of awareness-raising workshops for the MOVEO: Youth in Action Project, whose objective was to make known basic concepts of the approach to human rights, gender, and diversity, and for personnel to identify and recognize the role of the State in transforming relations between men and women. It also reported on the inter-institutional coordination for the development of awareness-raising workshops with the objective of developing a significant, coherent, and adequate knowledge of LGBTI terminology and concepts among staff members.⁸⁰¹

384. On its part, the IACHR learned of the decision of the Constitutional Chamber of the Supreme Court of Justice, which declared, in February 2022, the unconstitutionality of Article 23, paragraph 2 of the Law of the Name of the Natural Person, insofar as it does not allow the change of name for reasons of gender identity.⁸⁰² The Supreme Court ordered the Legislative Assembly to reform the law, which at the time of writing this report is still pending. In a similar sense, there were judicial decisions for the rectification of documents of trans persons.⁸⁰³ The IACHR recognizes the progress that these rulings represent; however, it notes that the litigants reported having suffered disrespect for their gender identity during the litigation.⁸⁰⁴ Finally, the IACHR has received information on the challenges faced by trans, non-binary, and gender-diverse persons for the recognition of their rights, including health, education, and work; as well as the risk they face of acts of violence due to prejudice, particularly in the context of the state of exception in force in the country.⁸⁰⁵

385. Regarding the protection of the rights of **persons in human mobility**, the IACHR takes note of the agreement signed between UNHCR and the National Commission for the Determination of Refugee Status (CODER) to increase the capacity and efficiency of the asylum system, as well as to establish fair procedures for the determination of refugee status. According to available information, the work plan, agreed between UNHCR and CODER, includes: i) coordinating access to protection and assistance to asylum seekers and refugees, ii) supporting the revision of the draft Law on International Protection, and iii)

⁷⁹⁹ La prensa gráfica, [Salvadoreñas son criminalizadas y estigmatizadas por régimen de excepción \(Salvadoran women are criminalized and stigmatized by state of emergency\)](#), September 28, 2022; El Faro, [Las mujeres que buscan entre el régimen](#), November 28, 2022; Cristosal, [Human Rights Violations During the Emergency Regime in El Salvador. Situation Report for the period June to September 2022](#), p. 19.

⁸⁰⁰ State of El Salvador Report, Chapter IV A, November 22, 2022, p. 13.

⁸⁰¹ State of El Salvador Report, Chapter IV A, November 22, 2022, p. 14.

⁸⁰² La Prensa Gráfica, [Diputados solo tienen un año para modificar ley del nombre \(Deputies only have one year to modify the name law\)](#), May 18, 2022.

⁸⁰³ La Prensa Gráfica, [Aldo Peña, hombre trans salvadoreño \(Aldo Peña, Salvadoran trans man\): "Hay que esforzarse y ser valientes" \("We have to make an effort and be brave"\)](#), September 1, 2022; El Salvador.com [Bianka Rodríguez es la primera mujer trans en cambiar su nombre legalmente en El Salvador \(Bianka Rodríguez is the first trans woman to legally change her name in El Salvador\)](#), May 17, 2022 and Diario Digital Contrapunto, [Karla Guevara: Primera mujer trans en cambiar nombre y género \(First trans woman to change name and gender\)](#), September 17, 2022.

⁸⁰⁴ El Salvador, [Aldo Peña relata vulneración en peritaje para cambio de nombre \(Aldo Peña reports violation in expert's report for change of name\)](#), August 20, 2022 and Agencia Presentes, [Por primera vez una persona trans de El Salvador pudo cambiar su nombre y sexo en el documento \(For the first time a trans person in El Salvador was able to change their name and sex on their identity card\)](#), September 16, 2022.

⁸⁰⁵ El Salvador, [Aldo Peña relata vulneración en peritaje para cambio de nombre \(Aldo Peña reports violation in expert's report for change of name\)](#), August 20, 2022 and Agencia Presentes, [Por primera vez una persona trans de El Salvador pudo cambiar su nombre y sexo en el documento \(For the first time a trans person in El Salvador was able to change their name and sex on their identity card\)](#), September 16, 2022.

promoting before the executive branch and the Legislative Assembly the adherence of El Salvador to the 1961 Convention on the Reduction of Statelessness.⁸⁰⁶

386. In addition, the Commission continues to observe that the structural causes that lead to the forced displacement of persons still persist. In this regard, the most recent UNHCR data indicate that by the end of 2021, there was a total of 52,041 refugees of Salvadoran origin, while 153,249 asylum seekers would be awaiting a resolution of their procedures.⁸⁰⁷ These figures represent an increase of 14% and 2%, respectively, compared to 2020.⁸⁰⁸ For its part, the IOM has pointed out that, in terms of the proportion of the total population, El Salvador is among the countries with the largest migrant population from the perspective of the country of departure.⁸⁰⁹

387. In relation to **internally displaced persons**, the most recent figures from the Internal Displacement Monitoring Center (IDMC), published in April 2022, indicate that, by the end of 2021, a total of 175,000 new displacements related to conflict and violence and 550 displacements related to natural disasters were reported. In particular, the IDMC warned that displacement associated with criminal violence remains a challenge, but evidence shows that it was a major trigger in several countries in the Americas, including El Salvador.⁸¹⁰ It further highlighted that the results of a national survey in El Salvador suggest that around 111,000 people changed residence due to threats to their life and safety in 2021. It adds that, given the fact that some people moved several times, the total number of internal displacements was estimated at around 175,000, of which gang violence triggered just over 80%. Finally, it notes that while the survey is not without limitations, it gives an idea of what could be a much more complex phenomenon affecting the country.⁸¹¹

388. With regards to **trafficking in persons**, the Commission notes that the Directorate General of Migration and Immigration Affairs of El Salvador, in accordance with the Special Law on Migration and Immigration Affairs, updated the F-14 instructions so that foreign nationals of all nationalities who are victims of trafficking in persons can apply for temporary residence on the basis of their recovery or their collaboration with the agencies of the administration of justice.⁸¹²

389. In terms of the **rights of children and adolescents**, the Commission welcomes the State's initiative to promote a digital agenda that seeks to improve the quality of education through the access of students to technological resources; as part of this initiative, as of June 2022, more than one million digital devices have been provided to the public education system.⁸¹³ The Commission also highlights the cooperation of the State of El Salvador with the United Nations High Commissioner for Refugees, in the development of a guide for teachers and children, adolescents, young people, and displaced persons or persons at risk of forced internal displacement; and for the improvement of technological equipment of the National Council for Children and Adolescents, and the Ministry of Education, Science, and Technology.⁸¹⁴

390. On the other hand, as [expressed](#) in April, the Commission is concerned that, in the framework of the fight against organized crime, the reforms to criminal and criminal procedural legislation provide for prison as a measure applicable to adolescents, with sentences of up to 20 years for those over

⁸⁰⁶ UNHCR, [El Salvador External Update #2](#), February 2022, p. 1.

⁸⁰⁷ UNHCR, [UNHCR Global Trends 2021](#), June 2022, Annex Tables 1 to 22.

⁸⁰⁸ UNHCR, [Global Trends 2020](#), June 2021, Annex Tables 1 to 22.

⁸⁰⁹ IOM, [World Migration Report 2022](#), April 22, 2022, p. 102. IOM, [International Migration Law. Glossary on Migration](#), 2019, p. 63.

⁸¹⁰ IDMC, [Global Report on Internal Displacement 2022](#), April 2022, p. 162, 16.

⁸¹¹ IDMC, [Global Report on Internal Displacement 2022](#), April 2022, p. 78.

⁸¹² Government of El Salvador, [F-14 Temporary Residency Process for Victims of Human Trafficking](#), January 11, 2022

⁸¹³ Government of El Salvador, [Government moves to close the digital divide by delivering 770,000 laptops and more than 298,000 tablets to public sector students](#), June 4, 2022.

⁸¹⁴ UNHCR, [UNHCR donates equipment to National Council for Childhood and Adolescence - CONNA and the Ministry of Education, Science, and Technology - MINEDUCYT for the protection of forcibly displaced children and adolescents in El Salvador, March 3, 2022](#).

16 years of age and up to 10 years for those over 12; they also provide that they remain in detention until a final judgment is handed down, and limit the possibility that their sentences may be modified or annulled.⁸¹⁵ The IACHR also learned that on October 26 the Assembly approved reforms to the Law against Organized Crime, opening the possibility for adolescents and adults to be tried in the same organized crime court.⁸¹⁶

391. In relation to the rights of **persons of African descent and against racial discrimination**, the State reported on the implementation of activities to promote cultural expressions.⁸¹⁷ The Commission notes with concern the scarce information available on the human rights situation of the population of African descent and highlights the need to generate statistical data necessary to develop and implement public policies appropriate to their identity and recognition.

392. In relation to the **rights of indigenous peoples**, the State reported that in ten municipalities in the country there are ordinances on indigenous rights;⁸¹⁸ some of these, published or updated in 2022.⁸¹⁹ It also reported on the implementation of a consultation between state agencies and indigenous organizations and communities in order to review the update to the National Policy on Indigenous Peoples, the final text of which is pending socialization among indigenous communities.⁸²⁰ Finally, it reported on the implementation of various projects for the promotion of cultural and ceremonial practices, ancestral gastronomy, and indigenous languages, and the role of indigenous women, as well as acts of historical memory for violations of the human rights of indigenous peoples and health campaigns for indigenous seniors.⁸²¹

393. The Commission takes note of the information on problems faced by indigenous peoples in the protection of their lands and natural resources. Specifically, efforts were recorded by the Nahua indigenous communities of Sisimitepet and Pushtan that inhabit the area of the Sensunapán River, Sonsonante, against the installation of a hydroelectric plant, due to the risk of environmental and cultural impacts, including impacts on sacred sites and associated cultural practices. According to available information, the communities are demanding effective and lasting measures to recognize and protect the Sensunapán River as a cultural property from the risks that would result from the installation of the hydroelectric plant.⁸²²

394. On the matter of **memory, truth and justice**, the IACHR learned of the approval of Legislative Decree No. 267, which repealed the commemoration of the National Day of Peace on January 16, declaring it the National Day of the Victims of the Internal Armed Conflict.⁸²³ Various social sectors expressed dissatisfaction with the adoption of the measure, which criticized the relevance of the Peace

⁸¹⁵ UNICEF, Statement, [Imprisoning children is not the solution to gang violence in El Salvador](#), April 7, 2022. See also IACHR, Press Release 082/22 - [IACHR Urges El Salvador to Ensure that Law Enforcement and Any Exceptional Measures Comply with Human Rights](#), April 20, 2022.

⁸¹⁶ Diario el mundo, [Reforman ley contra crimen organizado y establecen obligaciones a operadoras](#) (The amend law against organized crime and establish obligations for operators), October 27, 2022; La Prensa Gráfica, [Oposición: reforma penal es inconstitucional](#) (Opposition: penal reform is unconstitutional), October 22, 2022.

⁸¹⁷ State of El Salvador Report, Chapter IV A, November 22, 2022, pp. 19-20.

⁸¹⁸ State of El Salvador Report, Chapter IV A, November 22, 2022, p. 19.

⁸¹⁹ Ministry of Culture, [Municipal Ordinances \(2022\)](#).

⁸²⁰ State of El Salvador Report, Chapter IV A, November 22, 2022, p. 19.

⁸²¹ Report of the State of El Salvador, Chapter IV A, November 22, 2022, pp. 19-20; Additional Report of the State of El Salvador, Chapter IV A, December 8, 2022, p. 13.

⁸²² FESPAD, [Exigen al Estado salvadoreño que declare bien cultural al río Sensunapán](#) (They demand that the Salvadoran State declares the Sensunapán River a cultural property), November 22, 2022; Revista Brújula, [Defensores de Río Sensunapán solicitan medidas de protección y la no construcción de la presa hidroeléctrica](#) (Defenders of the Sensunapán River request protection measures and oppose construction of the hydroelectric dam), August 23, 2022; Revista Gato Encerrado, [Sisimitepet y Pushtan, territorios ancestrales y sagrados](#) (Sisimitepet and Pushtan, ancestral and sacred territories), February 16, 2022.

⁸²³ Legislative Assembly, Decree No. 267 - Declaring January 16 of each year as the "National Day of the Victims of the Armed Conflict", January 11, 2022.

Accords for the Salvadoran population.⁸²⁴ In this context, the IACHR [reaffirmed](#) its importance to put an end to the internal armed conflict and emphasized that initiatives in recognition and memory of the victims should be developed with their participation and that of the entire society, seeking to build an inclusive peace.

395. On the other hand, the State reported that the Justice and Human Rights Commission of the Legislative Assembly continues to study the Transitional Justice Law, for which it has held public meetings with different sectors of the Salvadoran population.⁸²⁵ In addition, it stated that the Special Law of Pardon was reformed with the objective of excluding its concession to people who are condemned for war crimes and crimes against humanity, among others. It also pointed out the approval of the Special Transitory Law to establish the family status, filiation, and birth or death of victims of the massacres of El Mozote and neighboring places, in order to establish the family status, filiation, of the victims of the armed conflict.

396. Finally, the IACHR values the amparo judgment issued by the Constitutional Chamber of the Supreme Court of Justice in the case of the massacre that occurred at the Central American University "José Simeón Cañas"⁸²⁶ This decision invalidated the resolution issued by the Criminal Chamber of the Supreme Court in 2020, which determined the absolute nullity of the criminal proceedings and reaffirmed the definitive dismissal of the case. In this context, the IACHR takes note of statements made by representatives of the University and the victims regarding the lack of participation of family members in the reopening of the case.⁸²⁷

397. On the matter of the **rights of older persons** in El Salvador, the IACHR has received information from civil society organizations on the current living conditions, perceived needs, and priority issues to be addressed of the LGBTI population over the age of 50 in El Salvador and Costa Rica.⁸²⁸ The IACHR values the preparation of this type of intersectional reports and encourages the State to take into consideration their results, especially with regard to the fact that most of the people interviewed lacked a personal and permanent economic income, a situation that in turn generates a series of important limitations to opt for decent living conditions.⁸²⁹ On the other hand, in relation to the right to a pension, the IACHR finds it worrisome that El Salvador has been ranked as the second country in Latin America with the second lowest pension coverage according to the Inter-American Development Bank.⁸³⁰

398. Regarding the **rights of persons with disabilities**, the State reported on the training of public officials and the general population on the human rights of women, especially women with disabilities, and awareness-raising activities for the promotion of equality and non-discrimination of

⁸²⁴ ARPAS, [Víctimas y organizaciones a Bukele: los Acuerdos de Paz no son una farsa \(Victims and organizations to Bukele: Peace Accords are not a sham\)](#), January 16, 2022; El Faro, [Marcha desafía la orden presidencial de no celebrar los Acuerdos de Paz \(March defies presidential order not to celebrate the Peace Accords\)](#), January 17, 2022.

⁸²⁵ State of El Salvador Additional Report, Chapter IV A, December 8, 2022, pp. 14-15.

⁸²⁶ Constitutional Chamber of the Supreme Court of Justice, [Amparo 414-2021](#), January 5, 2022.

⁸²⁷ ElSalvador.com, [La UCA pide "no instrumentalizar políticamente" la reapertura de la masacre de los Jesuitas de 1989 \(Central American University - UCA asks "not to exploit for political gains" the reopening of the 1989 Jesuits massacre\)](#), January 7, 2022; Noticias UCA, [Ante el proceso judicial por la masacre en la UCA \(Reactions to the judicial proceeding for the massacre at the UCA\)](#), March 14, 2022.

⁸²⁸ Centro de Investigación y Promoción para América Central de Derechos Humanos (Central American Center for the Investigation and Promotion of Human Rights - CIPAC) et. al, [Necesidades percibidas y temas prioritarios a abordar de población LGBTI de más de 50 años en El Salvador y Costa Rica. Informe de investigación para El Salvador \(Perceived needs and priority issues to be addressed with respect to the LGBTI population over 50 years of age in El Salvador and Costa Rica\)](#). Research report for El Salvador, June 2022.

⁸²⁹ Centro de Investigación y Promoción para América Central de Derechos Humanos (CIPAC) et. al, [Necesidades percibidas y temas prioritarios a abordar de población LGBTI de más de 50 años en El Salvador y Costa Rica. Informe de investigación para El Salvador \(Perceived needs and priority issues to be addressed with respect to the LGBTI population over 50 years of age in El Salvador and Costa Rica\)](#). Research report for El Salvador, June 2022, p. 4.

⁸³⁰ El Salvador.com, [El Salvador, segundo país de Latinoamérica con la cobertura de pensiones más baja \(El Salvador, second lowest pension coverage in Latin America\)](#), November 6, 2022.

persons with disabilities.⁸³¹ The IACHR also took note of the announcement made by the Ministry of Labor and Social Security of inspector's offices to verify compliance with the Special Law on the Inclusion of Persons with Disabilities, with emphasis on the incorporation of persons with disabilities into the labor market.⁸³² On the other hand, the Commission took note of information from UNICEF on the progress made in reducing the digital gap among the student population with disabilities.⁸³³ Additionally, the Commission has learned that civil society organizations have demanded that the State regulate the Special Law for the Social Inclusion of Persons with Disabilities, as well as allocate the necessary funds for its effective compliance.⁸³⁴

UNITED STATES

General considerations

399. In terms of **progress**, the IACHR highlights the effective carrying out of elections in the country, the adoption of measures taken at federal and state levels aimed at promoting greater transparency and trust in police activities, and measures to ensure access to justice for persons with limited English proficiency. Similarly, the IACHR appreciates the adoption of legislative measures for the protection of marriage between same-sex persons and interracial couples.

400. Regarding **challenges**, the IACHR reiterates its concern over the persistence of patterns of racism and institutional and structural inequalities, the application of the death penalty, and the increase in mass shootings. Also, of particular concern continues to be the prolongation of migration policies that restrict the rights of persons in a situation of human mobility. The Commission is also concerned about the barriers implemented during 2022 to the exercise of sexual and reproductive rights.

Specific topics

401. In terms of **democratic institutions**, the IACHR has followed the elections for the U.S. House of Representatives and Senate. Voting took place on November 8, 2022, with the Democratic Party maintaining a majority in the Senate and the Republican Party winning a majority in the House of Representatives.⁸³⁵ Likewise, in these elections, the first female governor of the State of New York, the first lesbian governor of the State of Massachusetts, and the first African-American governor of the State of Maryland were elected.⁸³⁶

402. In addition, the IACHR notes that the Senate Committee on Homeland Security and Governmental Affairs released its report on the response by the federal homeland security agencies to domestic terrorism and the use of social media for the dissemination of extremist content. After a three-year investigation, the Committee found that domestic terrorism threats have increased since 2015, especially from white supremacists, anti-government extremists, and extremist militias. Similarly, the

⁸³¹ State of El Salvador Report, Chapter IV A, November 22, 2022, pp. 11-14.

⁸³² Republic of El Salvador-Ministry of Labor, Inspectores verificarán cumplimiento de Ley Especial de Inclusión de las Personas con Discapacidad (Inspectors will verify compliance with the Special Law for the Inclusion of Persons with Disabilities), February 8, 2022.

⁸³³ UNICEF, El Salvador makes progress in closing the digital divide among students with disabilities, May 18, 2022.

⁸³⁴ ElSalvador.com, Régimen también afectó a personas con discapacidad (Regime also affected people with disabilities). Organizaciones de personas con solicitan reglamento y presupuesto para que la Ley los proteja (Organizations of persons with disabilities request regulation and budget so that the Law protects them), November 28, 2022.

⁸³⁵ CNN Español, U.S. midterm election summary and results: Senate, House, and governorships remain, November 15, 2022.

⁸³⁶ BBC News, Elecciones en EE. UU.: el primer congresista de la generación Z, la primera gobernadora lesbiana y otros hitos históricos, 9 de noviembre de 2022.

Committee identified that attacks, such as the January 6, 2021, attack on the Capitol,⁸³⁷ have been planned and inspired by content posted via social media. In particular, the Committee found that white supremacist organizations use social media to promote violent ideologies, spread hate messages, radicalize, and mobilize people to violence.⁸³⁸

403. With respect to **human rights institutions**, the IACHR notes that the United States does not yet have a national institution dedicated exclusively to the promotion and protection of human rights. In this regard, the IACHR notes that various United Nations mechanisms have recommended that the State create a national human rights institution to ensure the implementation of the international treaties it has ratified, as well as the coordination and monitoring of compliance with its international human rights obligations at the federal, state, and local levels.⁸³⁹

404. On **citizen security**, the IACHR notes that on May 25, 2022, the State adopted a federal executive order to promote effective and accountable police and criminal justice practices, with a view to improving public confidence and security. Through this executive order, the Government seeks to achieve greater transparency and avoid discriminatory profiling in policing, apart from eliminating the racial disparities that persist in the criminal justice system.⁸⁴⁰ In line with this executive order, the Department of Justice published its policy regarding the use of body cameras by law enforcement officials.⁸⁴¹

405. On the other hand, the IACHR is concerned about the persistence of mass shootings during 2022. According to public information, as of mid-December, a total of 639 mass shootings were recorded, the second highest number in 8 years.⁸⁴² In this regard, through a press release, the Commission condemned the mass shooting at Robb Elementary School in Uvalde, Texas; the third shooting with the highest number of fatalities in an elementary school, in which 19 students and two teachers lost their lives. In this context, the IACHR reiterated its call to the government to adopt urgent and effective legislative measures aimed at eradicating the cycle of armed violence in the country. It also urged for the adoption of immediate measures to guarantee regulation on access to safer firearms, to protect children and adolescents from any type of violence, to guarantee safe educational spaces, and to provide psychological assistance to the families and survivors.⁸⁴³

406. With regard to the cross-cutting issue of **access to justice**, the IACHR takes note of the adoption of the memorandum to improve access to services for persons with limited English proficiency by the Attorney General of the United States.⁸⁴⁴ On the other hand, President Joe Biden pardoned the federal convictions of citizens and legal residents who committed the crime of simple possession of marijuana.⁸⁴⁵

⁸³⁷ CIDH, Informe Anual 2021. Capítulo IV. A: Human Rights in the Region May 26, 2022, par. 543.

⁸³⁸ U.S. Senate Committee on Homeland Security and Governmental Affairs, The Rising Threat of Domestic Terrorism A review of the Federal Response to Domestic Terrorism and the Spread of Extremist Content on Social, November 2022, p.7.

⁸³⁹ UN Committee on the Elimination of Racial Discrimination. CERD/C/USA/CO/10-12, Concluding observations on the combined tenth to twelfth reports of the United States of America, September 21, 2022, para.10-11. Human Rights Council, A/HRC/49/46/Add.1, Visit to the United States of America Report of the Special Rapporteur on minority issues, Fernand de Varennes, August 17, 2022, para. 21. UN Independent Expert on Protection from Violence and Discrimination based on Sexual Orientation and Gender Identity, Victor Madrigal-Borloz, End of mission statement - United States of America 15-26 August 2022, August 29, 2022, par. 22.

⁸⁴⁰ The White House, Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety, May 25, 2022.

⁸⁴¹ U.S. Department of Justice. Office of the Inspector General, Body Worn Camera Policies, August 25, 2022.

⁸⁴² The Gun Violence Archive [GunDeaths]. (December 26, 2022). American mass shootings since 2014: -2014: 273 [0.75 per day] -2015: 336 [0.92 per day] -2016: 383 [1.05 per day] -2017: 348 [0.95 per day] -2018: 336 [0.92 per day] -2019: 417 [1.14 per day] -2020: 610 [1.67 per day] -2021: 690 [1.90 per day] -2022: 639 [1.78 per day] [Tweet]. Twitter. <https://twitter.com/GunDeaths/status/1607429529282412545>

⁸⁴³ IACHR, Press Release No. 122/22, IACHR Condemns the Mass Shooting at an Elementary School in Uvalde, Texas, United States, June 1, 2022.

⁸⁴⁴ U.S. Department of Justice, El fiscal general Merrick Garland emite un memorando para mejorar el acceso a servicios por parte de personas cuyo dominio del inglés es limitado, 21 de noviembre de 2022.

⁸⁴⁵ The White House, A Proclamation on Granting Pardon for the Offense of Simple Possession of Marijuana, October 6, 2022.

This decision would benefit approximately 6,500 people, mostly persons of African descent, persons of Latin American descent, and indigenous people.⁸⁴⁶ The IACHR notes that the United Nations Special Rapporteur on Minority Issues called attention to the disparities in sentencing and incarceration rates for minorities in the U.S. criminal justice system.⁸⁴⁷ For its part, the Committee on the Elimination of Racial Discrimination expressed concern about the barriers of access to justice faced by persons belonging to vulnerable communities, for example, in the limited access to effective legal representation in criminal and civil proceedings.⁸⁴⁸

407. On the rights of **migrants, asylum seekers, and refugees**, the IACHR has monitored the policies, actions, and speeches of authorities and their impact on the rights of persons in contexts of human mobility during the year 2022. Through a press release, the IACHR expressed its concern about the stigmatization and political instrumentalization of migrants by state authorities and the lack of coordination between local, state, and federal authorities to guarantee the rights of this population.⁸⁴⁹ The IACHR also noted with concern the impact of U.S. migration measures on the rights of Venezuelan persons in the context of human mobility.⁸⁵⁰

408. Furthermore, the IACHR notes that, in compliance with the Supreme Court's June 30, 2022, decision⁸⁵¹ and the Texas District Court's August 8, 2022 decision, the Department of Homeland Security (DHS) announced that it was committed to ending the implementation of the Migrant Protection Protocol (MPP) Program. The DHS published that as of August 8, 2022, no new individuals have been enrolled in the MPP, and those already enrolled will be disenrolled when they enter the United States for their next appointment before the immigration courts.⁸⁵² In this regard, the IACHR highlights that, according to civil society organizations, the disenrollment process has occurred without clear guidelines and without due process safeguards.⁸⁵³ In addition, individuals who remain in Mexico under the MPP must wait months to have their hearing before immigration judges.⁸⁵⁴

409. The IACHR also notes the judicial and administrative decisions that have been rendered on the continuation of Title 42 of the United States Federal Code.⁸⁵⁵ On November 15, 2022, the District Court for the District of Columbia found that this measure "arbitrarily and capriciously" violated U.S. law and was not grounded in public health.⁸⁵⁶ By court order, on December 21, the government was to lift the restrictions implemented under Title 42.⁸⁵⁷ However, the Supreme Court temporarily suspended the effects of the November 15 decision and, consequently, decided to keep Title 42 in force.⁸⁵⁸ For its part, the State indicated that it will abide by the Supreme Court's decision and that it will prepare for the review of the

⁸⁴⁶ Brookings, [Biden's cannabis pardons: a long overdue reassessment of the War on Drugs](#), October 7, 2022.

⁸⁴⁷ Human Rights Council, A/HRC/49/46/Add.1, [Visit to the United States of America Report of the Special Rapporteur on minority issues, Fernand de Varennes](#), August 17, 2022, para. 41-44.

⁸⁴⁸ UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined tenth to twelfth reports of the United States of America](#), CERD/C/USA/CO/10-12, September 21, 2022, para. 53.

⁸⁴⁹ CIDH, Comunicado de prensa No. 212/22, [CIDH: autoridades federales y estatales de Estados Unidos deben evitar la estigmatización a personas migrantes y coordinar políticas y decisiones para garantizar sus derechos](#), September 23, 2022.

⁸⁵⁰ CIDH, Comunicado de prensa No. 243/22, [CIDH observa impacto de medidas migratorias de EE. UU en los derechos de las personas venezolanas en movilidad humana](#), November 1, 2022.

⁸⁵¹ Supreme Court of The United States, [Biden et al. v. Texas et al.](#), No. 21-954. Argued April 26, 2022—Decided June 30, 2022.

⁸⁵² DHS, [DHS Statement on U.S. District Court's Decision Regarding MPP](#), August 8, 2022.

⁸⁵³ Human Rights First, [Fatally Flawed: 'Remain in Mexico' Policy Should Never Be Revived](#), September 13, 2022. American Immigration Lawyers Association and the National Law Center (AILA), [Remain in Mexico Is Alive and Well: Current Disenrollment Process Harms Vulnerable Asylum Seekers](#), September 20, 2022.

⁸⁵⁴ Human Rights First, [Fatally Flawed: 'Remain in Mexico' Policy Should Never Be Revived](#), September 13, 2022, p. 2.

⁸⁵⁵ Title 42 refers to a U.S. administrative order that, based on the public health interest, prohibits the entry of certain persons into the country. See: DHS, United States, [Fact Sheet: DHS Measures on the Border to Limit the Further Spread of Coronavirus](#), October 22, 2020. IACHR, [Informe Anual 2021. Chapter IV. A: Derechos humanos en la región](#) May 26, 2022, par. 543.

⁸⁵⁶ United States District Court for the District of Columbia, [Nancy Gimena Huisha-Huisha, et al., Plaintiffs v. Alejandro Mayorkas, in his official capacity, Secretary, Department of Homeland Security, et al.](#), Civil Action No. 21-100, November 15, 2022.

⁸⁵⁷ DHS, [Statement by Secretary Mayorkas on Planning for End of Title 42](#), December 13, 2022.

⁸⁵⁸ Supreme Court of The United States, [Arizona, et al. v. Alejandro Mayorkas, Secretary of Homeland Security, et al.](#) No. 22A544 (22-592), December 27, 2022. Supreme Court of The United States, [Arizona, et al. v. Alejandro Mayorkas, Secretary of Homeland Security, et al.](#) No. 22A544, December 19, 2022.

case. In addition, it stated that it is working to manage the border in a secure and orderly manner, and to expand regular migration channels in response to an eventual elimination of Title 42.⁸⁵⁹

410. As documented by civil society organizations, Title 42 limits access to international protection mechanisms in the United States. In addition, this measure has contributed: i) to the increase in deaths and injuries of migrants who choose more dangerous routes to cross the border and, ii) to people in need of international protection being deported to countries where they are at risk of being victims of murder, kidnapping, sexual violence, torture, and other human rights violations.⁸⁶⁰ In this regard, the IACHR highlights that, according to the Committee on the Elimination of Racial Discrimination, Title 42 has disproportionately affected persons of African descent and persons of Latin American origin in the context of human mobility.⁸⁶¹

411. Finally, the IACHR notes that in July 2022, U.S. Customs and Border Protection (CBP) released its report on the events that took place in September 2021 in Del Rio, Texas, regarding the use of excessive force by border agents on horseback against migrants from Haiti, including beatings with horse reins and other assaults, without the individuals—including women, children, and adolescents—having the possibility to defend themselves.⁸⁶² This office concluded that some of the Border Patrol agents used "unnecessary" force against the Haitian migrants. However, the Office.⁸⁶³ The conclusions of this report have been criticized by civil society organizations, as CBP would not have interviewed.⁸⁶⁴

412. In relation to **internal displacement**, during the 185th period of sessions, civil society organizations informed the IACHR in a public hearing about the human rights situation of indigenous communities displaced by the effects of climate change and natural disasters in the states of Louisiana and Alaska. The civil society organizations highlighted the fact that indigenous communities have lost part of their ancestral territory and have seen their survival affected by coastal erosion, flooding, and land degradation. They also pointed out that the authorities have not adopted relocation plans that integrate effective participation mechanisms for the indigenous communities. For its part, the State reiterated its commitment to implement and finance climate resilience programs aimed at indigenous and tribal communities. Regarding what was expressed by the participants in the hearing, the IACHR recalled the importance of observing the impact of climate change on human rights and highlighted the importance of Resolution No. 03/21 on climate emergency and human rights as a guiding document to work on the issue.⁸⁶⁵

413. In terms of the rights of **children and adolescents**, the Commission highlights the results of the Interagency Task Force of the Federal Administration for the reunification of migrant children and adolescents separated from their families, psychosocial care services for those affected, and the possibility for reunified families to live and work in the U.S. for three years.⁸⁶⁶ According to its most recent report, 365 children and adolescents who suffered the impacts of the zero tolerance policy were reunited with their

⁸⁵⁹ The White House, [Statement by White House Press Secretary Karine Jean-Pierre on Supreme Court Title 42 Order](#), December 27, 2022.

⁸⁶⁰ Human Rights First, [The Nightmare Continues: Title 42 Court Order Prolongs Human Rights Abuses, Extends Disorder at U.S. Borders](#), June 2022. Amnesty International, ["They do not treat us like people": Race and migration-related torture and other ill-treatment of Haitians seeking safety in the USA](#), September 22, 2022, p.26, 47 y 65. Refugee International, [Pushed into the Shadows: Mexico's Reception of Haitian Migrants](#), April 28, 2022, p. 15-17.

⁸⁶¹ Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined tenth to twelfth reports of the United States of America](#), CERD/C/USA/CO/10-12, September 21, 2022, par. 51.c

⁸⁶² IACHR, [2021 Annual Report. Chapter IV. A: Human rights in the region](#), May 26, 2022, par. 563.

⁸⁶³ U.S. Customs and Border Protection, [Report of Investigation: Case Number 202112280](#), p.5.

⁸⁶⁴ Amnesty International, ["They do not treat us like people": Race and migration-related torture and other ill-treatment of Haitians seeking safety in the USA](#), September 22, 2022, p. 4. Justice Action Center, [CBP Report Reflects DHS's Lack of Accountability & Justice for Haitian Migrants Abused in Del Rio](#), July 11, 2022.

⁸⁶⁵ IACHR, Thematic Hearing, ["La situación de los pueblos indígenas y desplazamiento forzado en el contexto del cambio climático en Estados Unidos"](#), 185th period of sessions, United States, October 28, 2022.

⁸⁶⁶ Homeland Security, [Fact Sheet: President Biden's Interagency Task Force on the Reunification of Families](#), June 3, 2022.

families between January and July 2022.⁸⁶⁷ At the same time, it reiterates its concern about the massive transfer of migrant children and adolescents from one state to another without coordination between local or state and federal authorities, impacting the reception and protection conditions of this group.⁸⁶⁸

414. On the other hand, the Commission notes with concern the adoption of regressive laws regarding comprehensive sexual education, sexual and reproductive rights, and the right to equality and non-discrimination, particularly for trans persons. During 2022, laws have entered into force in several states of the country that prohibit academic discussions in classrooms on gender and sexuality, as well as laws that prevent trans children and adolescents from using facilities such as bathrooms, lockers, and the like, and from participating in sports competitions according to their gender identity.⁸⁶⁹

415. It also notes with concern the adoption of state laws aimed at restricting the teaching of and access to literary and scientific works that address issues such as racism, discrimination, slavery, and other historiographical and sociological elements inherent to humanistic and human rights education⁸⁷⁰

416. In addition, the IACHR notes with particular concern the vulnerability of educational spaces and the serious impact of gun violence that children and adolescents in the United States constantly face.⁸⁷¹ According to the independent research and data collection organization Gun Violence Archive, between January and November 2022 were reported more than 5,500 cases of children and adolescents injured or killed in incidents related to gun violence. As stated by the Commission in its June 1 press release, it is necessary for the State to adopt measures for the prevention of gun violence.⁸⁷²

417. With regard to **women's rights**, the Commission regretted the decision of the Supreme Court on June 24, 2022, which overturned the historic decision in the *Roe v. Wade* case on the right of access to abortion.⁸⁷³ With this decision, the possibility was opened for states to regulate its prohibition,⁸⁷⁴ so that civil society organizations took legal action to block laws whose entry into force depended precisely on the revocation of a constitutional right at the federal level, as well as to block new prohibitive bills.⁸⁷⁵ Thus, laws in Utah, Wyoming, North Dakota, and Indiana⁸⁷⁶ were temporarily blocked, and prohibitive or restrictive laws went into effect in Arkansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Dakota, Oklahoma, Tennessee, Idaho, Texas and Georgia.⁸⁷⁷

418. At the same time, it notes positively that, in the elections held in 2022, the states of Michigan, California, and Vermont enshrined the right to termination of pregnancy in their constitutions,

⁸⁶⁷ Homeland Security, [Interim Progress Report, Interagency Task Force on the Reunification of Families](#), July 3, 2022, p. 7.

⁸⁶⁸ IACHR, Press Release 212/22 - [IACHR: The United States federal and state authorities should avoid stigmatizing migrants, and coordinate policies and decisions to protect their rights](#), September 23, 2022.

⁸⁶⁹ La tinta, [Estados Unidos: leyes mordaza contra la educación sexual y el racismo](#), April 26, 2022. See also: The Washington Post, [Las leyes de educación anti-LGBTQ, incluido "no digas gay", came into effect](#), July 8, 2022.

⁸⁷⁰ Banned in the USA: The Growing Movement to Censor Books in Schools, Pen America, September 19, 2022.

⁸⁷¹ IACHR, Press Release 122/22 - [IACHR Condemns the Mass Shooting at an Elementary School in Uvalde, Texas, United States](#), June 1, 2022.

⁸⁷² IACHR, Press Release 122/22 - [IACHR Condemns the Mass Shooting at an Elementary School in Uvalde, Texas, U.S.](#) June 1, 2022

⁸⁷³ IACHR [@CIDH]. (June 24, 2020) [#USA #IACHR notes with concern the Supreme Court's decision to overturn #RoeVsWade, which had protected access to abortion](#) [Tweet]. Twitter. <https://twitter.com/CIDH/status/1540443627079475200?s=20&t=j2XYPrn9dAjWg5-grSE6SA>.

⁸⁷⁴ Supreme Court of the United States, [Dobbs vs. Jackson Women's Health Organization](#), decided on June 24, 2022.

⁸⁷⁵ Center for Reproductive Rights, [Reproductive Rights Organizations Go to Court in 11 States to Protect Abortion Access in Aftermath of Roe v. Wade Falling](#), 1 de julio 2022; Center for Reproductive Rights.

⁸⁷⁶ Center for Reproductive Rights, [After Roe Fell: Abortion Laws By State](#), 2022; Ap News, [Abortion to remain legal in Wyoming while lawsuit proceeds](#), August 10, 2022.

⁸⁷⁷ Center for Reproductive Rights, [After Roe Fell: Abortion Laws By State](#), 2022. 19th News, [Near-total abortion bans are taking effect in four states this week](#), August 25, 2022. The Washington Post, [Georgia Supreme Court reinstates sex-week abortion ban](#), November 25, 2022.

and the states of Kentucky, Montana, and Kansas rejected initiatives that sought to limit its access.⁸⁷⁸ Likewise, the states of Maryland, Massachusetts, Maine, and Colorado adopted legislative and/or administrative measures to protect or facilitate access to health services for the legal termination of pregnancy.⁸⁷⁹ In addition, the President instructed various Departments of the Federal Government to take concrete actions to guarantee access to reproductive health services, including care for the voluntary termination of pregnancy.⁸⁸⁰

419. On the other hand, the IACHR takes note of the enactment, in March 2022, of the Violence Against Women Act Reauthorization Act of 2022, which seeks to strengthen the previous law by prioritizing prevention; improving the response to cases of sexual, domestic, intimate partner, and stalking violence; expanding the jurisdiction of tribal courts; and strengthening support services and comprehensive care for victims of violence; among others.⁸⁸¹ At the same time, it notes with concern the prevalence of murders of women committed in contexts of domestic violence or intimate partner relationships.⁸⁸² It also notes the situation of violence against trans women, particularly those of African descent or Latin American origin, who are the majority among the victims of murders of trans persons registered in the period from January to November 2022.⁸⁸³

420. With respect to **persons deprived of liberty**, the Commission welcomes the adoption of a new criminal drug policy aimed at harm reduction called the National Drug Control Strategy. Specifically, among other issues, the new policy highlights the importance of health treatment for incarcerated persons—both adults and adolescents—who present addictive substance use, and promotes the application of alternative measures to prison for persons criminalized for possession and use of substances.⁸⁸⁴ In addition, the IACHR welcomes the executive order issued by the President granting a full, complete, and unconditional pardon to citizens or permanent residents who have been convicted of or committed the federal crime of simple possession of marijuana.⁸⁸⁵ However, it notes with concern that, despite the measures adopted, possession of marijuana continues to be a crime under the law. In addition, the pardon would only benefit persons who remain in the territory on a regular basis.

421. In addition, the Commission welcomes the reinstatement of guidelines requiring federal prisons to consider the safety of trans people when deciding where to house them, by ensuring access to facilities that match their identity, which had been rescinded by the previous presidential administration in 2018.⁸⁸⁶

⁸⁷⁸ The New York Times, [Michigan, California and Vermont affirm abortion rights in ballot proposals](#), November 10, 2022. CBC, [Elecciones en EE.UU: los estados que votaron para blindar el aborto](#), November 9, 2022. 19th News, Kansas voters reject effort to eliminate state abortion protections, 2 de Agosto 2022.

⁸⁷⁹ Center for Reproductive Rights, [After Roe Fell: Abortion Laws By State](#), 2022. Metroweekly, [Massachusetts passes bill protecting abortion rights and trans health care](#), August 5, 2022.

⁸⁸⁰ The White House, [Executive Order on Protecting Access to Reproductive Healthcare Services](#), 8 de julio 2022. The White House, [Executive Order on Securing Access to Reproductive and Other Healthcare Services](#), August 3, 2022. See also: U.S. Department of Health & Human Resources, [Following President Biden's Executive Order to Protect Access to Reproductive Health Care, HHS Announces Guidance to Clarify that Emergency Medical Care Includes Abortion Services](#), July 11, 2022.

⁸⁸¹ Congress.Gov, [S.3623-Violence Against Women Act Reauthorization Act of 2022](#), Septiembre 2, de 2022.

⁸⁸² UN Women and UNODC, [Gender-related killings of women and girls \(femicide/feminicide\)](#). [Global estimates of gender-related killings of women and girls in the private sphere in 2021 Improving data to improve responses](#), March 2022, p. 18. National Coalition Against Domestic Violence, [National Statistics](#), 2022.

⁸⁸³ Human Rights Campaign, [Fatal Violence Against the Transgender and Gender Non-Conforming Community in 2022](#), consultado el 30 de noviembre 2022. Them, [Keshia Chanel Garter Is at Least the 21st Trans Person Killed This Year](#), July 2022.

⁸⁸⁴ The White House, Gobierno de los Estados Unidos, [National Drug Control Strategy](#), April 21, 2022, pp. 98-104.

⁸⁸⁵ The White House, Gobierno de los Estados Unidos, [A Proclamation on Granting Pardon for the Offense of Simple Possession of Marijuana](#), October 6, 2022.

⁸⁸⁶ The White House, Gobierno de los Estados Unidos, [FACT SHEET: Biden-Harris Administration Advances Equality and Visibility for Transgender Americans](#), 31 de marzo de 2022. Además, ver: 19th news, [Biden administration releases new transgender federal prison policy](#), 26 de enero de 2022.

422. On the other hand, the IACHR reiterates its concern about the poor conditions of detention faced by persons deprived of liberty in the Rikers Island prison.⁸⁸⁷ In particular, according to data from civil society, these conditions had resulted in the death of at least 18 persons deprived of liberty during 2022, five of them allegedly by suicide.⁸⁸⁸ In this regard, according to public information, the conditions would be mainly characterized by: i) poor medical care; ii) lack of mental health care, despite the fact that most of the incarcerated persons suffer from mental health disorders or illnesses; iii) excessive use of solitary confinement; and iv) deplorable hygiene conditions.⁸⁸⁹

423. Regarding the **death penalty**, the IACHR continues to monitor its application and reiterates that the United States is the only country in the western hemisphere that executes people sentenced to death, being specifically concerned about the prolonged detention conditions to which people are subjected. According to data from the Death Penalty Information Center, during 2022, a total of 18 persons in custody would have been executed in the country; a figure that represents an increase from the 11 executions recorded in 2021.⁸⁹⁰ Of the persons executed in 2022, one was a beneficiary of precautionary measures granted by the IACHR. In this regard, through a press release dated May 25, 2022, the Commission expressed its condemnation of the execution of the death penalty imposed on Clarence Wayne Dixon on May 11, 2022, despite the fact that on May 10, the IACHR had granted precautionary measures in his favor.⁸⁹¹

424. On the other hand, through a press release dated May 4, 2022, the Commission valued the decision of the Texas Court of Criminal Appeals that suspended the application of the death penalty to Melissa Lucio, beneficiary of precautionary measures granted by the IACHR, and ordered a trial court to review four specific claims to determine whether to grant a new trial.⁸⁹²

425. On the rights of **lesbian, gay, bisexual, trans and gender-diverse and intersex (LGBTI) persons**, the Commission notes positively the federal government's actions on the rights of trans, non-binary, and gender-diverse persons. In particular, it welcomes the inclusion of the "X" option as a non-binary gender in passports,⁸⁹³ and the adoption of a memorandum from the Department of Health and Human Services to support the families of trans youth and children in the area of health.⁸⁹⁴

426. Likewise, the IACHR highlights the government's public calls to other States to protect the rights of intersex persons, including the appointment of an intersex activist as special advisor to the State Department's representative on LGBTI rights.⁸⁹⁵ It also highlights the executive order to advance equality for LGBTI persons, which seeks, among others, to fight against so-called "conversion therapies;" support LGBTIQ+ students in schools; and eliminate barriers faced by LGBTI persons in the health sector.⁸⁹⁶

⁸⁸⁷ The IACHR has already ruled on this situation in the past. On this, see: IACHR, Press Release 104/14 - [IACHR Expresses Concern over Detention Conditions at Rikers Island Prison, United States, a year after the tragic death of an inmate](#), Washington, D.C., September 18, 2014.

⁸⁸⁸ In this regard, Vera, [18 People Have Died from New York City Jails in 2022](#), November 1, 2022; and The Legal Aid Society, [LAS Client Erick Tavira is the 17th New Yorker to Die in DOC Custody in 2022](#), October 24, 2022.

⁸⁸⁹ Ver: Vera, [18 People Have Died from New York City Jails in 2022](#), November 1, 2022; El Diario, [Muerte de recluso Erick Távira en Rikers Island intensifica llamado a cerrar esa cárcel](#) October 26, 2022; Swissinfo, [Exigen rápidos cambios en penal de Rikers de Nueva York tras nuevo suicidio](#), Oct. 24, 2022; Yhe Daily, [25 Hours in a Cell: Rikers Island Is Worse Than You Think](#) October 25, 2022; and Gothamist, [Another Rikers detainee dead, the 17th to die in custody this year](#) October 22, 2022.

⁸⁹⁰ Death Penalty Information Center, [Execution List 2022](#), 2023.

⁸⁹¹ IACHR, Press Release No.115/22 - [IACHR condemns the execution of Clarence Wayne Dixon, sentenced to death in the United States](#), May 25, 2022.

⁸⁹² IACHR, Press Release No. 091/22 - [IACHR welcomes the decision of Texas to suspend the application of the death penalty to Melissa Lucio in the United States](#), May 4, 2022.

⁸⁹³ US Department of State, [X Gender Marker Available on US Passports Starting April 11](#), March 31, 2022.

⁸⁹⁴ Metro Weekly, [Biden Administration Announces Pro-Transgender Policies](#), March 31, 2022.2; Metro Weekly, [Biden administration releases trans-supportive guidance to child welfare agencies](#), March 31, 2022.

⁸⁹⁵ Washington Blade, [Biden notes LGBTQ, intersex rights in UN General Assembly speech](#), September 22, 2022.

⁸⁹⁶ White House, [Executive Order on Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals](#), June 15, 2022.

427. It also notes with satisfaction the significant number of LGBTI persons elected to public office during the 2022 elections.⁸⁹⁷ It also notes that the Federal Government enacted the Respect for Marriage Act on December 13, 2022. This law strengthens the protection of marriage equality for same-sex and interracial couples in the country. The IACHR recognizes that this was a bipartisan effort supported by Republicans and Democrats.⁸⁹⁸

428. However, the Commission expresses its concern regarding civil society reports indicating that, as of July 2022, there were 162 bills that would negatively affect the rights of LGBTI people, including the rights to comprehensive sex education, education on sexual diversity, freedom of expression and association, recognition of gender identity, use of facilities, and access to sports competitions for transgender people.⁸⁹⁹ In particular, the Commission is concerned about the proliferation of so-called "don't say gay" bills that, among other things, prohibit classroom discussion of LGBTQ and sexual diversity issues with students; these laws have been passed, for example, in the states of Alabama and Florida during 2022.⁹⁰⁰

429. Likewise, the Commission warned about stigmatizing discourse against drag queens and drag kings, even by people with political leadership, who stigmatize them and characterize them as a danger to children.⁹⁰¹ In this context of challenges, civil society organizations reported the murders of at least 32 trans persons, most of them of African descent. The Commission has also monitored several violent incidents against businesses, bars, and spaces with a large number of LGBTI people,⁹⁰² including the gun attack that took place in November in Colorado Springs, Colorado, inside Club Q, where five people were killed.⁹⁰³ The Commission also notes with concern the warning issued by DHS about possible threats to LGBTI, migrant, and Jewish communities by extremist groups.⁹⁰⁴

430. With respect to the rights of **people of African descent and against racial discrimination**, the IACHR takes note of the appointment of the first Special Representative for Racial Equity and Justice by the Department of State. Her mandate is framed within the promotion of the human rights of persons belonging to marginalized ethnic-racial communities and combating racism, discrimination, and xenophobia.⁹⁰⁵

⁸⁹⁷ Victory Institute, [Out for America 2022. A Census of LGBTQ Elected Officials Nationwide](#), September, 2022.

⁸⁹⁸ NPR, [Biden signs Respect for Marriage Act, reflecting his and the country's evolution](#), December 13 2022. The Advocate, [Marriage Equality Is Now Federal Law After President Bidens Signs Act](#), December 13, 2022.

⁸⁹⁹ CNN, [2022 is already a record year for state bills seeking to curtail LGBTQ rights, ACLU data shows](#), July 17, 2022.

⁹⁰⁰ Mandate of the United Nations Independent Expert on Protection from Violence and Discrimination based on Sexual Orientation and Gender Identity, Victor Madrigal-Borloz, Country Visit to the United States of America. Preliminary Observations, 30 August 2022, NPR, Not just Florida. More than a dozen states propose so-called 'Don't Say Gay' bills, April 10, 2022; NPR, What's in the so-called Don't Say Gay bill that could impact the whole country, October 21, 2022; ABC, Alabama governor signs 'Don't Say Gay,' trans care and bathroom ban bills, April 8, 2022; ACLU, Legislation affecting LGBTQ rights across the country, December 2, 2022

⁹⁰¹ CIDH, LGBTI Rapporteurship, [newsletter April – June 2022](#), June 2022. Open Democracy, [Florida's Republican governor is attacking trans rights to gain power](#), August 4, 2022. San Francisco Chronicle, [Rep. Marjorie Taylor Greene calls Sen. Scott Wiener a 'communist groomer' after he tweets about hate speech](#), November 23, 2022. Newsweek, [Lauren Boebert's LGBTQ Comments Under the Spotlight After Shooting](#), November 11, 2022. Washington Blade, [Tucker Carlson repeats anti-LGBTQ lies, denying link between Club Q shooting and hateful rhetoric](#), November 23, 2022.

⁹⁰² NBC News, [New York City LGBTQ bar set ablaze in arson attack](#), April 6, 2022. Them, [Armed Protesters Showed Up to a Texas Church's Drag Bingo Event](#), September 27, 2022. Them, [An Oklahoma Donut Shop Was Firebombed After Hosting a Drag Event](#), November 3, 2022. Eater Chicago, [After Anti-LGBTQ Attacks, Suburban Bakery Threatened With Fines](#), August 2, 2022. NBC News, [Gay couple beaten and bloodied outside Connecticut gay bar](#), October 13, 2022.

⁹⁰³ CIDH [@CIDH]. (November 20, 2022). #USA #IACHR condemns the mass shooting at an LGBTQ club, where at least 5 people were killed and 18 injured in Colorado, on #Nov19th; and urges the State to fully investigate this shooting, and to adopt measures to overcome violence and discrimination against #LGBTIQ persons. [Tweet]. Twitter. <https://twitter.com/CIDH/status/1594443200118542337>.

⁹⁰⁴ NBC News, [DHS warns of domestic terror threats to LGBTQ, Jewish and migrant communities](#), November 30, 2022.

⁹⁰⁵ US Department of States, [Appointment of Desirée Cormier Smith as the Special Representative for Racial Equity and Justice](#), June 17, 2022.

431. At the same time, the IACHR appreciates that the Texas jury indicted 19 police officers for aggravated assault in the context of the protests following the murder of George Floyd.⁹⁰⁶ In this context, the Commission noted with concern the persistence of patterns of institutional racism, particularly cases of police violence against people of African descent that occurred in 2022, such as that of Amir Locke, killed on February 2 by Minneapolis police while carrying out a search warrant;⁹⁰⁷ Patrick Lyoya, subjected to police brutality in Michigan and killed on April 4;⁹⁰⁸ Jayland Walker on June 27, who received gunshot wounds by police in Akron, Ohio;⁹⁰⁹ Donovan Lewis, killed by a police officer while lying in his bed unarmed in Ohio on August 30;⁹¹⁰ Porter Burks, who suffered from schizophrenia, was shot and killed on October 2 by Detroit police.⁹¹¹

432. On the other hand, academic research points out that, due to systemic racism and historical marginalization, women of African descent face more difficulties in accessing health care. They also note that this disparity is also seen in the negative effects of police violence on the health of African American women.⁹¹²

433. In relation to the **rights of indigenous peoples**, the IACHR reiterates its concern about the situation of more than 200 indigenous peoples in the United States that have not been recognized by the federal government, which affects the right of these peoples to self-government, self-determination, and access to services and benefits available at the federal level.⁹¹³

434. With respect to the rights of **persons with disabilities**, the Commission takes note of the proclamation of October 2022 as National Disability Employment Awareness Month⁹¹⁴ and October 15 as Day of Equality for Persons with Visual Impairment.⁹¹⁵ For their part, civil society organizations warned about the lack of job opportunities, employment discrimination and inequality affecting people with disabilities.⁹¹⁶

GRENADA

General Considerations

435. With respect to **progress**, the IACHR notes the State's fight against corruption and its engagement with various oversight bodies with the aim of enhancing integrity within the public sector. The Commission also observes the implementation of a digitized information system for law enforcement officers, the advances made in addressing violence against children and measures adopted for comprehensive sexuality education and issues concerning gender-based violence. In addition, the State has established initiatives to empower persons deprived of liberty.

⁹⁰⁶ Presstv, [19 Austin officers charged with aggravated assault during 2020 Black Lives Matter protests](#), February 20, 2022.

⁹⁰⁷ NPR, [Minneapolis police kill a Black man while executing a no-knock warrant](#), February 4, 2022. NPR, [Protesters call for Minneapolis police chief's resignation after Amir Locke killing](#), February 8, 2022.

⁹⁰⁸ El Heraldo de México, [Terrible caso de brutalidad: Policía golpea y asesina de un disparo a joven afroamericano](#), April 1, 2022.

⁹⁰⁹ CNN, [Autopsia revela que Jayland Walker tenía 46 heridas de entrada o de roce, según el médico forense](#), July 15, 2022. El País, [Ocho policías disparan más de 60 veces a un afroamericano en Estados Unidos](#), July 4, 2022.

⁹¹⁰ El País, [Un policía mata de un disparo en Ohio a un hombre negro de 20 años desarmado en la cama](#), September 1, 2022.

⁹¹¹ Vanguardia, [Protesters demand justice for Black man shot dead by police in US](#), October 9, 2022.

⁹¹² MedicalNewsToday, [Police violence-induced stress may worsen Black women's health](#), February 25, 2022.

⁹¹³ CIDH, [Derecho a la libre determinación de los Pueblos Indígenas y Tribales](#), OEA/Ser.L/V/II, Doc. 413 (2021), par. 311.

⁹¹⁴ White House, United States, [National Disability Employment Awareness Month](#), September 30, 2022.

⁹¹⁵ White House, United States, [A proclamation on Blind Americans Equality Day](#), October 14, 2022.

⁹¹⁶ USA Today, [A reality check on the American workforce: Time to invest in people with disabilities](#), November 2022. Likewise, the IACHR has heard class action lawsuits for alleged unjustified dismissals due to health problems or disability: AP News, [Disqualified for disabilities, railroad workers fight back](#), August 18, 2022.

436. In relation to **challenges**, the Commission is concerned about the State's lack of progress in establishing a national human rights institution, the increase in the homicide rate, the continuous criminalization of sex relations between consenting same sex adults and that the State persists in retaining the death penalty in the State's laws.

437. The State did not reply to the request for information for the preparation of this chapter.

Specific Issues

438. With respect to **democratic institutional**ity, the IACHR highlights that the former Prime Minister called an early election on June 23, 2022⁹¹⁷ even though according to the country's constitution general elections were due in March 2023. The IACHR notes that according to the Parliamentary Elections Office, which manages the country's elections, the Opposition National Democratic Congress won 9 of the 15 directly elected parliamentary seats with the remaining six seats going to the incumbent New National Party⁹¹⁸.

439. In addition, according to the post electoral preliminary statements by the OAS and CARICOM electoral observation missions, the State was commended for the strong democratic commitment of its citizens and residents⁹¹⁹, and their discipline in advancing the democratic process in the country⁹²⁰. Likewise, the Commission takes note that the OAS Electoral Observation Mission recommended: (i) strengthening the work of the Parliamentary Elections Office through the allocation of greater human and financial resources; (ii) improving standardized training programmes for all poll workers; (iii) providing at least one accessible polling station at every voting location, for use by electors with disabilities; and (iv) formalizing and enforcing policies to ensure access to and expedition of the voting process for pregnant women, women with young children, the elderly and people with disabilities.⁹²¹

440. With regard to its fight against corruption, the Commission notes that the State was recognized by the Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies (CCAICAB) for its success in fighting corruption. According to the publication in which the State was featured, Grenada was recognized as having a "well above the average" score on the Corruption Perception Index (CPI) of Transparency International (TC) for the last five years and its efforts made to strengthen institutional arrangements to address corruption and promote good governance were praised⁹²². This success was attributed primarily to the Government's establishment of oversight bodies such as the Grenada Integrity Commission (GIC), the Financial Intelligence Unit (FIU), the Grenada Authority for the Regulation of Financial Institutions (GARFIN) and the Office of the Ombudsman.⁹²³

441. In particular, the Commission values the training sessions conducted by the Integrity Commission as part of its mandate to sensitize local and regional stakeholders on matters relating to anti-corruption at various level, with a view to reducing the level of corruption in the public sector⁹²⁴. The IACHR commends the progress made by the State in the fight against corruption and recalls the importance of

⁹¹⁷ Government Information Service of Grenada, [Prime Minister Announces Date for Next General Elections](#), May 15, 2022.

⁹¹⁸ Office of the Supervisor of Elections, [Press Release – General Elections Results 23 June 2022](#), June 24, 2022.

⁹¹⁹ OAS, Press Release S-008/22 - [Preliminary Report of the OAS Electoral Observation Mission for the General Elections of June 23, 2022 in Grenada](#), June 24, 2022.

⁹²⁰ CARICOM, [Preliminary Statement – CEOM to the General Elections in Grenada](#), June 24, 2022.

⁹²¹ OAS, [Preliminary Report of the OAS Electoral Observation Mission for the General Elections of June 23, 2022 in Grenada](#), June 24, 2022.

⁹²² Office of the Integrity Commission of Grenada, [Press Release: Grenada's anti-corruption efforts featured in new Commonwealth publication](#), May 26, 2022.

⁹²³ Office of the Integrity Commission of Grenada, [Press Release: Grenada's anti-corruption efforts featured in new Commonwealth publication](#), May 26, 2022.

⁹²⁴ Office of the Integrity Commission of Grenada, [Integrity Commission Hosts Annual Virtual Centre for Excellence Series of Senior Leadership and Management Regional Training Programme](#), September 15, 2022.

developing and implementing public policies aimed at consolidating a comprehensive strategy that will tackle the scourge of corruption.⁹²⁵

442. In relation to **human rights institutions**, the Commission observes that the State has not yet established a national human rights institution. While it maintains an Ombudsman Office⁹²⁶, which is a member of the Caribbean Ombudsman Association⁹²⁷ and the Commonwealth Forum of National Human Rights Institutions⁹²⁸, its authority is restricted since the Ombudsman Office exclusively targets injustices done by authorities as a consequence of maladministration, rather than human rights violations.

443. Additionally, during March 2022, the State participated in the second focused review pilot conducted by the Geneva Human Rights Platform (GHRP) with the Commonwealth Secretariat. This study focused on the implementation of the latest recommendations issued by two UN treaty bodies – the Committee on the Rights of the Child (CRC) and the Committee on the Elimination of Discrimination against Women (CEDAW)⁹²⁹. During this study, the Ministry of Foreign Affairs and the Ministry of Social Development organized visits to institutions relevant to core themes covered by the recommendations under focused review: the national machinery for the advancement of women, violence against women, juvenile justice, the harmonization of legislation on child rights, as well as corporal punishment and discrimination⁹³⁰.

444. Regarding **citizen security**, the Commission takes note of the increase in the homicide rate and the launch of a digitized information system for record management by the Royal Grenada Police Force (RGPF). According to publicly available information, as of November 1, 2022, the homicide rate stood at 6.42 per 100,000 inhabitants⁹³¹. While this information suggests a significant increase when compared to the homicide rate of 2.4 per 100,000 inhabitants recorded in 2021⁹³², the number of homicides in the State remains relatively low when considering the size of the State's population.

445. The Commission observes that the automated Police Records Management Information System (PRMIS) was launched in Grenada on February 24, 2022⁹³³. The PRIMIS is part of the larger regional project CariSECURE that is an initiative of the UNDP. The project, which is designed to transition police stations from a paper-based system to one of digital reporting, is aimed at ensuring a more efficient record-keeping that will guarantee quicker access to records by officers in executing their daily duties⁹³⁴. The new system will allow police officers to: (i) efficiently register, archive and retrieve information relevant to law enforcement operations; (ii) accurately capture data on incidents reported in real time and to make evidence-based decisions on violence reduction; (iii) readily identify and map crime hot spots and persons of interest; (iv) improve the RGPF's capacity for crime analysis; and (v) facilitate sharing of data internally and at an inter-agency level which will help to prevent and resolve crimes⁹³⁵.

446. Regarding the rights of **women**, note is taken of the joint launch in March 2022 of the Spotlight Initiative, which coordinates and manages the human and material resources necessary for the proper implementation of the national program to eliminate all forms of violence against women and girls

⁹²⁵ IACHR, Corruption and Human Rights in the Americas: Inter-American Standards, OEA/Ser.L/II. Doc. 236, December 6, 2019, para. 11.

⁹²⁶ Office of the Ombudsman Grenada, 2022.

⁹²⁷ Caribbean Ombudsman Association, CAROA Members, 2022.

⁹²⁸ Commonwealth Forum of National Human Rights Institutions, Grenada, 2022.

⁹²⁹ Geneva Academy, Second UN Treaty Body Focused Review Pilot Takes Place in Grenada, April 8, 2022.

⁹³⁰ Geneva Academy, New Report Confirms the Potential of UN Treaty Bodies' Focused Review For Human Rights Implementation, May 18, 2022.

⁹³¹ Loop Caribbean News, Woman is Grenada's 8th homicide for 2022, November 1, 2022; The World Bank, Population, total – Grenada, 2021.

⁹³² IACHR, Annual Report, Chapter IV.A "Grenada", 2021, para. 576.

⁹³³ UNDP, Grenada Police Force Goes High Tech with Support from USAID and UNDP, March 1, 2022.

⁹³⁴ UNDP, Grenada Police Force Goes High Tech with Support from USAID and UNDP, March 1, 2022.

⁹³⁵ UNDP, Grenada Police Force Goes High Tech with Support from USAID and UNDP, March 1, 2022.

in the country⁹³⁶. Under this initiative, resources were allocated to strengthen the capacities of civil society organizations to provide care to survivors of violence.⁹³⁷ Likewise, the State implemented awareness campaigns aimed at preventing and promoting the denunciation and immediate response to cases of sexual violence against girls, boys, and adolescents⁹³⁸.

447. In connection with the rights of **children**, the IACHR welcomes the launch of a platform for digital learning at schools that focuses on gender-based violence and comprehensive sexuality education based on the State's Health and Family Life Education curriculum⁹³⁹. During the launch, UNICEF emphasized that the project is an integral part of the Child Friendly Schools' Initiative of the Ministry of Education, and that it will make the environment at schools safer and improve school performance.⁹⁴⁰ The Commission also welcomes the adoption of the Comprehensive Sexuality Education (CSE) guide, which is disseminated among the country's teaching staff, in coordination with the United Nations Population Fund (UNPF).⁹⁴¹

448. Additionally, the Commission observes that Grenada has been commended for its positive results under the Spotlight Initiative programme. Through the Spotlight Initiative, the State has seen the reformation of procedures governing the conduct of legal proceedings, the improvement of the capacity of national institutions, the expansion of programs that promote positive social norms and prevent family violence, amongst other initiatives.⁹⁴²

449. Regarding the rights of **persons deprived of liberty**, the Commission commends the State's efforts to create opportunities for youth deprived of their liberty through the launch of the Mpower program that began on March 7, 2022⁹⁴³. Twenty-five participants were selected for the 2022 – 2023 program, which aims to empower young men to influence change and contribute to their communities following their release from the Richmond prison, the only prison in Grenada. During the launch, eight participants were presented with certificates of completion for the period 2021 to 2022⁹⁴⁴.

450. In relation to the **death penalty**, the IACHR takes note that Grenada maintains a de facto moratorium since the last execution which was carried out in 1978⁹⁴⁵. The IACHR expresses concern about the lone prisoner on death row⁹⁴⁶ and urges the State to bring its laws into compliance with the recommendation to abolish the death penalty as a punishment⁹⁴⁷. It further emphasizes that those deprived of their liberty must be treated humanely and that their life, dignity, and physical, mental, and moral integrity must be maintained and protected⁹⁴⁸.

⁹³⁶ Spotlight Initiative. Spotlight Initiative launched in Grenada, March 8, 2022; UNDP Barbados and the Eastern Caribbean. Grenada Spotlight Initiative, 2022

⁹³⁷ Government Information Service of Grenada. Grenada commended for strides made under Spotlight Initiative, August 26, 2022

⁹³⁸ Government Information Service of Grenada. A call for change in attitude towards sexual abuse, October 17, 2022.

⁹³⁹ Government Information Service of Grenada, Ministry of Education launches Spotlight Initiative Program, May 20, 2022.

⁹⁴⁰ Government Information Service of Grenada, Ministry of Education launches Spotlight Initiative Program, May 20, 2022.

⁹⁴¹ Now Grenada, Comprehensive Sexuality Education in Grenada's schools, September 18, 2022.

⁹⁴² Government Information Service of Grenada, Grenada commended for strides made under Spotlight Initiative, August 26, 2022.

⁹⁴³ Government Information Service of Grenada, February 17, 2022 – Mpower launch at Her Majesty's Prison, February 18, 2022.

⁹⁴⁴ Government Information Service of Grenada, February 17, 2022 – Mpower launch at Her Majesty's Prison, February 18, 2022.

⁹⁴⁵ World Coalition Against the Death Penalty, Grenada, August 30, 2021.

⁹⁴⁶ World Coalition Against the Death Penalty, Grenada, August 30, 2021.

⁹⁴⁷ IACHR, The Death Penalty in the Inter-American Human Rights System: From Restrictions to Abolition, aimed at ending this form of punishment, OEA/Ser.L/V/II. Doc.68, December 31, 2011, para. 143.

⁹⁴⁸ IACHR, Report on the Use of Pretrial Detention in the Americas, OEA/Ser. L/V/II. Doc.46, adopted on 30 December 2013, para. 290.

451. In relation to **rights of older persons**, the IACHR observes that Granada adopted measures to guarantee accessibility for older persons to exercise their right to vote during the elections held in 2022⁹⁴⁹.

452. With respect to **persons with disabilities**, the Commission recognizes the efforts of the State to foster more inclusion and create opportunities for persons with disabilities. In partnership with the United Nations Development Programme (UNDP) Barbados and the Eastern Caribbean and with the support of Canada and the UK, women, youth, and persons living with disabilities in the State can access training opportunities in the areas of apiculture, hydroponics, and solar drying through the “Enabling Gender-Responsive Disaster Recovery, Climate and Environmental Resilience in the Caribbean (EnGenDER) Project”⁹⁵⁰. A total of 37 people living with disabilities are currently benefiting from this initiative.

453. According to official information, this inclusive training was derived from the country’s Gender Responsive Budgeted (GRB) Sectoral Adaptation Strategy and Action Plan (SASAP) for the Disaster Management Sector. The Strategy seeks to enhance the livelihood resilience of vulnerable groups such as people living with disabilities, following the impact of natural hazard events or disasters. The training is expected to enhance the employment prospects of these persons to earn incomes sustainably and independently⁹⁵¹.

454. On the rights of **people in human mobility**, the IACHR notes that the Inter-Ministerial MultiStakeholder Migration Committee received assistance from the International Organization for Migration (IOM) to develop a draft migration policy which will be brought to stakeholders for consultation. In addition, according to official information, both the National Human Rights Committee and the Inter-Ministerial MultiStakeholder Migration Committee employ a cross-sectoral approach to address the issues of human rights and migration⁹⁵².

455. Regarding the rights of **LGBTI persons**, the IACHR continues to be concerned about the fact that the crime of “unnatural connection” is still defined in the Penal Code to criminalize relationships between people of the same sex with up to 10 years in prison. The IACHR once again emphasizes that in addition to being discriminatory, these provisions restrict access to other rights of LGBTI persons, discourage them from reporting acts of violence, and foster a climate of exclusion in society.⁹⁵³

GUYANA

General considerations

456. As regards **progress**, the Commission takes note of the State’s continued commitment to undertake electoral and constitutional reforms with the passage of legislation. The IACHR also highlights the passage of several pieces of legislation which seek to reform the administration of justice, efforts by the State to modernize the judicial system, the measures adopted to provide counselling for children and to

⁹⁴⁹ OAS, OAS Electoral Mission Congratulates Grenada on its Strong Democratic Commitment following General Election, June 24, 2022.

⁹⁵⁰ Government Information Service of Grenada, The Government of Grenada with support from Canada, UK, and UNDP – Improving Livelihoods for Persons Living with Disabilities, Women and Youth, November 8, 2022.

⁹⁵¹ Government Information Service of Grenada, The Government of Grenada with support from Canada, UK, and UNDP – Improving Livelihoods for Persons Living with Disabilities, Women and Youth, November 8, 2022.

⁹⁵² Ministry of Foreign Affairs, International Business and CARICOM Affairs, Granada, Grenada’s first Voluntary National Review of the Sustainable Development Goals presented to the United Nations High-Level Political Forum on Sustainable Development, July 2022, p. 65.

⁹⁵³ Grenada, Penal Code, Section 431 (“unnatural connection”); IACHR, Violence against lesbian, gay, bisexual, trans, and intersex people in America. OEA/Ser.L/V/II.rev.1, Doc. 36, November 12, 2015, paras. 55-95.

engage students in designing the school curriculum. Finally, the Commission also observes measures taken by the State to ensure that migrants have equal access to education.

457. As for **challenges**, the IACHR expresses concern about the high crime rate and the high number of cases of child abuse. In addition, the Commission remains concerned about mining concessions being granted on the titled lands of indigenous persons without prior consent.

458. The State did not respond to the request for information for the drafting of this chapter.

Specific issues

459. Regarding **democratic institutional**ity, the IACHR highlights the passage of the Representation of the People (Amendment) Bill⁹⁵⁴ and the National Registration (Amendment) Bill⁹⁵⁵, 2022, which seek to promote fair and transparent elections. The Commission notes that the National Registration (Amendment) Bill provides for the cancellation of the electoral registration of deceased persons⁹⁵⁶. Moreover, the IACHR welcomes the passage of the Constitution Reform Commission Bill 2022, which seeks to establish a Constitution Reform Commission to review the country's Constitution to provide for the full protection of the fundamental rights and freedoms of Guyanese people under law.⁹⁵⁷

460. In relation to **human rights institutions**, the IACHR notes that the Office of the Ombudsman of Guyana is part of the Commonwealth Forum of National Human Rights Institutions⁹⁵⁸ and of the Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies⁹⁵⁹. The IACHR has highlighted the importance of budgeting with a human rights approach and providing special protection to vulnerable groups⁹⁶⁰. In this regard, the Commission highlights the allocation by the State in its annual budget to measures aimed particularly at older persons, children, and indigenous persons.⁹⁶¹

461. With respect to **citizen security**, the Commission remains concerned about the high crime rate in the country. The World Population Review (WPR) states that Guyana has the eighth highest crime rate worldwide with 68.7 crimes per 100,000 residents⁹⁶². Further, Guyana was rated by Insight Crime on February 1, 2022, as having the 12th highest homicide rate in Latin America and the Caribbean with 15.2 murders per 100,000 residents in 2021⁹⁶³. Further, the Commission notes that according to the WPR, the frequent cases of domestic violence contribute to the high crime rate. Therefore, the IACHR welcomes the capacity building carried out by the UN Population Fund in partnership with the Ministry of Human Services and Social Security (MHSSS), the Ministry of Home Affairs and the GPF, aimed at training GPF officers to respond effectively to cases of Gender-Based Violence (GBV).⁹⁶⁴

462. Regarding **access to justice**, the IACHR observes the passage of several pieces of legislation, which seek to reform the administration of justice. In particular, the Commission notes the

⁹⁵⁴ Government of Guyana, Representation of the People (Amendment) Bill 2022, November 1, 2022.

⁹⁵⁵ Government of Guyana, National Registration (Amendment) Bill 2022, November 1, 2022.

⁹⁵⁶ Department of Public Information, Fixed periods for voter registration, regular removal of dead persons from OLE, December 6, 2022.

⁹⁵⁷ Department of Public Information, Constitution Reform Commission Bill passed, November 7, 2022.

⁹⁵⁸ Commonwealth Forum of National Human Rights Institutions, Guyana, 2022.

⁹⁵⁹ Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies, Members, 2022.

⁹⁶⁰ IACHR, Public Policy with a Human Rights Approach, September 15, 2018, p. 37.

⁹⁶¹ Parliament of Guyana, Twelfth Parliament of the co-operative Republic of Guyana under the Constitution of the Co-operative Republic of Guyana. First session 2020-2022. Budget Speech, January 27, 2022; Department of Public Information, Vulnerable persons to benefit extensively from budget 2022, February 2, 2022; Budget 2022 prioritizes children, February 2, 2022; Budget 2022 will push job creation – 500 Amerindian CSOs to be employed, January 28, 2022.

⁹⁶² World Population Review, Crime Rate by Country 2022.

⁹⁶³ InsightCrime, InSight Crime's 2021 Homicide Round-Up, February 1, 2022.

⁹⁶⁴ Department of Public Information, UNFPA recommences Gender-Based Violence Awareness Training for GPF Officers, February 8, 2022.

passage of the Bail Bill and the Restorative Justice Bill. According to the State, the Bail Bill 2022⁹⁶⁵ seeks to regulate the granting of bail across the country in order to provide certainty in the granting and denial of bail and will play a crucial role in the reduction of instances of prolonged pre-trial detention⁹⁶⁶. Moreover, the State also passed the Restorative Justice Bill 2022⁹⁶⁷. This Bill allows restorative justice in Guyana's criminal justice system and will provide alternative means to imprisonment with the aim of reducing the overcrowding of prisons in Guyana⁹⁶⁸.

463. Regarding the rights of **children**, the IACHR takes note that in 2021, 3,691 cases of child abuse were reported to the Childcare and Protection Agency (CPA), which represents a 17.9% increase in comparison to the same period in 2020⁹⁶⁹. According to data from this agency, 2,345 cases of abuse were against girls compared to 1,345 cases reported against boys. Of these cases of abuse against children, 1,529 were cases of child neglect, 1,128 were sexual abuse reports of girls and 152 of boys.⁹⁷⁰

464. On the other hand, the IACHR highlights efforts by the State to increase counselling for children and childcare officers. In this regard, the Commission notes that 35 welfare officers were trained and certified to care for children experiencing psychosocial, emotional, and mental problems. The training program, which provided counselling to 2,060 children, was carried out through the Spotlight Initiative, and implemented in partnership with the UNICEF.⁹⁷¹

465. Regarding the rights of **women**, the Commission takes note of the launch by the State, in November 2022, of the EQUAL Health and Sexual and Reproductive Rights project, which seeks to empower women and girls in the exercise of their reproductive autonomy, prioritizing the attention to those in situations of multiple vulnerability, especially indigenous, migrant, trans, and women and girls with disabilities, women who live in rural communities, among others⁹⁷²; as well as the launch in September 2022 of the project to improve access to justice, under equal conditions, for women, girls and indigenous peoples in the country.⁹⁷³ Furthermore, the Commission values the allocation of specific resources to expand shelters and care services for survivors of gender violence in the country⁹⁷⁴.

466. In relation to **people in the context of human mobility**, the IACHR observes that the State is working to ensure that migrants have equal access to education, regardless of their legal status, nationality, or citizenship in accordance with international standards⁹⁷⁵. Also, the Commission continued to observe the adoption of measures to regularize the migratory status of Venezuelan migrants in the country. In particular, the IACHR takes note of the issuance of residence permits to Venezuelans, which are valid for a period of six months and require periodic renewal⁹⁷⁶. On the other hand, the Commission is concerned about the situation of indigenous *Warao* persons in Guyana. According to reports from United Nations

⁹⁶⁵ Laws of Guyana, [Bail Bill](#), 2022.

⁹⁶⁶ Department of Public Information, [Defendant's right to bail, amendments to conditions of bail in long-awaited Bail Bill](#), November 7, 2022.

⁹⁶⁷ Laws of Guyana, [Restorative Justice Bill](#), 2022.

⁹⁶⁸ Department of Public Information, [Justice sector strengthened with passage of Restorative Justice Bill](#), November 7, 2022.

⁹⁶⁹ Newsroom, [Over 3,500 child abuse cases reported for 2021; mothers most culpable](#), May 10, 2022.

⁹⁷⁰ Newsroom, [Over 3,500 child abuse cases reported for 2021; mothers most culpable](#), May 10, 2022.

⁹⁷¹ Department of Public Information, [35 welfare officers certified to provide psychosocial support to students](#), March 17, 2022.

⁹⁷² Department of Public Information. CAD \$2.25M project launched to safeguard women against gender-based violence, November 1, 2022. See also: Guyana Chronicle, [Guyana progressive on sexual, reproductive health rights](#), August 25, 2022.

⁹⁷³ Department of Public Information. Project launched to protect women, girls, and Indigenous persons in Guyana, September 20, 2022.

⁹⁷⁴ Department of Public Information. Gov't survivor's advocate, shelter programmes to be expanded, August 16, 2022; Department of Public Information. Domestic violence 'Imatter app' now scannable – Min Persaud, August 31, 2022; Kaieteur News. \$19.7M allocated to rehabilitate two domestic violence shelters, January 30, 2022.

⁹⁷⁵ Ministry of Education, Guyana, [MoE continues ESL Training for teachers to support migrant children](#), September 14, 2022.

⁹⁷⁶ UNHCR, [Guyana Fact Sheet, March - April 2022](#), April 30, 2022.

agencies, this population is among the most vulnerable Venezuelans in the country⁹⁷⁷. The Inter-Agency Coordination Platform for Refugees and Migrants (R4V) has noted that indigenous Warao refugees are vulnerable to food insecurity, with children who, in 2022, have died from malnutrition.⁹⁷⁸

467. Regarding **trafficking in persons**, the Commission takes note of the passing of the Bill that provides the framework for the legal removal of human organs, tissues, cells and biofluids for transplantation and blood transfusion. Among others, the Bill establishes the National Human Organ and Tissue Transplant Agency that will be responsible for managing the removal, donation, and transfer of human organs; penalizing and dissuading organ transplantation tourism⁹⁷⁹. Additionally, the Commission values the information received about operations conducted by the Guyana Police Force by which 15 women allegedly from Venezuela and suspected to be victims of human trafficking were rescued from a nightclub.⁹⁸⁰

468. On **persons deprived of liberty**, the IACHR observes that, in keeping with its commitment made in 2021 to rebuild the Lusignan prison⁹⁸¹, the State is in the process of renovating and expanding this facility to address overcrowding, which is currently estimated at 30 to 38%⁹⁸². The IACHR takes note that, according to the State, separate units will be built to accommodate women, as well as a hospital and a school for vocational training⁹⁸³. With respect to the rehabilitation of persons deprived of liberty, the Ministry of Home Affairs has announced that the Government will train inmates and prison officers in an effort to reduce recidivism by 13% overall and 9% for new intakes.⁹⁸⁴

469. In relation to the **death penalty**, the IACHR observes that Guyana is the only country in South America that retains the death penalty as a punishment, with the last known execution being carried out in 1997⁹⁸⁵. According to a publicly available report, as of June 8, 2022, the number of persons on death row was 19⁹⁸⁶, which represents an increase of 5 persons in comparison to the 14 reported in 2021⁹⁸⁷. The IACHR once more urges the State to adopt the necessary measures to abolish the death penalty.

470. Regarding the rights of **persons with disabilities**, the Commission took note of the public policies implemented in 2022 that included an economic contribution for approximately 5,000 children and adolescents with disabilities⁹⁸⁸, along with a diverse set of actions aimed at improving access to training, employment, and public infrastructure⁹⁸⁹.

471. Regarding the rights of **LGBTI persons**, the IACHR continues to be concerned about the fact that the Penal Code still classifies the crimes of “sodomy” and “unnatural” acts⁹⁹⁰. Both types of criminal offenses criminalize consensual relationships between adults of the same sex and that, in addition to being discriminatory, restrict access to other rights of LGBTI persons and perpetuate prejudices against gender

⁹⁷⁷ OCHA, *Guyana: Country Profile (as of June 2022)*, September 29, 2022. UNHCR, *Panama Multi-Country Office: Monthly Operational Update (February 2022)*, 8 March, 2022.

⁹⁷⁸ Inter-agency Coordination Platform for Refugees and Migrants from Venezuela (RV4), *RMNA 2022 - Refugee and Migrant Needs Analysis*, October 12, 2022, p. 189.

⁹⁷⁹ Government of Guyana, *National Assembly passes Human Organ and Tissue Transplant bill*, January 24, 2022.

⁹⁸⁰ Caribbean, *Guyana: Suspected human trafficking victims rescued from night club*, June 27, 2022.

⁹⁸¹ IACHR, *Annual Report, Chapter IV.A “Guyana”*, 2021, para. 600.

⁹⁸² Department of Public Information, *Rehabilitation of Lusignan Prison underway*, March 29, 2022.

⁹⁸³ Department of Public Information, *Rehabilitation of Lusignan Prison underway*, March 29, 2022.

⁹⁸⁴ Department of Public Information, *Min Benn calls for more focus on inmates’ rehabilitation*, January 27, 2022.

⁹⁸⁵ World Coalition Against the Death Penalty, *Guyana*, 30 August 2021.

⁹⁸⁶ Guyana South America News, *Two Sentenced to Death, but Execution is Unlikely*, June 8, 2022.

⁹⁸⁷ IACHR, *IACHR Annual Report, Chapter IV.A “Guyana”*, 2021, para. 602.

⁹⁸⁸ Gobierno de Guyana, *Cash grant of \$100,000 for each child with a disability – President Ali*, June 4, 2022; News Room. *All across Guyana, some 5,000 children with disabilities receiving \$100k cash grant*, August 15, 2022.

⁹⁸⁹ Gobierno de Guyana, *Cash grant of \$100,000 for each child with a disability – President Ali*, June 4, 2022; Guyana Chronicle, June 4, 2022. *Massive help for persons living with disabilities*, June 4, 2022.

⁹⁹⁰ Guyana. Ley de Derecho Penal, Capítulo 8:01, sección 353 (Tentativa de cometer “delitos antinaturales”), Sección 354 (Sodomía);

identities and non-normative sexual orientations⁹⁹¹. Moreover, the IACHR notes that the Prevention of Discrimination Act⁹⁹² does not include gender identity or sexual orientation as prohibited grounds of discrimination.

472. In relation to the rights of **indigenous peoples**, note is taken of complaints regarding concessions for mining activities on titled lands of the indigenous community of Chinese Landing, presumably without consulting or obtaining the consent of the community. This community has reported that, since the Supreme Court dismissed a lawsuit they filed, there has been an increase in mining activity and damage to their traditional way of life, environment, and incidents of aggression and intimidation⁹⁹³. Likewise, the indigenous Wapichan people have denounced threats to their sacred sites, rivers, and livelihoods as a result of the approval of the expansion of mining activities in the Marudi Mountain area without prior consultation or consent⁹⁹⁴.

473. In relation to the rights of **older persons**, the IACHR observes that public information shows that Guyana made a series of increases in the pensions of the elderly, as well as additional bonuses to improve their quality of life. In this sense, from 2020 to date pensions for the elderly would have had an increase of 36%⁹⁹⁵. Regarding the reassessment of the social contribution of the elderly, the Commission values that Guyana implemented a program to recognize the life trajectories of centenarians, which guarantees their admission to a program of special care in terms of health and well-being⁹⁹⁶.

HAITI

General considerations

474. In relation to the **challenges**, the Commission notes that during 2022 there was evidence of increased levels of violence, food insecurity, and a new outbreak of cholera in the country. The Commission is concerned about the persistence of profound challenges to the stabilization of the country's democratic institutions and justice institutions. The IACHR is also concerned about the human rights situation of internally displaced persons in Haiti, as well as the situation of Haitian persons in contexts of human mobility in the Americas. In addition, the Commission notes the particular vulnerability of girls and women in Haiti in the face of the actions of armed groups.

Specific topics

475. In terms of **democratic institutions**, the IACHR warns that the challenges that Haiti is currently facing are due to structural factors of political instability and obstacles to the consolidation of institutions in recent decades. The governance of democratic institutions in Haiti continues to present serious challenges that impede the proper and effective functioning of the branches of government. Thus, the government is based on political agreements that allow, to a certain extent, an institutional balance between the ad hoc executive branch and the continuity of the mandates of a minority fraction of the Senate. These factors constitute serious challenges for the appointment of strategic positions in the branches of

⁹⁹¹ IACHR, *Violencia contra personas lesbianas, gay, bisexuales, trans e intersex en América*. OEA/Ser.L/V/II.rev.1, Doc. 36, November 12, 2015, paras. 55-95.

⁹⁹² Laws of Guyana, *Prevention of Discrimination Act*, Chap 99:08, 1997.

⁹⁹³ CERD, *Carta a Estado de Guyana en el marco del procedimiento de alerta temprana y acción urgente*, CERD/EWUAP/106th session/2022/MJ/CS/ks, April 29, 2022, pg. 1; Stabroek News, *UN Committee questions gov't over mining at Marudi, Chinese Landing*, 09 de mayo de 2022.

⁹⁹⁴ CERD, *Carta a Estado de Guyana en el marco del procedimiento de alerta temprana y acción urgente*, CERD/EWUAP/106th session/2022/MJ/CS/ks, April 29, 2022, pg. 2; Stabroek News, *UN Committee questions gov't over mining at Marudi, Chinese Landing*, May 9, 2022.

⁹⁹⁵ News Room, *BREAKING: All old age pensioners to get \$28,000 one-off cash grant*, October 6, 2022.

⁹⁹⁶ News Room, *Extra relief promised for Guyana's centenarians*, October 1, 2022.

government, including the presidency of the country's Supreme Court.⁹⁹⁷ In this context, the IACHR notes that the legislative and presidential elections announced since 2021 have not been held.⁹⁹⁸

476. In this context of challenges, the Commission noted with deep concern that criminal gangs have taken control of the country's main roads and, until November, maintained control of the Varreux Terminal, the country's main oil port.⁹⁹⁹ Also, in September, following the Prime Minister's decision to eliminate fuel subsidies, protests and riots intensified.¹⁰⁰⁰ In October, levels of famine and food insecurity in Haiti reached catastrophic levels.¹⁰⁰¹ In addition, there was a new outbreak of cholera, which by December had killed at least 324 people.¹⁰⁰²

477. With respect to **human rights institutions**, the IACHR notes that the Office for Citizen Protection (OPC), a national institution for the promotion and protection of human rights, continued its advocacy and monitoring of the human rights situation in Haiti.¹⁰⁰³ However, it notes with concern that, due to the context of prolonged armed violence and fuel shortages in Haiti, the work of humanitarian organizations has been affected, including medical missions to prevent the spread of cholera.¹⁰⁰⁴

478. Regarding the cross-cutting issue of **citizen security**, the IACHR reiterates its concern over the increase in acts of violence perpetrated by armed groups in Haiti. Of particular concern are the acts of extreme violence and differential impact on children and adolescents, women, persons with disabilities, and other vulnerable groups. In 2022, the IACHR condemned the worsening of citizen insecurity in Haiti and the clashes between armed groups in the Cité Soleil area of Port-au-Prince.¹⁰⁰⁵ In this regard, the IACHR notes with concern that levels of violence have reached record levels in the municipalities of Cité Soleil, Croix-des-Bouquets, Delmas, Port-au-Prince, and Tabarre. Between January 1 and August 31, 2022, authorities recorded 877 kidnappings and 1,349 homicides.¹⁰⁰⁶ The IACHR also takes note of Resolution No. 2353 of 2022, by which the United Nations Security Council decided to adopt a sanctions regime against gangs in Haiti because of the risk they pose to international peace and security.¹⁰⁰⁷

479. On the other hand, the IACHR has followed up on the use of force by the police in the context of the protests. In March, it condemned the use of firearms against people demanding an increase in the minimum wage, an incident in which one journalist was killed and two others were seriously injured.¹⁰⁰⁸ According to the United Nations Integrated Office in Haiti (BINUH), during the September demonstrations,

⁹⁹⁷ IACHR, Situation on Human Rights in Haiti, OEA/Ser.L/V/II., Doc. 358, August 30, 2022, par. 5 and 76.

⁹⁹⁸ UN Security Council, Oficina Integrada de las Naciones Unidas en Haití Informe del Secretario General, June 13, 2022, paras. 2-5. United Nations Verification Mission in Guatemala, Report of the Secretary-General, October 13, 2022. 8-11.

⁹⁹⁹ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Haiti: Humanitarian situation and cholera - Flash Update #6 (As of 27 November 2022), December 1, 2022.

¹⁰⁰⁰ Consejo de Seguridad de la ONU, Oficina Integrada de las Naciones Unidas en Haití Informe del Secretario General, October 13, 2022, para. 4-5.

¹⁰⁰¹ World Food Programme, Catastrophic hunger levels recorded for the first time in Haiti, October 14, 2022.

¹⁰⁰² Pan American Health Organization, Epidemiological Update - Cholera - 22 December 2022, December 22, 2022.

¹⁰⁰³ L'Office de la Protection du Citoyen, Haiti, Haiti /violence : les groupes minoritaires de plus en plus exposés à l'intolérance, 22 septembre 2022. Haiti /Mauvaises conditions de détention : les parents des prisonniers décédés doivent s'associer pour attaquer l'État par devant des instances internationales, 28 septembre 2022. L'Office de la Protection du Citoyen, Haiti, l'instabilité, l'injustice sociale, la violence entravent l'exercice et la jouissance des droits humains en Haiti, September 17, 2022.

¹⁰⁰⁴ International Committee of the Red Cross (ICRC), Haiti: The International Red Cross and Red Crescent Movement calls for respect for the medical mission of the International Red Cross and Red Crescent Movement July 20, 2022. Haiti: Nuevo llamamiento para proteger la misión médica y el acceso humanitario y respetar, October 24, 2022.

¹⁰⁰⁵ IACHR, Press release No. 164/22 - IACHR: IACHR: The State of Haiti and the International Community must find comprehensive solutions to worsening security situation in Haiti, July 20, 2022.

¹⁰⁰⁶ UN Security Council, Oficina Integrada de las Naciones Unidas en Haití Informe del Secretario General October 13, 2022, para. 20.

¹⁰⁰⁷ UN Security Council, Resolución 2653 (2022) adopted by the Security Council at its 9159th meeting, held on October 21, 2022.

¹⁰⁰⁸ IACHR, Press Release R44/22, SRFOE condemns the use of firearms during a protest in Haiti that resulted in the death of a journalist and several people injured, March 2, 2022.

the measures used by the police to disperse the demonstrators again caused injuries to several people, incidents which are reportedly under investigation by the General Inspector's Office.¹⁰⁰⁹

480. In relation to **access to justice**, the IACHR expresses its concern about the weakening of the judicial system in Haiti. According to public information, armed groups have assaulted, occupied, and looted the two most important courts in the country: the Court of First Instance of Port-au-Prince¹⁰¹⁰ and the Court of Croix-des Bouquets.¹⁰¹¹ On the other hand, according to civil society organizations, approximately 77% of the courts do not have sufficient resources to guarantee their functioning.¹⁰¹² In this regard, the IACHR notes that the lack of resources of the judicial system and the constant attacks by armed groups contribute to impunity for human rights violations in Haiti.¹⁰¹³

481. Regarding **internal displacement**, during 2022, the IACHR noted with concern the worsening of the humanitarian crisis in Haiti and the increase in the number of displaced persons.¹⁰¹⁴ According to various United Nations agencies, in 2022, there was an increased number of people displaced by: i) the upsurge in gang clashes; ii) looting; iii) shortages of essential goods; and, iv) the blockade of roads and ports in the Port-au-Prince Metropolitan Area.¹⁰¹⁵ According to the Human Mobility Tracking Matrix (DTM) and the Haitian General Directorate of Civil Protection (DGPC), as of August 31, 2022, a total of 113,583 internally displaced persons (IDPs) had been identified in Haiti.¹⁰¹⁶ The majority of IDPs are living in makeshift shelters that lack adequate sanitation conditions and are therefore exposed to an increased risk of contracting cholera.¹⁰¹⁷

482. The IACHR also notes that in November, the government decided to relocate 3,000 displaced persons living in Hugo Chávez Square, one of the places with the largest number of displaced persons in Port-au-Prince. However, during the relocation process, several incidents occurred and the police resorted to force to disperse the crowd.¹⁰¹⁸ On the other hand, the IACHR condemns the attacks against humanitarian actors and the theft of humanitarian aid intended for displaced persons in Haiti.¹⁰¹⁹ According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), humanitarian actors face multiple barriers to accessing locations where vulnerable communities live due to the security situation in

¹⁰⁰⁹ UN Security Council, Oficina Integrada de las Naciones Unidas en Haití Informe del Secretario General, October 13, 2022, para. 48.

¹⁰¹⁰ L'Office de la Protection du Citoyen, Haïti, Haïti : Des milliers de détenus et de prisonniers, dépourvus de tout, pris en otage par un système judiciaire en agonie, 5 juillet 2022. The Haitian Times, Port-au-Prince courthouse proceedings still pending after gang invasion, June 23, 2022.

¹⁰¹¹ AP News, Presuntos pandilleros incendian un tribunal en Haïti, julio 26 de 2022. Juno 7, Haïti: condamnant l'incendie du TPI de Croix-des-Bouquets, le MJSP enjoint la police et la justice à réagir, 26 juillet 2022. Haiti Libre, Haïti - Flash: The Tribunal of Croix-des-Bouquets attacked, vandalized and partially burned, July 7, 2022.

¹⁰¹² Institute for Justice and Democracy in Haiti, Human Rights and the Rule of Law in Haiti: Key Recent Developments, June 2022, p. 6.

¹⁰¹³ Consejo de Seguridad de la ONU, Oficina Integrada de las Naciones Unidas en Haití Informe del Secretario General, 13 de octubre de 2022, para. 46. BINUH and The Office of the High Commissioner for Human Rights, Report on Sexual violence in Port-au-Prince: A weapon used by gangs to instill fear, October 14, 2022, para. 8.

¹⁰¹⁴ CIDH, Comunicado de prensa No. 164/22 - CIDH: IACHR: The State of Haiti and the International Community must find comprehensive solutions to worsening security situation in Haiti, July 20, 2022.

¹⁰¹⁵ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Haïti: Humanitarian situation and cholera - Flash Update # 5 (As of 7 November 2022), November 9, 2022. Displacement Tracking Matrix (DTM) et Direction Générale de la Protection Civile (DGPC), Haïti – Système D'alerte Précoce pour les Déplacements (5 – 11 November 2022), November 23, 2022. United Nations Children's Fund (UNICEF), Displaced children are preparing to return to school, November 23, 2022.

¹⁰¹⁶ DTM et DGPC, Haïti — Information Sheet on Forced Displacement (June — August 2022), October 24, 2022.

¹⁰¹⁷ OCHA, Haïti: Humanitarian situation and cholera - Flash Update #6 (As of 27 November 2022), December 1, 2022.

¹⁰¹⁸ OCHA, Haïti: Humanitarian situation and cholera - Flash Update #6 (As of 27 November 2022), December 1, 2022.

¹⁰¹⁹ International Organization for Migration (IOM), IOM condemns violence and looting of humanitarian supplies in Haïti, 24 September, 2022. Croix-Rouge Haïtienne, le Comité international de la Croix-Rouge et la Fédération Internationale de Sociétés de Croix-Rouge et du Croissant Rouge, Communiqué: Lancement un nouvel appel à la protection de la mission médicale, de l'accès humanitaire et du respect de l'emblème de la Croix Rouge, October 19, 2022.

Haiti, which has caused the temporary interruption or decrease in the delivery of water, food, sanitation, and medical care supplies.¹⁰²⁰

483. Regarding the situation of the rights of **migrants, asylum seekers, and refugees**, the Commission received information on the situation of structural and intersectional discrimination faced by Haitian persons in the context of human mobility, as well as the multiple human rights violations of which they are victims, such as: i) collective expulsions, ii) limited access to international protection mechanisms, iii) sexual and gender-based violence, iv) arbitrary detentions, and v) xenophobia.¹⁰²¹

484. The IACHR also notes with concern that, despite the humanitarian and human rights crisis that Haiti is experiencing, expulsions and deportations of Haitian persons continued in 2022. According to information published by IOM, as of November, a total of 21,987 people had been repatriated by air or sea to Haiti, mainly from the Bahamas, Cuba, and the United States.¹⁰²² For its part, the General Directorate of Migration of the Dominican Republic reported that, between January and October 2022, it had repatriated 108,436 persons to Haiti, a figure that represents the highest number of Haitian returnees in the last six years.¹⁰²³ In this regard, the IACHR notes that UNHCR urged the States of the region to suspend the forced return of Haitian persons. According to this United Nations agency, persons returned to Haiti run the risk of persecution, torture, or other cruel and inhuman treatment; therefore, their return would constitute a violation of the principle of non-refoulement.¹⁰²⁴

485. With regard to **trafficking in persons**, the Commission takes note of United Nations Security Council Resolution No. 2653, which expresses grave concern about the high levels of gang violence and other criminal activities—including human trafficking and sexual slavery—as well as the continuing impunity of perpetrators, corruption, and the recruitment of children by gangs. The Security Council, acting under Chapter VII of the UN Charter, demanded an immediate end to violence, criminal activities, human rights abuses, including human trafficking and migrant smuggling, and the recruitment of children by armed groups and criminal networks.¹⁰²⁵

486. Regarding the rights of **children and adolescents**, the Commission notes with deep concern the level of acute malnutrition in the country, where one in five children under five years of age suffers from it.¹⁰²⁶ Additionally, according to official information, since the beginning of the cholera outbreak in Haiti in October 2022, as of December 19, more than 18,008 suspected cases have been reported, of which 8,417 correspond to children and adolescents.¹⁰²⁷ The level of case fatality has been exacerbated by the hindered access to clean water and health services due to the widespread violence the country is experiencing.¹⁰²⁸

¹⁰²⁰ OCHA, [Haiti: Impact of social unrest on the humanitarian situation - Flash Update 1 \(As of 22 September 2022\)](#), September 23, 2022. OCHA, [Haiti: Humanitarian situation and cholera - Flash Update # 5 \(As of 7 November 2022\)](#), November 9, 2022.

¹⁰²¹ IACHR, Public Hearing "[Situación de derechos humanos de personas haitianas en movilidad humana en la región](#)", 183rd regular session, March 16, 2022.

¹⁰²² IOM, [Migrant Returns and Reception Assistance in Haiti | Air and Sea | November 2022](#), December 2022.

¹⁰²³ Homero Figueroa [@HomeroFigueroaG]. (November 9, 2022) *60,204 Haitian nationals were repatriated to their country in the period from August to October, bringing the total to 108,436 for the whole year.* [Tweet] Twitter: https://twitter.com/HomeroFigueroaG/status/1590521623178006529?s=20&t=-_hIBXjMUCHq9L3Y6CazYA.

¹⁰²⁴ ACNUR, [ACNUR insta a los Estados a abstenerse de realizar devoluciones forzadas de personas haitianas](#), November 3, 2022.

¹⁰²⁵ United Nations, Security Council Committee established pursuant to resolution 2653 (2022) concerning Haiti, October 2022.

¹⁰²⁶ UNICEF, Press Release, [El aumento de la violencia y el resurgimiento del cólera en Haití pueden dejar a más de 2,4 millones de niños y niñas sin poder volver a la escuela \(Increased violence and resurgence of cholera in Haiti could leave more than 2.4 million children unable to return to school\)](#): UNICEF, October 10, 2022.

¹⁰²⁷ Ministère de la Santé Publique et de la Population (Msp), [Situation Épidémiologique du Choléra](#), December 16, 2022.

¹⁰²⁸ UNICEF, [El brote de cólera en Haití supera los 1.700 casos sospechosos, la mitad de ellos son niños, niñas y adolescentes](#), October 24, 2022. See also IACHR, Press release 164/22 - IACHR: IACHR: The State of Haiti and the International Community must find comprehensive solutions to worsening security situation in Haiti, July 20, 2022.

487. On the other hand, according to UNICEF figures, around 2.4 million children in Haiti would be left out of the classroom because of the closure of schools due to violence, the inadequacy of schools damaged by the 2021 earthquake, and the resurgence of cholera in the country.¹⁰²⁹ According to a joint assessment conducted by the Ministry of Education and Vocational Training and UNICEF, more than 200 schools were partially or totally closed due to violence, and almost one in four was occupied by armed groups.¹⁰³⁰

488. Regarding **women's rights**, the Commission warns of the high risk they face of suffering gender-based violence in the context of the humanitarian crisis and organized crime in the country. In 2022, extreme sexual violence by criminal groups was recorded against women of all ages during armed confrontations and kidnappings to coerce the payment of ransom for their relatives. This form of violence is used by criminal groups to instill fear in communities and consolidate their territorial control through punishment and control over women's bodies.¹⁰³¹ In addition, survivors do not have access to the emergency health care services needed in these cases due to the destruction of essential health facilities and services, the violence of criminal groups and the precarious economic situation in the country.¹⁰³² The crisis in health services has also affected access to reproductive and maternal health services for pregnant women.¹⁰³³ In this regard, the IACHR highlights that, as of 2022, the maternal mortality rate in Haiti is 480 per 100,000 births, which is the highest rate in the region.¹⁰³⁴

489. On the other hand, the Commission regrets the suspension of the entry into force, until 2024 of the new Criminal Code that would allow access to termination of pregnancy in public and private health services up to the 12th week of gestation, and in cases of danger to life or health, rape and incest. This Code would also expand protection against sexual harassment and gender-based violence, as well as violence based on prejudice against LGBTI persons.¹⁰³⁵

490. With regard to **persons deprived of liberty**, the Commission expresses its concern about the situation faced by this population, characterized mainly by high rates of overcrowding and preventive custody. In particular, according to data from the World Prison Brief, Haiti is the country with the highest percentage of overcrowding in the region, and the second most overcrowded in the world.¹⁰³⁶ According to information from BINUH, as of September 28, 2022, with a total of 11,788 persons deprived of liberty, Haiti has an overcrowding rate of 294%.¹⁰³⁷ The IACHR warns that one of the main causes impacting the high rates of overcrowding is the excessive use of preventive custody. Specifically, with a rate of 83.7%,¹⁰³⁸ Haiti is the country with the highest percentage of people in preventive custody in the region, and the third highest in the world.¹⁰³⁹

¹⁰²⁹ UNICEF, En Puerto Príncipe, Haití, la violencia de las bandas empuja a medio millón de niños y niñas fuera de las aulas, 6 de mayo de 2022. See also UNICEF, Press Release, El aumento de la violencia y el resurgimiento del cólera en Haití pueden dejar a más de 2,4 millones de niños y niñas sin poder volver a la escuela: UNICEF, October 10, 2022.

¹⁰³⁰ UNICEF, Press Release, El aumento de la violencia y el resurgimiento del cólera en Haití pueden dejar a más de 2,4 millones de niños y niñas sin poder volver a la escuela: UNICEF, October 10, 2022.

¹⁰³¹ OHCHR & BINUH, Sexual violence in Port-au Prince: A weapon used by gangs to instill fear, October 2022. See also: Listin Diario, violaciones colectivas de más de 50 mujeres en Haití (collective rapes of more than 50 women in Haiti), August 16, 2022.

¹⁰³² Noticias ONU, La violencia y el colapso económico de Haití pone a las mujeres y las niñas al borde del precipicio, August 16, 2022.

¹⁰³³ UN-OCHA, Amid gruelling violence and economic collapse, women and girls in Haiti need urgent support, August 2022.

¹⁰³⁴ UNDP, [Human Development Report 2021/2022. 2022. Gender Inequality Index](#), p. 291-294.

¹⁰³⁵ Library of Congress, Haiti: Government Postpones Bringing New Criminal Code into Force, s/f. Le Moniteur, Journal Officiel de la République D Haiti, Décret Code Pénal, 2020.

¹⁰³⁶ On this, see: World Prison Brief, Highest to Lowest - Occupancy level (based on official capacity), 2022.

¹⁰³⁷ United Nations Integrated Office in Haiti, Report of the Secretary-General, Res. No. S/2022/761, October 13, 2022, para. 34.

¹⁰³⁸ United Nations Integrated Office in Haiti, Report of the Secretary-General, Res. No. S/2022/761, October 13, 2022, para. 34.

¹⁰³⁹ World Prison Brief, Highest to Lowest - Pre-trial detainees / remand prisoners, 2022.

491. The IACHR is also concerned about the deplorable conditions of detention in Haitian prisons, which pose a risk to the life and integrity of persons deprived of their liberty. In addition to the alarming levels of overcrowding, according to BINUH, these conditions are mainly caused by inadequate budgets, lack of food supplies, and negligent medical care due to limited medical supplies and delays in transferring detainees to hospitals. In this scenario, BINUH data indicate that, up to October 1, at least 125 people lost their lives in State custody, the three main causes of death being: cardiopulmonary diseases, tuberculosis and anemia caused by malnutrition.¹⁰⁴⁰

492. With regard to the rights of **older persons**, the IACHR notes with concern that public information indicates that, in Haiti, gangs used sexual violence against an older woman to instill fear in the population, as reported by the United Nations.¹⁰⁴¹ Likewise, the Commission notes with concern the reports on the inhuman and degrading subsistence conditions that internally displaced older persons in Haiti are living in.¹⁰⁴²

HONDURAS

General considerations

493. With respect to the **progress** observed during 2022, the Commission noted positively that the downward trend in the homicide rate in Honduras continues. It also welcomes the willingness to demilitarize the National Penitentiary System, as well as the repeal of the Law for the Classification of Public Documents related to National Security and Defense.

494. In relation to **challenges**, during 2022, the Commission observed the persistence of structural challenges such as high levels of violence and impunity. In particular, the Commission noted with concern the violence against women, LGBTI persons and human rights defenders. It also learned about the challenges in the functioning of the National Protection System for Human Rights Defenders, Journalists, Social Communicators, and Justice Operators.

495. On November 28, 2022, the State responded to the request for information sent for the preparation of this chapter.

Specific topics

496. In terms of **human rights institutions**, the State indicated that by 2022 the Secretariat for Human Rights (SEDH) had a budget increase of 49% over the budget approved in 2021.¹⁰⁴³ Among the measures implemented by the SEDH, the following were highlighted: renewal of cooperation agreements with civil society organizations; increased technical cooperation and promotion activities with the civil society, international organizations, and state institutions; approval of the SEDH's 2022-2026 Strategic Plan; rapprochement and dialogue with the Special Procedures of the Human Rights Council, and participation in the United Nations Human Rights Council.¹⁰⁴⁴

497. With respect to the inter-American system, the State highlighted that during 2022, 53 follow-up files were uploaded to the Inter-American SIMORE on compliance with the recommendations in

¹⁰⁴⁰ United Nations Integrated Office in Haiti, Report of the Secretary-General, Res. No. S/2022/761, October 13, 2022, para. 34 and 37.

¹⁰⁴¹ United Nations, [Sexual violence in Port-au-Prince. A weapon used by gangs to instill fear](#), October 2022.

¹⁰⁴² Haiti Libre, Haiti - Tabarre: 300 personnes déplacées vivent dans des conditions inhumaines et dégradantes sur le Site «Kay Castor», July 18, 2022.

¹⁰⁴³ According to the information provided by the State, the SEDH currently has a budget of L. 47,684,517.00 (approximately US\$1,926,343.38).

¹⁰⁴⁴ Government of the Republic of Honduras, Official Letter No. SEDH-PM-096-2022, Report on Chapter IV, Volume 1 Section A of the Rules of Procedure of the Inter-American Commission on Human Rights, November 22, 2022, paras. 28-30.

the 2019 country report. It highlighted having received the IACHR in the framework of the protocol visit held between August 30 and September 2, 2022.¹⁰⁴⁵ The Commission highlighted the commitment and willingness expressed by the State to comply with the recommendations issued by the IACHR in its various mechanisms.¹⁰⁴⁶

498. Honduras has a National Human Rights Commissioner (CONADEH). The State reported that CONADEH adopted a 2022-2026 Institutional Strategic Plan through which the Conventional Control and Strategic Litigation Clinic and the National Human Rights Observatory were established. It reported that between January and October 2022, CONADEH received 8,967 complaints.¹⁰⁴⁷ Despite the above, during 2022, the IACHR was informed about the creation of a special commission before the National Congress to investigate the appointment of the current head of CONADEH, as well as alleged administrative complaints against her, alleged smear campaigns and threats through social networks against its head, for which it requested information from the State.¹⁰⁴⁸ The State did not respond to this request.

499. With respect to **democratic institutions**, the State reported on the approval of Legislative Decree 04-2022, Law for the Reconstruction of the Constitutional State of Rights, which grants general amnesty in favor of persons criminalized for the events that occurred between January 27, 2006 and June 28, 2009, and who were victims of the 2009 coup d'état¹⁰⁴⁹ with immediate entry into force after its publication in La Gaceta on February 4, 2022.¹⁰⁵⁰ In this regard, civil society organizations questioned this initiative due to the alleged lack of *clarity regarding the application of amnesty for acts carried out in the exercise of public duties that would not be related to the coup d'état but to corruption and common crimes*.¹⁰⁵¹

500. On the other hand, the State indicated having repealed Decree No. 418-2013 on the Law for the Classification of Public Documents related to National Security and Defense. In turn, it highlighted having received the Anti-Corruption Coalition to present the process of building an anti-corruption policy, which will have technical support from the SEDH.¹⁰⁵²

501. Regarding conflict prevention and management, the State highlighted that between January and October 2022 it classified 1,814 social demonstrations. It pointed out that it had established an Early Warning System for social conflicts that resulted in the issuance of 12 alerts. Likewise, it reported on the installation of 14 technical roundtables for the prevention and approach of social conflicts formed by the executive branch, and five inter-institutional roundtables for the prevention and approach of social

¹⁰⁴⁵ Government of the Republic of Honduras, Official Letter No. SEDH-PM-096-2022, Report on Chapter IV, Volume 1 Section A of the Rules of Procedure of the Inter-American Commission on Human Rights, November 22, 2022, paras. 31 and 32.

¹⁰⁴⁶ IACHR, Press Release No. 202/22, [IACHR Completes Protocol and Promotion Visit to Honduras](#), September 13, 2022.

¹⁰⁴⁷ Government of the Republic of Honduras, Official Letter No. SEDH-PM-096-2022, Report on Chapter IV, Volume 1 Section A of the Rules of Procedure of the Inter-American Commission on Human Rights, November 22, 2022.

¹⁰⁴⁸ IACHR, Request for Information to the State of Brazil, Note No. CIDH/SE/Art.41/05-2022/256, REF: Situation of Mrs. Blanca Izaguirre, head of the National Human Rights Institution (CONADEH) in Honduras, May 31, 2022.

¹⁰⁴⁹ Government of the Republic of Honduras, Official Letter No. SEDH-PM-096-2022, Report on Chapter IV, Volume 1 Section A of the Rules of Procedure of the Inter-American Commission on Human Rights, November 22, 2022.

¹⁰⁵⁰ The Gazette, [Decree 04-2022](#), Law for the Reconstruction of the Constitutional Rule of Law and for the Non-Repetition of Events, February 4, 2022.

¹⁰⁵¹ Consejo Nacional Anticorrupción, [Pronunciamiento «Pacto de impunidad» \(Pronouncement on "Impunity Pact"\)](#), February 3, 2022; CESPAD, [Informe de monitoreo Agenda Anticorrupción del Congreso Nacional \(Follow-up Report on the Anticorruption Agenda of the National Congress\)](#), November 2022, p. 6; COFADEH (Committee of Relatives of the Disappeared in Honduras), [Seguimiento sobre el cumplimiento de las Recomendaciones Informe situación de Derechos Humanos en Honduras \(Follow-up on compliance with the recommendations of the report on the human rights situation in Honduras\)](#), November 3, 2022, p. 1, on file with the IACHR.

¹⁰⁵² Government of the Republic of Honduras, Official Letter No. SEDH-PM-096-2022, Report on Chapter IV, Volume 1 Section A of the Rules of Procedure of the Inter-American Commission on Human Rights, November 22, 2022, paras. 13 and 14.

conflicts with a focus on human rights¹⁰⁵³. In relation to protests, civil society organizations informed the Commission that during 2022 there were 479 peaceful demonstrations by different sectors of society.¹⁰⁵⁴

502. Regarding **citizen security**, according to the Undersecretariat of Security on Police Matters of the Secretariat of Security, homicides decreased by 13.3% in the first semester of 2022.¹⁰⁵⁵ Based on information from the National Police, up to September 2022, a homicide rate of 29.32 per 100,000 inhabitants would have been registered.¹⁰⁵⁶ For its part, the Violence Observatory of the National Autonomous University (UNAH) indicated that by the end of 2022, a reduction of 11.9% in the homicide rate is expected, a rate of 37.4 per 100,000 inhabitants.¹⁰⁵⁷ If so, the Commission notes that a downward trend continues in the homicide rate in Honduras, taking as a base that 2022 closed with a rate of 41.71 per 100,000 inhabitants,¹⁰⁵⁸ and the maximum homicide rate registered in 2011, which reached 85.6 homicides per 100,000 inhabitants.¹⁰⁵⁹

503. For its part, the State reported a 12.62% increase in the budget of the Secretariat of Security (SEDS) allocated for 2022.¹⁰⁶⁰ In relation to strengthening the capabilities of the SEDS, it highlighted that between October 2021 and September 2022, there were 3,322 members of the police service who were trained on the use of force, crowd and riot control, and human rights.

504. In terms of **access to justice**, the State reported a 9.95% increase in the budget of the judicial branch in relation to the budget allocated for 2021.¹⁰⁶¹ It pointed out that the development of the Policy of Open Justice and Integrity of the Judicial Branch of Honduras has been promoted with the support of German cooperation, for which the Technical Committee of the Judicial Branch was formed with various actors to strengthen citizen participation and improve legal security at the national level.¹⁰⁶² It also reported on various trainings for officials carried out by the Public Prosecutor's Office in order to ensure that prosecutorial actions are prompt, timely, effective, and professionalized.¹⁰⁶³

505. The State reported that the budget of the Public Prosecutor's Office for 2022 was increased by 6.42%, compared to the 2021 budget,¹⁰⁶⁴ which would also be distributed between the Special Prosecutor's Office for Crimes against Life (FEDCV) and the Special Prosecutor's Office for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators (FEPRODDHH). It pointed out that, in 2022, the Public Prosecutor's Office approved the Single Criminal Investigation Manual, the Protocol for the Use and Procedures of the Mobile Unit and the Protocol of Action of the Special

¹⁰⁵³ Government of the Republic of Honduras, Official Letter No. SEDH-PM-096-2022, Report on Chapter IV, Volume 1 Section A of the Rules of Procedure of the Inter-American Commission on Human Rights, November 22, 2022, paras. 37 and 38.

¹⁰⁵⁴ COFADEH, Follow-up on Compliance with Recommendations Report on the Situation of Human Rights in Honduras, November 3, 2022, p. 6, on file with the IACHR.

¹⁰⁵⁵ UNDPH, Analysis of the state of Citizen Security, first semester 2022, August 4, 2022.

¹⁰⁵⁶ National Police of Honduras, Histórico Tasas de Homicidios (Record of Homicide Rates), updated through September 2022.

¹⁰⁵⁷ UNAH, ONV proyecta reducción de 11.9% en la tasa de homicidios para el cierre de 2022 (National Observatory on Violence - ONV projects 11.9% reduction in homicide rate by the end of 2022), November 1, 2022.

¹⁰⁵⁸ National Police of Honduras, Histórico Tasas de Homicidios (Record of Homicide Rates), updated through September 2022.

¹⁰⁵⁹ IACHR, Situation of Human Rights in Honduras, OEA/Ser.L/V/II. Doc. 146, August 27, 2019, par. 52.

¹⁰⁶⁰ According to the information provided by the State, a budget of L 7,850,251,535.00 (approximately US\$318,099,885.44) was allocated for 2022, compared to the L 6,970,580,428.00 allocated for 2021.

¹⁰⁶¹ According to the information provided by the State, the Judiciary had a budget of L 2,996,120,035.00 (approximately US\$1,21,036,268.45) for 2022.

¹⁰⁶² Government of the Republic of Honduras, Official Letter No. SEDH-PM-096-2022, Report on Chapter IV, Volume 1 Section A of the Rules of Procedure of the Inter-American Commission on Human Rights, November 22, 2022, para. 51.

¹⁰⁶³ Government of the Republic of Honduras, Official Letter No. SEDH-PM-096-2022, Report on Chapter IV, Volume 1 Section A of the Rules of Procedure of the Inter-American Commission on Human Rights, November 22, 2022, para. 56.

¹⁰⁶⁴ According to the information provided by the State, the Public Prosecutors' Office had a budget of L 2,240,683,987.00 (approximately US\$90,518,412.28) for 2022.

Prosecutor's Office for Human Rights (FEDH).¹⁰⁶⁵ Despite the above, during the protocol visit by the IACHR, civil society organizations reported their concern about the persistence of high levels of impunity in Honduras.¹⁰⁶⁶ According to CONADEH, by the first half of 2022, more than 90% of crimes against the physical integrity and life of persons would go unpunished.¹⁰⁶⁷

506. Regarding **judicial independence**, the Commission is aware of the selection process for the new composition of the Supreme Court of Justice (CSJ). The State highlighted the approval of the Special Law on the Organization and Functioning of the Nominating Board.¹⁰⁶⁸ The Commission notes positively that this new law incorporates important advances in terms of transparency and accountability, gender equity, measurable selection criteria, and addressing conflicts of interest, from the perspective of judicial independence as the basis for guaranteeing human rights.¹⁰⁶⁹ The IACHR called on the State to guarantee a transparent and participatory process in the selection of members of the CSJ that ensures the selection of suitable persons in accordance with international standards.¹⁰⁷⁰

507. With respect to **human rights defenders**, the Commission notes the persistence of acts of violence against human rights defenders in Honduras. In this regard, as of August 2022, the IACHR was aware of at least 10 murders of human rights defenders.¹⁰⁷¹ Additionally, the IACHR observed the release of the 8 water defenders from the community of Guapinol, who had been in preventive custody since 2019, following a ruling issued by the Supreme Court of Justice of Honduras.¹⁰⁷²

508. Regarding the investigation into the murder of human rights defender Berta Cáceres, the IACHR took note of the 22-year prison sentence handed down on June 20 to one of the masterminds of her murder and urged the State to continue with the investigations to punish the perpetrators and masterminds, and to guarantee access to justice and full reparation for the family of the defender.¹⁰⁷³

¹⁰⁶⁵ Government of the Republic of Honduras, Official Letter No. SEDH-PM-096-2022, Report on Chapter IV, Volume 1 Section A of the Rules of Procedure of the Inter-American Commission on Human Rights, November 22, 2022, paras. 51 – 55.

¹⁰⁶⁶ Information provided by civil society organizations in connection with the protocolary visit of the IACHR to Honduras conducted between August 30 and September 1, 2022.

¹⁰⁶⁷ CONADEH, Alrededor de 900 denuncias: (Approximately 900 complaints:) Entes que integran el Sistema de Justicia los más denunciados ante del CONADEH (Justice System entities most often referred to in complaints to CONADEH), July 18, 2022.

¹⁰⁶⁸ Government of the Republic of Honduras, Official Letter No. SEDH-PM-096-2022, Report on Chapter IV, Volume 1 Section A of the Rules of Procedure of the Inter-American Commission on Human Rights, November 22, 2022, paras. 14 -16.

¹⁰⁶⁹ OHCHR Honduras, Nueva Ley de la Junta Nominadora: (New Nominating Board Law:) OACNUDH insta a una aplicación efectiva de las salvaguardas que la nueva ley incorpora para fortalecer el proceso selección de la CSJ (OHCHR urges effective implementation of the safeguards envisaged in the new law to strengthen the Supreme Court selection process), July 22, 2022.

¹⁰⁷⁰ IACHR, Press Release No. 236/2022, IACHR Calls on Honduras to Adopt Transparent, Participatory Process to Select Supreme Court Members, October 20, 2022.

¹⁰⁷¹ IACHR, Press Release No. 114/22. IACHR: Increased Violence Against Human Rights Defenders during the First Four Months of 2022 Makes It More Urgent for States to Protect Their Lives and Work May 25, 2022; IACHR, Press release No. 244/22 - IACHR: Ongoing Violence Against Human Rights Defenders Recorded in Second Quarter of 2022, November 2, 2022. On December 21, Mauricio Esquivel, human rights defender in the department of Colón was murdered; on October 18, LGBTI defender Melisa Núñez was assassinated in the department of El Paraíso. The Commission condemned the murder of Garífuna leader Alonso Salgado on May 1 in the municipality of Tela, Atlántida, and of environmental defender Justo Benítez Sánchez, on April 30 in the municipality of San Francisco de Ojuera, department of Santa Bárbara. In March, territorial defender Francisco Ruiz died in an attack in the village of La Brea, municipality of Trujillo, department of Colón. In January, the body of Melvin Geovanny Mejía, an indigenous Tolupán and defender of land and territory, was found in the municipality of Morazán, department of Yoro; the Commission also condemned the murders of the indigenous leader and community journalist Pablo Isabel Hernández Rivera, and of Thalía Rodríguez, a trans woman human rights defender. In June, LGBTI defender Brayan Josué López Guzmán was murdered in San Pedro Sula, Cortés. In May, environmental defender Donald Rosales Meza was murdered in Minas de Oro, Comayagua.

¹⁰⁷² Infobae, La Corte Suprema de Honduras ordena liberar a seis ambientalistas condenados (Honduran Supreme Court orders release of six convicted environmentalists), February 11, 2022; Latinoamérica piensa, Liberaron a los seis ambientalistas presos de Guapinol en Honduras (Six imprisoned Guapinol environmentalists in Honduras released from jail), February 25, 2022.

¹⁰⁷³ IACHR [@CIDH] (June 23, 2022). IACHR takes note of the 22-year prison sentence handed down for one of the masterminds of the murder of defender Berta Cáceres [Tweet] Twitter.

<https://twitter.com/CIDH/status/1539941647999442951?s=20&t=p4S0xfU8Edy2wXI5-W046g>

509. For its part, the State reported that from January to October 2022, it received 90 requests for protection measures, of which 69 were admitted and are active, 14 cases were archived, 6 are inactive, and 1 was not admitted. It indicated that, of the population attended, 50 were human rights defenders, 10 justice operators, 5 social communicators and 4 journalists.¹⁰⁷⁴

510. However, the IACHR learned of challenges within the national protection mechanism in Honduras. Civil society organizations have reportedly expressed their disagreement with the new functioning of the Mechanism. Since July 2022, the National Protection Council, composed of journalists, social communicators, justice operators, representatives of civil society, and trade associations represented, decided on a temporary withdrawal of the National Protection System, but to date it has not been restored.¹⁰⁷⁵ OHCHR called on the State and civil society organizations to establish a dialogue and to seek strategies for its technical and financial strengthening.¹⁰⁷⁶

511. In relation to the situation of **persons deprived of liberty**, the State reported that through Executive Decree PCM-03-2022, it declared a state of emergency in the National Penitentiary System with the immediate purpose of demilitarizing it, gradually and progressively. Therefore, as of March 2022, the National Police of Honduras assumed all the duties of the National Penitentiary System for a period of one year.¹⁰⁷⁷

512. In turn, the State reported on the continuation of the Plan to Relieve Overcrowding in Prisons due to COVID-19, which has benefited 1,341 people. It stated that, as of September 2022, the prison population is 19,770 persons deprived of liberty, with an overcrowding of 3,787 persons.¹⁰⁷⁸ The Commission notes positively a decrease in the prison population in comparison to 2021, when 21,675 persons deprived of liberty were registered.¹⁰⁷⁹ In spite of this, the Commission learned of the violent events that occurred on July 4 at the Ilima de Santa Bárbara Penitentiary Center, which, according to data from the Secretariat of Security, resulted in the death of six persons deprived of liberty.¹⁰⁸⁰

513. In addition, the IACHR received troubling information on the situation of persons with disabilities deprived of liberty in Honduras. In the framework of the public hearing held during the 185th Period of Sessions, civil society organizations reported that the current prison situation of these groups is characterized by the lack of a prison policy that respects differentiated approaches, by deplorable detention conditions, especially in the absence of adequate infrastructure according to their needs, and the scarcity of programs aimed at their social reintegration. For its part, the State highlighted some actions implemented to guarantee the rights of this population, the development of a proposal for rehabilitation with a differentiated approach that proposes a reform of prison policy in this regard, and efforts to improve health care.¹⁰⁸¹

¹⁰⁷⁴ Government of the Republic of Honduras, Official Letter No. SEDH-PM-096-2022, Report on Chapter IV, Volume 1, Section A of the Rules of Procedure of the Inter-American Commission on Human Rights, November 22, 2022, par. 45.

¹⁰⁷⁵ Pasos de Animal Grande, [Sociedad civil y Gremios del Consejo de Protección denuncian que ministra de la SEDH lleva rumbo al colapso al Mecanismo Nacional de Protección \(Civil Society and Guilds of the Protection Council denounce that the Minister of the Human Rights Secretariat - SEDH is triggering the collapse of the National Protection Mechanism.\)](#), July 20, 2022.

¹⁰⁷⁶ OHCHR Honduras, [OHCHR calls for the strengthening of the National System for the Protection of Human Rights Defenders](#), July 29, 2022.

¹⁰⁷⁷ Government of the Republic of Honduras, Official Letter No. SEDH-PM-096-2022, Report on Chapter IV, Volume 1 Section A of the Rules of Procedure of the Inter-American Commission on Human Rights, November 22, 2022, paras. 87 and 88.

¹⁰⁷⁸ Government of the Republic of Honduras, Official Letter No. SEDH-PM-096-2022, Report on Chapter IV, Volume 1 Section A of the Rules of Procedure of the Inter-American Commission on Human Rights, November 22, 2022, par. 90.

¹⁰⁷⁹ IACHR, Annual Report, [Chapter IV.A. Development of Human Rights in the Region](#), 2021, par. 664.

¹⁰⁸⁰ Press Release SEDS. Twitter account of the Secretariat of Security of Honduras (@SSEGURIDADHN). [Publication of July 4, 2022](#) OHCHR Communiqué. OHCHR Honduras Twitter account (@OACNUDHNN). [Publication of July 5, 2022](#).

¹⁰⁸¹ IACHR, Public Hearing "[Situation of persons with disabilities in prisons in Honduras](#)", 185th period of sessions, October 24, 2022.

514. In addition, the IACHR received troubling information about the mistreatment of older persons deprived of liberty at the annex prison module of the First Infantry Battalion, in the context of a search of the housing facility carried out by military personnel on June 29. According to reports to the IACHR, the older persons had been forced, during this process, to remain outdoors and exposed to the elements, resulting in their belongings getting damaged, including food, medicines, and personal hygiene items.¹⁰⁸²

515. Regarding the rights of **indigenous, tribal and Afro-Honduran persons**, the State informed the Commission about public investment allocated in favor of indigenous and Afro-Honduran peoples, as well as the implementation of the Nuestras Raíces [Our Roots] Program, which aims to integrate indigenous and Afro-Honduran persons into a platform of services and projects of the State and international cooperation, and about the first scholarship program for these population groups.¹⁰⁸³

516. On the other hand, the Commission learned that on April 22, 2022, the National Congress approved the total repeal of the Employment and Economic Development Zones (ZEDEs) and all their legal regulations in the country.¹⁰⁸⁴ Despite this positive development, civil society organizations told the Commission that the previously authorized ZEDEs would continue to operate.¹⁰⁸⁵

517. In addition, the IACHR received information on the violent eviction that occurred on November 7, 2022, in the Garífuna community camp in the town of Punta Gorda, Roatán, the members of which were resisting eviction from land that belonged to them. According to the information received, during the eviction, officials from the Public Prosecutor's Office were present and a strong police and military contingent equipped with high caliber weapons burst in with an eviction order. The security forces reportedly proceeded with the eviction in a violent manner, and set fire to the camp.¹⁰⁸⁶ Moreover, in February 2022, the IACHR also learned about the attempted eviction of the Lenca indigenous community of Tierras del Padre in Francisco Morazán as a result of a legal dispute with a private businessperson.¹⁰⁸⁷

518. Regarding **persons in the context of human mobility**, the Commission takes note of the publication of Legislative Decree No. 42-2022, on August 3, 2022, which contains a migration amnesty consisting of the suspension of the administrative penalty for entry through unauthorized border points.¹⁰⁸⁸ In this context, the National Migration Institute (INM) stated that, as of September 7, 2022, a total of 84,000 migrants in an irregular situation entered the Honduran territory.¹⁰⁸⁹ Additionally, the INM would be

¹⁰⁸² IACHR, Information from relatives of incarcerated persons received by e-mail, July 3, 2022. On file at the IACHR.

¹⁰⁸³ Report of the State of Honduras regarding Chapter IV, Section A, Volume I of the Annual Report of the Inter-American Commission on Human Rights in accordance with Article 59 of the Rules of Procedure. SEDH-PM-096_202. November 22, 2022, par. 109.

¹⁰⁸⁴ La Prensa, [Congreso Nacional deroga en su totalidad las ZEDE \(National Congress repeals the ZEDE in its entirety\)](#), April 20, 2022; BBC, [Honduran Parliament repeals controversial ZEDEs as it considers that they violate the country's sovereignty](#), April 21, 2022; SwissInfo, [Honduran Parliament repeals controversial Employment and Economic Development Zones](#), April 21, 2022.

¹⁰⁸⁵ Information provided by civil society organizations in connection with the protocolary visit of the IACHR to Honduras conducted between August 30 and September 1, 2022.

¹⁰⁸⁶ La Prensa, [Desalojo forzado de garífunas en Punta Gorda, Roatán, provoca repudio internacional \(Forced eviction of Garífunas in Punta Gorda, Roatán, provokes international repudiation\)](#), November 8, 2022; Criterio HN, [Garífunas son violentamente desalojados y capturados por policías en Punta Gorda, Roatán \(Garífunas are violently evicted and captured by police in Punta Gorda, Roatán\)](#), November 7, 2022; Swissinfo, [Black community in Honduras denounces "forced eviction" in Caribbean community](#), November 8, 2022.

¹⁰⁸⁷ La Tribuna (Honduras), [En suspenso desalojo de "Tierras del Padre" \(Eviction of "Tierras del Padre" on hold\)](#), February 10, 2022.

¹⁰⁸⁸ National Institute of Migration, Honduras, ["Entra en vigencia amnistía migratoria" \("Migration amnesty goes into effect"\)](#), August 4, 2022. National Congress of Honduras [@Congres_HND]. (August 3, 2022) *Approval in the National Congress of the Migration Amnesty* [Tweet]. Twitter: https://twitter.com/Congreso_HND/status/1555057687322365952?s=20&t=bHONAagB56inQA48DVcE-g

¹⁰⁸⁹ National Institute of Migration, Honduras, ["INM agiliza la atención a migrantes en situación irregular" \("INM expedites attention to migrants in an irregular situation"\)](#), September 7, 2022.

offering humanitarian assistance to migrants and identifying international protection needs for persons in vulnerable situations such as women, children, LGBTI persons, and older persons.¹⁰⁹⁰

519. The IACHR notes that the structural causes of forced displacement of Honduran persons persist. Recent UNHCR figures indicate that by the end of 2021 there were a total of 51,687 refugees of Honduran origin; while 169,991 Honduran persons have requested international protection outside their country of origin, which are pending resolution.¹⁰⁹¹ This represents an increase of 49.9% and 14%, respectively, when compared to 2020.¹⁰⁹² In addition, the Commission continues to observe an increase in the number of returned persons—mainly in a forced manner—to Honduras. According to figures from the International Organization for Migration (IOM), as of August 2022, a total of 66,763 persons were returned from Mexico and the United States, including 11,081 children and adolescents. This figure represents an increase of 81.3% over the same period in 2021.¹⁰⁹³

520. Regarding **internally displaced persons**, the State reported that the SEDH, in coordination with other State institutions, provides protection and humanitarian assistance measures, including relocation of displaced persons or victims. According to the information provided by the State, the Directorate for Protection, and Internally Displaced Persons (DPPDIV) has provided protection to 230 persons. At the same time, it pointed out some measures implemented to strengthen the technical capabilities of the DPPDIV staff, such as training sessions and workshops, among others.¹⁰⁹⁴

521. The IACHR notes that, according to the most updated figures from the Internal Displacement Monitoring Center (IDMC), by the end of 2021, a total of 550 new displacements related to conflict and violence were reported in Honduras. Likewise, 260 new internal displacements related to disasters were documented.¹⁰⁹⁵ For its part, UNHCR has pointed out that the absence of a registration system to facilitate the identification and care of the internally displaced population makes it difficult to analyze its magnitude, which is exacerbated by the lack of adoption of the Law on Forced Internal Displacement.¹⁰⁹⁶

522. Regarding **trafficking in persons**, the State reported that during 2022, there were 27 reports of possible crimes of trafficking in persons, illegal smuggling of persons, missing persons, domestic violence, sexual abuse, and threats, which were referred to the Unit against Trafficking in Persons, Commercial Sexual Exploitation, and People Smuggling of the Attorney General's Office, to the INTERPOL, and to the National Directorate for Children, Adolescents and Family (DINAF). At the same time, 45 new victims have been identified and assisted.¹⁰⁹⁷

523. Moreover, the IACHR takes note of the actions aimed at strengthening the prevention of trafficking in persons, the protection of victims, and the punishment of those responsible. Among others, it highlights: i) the decision of the Higher Education Council, of which public and private universities are part, to join in the fight against trafficking in persons¹⁰⁹⁸; ii) the agreement between the Inter-institutional

¹⁰⁹⁰ National Institute of Migration, Honduras, "Entra en vigencia amnistía migratoria" ("Migration amnesty goes into effect"), August 4, 2022.

¹⁰⁹¹ UNHCR, UNHCR Global Trends 2021, June 2022, Annex Tables 1 to 22.

¹⁰⁹² UNHCR, Global Trends 2020, June 2021, Annex Tables 1 to 22.

¹⁰⁹³ Northern Triangle Human Mobility Information Management Initiative - NTMI, Honduras. Date of consultation: October 7, 2022.

¹⁰⁹⁴ State of Honduras, Report on Chapter IV, Volume 1, Section A of the Rules of Procedure of the Inter-American Commission on Human Rights, November 2, 2021, paras. 41 and 42.

¹⁰⁹⁵ IDMC, Global Report on Internal Displacement 2022, May 19, 2022, pp. 162 and 77.

¹⁰⁹⁶ UNHCR, Honduras - Protection Analysis, September 2022, p. 9.

¹⁰⁹⁷ Government of the Republic of Honduras, Official Letter No. SEDH-PM-096-2022, Report on Chapter IV, Volume 1 Section A of the Rules of Procedure of the Inter-American Commission on Human Rights, November 22, 2022, paras. 82 and 83.

¹⁰⁹⁸ Government of Honduras, Por unanimidad de votos Consejo de Educación Superior aprueba pronunciamiento contra la trata de personas y formas degradantes de explotación sexual (Council of Higher Education unanimously approves statement against trafficking in persons and degrading forms of sexual exploitation), October 21, 2022

Commission against Sexual and Commercial Exploitation and Trafficking in Persons (CICEST) and the Office for the Administration of Seized Assets (OABI) for the seizure of assets of illicit origin and confiscated assets for the comprehensive care of victims of trafficking¹⁰⁹⁹; iii) and the agreement between CICEST and the National Congress of the Republic for the attention and strengthening of penalties for the crime of trafficking in persons.¹¹⁰⁰

524. Regarding the **rights of LGBTI persons**, the State reported on training about non-discrimination and due diligence for the Special Prosecutor's Office for Crimes, such as working groups with members of the LGTBI community to address cases from the perspective of human rights and sexual diversity, as well as initiatives in compliance with the judgment of the IACHR Court in the Vicky Hernández v. Honduras case, such as the act of public recognition of international responsibility.¹¹⁰¹ The State highlighted the construction of a protocol for the investigation of cases of violence against LGBTI persons.¹¹⁰² Despite the above, violence against LGBTI persons persists.¹¹⁰³ According to data from the Attorney General's Office, up to September 2022, 10 deaths and 4 cases of non-lethal violence against LGBTI persons were reported.¹¹⁰⁴ In turn, it reported that since 2021 to date, it has prosecuted four cases of deaths of LGBTI people with four convictions.¹¹⁰⁵ For its part, the civil society reports that between January and June 2022 it has registered at least 20 violent deaths.¹¹⁰⁶

525. In relation to the rights of **children and adolescents**, the State reported that in order to reduce the risk factors that generate violence, crimes, and conflicts affecting children and adolescents, the Council for the Prevention of Violence (COPREV) was installed as a coordinating body in the National Policy for the Prevention of Violence against Children.¹¹⁰⁷ For its part, the IACHR welcomes the decision of the Supreme Court of Justice that recognized the violations of rights of more than 15,000 children and adolescents living in the streets; as well as the provision of a series of actions for the restitution of their rights, including the design of a comprehensive public policy focused on this population.¹¹⁰⁸

526. The IACHR takes note of the State's response to the request for information regarding the right of children and adolescents to live with a family. The State reported that between January and November, 395 cases of violations of the rights of children and adolescents and of the right to a family have

¹⁰⁹⁹ Government of Honduras, [CICEST-OABI firman acuerdo para fortalecer Programas de Atención a víctimas de Trata de Personas \(CICEST-OABI Sign Agreement to Strengthen Programs to Assist Victims of Human Trafficking\)](#), August 4, 2022

¹¹⁰⁰ Government of Honduras, [Presidente del congreso nacional trabajará con la CICEST, para incrementar las penas en los delitos de explotación sexual \(President of the National Congress to work with CICEST to increase penalties for sexual exploitation crimes\)](#), September 22, 2022

¹¹⁰¹ Government of the Republic of Honduras, Official Letter No. SEDH-PM-096-2022, Report on Chapter IV, Volume 1 Section A of the Rules of Procedure of the Inter-American Commission on Human Rights, November 22, 2022, par. 108.

¹¹⁰² Government of the Republic of Honduras, Official Letter No. SEDH-PM-096-2022, Report on Chapter IV, Volume 1 Section A of the Rules of Procedure of the Inter-American Commission on Human Rights, November 22, 2022, par. 108.

¹¹⁰³ Agencia Presentes, [En la misma noche, asesinaron a tres personas LGBTI+ en Honduras \(On the same night, three LGBTI+ people murdered in Honduras\)](#), February 4, 2022 and Human Rights Watch, [Honduras: Human Rights Agenda for President Castro's Administration](#), June 30, 2022.

¹¹⁰⁴ Government of the Republic of Honduras. State Contributions on Femicides and Violent Deaths of LGBTI Persons - Honduras, November 7, 2022, p. 3. On file at the IACHR.

¹¹⁰⁵ Government of the Republic of Honduras, Official Letter No. SEDH-PM-096-2022, Report on Chapter IV, Volume 1 Section A of the Rules of Procedure of the Inter-American Commission on Human Rights, November 22, 2022, par. 61.

¹¹⁰⁶ SwissInfo. ["At least 454 LGBTI+ people have died violent deaths in Honduras since 2009"](#) August 14, 2022; SwissInfo. ["UN calls on Honduras to investigate murder of activist and trans woman"](#) - October 21, 2022.

¹¹⁰⁷ Government of the Republic of Honduras, Official Letter No. SEDH-PM-096-2022, Report on Chapter IV, Volume 1 Section A of the Rules of Procedure of the Inter-American Commission on Human Rights, November 22, 2022, par. 81.

¹¹⁰⁸ Estudios para la Dignidad, Notificación de Sentencia dictada por la Sala de lo Constitucional de la Corte Suprema de Justicia de Honduras sobre la Acción de Amparo a favor de la niñez en condición de calle (Estudios para la Dignidad, Notification of Judgment handed down by the Constitutional Chamber of the Supreme Court of Justice of Honduras in the Amparo Case on behalf of the street children), 2022, p. 2. On file with the IACHR.

been reported to CONADEH.¹¹⁰⁹ The State highlighted programs that are being implemented, such as the "Aprendiendo en familia" [Learning as a Family] program, focused on working with families to prevent the separation of the most vulnerable children and adolescents.¹¹¹⁰

527. On the other hand, the Commission notes with concern the context of violence and exploitation that threatens children and adolescents, which according to available information, up to September 2022, 37% of violent deaths in the country were against children and adolescents,¹¹¹¹ and 78 cases of children and adolescent victims of trafficking have been received.¹¹¹² Additionally, around 250,000 children and adolescents are in a child labor situation in Honduras.¹¹¹³

528. Regarding the human rights of **women**, the Commission appreciates the signing in June 2022 of the cooperation agreement between the Secretariat of Security and the UNDP for the design and construction of the comprehensive citizen security policy with a gender and human rights approach;¹¹¹⁴ and the progress made in the collection of data for the First National Survey on the Situation of Honduran Women, with the aim of learning about their experiences in security issues and the prevention of violence.¹¹¹⁵ It also takes note of the creation of the Secretariat of State in the Office of Women's Affairs (SEMUER), as the governing body for policies on gender equality and the elimination of discrimination and gender-based violence against women.¹¹¹⁶ In turn, the Commission is aware that on August 22, 2022, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women was sent to the National Congress for ratification, which is still pending to date.¹¹¹⁷

529. Likewise, it also notes the implementation of Operation Deborah VI at the national level, to prevent, investigate and punish the various manifestations of violence against women; as well as the creation of a Mobile Unit of the Specialized Comprehensive Care Module (MAIE) to expand access to justice in neglected areas and provide comprehensive protection to women victims of violence¹¹¹⁸. The State reported that it is promoting the Purple Alert Law as an early strategy to search for missing women. It also reported that between 2021 to date it has prosecuted 175 cases for different crimes against women's lives, of which it has obtained 77 convictions¹¹¹⁹. The Commission takes note of the calls from civil society asking

¹¹⁰⁹ State of Honduras, Note Verbale, Report of the State of Honduras regarding Chapter IV, Section A, First Volume of the Annual Report of the Inter-American Commission on Human Rights pursuant to Article 59 of the Rules of Procedure, p. 9. On file at the IACHR.

¹¹¹⁰ State of Honduras, Official Letter No. SEDH-1084-2022-, Informe del Estado de Honduras relativo las Rondas de Diálogo sobre el Derecho de los niños, niñas y adolescentes a vivir en familia (Report of the State of Honduras on the talks held on the right of children and adolescents to live in a family), December 2, p. 3. On file at the IACHR.

¹¹¹¹ Casa Alianza Honduras, Informe Mensual de la Situación de los Derechos de las Niñas, Niños y Jóvenes en Honduras (Monthly Report on the Situation of the Rights of Children and Youth in Honduras), September 2022, p. 32.

¹¹¹² State of Honduras, Note Verbale, Report of the State of Honduras regarding Chapter IV, Section A, First Volume of the Annual Report of the Inter-American Commission on Human Rights pursuant to Article 59 of the Rules of Procedure, p. 36. On file at the IACHR.

¹¹¹³ Presencia Universitaria, Investigación de World Vision revela que más de 250 mil niños trabajan en Honduras (World Vision research reveals that more than 250 thousand children work in Honduras), June 15, 2022.

¹¹¹⁴ Government of the Republic of Honduras. Report of the State of Honduras regarding chapter IV section A, first volume of the Annual Report of the Inter-American Commission on Human Rights, November 22, 2022, p. 28. On file at the IACHR.

¹¹¹⁵ Government of the Republic of Honduras. State contributions on femicides and violent deaths of LGBTI persons - Honduras, November 7, 2022, p. 8.

¹¹¹⁶ Government of the Republic of Honduras. Report of the State of Honduras regarding chapter IV section A, first volume of the annual report of the Inter-American Commission on Human Rights, November 22, 2022, p. 31.

¹¹¹⁷ Secretariat of Women's Affairs Honduras [@semujer_hn], The President of Honduras @XiomaraCastroZ remitió al @Congreso HND el Protocolo Facultativo de la Convención Sobre La Eliminación de Toda Forma de Discriminación Contra la Mujer (@XiomaraCastroZ sent @Congreso HND the Protocol of the Convention on the Elimination of All Forms of Discrimination against Women.) La presidenta Xiomara gobierna y cumple con justicia, igualdad y equidad (President Xiomara governs and delivers justice, equality, and equity.), [Tweet], Twitter.

¹¹¹⁸ Government of the Republic of Honduras. Report of the State of Honduras regarding chapter IV section A, first volume of the annual report of the Inter-American Commission on Human Rights, November 22, 2022, p. 24; La Tribuna. Realizan "Operación Débora VI" para contrarrestar la violencia de género (Operation Deborah VI" is carried out to counteract gender violence), March 23, 2022

¹¹¹⁹ Government of the Republic of Honduras. Report of the State of Honduras regarding chapter IV section A, first volume of the annual report of the Inter-American Commission on Human Rights, November 22, 2022, p. 33.

for progress in the approval and implementation of the Purple Alert Law, to address the problem of the disappearance of women and girls¹¹²⁰; as well as the approval of the Law on Safe Houses to assist women victims of violence, since at the national level there is a deficit of 97%, according to CONADEH¹¹²¹.

530. The IACHR noted the high figures of **violence against women**. According to information from the State, between January and August 2022, there were 155 violent deaths of women and femicides registered nationwide¹¹²², which would represent a decrease of 14.7% compared to the same period in 2021.¹¹²³ In addition, between September 2021 and August 2022, there were 12,762 complaints received for domestic violence and other gender-based crimes¹¹²⁴. Meanwhile, civil society figures indicate that between January and October 2022, there were 250 violent deaths of women and femicides registered¹¹²⁵. Likewise, between January and August 2022, there were 31,810 complaints filed for domestic violence, 50,351 for domestic abuse¹¹²⁶, and 1,615 complaints for sexual violence, the majority (51.6%) for acts committed against girls and adolescents¹¹²⁷.

531. In terms of sexual and reproductive rights, the State reported that the Protocol for the Care of Victims and Survivors of Sexual Violence is in the process of being updated and approved by the Secretariat of Health, to incorporate the use of Levonorgestrel or the Emergency Contraceptive Pill (ECP)¹¹²⁸. Despite this, the IACHR notes that the modifications would not reinstate the free use, purchase and sale of the ECP, but would be limited only for victims of sexual violence¹¹²⁹. In addition, the IACHR is concerned about the increase in child and adolescent pregnancy in 2022, especially in girls between 10 and 14 years old, and even under 10 years old, according to data reported by the Secretariat of Health¹¹³⁰.

532. Regarding the rights of **persons with disabilities**, the IACHR took note of the launch of the "Virtual Employment Exchange" program through which the Secretariat of Social Development seeks to create equal conditions in the workplace¹¹³¹. However, it also learned of profound inequalities in access to

¹¹²⁰ Radio Cadena Voces. Merly Eguigure: "260 hondureñas han perdido la vida de forma violenta a la fecha en Honduras" ("So far, 260 Honduran women have lost their lives violently in Honduras"), November 15, 2022; Criterio hn. Exigen Alerta Morada y estrategia nacional para enfrentar femicidios y desaparición de mujeres (Demand for "Purple Alert" and national strategy to confront femicides and disappearances of women), August 24, 2022.

¹¹²¹ CONADEH. El CONADEH a través de su Defensoría de la Mujer, cuestiona que Honduras únicamente disponga de ocho (8) casas refugios para atender a las mujeres víctimas de violencia (CONADEH, through its Women's Ombudsman Office, questions that Honduras only has eight (8) shelters to assist women victims of violence), October 14, 2022; El Heraldo.hn. "Urge que se destinen recursos para atender la violencia contra la mujer" ("It is urgent that resources be allocated to address violence against women.") Director of the Asociación Calidad de Vida (Quality of Life Association), October 18, 2022.

¹¹²² Government of the Republic of Honduras. Response to request for information contributions from the State on femicide and violent deaths of LGBTI persons - Honduras, November 7, 2022, p. 3. On file at the IACHR.

¹¹²³ Government of the Republic of Honduras. Report of the State of Honduras regarding chapter IV section A, first volume of the Annual Report of the Inter-American Commission on Human Rights, November 22, 2022, p. 28. On file at the IACHR.

¹¹²⁴ Government of the Republic of Honduras. Report of the State of Honduras regarding chapter IV section A, first volume of the Annual Report of the Inter-American Commission on Human Rights, November 22, 2022, p. 25. On file at the IACHR.

¹¹²⁵ Centro de Derechos de Mujeres (CDM). Observatorio de Violencias contra las Mujeres 2022 (Observatory on Violence against Women 2022), n.d., accessed on December 1, 2022.

¹¹²⁶ Centro de Derechos de Mujeres (CDM). Observatorio de Derechos Humanos de las Mujeres (Observatory of Women's Human Rights). Violence against women and girls in Honduras / January to June 2022, n/d, accessed on December 1, 2022.

¹¹²⁷ Centro de Derechos de Mujeres (CDM). Observatorio de Derechos Humanos de las Mujeres (Observatory of Women's Human Rights). Sexual violence against women and girls in Honduras / January to June 2022, n/d, accessed December 1, 2022.

¹¹²⁸ Government of the Republic of Honduras. Report of the State of Honduras regarding chapter IV section A, first volume of the Annual Report of the Inter-American Commission on Human Rights, November 22, 2022, p. 32. On file at the IACHR.

¹¹²⁹ Criterio.hn. Restringir uso de la PAE violenta los derechos sexuales y reproductivos (Restricting ECP use violates sexual and reproductive rights), October 26, 2022; Blomberg Línea. Cómo Honduras es el único país de LatAm con prohibición total de la píldora del día después (How come Honduras is the only country in Latin America with a total ban on the morning-after pill), November 4, 2022.

¹¹³⁰ El Heraldo.hn. Incrementan embarazos en niñas de 10 a 14 años de edad en Honduras (Pregnancies increase in girls from 10 to 14 years of age in Honduras), August 8, 2022; Central News.hn. Cifras récord de embarazos en adolescentes en Honduras en lo que va del 2022 (Record numbers of teenage pregnancies in Honduras so far in 2022), n/d; Proceso.hn. Prolifera embarazo en niñas que no llegan ni a la adolescencia (Pregnancy proliferates in girls who do not even reach adolescence), August 24, 2022.

¹¹³¹ Government of the Republic of Honduras. Honduran government opens employment agency for people with disabilities, June 1, 2022.

education and work for persons with disabilities in Honduras¹¹³². In turn, the IACHR is aware that although Honduras has a Law on Equity and Development for Persons with Disabilities, the lack of its regulations would hinder its compliance¹¹³³.

533. In relation to the rights of **older persons**, the IACHR notes that public information indicates that during 2022 the Solidarity Action Program (Proasol) continued to operate, which seeks to make monetary transfers to older persons, among other vulnerable populations¹¹³⁴. Notwithstanding the foregoing, the Commission is concerned that CONADEH reported that during 2021 violence caused the displacement of almost a thousand people, including older persons¹¹³⁵ and that between January and August 2022, about 950 older adults filed complaints with CONADEH, claiming to be victims of threats, while a hundred were denied access to justice and had their due process disrespected¹¹³⁶.

JAMAICA

General considerations

534. As regards **progress**, the IACHR highlights the establishment of a Constitutional Reform Committee. In addition, it takes note of an increase in the seizure of illegal firearms, the implementation of new firearms legislation and the proclamation of a firearms amnesty. The Commission also observes the State's efforts to reform the bail process and the implementation of sentencing guidelines for judges in parish courts. It also notes the entry into force of the Disability Act, which provides greater protection for persons with disabilities, and of the law on the Prevention and Protection against Sexual Harassment.

535. As for **challenges**, the Commission notes that the State intends to abolish the Office of the Political Ombudsman. Moreover, it observes an increase in the number of homicides, the occurrence of incidents of violence against children and the use of corporal punishment in homes. It also observes with great concern the retention of legislation that criminalizes consensual sexual relations between persons of the same sex and an increase in complaints regarding domestic violence.

536. The State did not respond to the request for information for the drafting of this chapter.

Specific issues

537. Regarding **democratic institutional**ity, the IACHR takes note that in June 2022 the State made a commitment to transition to a Republic by 2025.¹¹³⁷ In keeping with this commitment, the State approved the establishment of the Constitutional Reform Committee (CRC) to ensure a smooth transition to a Republic¹¹³⁸. The CRC will be comprised of representatives from the Government, Parliamentary Opposition, relevant experts, and the wider society. Further, it will be responsible for conducting a thorough

¹¹³² Proceso Digital, [CONADEH pide eliminar barreras que obstaculicen inclusión de personas con discapacidad \(CONADEH calls for elimination of barriers that hinder inclusion of persons with disabilities\)](#), December 3, 2022; La Prensa, ["Invisibles" más de 200,000 hondureños con discapacidad \(More than 200,000 Hondurans with disabilities are "invisible"\)](#), July 22, 2022.

¹¹³³ La Prensa, [Honduras, atrasada en aplicar la ley de discapacidad \(Honduras behind in implementing the disability law\)](#), December 1, 2022.

¹¹³⁴ Honduran National Television, [¡Siempre con el pueblo! \(Always with the people!\) Proasol continúa entregando ayudas a adultos mayores y sector discapacidad en diversos puntos del país \(Proasol continues to deliver aid to senior citizens and the disabled in various parts of the country\)](#), November 5, 2022.

¹¹³⁵ El Periódico, [Al menos 942 desplazados forzados dejó la violencia en Honduras en 2021 \(At least 942 forcibly displaced people due to violence in Honduras in 2021\)](#), October 24, 2022.

¹¹³⁶ Criterio, [Diputados de la comisión desconocen sobre denuncias de violaciones a los DD. HH de adultos mayores \(Deputies of the commission do not know about complaints of human rights violations of older adults.\)](#), October 4, 2022.

¹¹³⁷ Jamaica Information Service, [Constitutional Reform Committee to Facilitate Transition to Republic](#), June 8, 2022.

¹¹³⁸ Jamaica Information Service, [Cabinet Approves Establishment of Constitutional Reform Committee](#), November 16, 2022; [Constitutional Reform Committee to Facilitate Transition to Republic](#), June 8, 2022.

and comprehensive review of the 1962 Constitution, which includes the 2011 Charter of Fundamental Rights and Freedom.¹¹³⁹

538. As regards **human rights institutions**, the Commission observes that Jamaica has the Office of the Public Defender of Jamaica, which is a member of the Caribbean Ombudsman Association¹¹⁴⁰ and the Commonwealth Forum of National Human Rights Institutions¹¹⁴¹. The IACHR notes that according to the Ministry of Legal and Constitutional Affairs, the establishment of a National Human Rights Institute in Jamaica is presently under review.¹¹⁴² Moreover, the Commission takes note of the intention of the State to abolish the Office of the Political Ombudsman. This Office has the mandate to investigate any action taken by a political party, its members, or its sympathizers when an action may constitute a violation of the Code of Conduct agreed upon by the political parties¹¹⁴³. In its 2021 Annual Report¹¹⁴⁴, the Commission highlighted the General Election Campaign Review Report 2021 produced by the Ombudsman which concluded, among other things, that there was improper use of campaign funds to influence the elections¹¹⁴⁵. According to publicly available information, the tenure of the previous Ombudsman came to an end in November 2022 and the State intends to abolish the Office and transfer its functions to the Electoral Commission of Jamaica.¹¹⁴⁶

539. In relation to **citizen security**, the Commission notes with concern that Jamaica has the highest homicide rate in the Caribbean and one of the highest in the Americas, with 52.9 per 100,000 inhabitants. According to the figures presented by the Jamaica Constabulary Force (JCF), there was a total of 1,498 homicides reported in 2022, compared to 1,474 homicides reported in 2021, which represents a 1.6% increase¹¹⁴⁷. On the other hand, the State reported that a total of 652 illegal firearms were seized as of October 31, 2022, representing an 11% increase over the 585 recorded for the corresponding period in 2021¹¹⁴⁸.

540. Regarding the crime fighting measures adopted by the State, the IACHR observes that the passage of the Firearms (Prohibition, Restriction and Regulation) Act¹¹⁴⁹ empowers the Minister of National Security to declare a firearms amnesty which will allow persons in possession of illegal firearms the opportunity to surrender these weapons to the State without the fear of prosecution¹¹⁵⁰. The Act is intended to curb the murder projections and stem the tide of criminal violence in Jamaica¹¹⁵¹. Consequently, the State implemented said gun amnesty for the period November 5 to 19, 2022, which resulted in the surrendering of approximately 101 illegal firearms and 3,000 rounds of ammunition.¹¹⁵²

¹¹³⁹ Jamaica Information Service, [Cabinet Approves Establishment of Constitutional Reform Committee](#), November 16, 2022; Jamaica Information Service, [Constitutional Reform Committee to Facilitate Transition to Republic](#), June 8, 2022.

¹¹⁴⁰ Caribbean Ombudsman Association, [Members](#), 2022.

¹¹⁴¹ Commonwealth Forum of National Human Rights Institutions, [Jamaica](#), 2022.

¹¹⁴² Jamaica Information Service, [Establishment of Human Rights Institute Under Review](#), April 2, 2022.

¹¹⁴³ Political Ombudsman (Interim), [The Political Ombudsman \(Interim\) Act](#), August 15, 2002, PART III. Functions of Political Ombudsman, 12. -(1)(a), (b).

¹¹⁴⁴ IACHR, [Annual Report Chap IV.A, 2021](#), para. 684.

¹¹⁴⁵ Office of the Political Ombudsman, [2020 General Election Campaign Review Report](#), 2021, p. 6; Jamaica Gleaner, [Vote-buying spree: Electors demanded hike for COVID polls - ombudsman report](#), 3 June 2021.

¹¹⁴⁶ The Gleaner, [Sun sets on political ombudsman](#), November 16, 2022; Nationwide News Network, [Gov't To Abolish Office Of The Political Ombudsman](#), November 16, 2022; Radio Jamaica News, [Gov't won't appoint new Political Ombudsman under current legislation](#), November 17, 2022.

¹¹⁴⁷ Jamaica Constabulary Force, [Crime Statistics: January 1-November 16, 2022](#), November 2022.

¹¹⁴⁸ Jamaica Information Service, [Increase in Firearm Seizure from January to June](#), July 6, 2022; [House of Representatives Approves Order Facilitating Gun Amnesty](#), November 2, 2022.

¹¹⁴⁹ Parliament of Jamaica, [Firearms \(Prohibition, Restriction and Regulation\) Act](#), 2022.

¹¹⁵⁰ Jamaican Information Service, [Gun Amnesty to be Declared](#), September 7, 2022.

¹¹⁵¹ Jamaican Information Service, [Gun Amnesty to be Declared](#), September 7, 2022.

¹¹⁵² Jamaican Information Service, [101 Firearms, 3,000 Rounds of Ammunition Surrendered During Gun Amnesty](#), November 23, 2022; [Senate Approves Order – Gun Amnesty begins November 5](#), November 5, 2022.

541. Moreover, as it had done in its 2019 Annual Report, the Commission continues to monitor the use of States of Public Emergency (SOEs) as a crime prevention measure in several parishes and police divisions in Jamaica¹¹⁵³. On June 17, 2022, the Government declared an SOE in St. Catherine Parish, as a result of the high level of murders.¹¹⁵⁴ This SOE ended in July¹¹⁵⁵ with the Police noting that there was an 81% decline in murders, while shootings were reduced by 56% in the Parish.¹¹⁵⁶ On December 28, 2022, the State declared new SOEs in eight Parishes for a 14-day period.¹¹⁵⁷ At the time of the writing of this report there was no indication on whether the SOEs will be extended.

542. Regarding **access to justice**, the Commission notes the introduction of a new Bail Bill¹¹⁵⁸ in the House of Representatives that aims to reform the bail framework in the criminal justice system and will address the issue of persons being detained for protracted periods without charge¹¹⁵⁹. In addition, the Commission highlights that in June 2022 the judiciary implemented sentencing guidelines for judges operating at parish courts¹¹⁶⁰. According to the Judiciary, these guidelines will assist in attaining greater consistency in the punishment of persons convicted of crimes and will streamline the sentencing process across the parish courts.¹¹⁶¹

543. Regarding the **rights of children**, the Commission notes the efforts of the State to reintegrate children into the school system. In its 2021 Annual Report, the Commission noted concerns over the lack of access to education for at least 120,000 children¹¹⁶². Thus, the Commission welcomes the “Yard-to-Yard, Find the Child” initiative of the Ministry of Education and Youth which, according to official information, re-engaged approximately 87,446 of the 120,000 students that were unaccounted for during the pandemic¹¹⁶³.

544. Regarding violence against children, according to a report produced by UNICEF, more than 80% of children between the ages of 1 and 14 in Jamaica are subject to forms of violent discipline in the family¹¹⁶⁴. Additionally, the Commission notes the complete lack of regulations that expressly prohibit this form of violence at home and at schools¹¹⁶⁵. In this regard, UNICEF called on the State to accelerate commitments made to protect children under the 2019 National Plan of Action, including: investing in programs addressing safety at home¹¹⁶⁶. Moreover, the Commission notes the call made by the Ministry of Education and Youth to end violence against children, particularly the use of corporal punishment in homes. The Minister noted that according to a survey conducted by the Jamaica Survey of Living Conditions, corporal punishment is the most used form of discipline across urban and rural areas, age groups, genders and social classes and called on citizens to end the practice¹¹⁶⁷.

545. Regarding the rights of **women**, the Commission values the entry into force in April 2022 of the law on Prevention and Protection against Sexual Harassment, followed by the establishment of the Unit on Sexual Harassment, and the progress in the establishment of a Court on Sexual Harassment. Said

¹¹⁵³ IACHR, [Annual Report Chap IV.A. 2019](#), para. 411.

¹¹⁵⁴ Jamaican Information Service, [PM Announces SOE For St. Catherine](#), June 17, 2022.

¹¹⁵⁵ Jamaican Information Service, [Gov't Will Not Seek Extension of St. Catherine SOE](#), June 29, 2022.

¹¹⁵⁶ Jamaican Information Service, [Murders in St. Catherine Declined by 81% During State of Public Emergency](#), July 6, 2022.

¹¹⁵⁷ Jamaican Information Service, [States of Public Emergency Declared in Eight Parishes](#), December 28, 2022; [SOES Declared in Several Parishes](#), November 15, 2022.

¹¹⁵⁸ Parliament of Jamaica, [The Bail Act](#), 2022.

¹¹⁵⁹ Jamaica Information Service, [Provisions of New Bail Act to Balance Human Rights with Safety and Security Needs](#), November 16, 2022; [Bail Act Tabled in the House](#), October 6, 2022.

¹¹⁶⁰ Parish Court, [Sentencing Guidelines for Parish Court Judges](#), 2022.

¹¹⁶¹ The Judiciary of Jamaica [@jamjudiciary]. (June 16, 2022) The Judiciary of Jamaica launched Sentencing Guidelines for Judges of the Parish Courts, which will assist in greater consistency in the punishment of persons convicted of crimes. [Tweet]. Twitter.

¹¹⁶² IACHR, [Annual Report Chap IV.A. 2021](#), para. 690.

¹¹⁶³ Jamaica Information Service, [Thousands Of Students Re-Engaged Through Find the Child Initiative](#), April 13, 2022.

¹¹⁶⁴ UNICEF, [Statistical profile of violence against children in Latin America and the Caribbean](#), May 2022, pp. 5.

¹¹⁶⁵ UNICEF, [Statistical profile of violence against children in Latin America and the Caribbean](#), May 2022, pp. 11.

¹¹⁶⁶ UNICEF, [UNICEF Calls for Accelerated National Response to Address Violence Against Children](#), June 22, 2022.

¹¹⁶⁷ Jamaica Information Service, [Minister Condemns Violence Against Children](#), May 26, 2022.

regulations and mechanisms seek to address, respond to, and punish acts of this nature that occur in the labor, educational and health fields, among others¹¹⁶⁸. It also values the increase in maternity leave from 40 days to 3 months, as well as the incorporation of paternity leave and family leave for adoptive fathers and mothers¹¹⁶⁹.

546. On the other hand, there has been an increase of approximately 100% in the reports of domestic violence in the last five years, even despite the low incidence of reports due to the shame, stigmatization and fear of re-victimization faced by survivors of domestic violence¹¹⁷⁰. In addition, the Commission is concerned that the criminalization of the interruption of pregnancy in all circumstances persists with penalties up to life sentences. The Commission noted the call for decriminalization of the termination of pregnancy by Jamaican women's rights organizations. Likewise, the Commission noted information received on the obstacles that adolescents face in accessing reproductive health services and information, including the requirement for parental consent, which is of great concern considering the high incidence of adolescent pregnancies and incest¹¹⁷¹.

547. In relation to **persons deprived of liberty**, the IACHR takes note that on March 28, 2022, the State resumed non-contact visits in adult prisons. In 2020 the Department of Correctional Services discontinued prison visits to prevent the spread of the COVID-19 virus within the prisons¹¹⁷². Now that non-contact visits have been resumed, the IACHR observes that prisoners are only able to have visits in which prisoner and visitor are allowed to see each other through a physical barrier and to communicate verbally, but physical contact or conjugal visits are still not allowed.

548. As it relates to the **death penalty**, the IACHR takes note that there has been no progress with removing this punishment from the statutory books, that no person has been sentenced to death since the last execution in 1988, and that at this time no one is currently on death row¹¹⁷³.

549. In relation to the rights of **persons with disabilities**, the Commission takes note of the entry into force of the Law on Disabilities, which promotes equal rights and the prohibition of discrimination against persons with disabilities¹¹⁷⁴. In light of this law, the Government announced the creation of a checklist to identify architectural and communication barriers encountered by people with disabilities in private and public facilities¹¹⁷⁵. On the other hand, note is taken of testimonies reported in the media on the persistence of various challenges faced by people with disabilities in the field of education, including lack of interpretation for deaf persons¹¹⁷⁶.

550. With respect to **people in the context of human mobility**, the Commission notes that Jamaica is currently developing a national visa policy to streamline and promote regular migration. Also, the Ministry of Labour and Social Security continues to facilitate circular migration projects and has been

¹¹⁶⁸ Jamaica Information Service. Sexual Harrasment Act to be rolled out April 2, March 11, 2022; Jamaica Information Service. Unit To Investigate Sexual Harassment Complaints Being Established, June 9, 2022.

¹¹⁶⁹ Jamaica Information Service. Gov't Increases Maternity Leave, Introduces Leave for New Fathers and Adoptive Parents, July 13, 2022.

¹¹⁷⁰ The Gleaner. Near 100 per cent rise in domestic violence reports in five years, July 20, 2022.

¹¹⁷¹ IACHR. Public hearing about The Caribbean: Sexual and reproductive rights of adolescents. 185 Period of Sessions, October 26, 2022; International Planned Parenthood Federation. Americas and the Caribbean Region & Center for Reproductive Rights. Annex to the Request for a Hearing: "Sexual and reproductive rights of adolescents in the Caribbean", for the 185th Period of Sessions of the IACHR, s/f.

¹¹⁷² Department of Correctional Services Jamaica, Department of Correctional Services Resumes Non-Contact Visits at Adult Institutions, April 22, 2022.

¹¹⁷³ World Coalition Against the Death Penalty, Jamaica, August 30, 2021.

¹¹⁷⁴ Jamaica Information Service. Disabilities Act, March 24, 2022.

¹¹⁷⁵ Jamaica Information Service. Accessibility Checklist to Make Life Easier for Persons with Disabilities, October 26, 2022.

¹¹⁷⁶ The Gleaner. When deaf and degreed isn't page-one news, November 14, 2022.

revamping its work permit approval system in order to streamline and promote regular migration¹¹⁷⁷. In addition, according to the Planning Institute of Jamaica (PIOJ), the country has a mix of migration strategies focused on national development¹¹⁷⁸. On the other hand, Jamaican professionals have been migrating to countries that are experiencing a critical decline in the youth population and working-age population. In this context, the Economic and Social Survey of Jamaica 2021, published in June 2022, gave a preliminary figure of a Net External Movement of 18,000 as the proxy for emigration in 2021. This figure was based on population projections¹¹⁷⁹.

551. In relation to **trafficking in persons**, the Commission takes note of government efforts to raise awareness against human trafficking. In particular, the Office of the Anti-Trafficking in Persons Unit of the Jamaica Constabulary Force and the Tourism Product Development Company is involved in an initiative to educate the public about human trafficking, to correct misconceptions about possible victims and to encourage citizens to play a more active role in helping to eradicate this crime¹¹⁸⁰.

552. Regarding the rights of **LGBTI persons**, the IACHR reiterates its concern over the fact that Section 76 of the Offences against the Person Act still penalizes “unnatural” acts, which criminalizes relationships between adults of the same sex¹¹⁸¹. The IACHR highlights that, in addition to being discriminatory, these types of provisions restrict access to other rights of LGBTI persons, in addition to fostering a climate of exclusion in society against non-normative sexual orientations, gender identities and expressions¹¹⁸².

553. Regarding the rights of **Afro-descendants and against racial discrimination**, the IACHR learned about the situation of Afro-descendant persons from peasant communities in St Ann who are suffering from health problems as a result of the mining activities taking place nearby their homes. In light of this, the Commission issued precautionary measures in their favor, considering that they are in a serious and urgent situation of risk of irreparable harm to their rights¹¹⁸³.

554. Regarding the rights of **older persons**, the State has instituted a framework program for the efficient implementation of the Revised National Policy for Older Persons. According to public information, the Policy seeks to promote an environment that protects the rights of the elderly¹¹⁸⁴. Likewise, the Commission takes note of the State's call for older persons who do not receive any type of pension to enroll in the non-contributory pension program for persons over 75 years of age¹¹⁸⁵.

MEXICO

General considerations

555. In terms of **progress**, the Commission notes the creation of new institutions for the protection of human rights with intersectional characteristics for indigenous people, Afro-Mexicans,

¹¹⁷⁷ Global Compact for Migration, Jamaica Voluntary National Review Report on the Implementation Status of the GCM at the National Level, May 22, 2022, p. 8.

¹¹⁷⁸ Planning Institute of Jamaica, Jamaica has Policies That Allow the Country to Benefit from International Migration, February 7, 2022.

¹¹⁷⁹ Planning Institute of Jamaica, Jamaica has Policies That Allow the Country to Benefit from International Migration, February 7, 2022. Also: Planning Institute of Jamaica, Economic and Social Survey Jamaica 2021, June 2022, p. 20.2.

¹¹⁸⁰ Government of Jamaica, Many Males are Human-Trafficking Victims, March 10, 2022.

¹¹⁸¹ Jamaica. Offenses Against the Person Act, Section 76 (“Unnatural Crime”), Section 77.

¹¹⁸² IACHR. Violence against lesbian, gay, bisexual, trans, and intersex people in America. OEA/Ser.L/V/II.rev.1, Doc. 36, November 12, 2015, paras. 55-95.

¹¹⁸³ IACHR. Press Release. 267/22 - IACHR grants precautionary measures in favor of people of African descent from peasant communities of Saint Ann in Jamaica, Washington, D.C., December 2, 2022.

¹¹⁸⁴ Jamaica Information Service, Framework Being Instituted to Implement Revised National Policy for Senior Citizens, September 22, 2022.

¹¹⁸⁵ Jamaica Information Service, PM Urges Senior Citizens to Sign Up for Social Pension Programme, July 2, 2022.

persons deprived of liberty, and women. In programmatic terms, the Commission notes the development of plans and programs regarding the situation of indigenous peoples, as well as for the protection of women. The control of conventionality carried out by judicial bodies has allowed the vindication of rights ranging from freedom of expression to a healthy environment. The immigration review process has been annulled for being contrary to the right of movement and transit, as well as preventive custody for tax offenses.

556. Regarding **challenges**, 2022 has been the most violent year against journalists (15 murders) and similarly for human rights defenders. The levels of violence against women remain high, with almost 800 feminicides and at least 25 murders of LGBTI persons. Also, according to official figures, by the end of 2022 at least 109,889 persons have been reported missing in Mexico. Militarization has deepened in Mexico with the approval of a series of regulatory amendments that subject the National Guard to the operational and administrative control of SEDENA. The National System of Attention to Victims, as indicated by the State, has been inoperative and needs to be reformed. On the other hand, it is observed that electoral reforms were approved in haste and with questions about the effects on the independence of the electoral bodies. Finally, in the face of the crisis of missing persons, the National Search System still does not have all the instruments stipulated by law for its operation.

557. On November 18, 2022, the State submitted a response to the request for information sent for the preparation of this chapter.¹¹⁸⁶

Specific topics

558. Regarding **human rights institutions**, the State acknowledged that the National System of Attention to Victims has been inoperative in recent times and that it needs to be reorganized. Despite this challenge, the State indicated that the level of cooperation between the National Human Rights Commission (CNDH) and the Executive Commission for Attention to Victims (CEAV) is efficient in terms of intersectoral coordination—for example, with the Mexican Social Security Institute (IMSS) and the Secretariat of Public Education (SEP)—in order to comply with the recommendations of international protection bodies, including the precautionary measures of the IACHR.¹¹⁸⁷

559. The State reported the creation of institutions for the defense of the rights of indigenous peoples and persons of African descent. Thus, it reported on the installation of the directorates of Complaints on Indigenous and Afro-descendant Affairs and Indigenous Affairs and Afro-descendants in prison¹¹⁸⁸. Along these lines, it indicated that all states have systems for equality between men and women and Mechanisms for the Advancement of Women (MAM), the latter entities to promote and implement public policies for equality between women and men¹¹⁸⁹.

560. On the **democratic institutionality axis**, the State reported that during the 2021-2022 electoral process, 436 popularly elected positions were renewed in six states of its territory. According to what was reported, in June 2022 ordinary local elections were held, renewing the governorships in Aguascalientes, Durango, Hidalgo, Oaxaca, Quintana Roo and Tamaulipas. Now, in the case of Durango, 39 municipal presidencies, 39 Municipal Councils and 327 Municipal Councils were also renewed; and in the case of Quintana Roo, 15 deputies of relative majority and 10 deputies of proportional representation were voted and that, from September 2021 to May 31, 2022, in said entities there were 85 aggressions against

¹¹⁸⁶ Mexican State, Report of the Mexican State for the 2022 Annual Report of the IACHR, November 18, 2022, submitted through Diplomatic Note OEA3859 File. 4.2.01. November 18, 2022. [Hereinafter "Report of the Mexican State. Chapter IV: November 18, 2022."]]

¹¹⁸⁷ Report of the Mexican State. Chapter IV: November 18, 2022, paras. 9-20.

¹¹⁸⁸ Report of the Mexican State. Chapter IV: November 18, 2022, par. 82.

¹¹⁸⁹ Report of the Mexican State. Chapter IV: November 18, 2022, paras. 299-300.

political persons¹¹⁹⁰. The State highlighted that, in the 2022 elections, 9 states are governed by women and 23 by men¹¹⁹¹.

561. By December 2022, the State began a process of modifying its rules related to the administration of electoral bodies (INE and IFE). The result of the electoral modifications, according to the IACHR, would impact the institutional structure of the INE by reducing its budget and independence. Likewise, the IACHR notes that some modifications have been criticized because they would favor political parties aligned with the current government by allowing them to maintain their candidacies despite not passing the electoral hurdle¹¹⁹². The reform includes the reduction of legislative seats and other positions of popular representation at the federal and state levels¹¹⁹³. In this regard, on December 15, the Chamber of Deputies approved part of the proposed reforms related to governmental propaganda, being sent to the Federal Executive for its promulgation, while the set of reforms related to the institutional restructuring of INE and other electoral bodies had some modifications, being sent back to the Senate for its consideration. At the time of approval of this report, these amendments are still awaiting discussion.

562. Regarding **access to justice and judicial independence**, the State reported that the Supreme Court of Justice of the Nation (SCJN) has exercised its powers of constitutional and conventional control in cases related to the right to consultation of indigenous peoples in matters of education¹¹⁹⁴ and consultation of persons with disabilities regarding legislation on their rights,¹¹⁹⁵ civil capacity of persons with disabilities to marry,¹¹⁹⁶ citizen participation and the fight against corruption,¹¹⁹⁷ freedom of expression,¹¹⁹⁸ right to education,¹¹⁹⁹ healthy environment,¹²⁰⁰ health¹²⁰¹ and family¹²⁰². It indicated that the SCJN determined that the jurisdictional bodies of the Federal Judicial Branch are empowered to exercise the control of constitutionality of all norms subject to their knowledge, clarified the procedural avenues in matters of labor rights and determined that the most protective standards for children and adolescents in cases of sexual violence against them must be applied.¹²⁰³

563. The State indicated that in order to promote access to justice, it conducts days of visits and brigades to shelters, soup kitchens, immigration stations, psychiatric hospitals, among other centers, to provide guidance, advice and legal representation for migrants, persons with disabilities and indigenous peoples¹²⁰⁴. Mexico also indicated that its Federal Institute of Public Defense (IFDP) prepared a series of materials such as posters, brochures and leaflets aimed at persons with hearing and visual disabilities, as well as indigenous persons, to facilitate attention to users and dissemination of rights.¹²⁰⁵

564. In terms of the administration of justice, the Federal Judiciary Council (CJF) has been implementing measures to strengthen the independence of justice operators, through a new policy for the assignment and reinstatement of service positions and the Integrated Plan to Combat Nepotism, so that entry into and permanence in the judicial career are defined by public competitions and meritocracy.¹²⁰⁶

¹¹⁹⁰ Report of the Mexican State. Chapter IV: November 18, 2022, par. 291.

¹¹⁹¹ Report of the Mexican State. Chapter IV: November 18, 2022, par. 288.

¹¹⁹² El País, *López Obrador amenaza con vetar su "plan B" electoral por los cambios que le ha hecho el Congreso*, December 15, 2022.

¹¹⁹³ CNN, *¿Cómo es la reforma electoral de México? ¿Qué propone y qué causa controversia?*, November 15, 2022.

¹¹⁹⁴ Report of the Mexican State. Chapter IV: November 18, 2022, paras. 21-25.

¹¹⁹⁵ Report of the Mexican State. Chapter IV. November 18, 2022, para. 24.

¹¹⁹⁶ Report of the Mexican State. Chapter IV. November 18, 2022, paras. 98-99.

¹¹⁹⁷ Report of the Mexican State. Chapter IV. November 18, 2022, paras. 26-27.

¹¹⁹⁸ Report of the Mexican State. Chapter IV. November 18, 2022, paras. 28-33.

¹¹⁹⁹ Report of the Mexican State. Chapter IV. November 18, 2022, paras. 46-47.

¹²⁰⁰ Report of the Mexican State. Chapter IV. November 18, 2022, para. 48.

¹²⁰¹ Report of the Mexican State. Chapter IV. November 18, 2022, para. 49.

¹²⁰² Report of the Mexican State. Chapter IV. November 18, 2022, para. 49.

¹²⁰³ Report of the Mexican State. Chapter IV. November 18, 2022, paras. 99-101.

¹²⁰⁴ Report of the Mexican State. Chapter IV. November 18, 2022, paras. 62-65.

¹²⁰⁵ Report of the Mexican State. Chapter IV. November 18, 2022, paras. 66-69.

¹²⁰⁶ Report of the Mexican State. Chapter IV. November 18, 2022, paras. 104-118.

The CJF approved the General Agreement that regulates the procedure for the concentration of cases in the jurisdictional bodies in charge of the Council itself, including serious human rights violations, so that the courts may provide a unified and coherent response in cases involving a large number of trials linked to serious human rights violations.¹²⁰⁷

565. In relation to **citizen security**, a series of regulatory modifications were made that subject the National Guard to the operational and administrative control of the Secretariat of National Defense (SEDENA). In this line, as observed by the IACHR, the Constitution and its 2019 reforms establish that the National Guard is a civilian body with police functions, however, its transitional and subsequent regulation has consolidated the creation of a body made up of military-type personnel and structure instead of an eminently civilian security institution. In this sense, this package of approved modifications maintains the trend observed in the face of the worrying phenomenon of the militarization of citizen security in Mexico.

566. The IACHR recognizes the challenge Mexico faces in the face of the serious situation of violence that has affected the country for several years. At least 109,889 people reported missing,¹²⁰⁸ 15,400 intentional homicides so far in the first half of the year, 15 journalists murdered and the registration of at least 947 alleged femicides¹²⁰⁹ in 2022, according to public information. In this regard, the Commission expressed its concern that the justification for these modifications emphasizes that only a structure such as SEDENA, with its territorial deployment, operational structure, and military discipline, is capable of dealing with the context of violence. The IACHR noted that such a rationale is insufficient by itself in the face of the risks that militarization entails for the respect and guarantee of human rights under an integral perspective of human security, even if the formulation of the public security strategy were to remain in the hands of the Secretariat of Security and Citizen Protection.

567. In a public hearing before the IACHR, civil society organizations warned that the broad security powers of the armed forces constitute a de facto state of exception, which contravenes the provisions of Articles 29 of the Constitution and 27 of the American Convention. They pointed out that official figures report repeated human rights violations committed by the military, as well as a strong climate of impunity, reinforced by the complicity of judicial and administrative authorities. They also indicated that the increase in violence has a disproportionate impact on women and other vulnerable groups. On that occasion, the State transmitted a message from the president, in which he referred to the national security plan and figures on seizures from criminal groups and assured that human rights violations no longer occur. For this report, the State did not provide information on the subject.¹²¹⁰

568. With regards to **torture**, Mexico reported that it continued its activities to effectively implement the General Law to Prevent, Investigate and Punish Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, from improving the technical skills of the personnel that make up its federal public defense system, training programs and the adoption of practical guides for documenting cases of torture. To this end, it continues to develop its program "Strengthening the Public Defender's Office in the Fight against Torture".¹²¹¹ The State indicated that it has one conviction for the crime of torture, 70 criminal cases and 34 indictments.¹²¹²

¹²⁰⁷ Report of the Mexican State. Chapter IV. November 18, 2022, paras. 155-157.

¹²⁰⁸ See official figures in the public version of the National Register of Missing and Unaccounted for Persons as of December 31, 2022 available at the following link: <https://versionpublicarnpdno.segob.gob.mx/Dashboard/Index>

¹²⁰⁹Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública, Información sobre violencia contra las mujeres (Incidencia delictiva y llamadas de emergencia 9-1-1), December 2022, January 25, 2023; See also Milenio, [México cierra 2022 con 947 feminicidios: 3 entidades concentran más del 30%: SESNSP](#), January 25, 2023.

¹²¹⁰ IACHR, Press Release No. 257/22, IACHR Ends 185th Session with Approval of New Strategic Plan, November 16, 2022. Attachment: [Resúmenes de Audiencias Públicas. México: Militarización de la seguridad pública](#), p. 5.

¹²¹¹ Report of the Mexican State. Chapter IV. November 18, 2022, paras. 52-53.

¹²¹² Report of the Mexican State. Chapter IV. November 18, 2022, para. 161.

569. Likewise, the State indicated that since 2019 it has been implementing monitoring strategies to combat torture and ill-treatment. Its permanent monitoring mechanism has made it possible to register 5,455 complaints to date. In this line, it indicated that the SCJN ruled in May 2022 that the Technical Secretariat to Combat Torture, Cruel and Inhuman Treatment (STCT) has a legitimate interest to resort to the amparo trial in order to claim the lack of diligence and reasonable opportunity in the investigation of possible acts of torture committed against persons deprived of their liberty who were represented in the respective criminal proceedings by federal public defenders. The STCT achieved—through lawsuits—the opening of specialized prosecutors' offices to investigate the crime of torture in seven states.¹²¹³

570. In relation to **forced disappearance**, the State reported the realization of several actions during 2022 for the implementation of the General Law on Forced Disappearance. According to what was reported, the law provides for 27 concrete actions for the implementation of the National Search System, of which eleven have already been completed and have been previously reported to the IACHR, seven are under development and nine are pending. Regarding those that fall under the exclusive competence of the FGR, the State indicated that seven are in progress and in four the work has not begun. In this regard, the National Forensic Data Bank; National Program for Exhumations and Forensic Identification; Guidelines for the Foreign Support Mechanism; Protocol for Forensic Treatment and Identification; National Registry of Deceased and Unidentified and Unclaimed Persons; Federal Forensic Registry; and Guidelines for accessing the information contained in the computer platforms indicated in the General Law are still under development.

571. Of the actions of the FGR, the State reported as pending the issuance of the model guiding instruments for the operation and coordination with the specialized prosecutor's offices; the Guidelines for the Preservation of Corpses and Remains of Persons; the Guidelines or Protocol for updating in real time the information of the Registry; and the Guidelines for regulating the National Registry of Graves. Likewise, the State reported that the SCJN adopted the Manual on Disappearance of Persons directed especially to jurisdictional personnel who develop a specialized, differentiated and integral approach to the phenomenon of the disappearance of persons.¹²¹⁴

572. With regard to **indigenous peoples and Afro-Mexican communities**, the State reported that the National Institute of Indigenous Peoples (INPI) implements the Program for the Integral Well-Being of Indigenous Peoples (PROBIPI) to strengthen their capacities and contribute to their integral development. It also indicated that the INPI adopted the protocol for the implementation of consultation processes called "Right to free, prior and informed consultation of Indigenous Peoples, bases, principles and methodology for its implementation in the framework of the federal public administration".¹²¹⁵ The State also reported a series of projects implemented by PROBIPI, although without indicating the time period of their execution, but leaving on record that these are projects for the implementation and effective exercise of fundamental rights at the community and regional levels, through which training processes have been carried out on the rights of indigenous and Afro-Mexican women, as well as actions, designed and executed by the women themselves, to strengthen their capacities and their participation in community life.¹²¹⁶

573. The IACHR also notes that the INPI adopted its Institutional Program 2020-2024, and the Special Program for Indigenous and Afro-Mexican Peoples 2021-2024. Both plans introduce a development model based on the well-being of these peoples¹²¹⁷. Finally, the IACHR notes that, in 2022, the SCJN declared that self-identification to an indigenous people implies the modification of the judicial process in which

¹²¹³ Report of the Mexican State. Chapter IV. November 18, 2022, paras. 54-59. States: San Luis Potosí, Coahuila, Guerrero, Colima, Tlaxcala, Yucatán and Hidalgo.

¹²¹⁴ Report of the Mexican State. Chapter IV: November 18, 2022, paras. 160, 382.

¹²¹⁵ Report of the Mexican State. Chapter IV. November 18, 2022, paras. 40-45.

¹²¹⁶ Report of the Mexican State. Chapter IV: November 18, 2022, paras. 331-345.

¹²¹⁷ Report of the Mexican State. Chapter IV. November 18, 2022, paras. 81-91.

indigenous persons, individually or collectively, are a party, their customs and cultural specificities must be taken into account, and at all times they must be assisted by interpreters and defenders who have knowledge of their language and culture.¹²¹⁸

574. Regarding the rights of **persons of African descent and against racial discrimination**, the IACHR received reports from civil society demanding the generation of disaggregated data on the socio-demographic conditions faced by Afro-Mexican women, particularly in the territories where they live and work, which would allow for an accurate diagnosis for the generation of culturally differentiated public policies and efficient mechanisms to guarantee the full exercise of their rights.¹²¹⁹

575. In terms of the human rights of **women**, the Commission values the actions carried out in 2022 to prevent, respond to and combat gender-based violence. In particular, it highlights the implementation of the Comprehensive Program to Prevent, Address, Punish and Eradicate Violence against Women 2021-2024 (PIPASEVM);¹²²⁰ the expansion and strengthening of the Strategy Networks of Women Peace Builders (MUCPAZ Networks), which promotes their participation in processes of reconstruction of the social fabric at the community and local level to create environments free of violence against women;¹²²¹ as well as the continuity and support provided to the Indigenous and Afro-Mexican Women's Houses, particularly for the operation of the House for the Development of Afro-Mexican Women in the state of Oaxaca.¹²²² It also takes note of the reform to the General Law on Women's Access to a Life Free of Violence, to incorporate within the type of physical violence the use of acid or corrosive, caustic, irritating, toxic or inflammable substance or any other substance;¹²²³ the ratification of Convention 190 on violence and harassment in the workplace of the International Labor Organization (ILO);¹²²⁴ and the elaboration of a model criminal definition of femicide as a reference for the states, in an effort to harmonize legislation in this area.¹²²⁵ On the other hand, it warns that federal and local legislation still fails to protect women, girls and adolescents with disabilities from the violence and intersectional discrimination they face due to their gender and disability.¹²²⁶

576. On the other hand, the Commission expresses its concern over the upsurge in gender-based violence, particularly the disappearances of women, girls, and adolescents in the country¹²²⁷ and its link to femicides, sexual violence, and human trafficking¹²²⁸. According to official figures, in the period from January to November 2022, 6,940 women have been reported missing or unaccounted for, 4,033 have been found alive—many of them fleeing from different types of violence¹²²⁹—and 83 dead. In the accumulated history, 27,080 women remain missing, most of them girls and adolescents between 10 and 19 years of age.¹²³⁰

¹²¹⁸ Report of the Mexican State. Chapter IV: November 18, 2022, paras. 416-417.

¹²¹⁹ Colectiva de Mujeres Afromexicanas en Movimiento, Simone de Beauvoir Leadership Institute. *Desigualdad Territorializada (Territorialized Inequality)*. Afromexicanas en el censo 2020 territorial (Afromexican women in the 2020 territorial census.) October 2022.

¹²²⁰ Report of the Mexican State in response to the request for information from the IACHR on the situation of missing women, girls and adolescents and alleged femicides, June 21, 2022, para. 84.

¹²²¹ Report of the Mexican State in response to the IACHR's request for information on the situation of disappeared women, girls and adolescents and alleged femicides, June 21, 2022, paras. 90-96.

¹²²² Report of the Mexican State. Chapter IV. November 18, 2022, para. 450.

¹²²³ Report of the Mexican State. Chapter IV. November 18, 2022, para. 252.

¹²²⁴ ILO. [Mexico ratifies the Convention on Violence and Harassment](#), July 6, 2022.

¹²²⁵ Report of the Mexican State in response to the request for information from the IACHR on the situation of disappeared women, girls and adolescents and alleged femicides, June 21, 2022, para. 84.

¹²²⁶ Committee on the Rights of Persons with Disabilities. [Concluding observations on the combined second and third periodic report of Mexico. CRPD/C/MEX/CO/2-3](#), 20 April 2022, paras. 19, 43.

¹²²⁷ IACHR. Press release no. 097/2022. [Mexico must adopt urgent measures to eradicate violence against women](#), May 10, 2022.

¹²²⁸ Committee on Enforced Disappearances. [Report of the Committee on Enforced Disappearances on its visit to Mexico under Article 33 of the Convention. CED/C/R.9 \(Findings\)](#), April 12, 2022, para. 14.

¹²²⁹ Report of the Mexican State in response to the request for information from the IACHR on the situation of disappeared women, girls and adolescents and alleged femicides, June 21, 2022, para. 38.

¹²³⁰ Government of Mexico. [National Register of Missing and Unaccounted for Persons](#). Accessed December 6, 2022.

Likewise, in the period from January to October 2022, 777 femicides and 2,378 intentional homicides of women have been registered¹²³¹; in addition, an increase in cases of trafficking in women, rape and domestic violence has been observed, compared to the total figures for 2021.¹²³² In addition, the Commission notes with concern that women who are engaged in the search for missing family members, in addition to having their physical and mental health affected,¹²³³ face threats, harassment, stigmatization and even murder for their search work.¹²³⁴

577. On the other hand, the State reported on the continuity of the policies and progress observed in 2022 to mainstream the gender perspective in the administration and prosecution of justice. In this regard, it highlights the efforts to promote the parity integration of the Judiciary of the Federation, such as the competitive examination courses aimed exclusively at women, and the measures to ensure work environments free of violence and gender discrimination¹²³⁵. In addition, the agreements and training carried out to strengthen the capacities of the Federal Institute of the Public Defender's Office in the subsidiary representation of victims of the crime of femicide or other violence against women, as well as of women deprived of their liberty for crimes of the common law¹²³⁶ are positively observed. It also values the decisions of the SCJN that advance in the protection against gender discrimination in the family, labor, and criminal spheres¹²³⁷, as well as in the area of women's reproductive autonomy¹²³⁸. To these advances must be added the decriminalization of abortion up to 12 weeks of gestation in the states of Sinaloa, Guerrero, Baja California Sur, and Quintana Roo.¹²³⁹

578. It also takes note of the digital tools created to facilitate the delivery of justice with a gender perspective¹²⁴⁰ and the numerous training and educational activities provided on the subject, aimed at judicial personnel at all levels of the Judiciary, including administrative and public defense personnel¹²⁴¹, as well as the training on investigation, legal argumentation and expert practice with a gender perspective

¹²³¹ Executive Secretariat of the National Public Security System. [Information on violence against women. Information as of October 31, 2022](#), n.d., p. 10.

¹²³² Executive Secretariat of the National Public Security System. [Information on violence against women. Information as of October 31, 2022](#), n.d., pp. 54, 60 and 69.

¹²³³ IACHR. Public hearing on the [situation of the right to health of the relatives of disappeared persons in Mexico](#). 183rd Regular Period of Sessions, March 17, 2022

¹²³⁴ UN-DH. [UN-DH condemns the murder of Rosario Lilián Rodríguez, searcher mother from Sinaloa](#), 1 September 2022; Proceso. [Searching mother murdered in Puebla: her daughter, Betzabé, is still missing](#), 4 October 2022; Animal Político. ["I'm afraid of not knowing where the blow is going to come from": mother searcher suspends search work in the face of death threats](#), 13 October 2022; La Silla Rota. [Madres buscadoras, entre el abandono y la violencia: matan a 5 en 2022](#), November 9, 2022.

¹²³⁵ Report of the Mexican State. Chapter IV. November 18, 2022, para. 368. Annex 6 Federal Judiciary Council (CJF). Estrategia para la transversalización de la perspectiva de género en el CJF, p. 115.

¹²³⁶ Government of Mexico. Information from the Mexican State for the IACHR Annual Report 2022, November 18, 2022, paras. 78-80. Annex 6 Federal Judiciary Council (CJF). Estrategia para la transversalización de la perspectiva de género en el CJF, p. 115. Annex 1 Information from the Federal Institute of Public Defenders, p. 21.

¹²³⁷ Report of the Mexican State. Chapter IV. November 18, 2022, paras. 346-361, citing: Amparo directo en revisión 3908/2021; Amparo directo en revisión 3419/2020; Amparo directo 18/2021; Acción de inconstitucionalidad 215/2020; Amparo directo en revisión 1667/2021.

¹²³⁸ Report of the Mexican State. Chapter IV. November 18, 2022, paras. 346-361, citing: Amparo en revisión 45/2018; Action of unconstitutionality 72/2021 and its accumulated 74/2021. See also: SCJN. Press Release No. 189/2022. [Plenary of the SCJN recognizes the constitutionality of provisions that allow access to health services for the exercise of the right of women, girls, adolescents, and persons with capacity to gestate to the interruption of pregnancy in case of rape](#), May 24, 2022.

¹²³⁹ Congress of the State of Sinaloa. [Aprueba Congreso intersección legal del embarazo](#), March 8, 2022; Congress of the State of Guerrero. [Aprueba Congreso de Guerrero la despenalización del aborto](#), May 17, 2022; Congress of the State of Baja California Sur. [Aprueban armonización que permite interrupción del embarazo en BCS](#), June 2, 2022; Expansion Policy. [El Congreso de Quintana Roo aprueba la despenalización del aborto](#), October 26, 2022

¹²⁴⁰ Report of the Mexican State. Chapter IV. November 18, 2022, paras. 365, 374-378. In this regard, see: SCJN. [Guía de estándares constitucionales y convencionales para la investigación de muertes violentas de mujeres por razones de género](#), n/d; Consejo de la judicatura federal. [Virtual tool "Justicia para las mujeres: jurisprudencia internacional sensible al género" \(Justice for women: gender-sensitive international jurisprudence\)](#), n/d.

¹²⁴¹ Report of the Mexican State. Chapter IV. November 18, 2022, paras. 369-373. Annex 7: Information and annexes on training activities carried out by the Federal Judicial Training School related to the obligation to judge with a gender perspective, from September 2021 to date. On file with the IACHR

provided to public servants throughout the country in charge of public security, Justice Centers and Prosecutor's Offices.¹²⁴²

579. Despite these efforts, challenges persist in the conduct of investigations with due diligence and a gender perspective in cases of femicides and other crimes of gender-based violence, and in particular in the search and investigation of cases of disappearance of women, girls and adolescents. In this regard, the lack of coordination between authorities; the lack of harmonization of normative instruments and procedures; the deficiencies in the selection and training of personnel assigned to these tasks; and the lack of evaluation mechanisms to measure the real impact of the training provided in this area are highlighted.¹²⁴³

580. Regarding **persons deprived of liberty**, the IACHR notes that during 2022, 50 amnesty requests were filed based on the Amnesty Law¹²⁴⁴, although the status of the resolution of these requests is not clear from the information reported. However, the application of pretrial detention continues to be one of the main concerns of the Commission, since according to official information, by August 2022, the rate of application of this precautionary measure was 40.1% in the common jurisdiction, and 55.6% in the federal jurisdiction.¹²⁴⁵ Finally, in the framework of an action of unconstitutionality, the SCJN declared the official pre-trial detention for tax crimes invalid. Informal pretrial detention with respect to the other constitutionally determined grounds -which were not the object of the constitutional controversy- remains in force, for which reason the IACHR reiterates its recommendations aimed at the expulsion of said figure from the Mexican legal system due to its incompatibility with the ACHR.¹²⁴⁶

581. With respect to the situation of women deprived of their liberty, the IACHR expresses its concern over official data indicating that more than half of the women in prison have been victims of acts of violence during detention and transfer. Seventy-three percent of detained women were victims of acts of torture and ill-treatment during their arrest and transfer to the Public Prosecutor's Office, of which 3.5% were victims of rape. In addition, in the context of their presentation before said institution, 43% were assaulted to obtain a confession or information, and 13% reported having been sexually tortured.¹²⁴⁷

582. Regarding **LGBT persons**, the State reported that equal marriage was approved nationwide in 2022.¹²⁴⁸ Likewise, four states adopted legislation prohibiting practices aimed at modifying sexual orientation or gender identity, bringing the total number of states with similar legislation to 11¹²⁴⁹. It pointed out that the SCJN declared invalid an article of the Civil Code of the state of Puebla that required to be 18 years old to request the issuance of a new birth certificate, because it violated the right to gender identity of trans children and adolescents.¹²⁵⁰ It indicated that in September 2022 it published a new version

¹²⁴² Report of the Mexican State. Chapter IV: November 18, 2022, paras. 171-174

¹²⁴³ Report of the Mexican State in response to the IACHR's request for information on the situation of missing women, girls, and adolescents and alleged feminicides, June 21, 2022, paras. 62-63; EQUIS Justice for Women, Mexican Institute of Human Rights and Democracy, et. al. Annex to the request for a thematic hearing on femicide violence in Mexico, for the 185th period of sessions of the IACHR, August 15, 2022, pp. 6-7. On file at the IACHR.

¹²⁴⁴ Report of the Mexican State. Chapter IV. November 18, 2022, paras. 165-166.

¹²⁴⁵ Secretaría de Seguridad y Protección Ciudadana, Mexico, Cuaderno mensual de información estadística penitenciaria nacional, August 2022, p. 4.

¹²⁴⁶ SCJN, Press release No. 431/2022, "SCJN INVALIDA ARTÍCULOS QUE CALIFICABAN DIVERSOS DELITOS COMO DE PRISION PREVENTIVA OFICIOSA Y DELINCUENCIA ORGANIZADA", 24 de noviembre de 2022.

¹²⁴⁷ Secretaría de Gobernación, Gobierno de México, Diagnóstico Nacional sobre Tortura Sexual Cometida contra Mujeres Privadas de Libertad en México, 27 de junio de 2022, pp. 6-7.

¹²⁴⁸ Report of the Mexican State. Chapter IV. November 18, 2022, para. 212.

¹²⁴⁹ Milenio, En Puebla quedan prohibidas las terapias de conversión, June 2, 2022; El Financiero, Ialisco sancionará terapias de conversión y aprueba ley de identidad de género, April 7, 2022; Milenio, Prohíbe Hidalgo terapias de reconversión por orientación sexual, June 8, 2022; La Jornada, Congreso de Baja California tipifica "terapias de conversión sexual", April 22, 2022; La Jornada, Congreso de Baja California tipifica "terapias de conversión sexual", April 22, 2022.

¹²⁵⁰ Report of the Mexican State. Chapter IV. November 18, 2022, para. 422.

of the Protocol for Judging with a Perspective of Sexual Orientation, Gender Identity and Expression, and Sexual Characteristics.¹²⁵¹

583. According to public information, at least 25 murders and 8 disappearances occurred in Mexico, mainly of trans people, mainly in Durango, Veracruz, the State of Mexico, Oaxaca, Chiapas, Guanajuato and Mexico City. Among those murdered are human rights activists and defenders and indigenous and muxe people¹²⁵². Likewise, the media have reported violent incidents against lesbian women and incidents perpetrated by members of the police forces¹²⁵³.

584. Regarding **persons with disabilities**, the Commission received information on the State's oversight of 37 health centers dedicated to the care of persons with psychosocial disabilities¹²⁵⁴. It also learned of the reform of the General Law on Persons with Disabilities focused on the promotion of dignity, equal opportunities, and equity in the workplace¹²⁵⁵. Similarly, the IACHR has recorded the State's initiative to remove barriers to access to the labor market for persons with disabilities through a set of diverse actions that address this situation from a multidimensional perspective¹²⁵⁶ and that highlight their precarious and mostly informal insertion in the labor market, which exposes this population to greater physical, social, and economic risks.¹²⁵⁷

585. Regarding the rights of **persons in the context of human mobility**, the IACHR welcomed the SCJN ruling of May 18 that declared unconstitutional the immigration review procedure, as contrary to the right to movement and transit, as well as the right to equality and non-discrimination by generating disproportionate impacts on certain sectors of the population, particularly indigenous and Afro-Mexican persons. Additionally, the resolution in reference recognized the constitutionality of: i) the power of the immigration authority to request documents from foreigners in order to prove their legal entry, stay and departure from the country, and ii) the rules that make it possible to place a foreigner at the disposal of the National Immigration Institute (INM) when they do not prove their legal status in the country¹²⁵⁸.

586. Additionally, the Commission continued to observe that Mexico is a country of origin of persons in the context of human mobility. According to the most recent UNHCR data, by the end of 2021 there were a total of 73,448 refugees of Mexican origin, while 157,150 persons who sought international protection outside Mexico are awaiting the resolution of their procedures¹²⁵⁹. On the other hand, the IACHR notes that, during 2022, Mexico continued to receive a significant number of requests for international protection. In this regard, the most recent figures from the Mexican Commission for Refugee Aid (COMAR) indicate that, as of the end of September, a total of 86,621 asylum applications were filed, representing a

¹²⁵¹ Report of the Mexican State. Chapter IV: November 18, 2022, par. 425.

¹²⁵² Infobae, Three trans women were murdered in four days and in different cities, October 8, 2022; Infobae, What AMLO said regarding hate crimes against the LGBT+ community, November 22, 2022.

¹²⁵³ Agencia Presentes, LesboOdio: Se besaban en las calles de Coyoacán y las atacaron con un ladrillo, 12 de julio de 2022; Tabasco Hoy, Denuncian actos de lesbofobia por policías en parque Tomas Garrid, 23 de febrero de 2022; Nacion 321, Policías de Tabasco piden a lesbianas ser discretas y las redes arden, February 25, 2022; La Voz de Michoacan, Aumentan crímenes de odio hacia la comunidad LGBT en Michoacán, June 2, 2022.

¹²⁵⁴ Report of the Federal Institute of Public Defenders, Information submitted for the 2022 annual report of the IACHR, November 3, 2022, p. 15.

¹²⁵⁵ SEGOB - Official Journal of the Federation. DECREE amending Article 11 of the General Law for Persons with Disabilities, October 27, 2022.

¹²⁵⁶ Senado de la República, Senado aprueba que personas con discapacidad participa más en el mercado laboral, February 23, 2022.

¹²⁵⁷ El País. "I've lost several colleagues down there": the odyssey of being blind and working in the Mexico City subway, November 7, 2022.

¹²⁵⁸ IACHR [@CIDH]. (August 13, 2020) *La CIDH saluda la sentencia de SCJN de 18 de mayo que declara inconstitucional el procedimiento de revisión migratoria, por ser contrario al derecho de circulación y tránsito, igualdad y no discriminación.* [Tweet]. Twitter. <https://twitter.com/CIDH/status/1531404095160037378?s=20&t=IIYhy1RH2ZdcVRUjvaUslg>; SCJN, Press Release No. 184/2022 - El procedimiento de revisión migratoria que se efectúa en lugares distintos al de tránsito internacional es inconstitucional por aplicarse a personas nacionales y extranjeras sin distinción alguna: Primera Sala, May 19, 2022.

¹²⁵⁹ UNHCR, UNHCR Global Trends 2021 June 2022, Annex Tables 1 to 22.

decrease of 3,1% over the previous year.¹²⁶⁰ On the other hand, official figures indicate that by July 2022, the State delivered 71,286 visitor cards for humanitarian reasons, which represents an increase of 197% compared to the same period during 2021¹²⁶¹.

587. Regarding immigration detention,¹²⁶² the Commission reiterates its concern about the application of immigration detention of persons in the context of human mobility, without an analysis of possible international protection needs. Thus, the most updated data from the UPMRIP indicate that, as of July 2022, a total of 206,885 foreign persons were presented or channeled¹²⁶³ by the migration authority. Additionally, the Commission notes with concern that 32,561 children and adolescents were channeled by the migration authority.¹²⁶⁴ According to the institution in reference, between 2021 and 2022 there has been a significant increase in the presentation and apprehensions of migrants in irregular conditions by Mexican and U.S. immigration authorities.¹²⁶⁵ For their part, civil society organizations informed the IACHR that conditions inside the Migration Stations and Provisional Stays are characterized by overcrowding; denial of legal and consular assistance; lack of medical attention, adequate food and potable water for consumption; personal hygiene and sanitation; the impossibility of accessing or following up on the asylum procedure; the absence of adequate information on their legal status; incommunicado detention; extortion; repression of protests to demand rights; sexual abuse; corporal punishment; verbal and physical aggression including beatings, electric shocks and asphyxiation.¹²⁶⁶

588. With respect to **internally displaced persons**, the IACHR took note of the presentation of the Minimum elements for conducting exercises to characterize situations of forced internal displacement by SEGOB¹²⁶⁷ and other guides and guidelines on the subject.¹²⁶⁸ Nevertheless, the Commission notes the continuity of forced displacement in the country. In her mission to Mexico, the United Nations Special Rapporteur on the human rights of internally displaced persons pointed out the complexity of the situation of internal displacement and the challenges it causes,¹²⁶⁹ as well as the additional vulnerability faced by

¹²⁶⁰ COMAR, Mexico, Statistics September 2022, October 3, 2022.

¹²⁶¹ UPMRIP, Mexico, II Documentation and status of stay in Mexico, 2021, Table 2.1 Selected migration procedures to prove status of stay in Mexico.

¹²⁶² IACHR, Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico, OEA/Ser.L/V/II, Doc. 48/13, December 30, 2013, para. 577, recommendations 2 to 8.

¹²⁶³ According to the Mexican Immigration Law, the presentation of foreigners is the measure issued by the INM through which the temporary accommodation of an adult foreigner who does not prove his or her immigration status is agreed upon for the regularization of his or her stay or assistance for his or her return. Diario Oficial de la Nación, Mexico, Decree reforming various articles of the Migration Law and the Law on Refugees, Complementary Protection and Political Asylum, regarding Migrant Children, November 11, 2020. IACHR, Annual Report, Chapter V "Mexico", 2020, para. 300, 2020, para. 300.

¹²⁶⁴ Migration Policy Unit, Mexico, Table 3.1.1 Events of foreigners presented or channeled by the immigration authority, by continent and country of nationality, 2022.

¹²⁶⁵ Migration Policy, Registration and Identity Unit, Mexico, Table 3.1.4 Events of children or adolescents channeled by the migration authority, by continent, country of nationality, age groups, travel status and federal entity, January-July 2022, 2022. According to the UPMRIP, the information refers to events of migrants channeled by the INM to the shelters of the DIF network and to whom a migratory administrative procedure was initiated for not accrediting their migratory situation, according to the provisions of articles 112 and 113 of the Migration Law and article 222 of its Regulations, as well as articles 89 and 94 of the General Law on the Rights of Children and Adolescents.

¹²⁶⁶ CMPDH, Seguimiento sobre el cumplimiento de las recomendaciones del Informe "Situación de Derechos Humanos en México", October 20, 2022, p. 26.

¹²⁶⁷ Ministry of the Interior, Mexico, "Impulsa Gobernación Impulsa generación de datos y análisis en materia de desplazamiento forzado interno", September 10, 2022. UPMRIP, Mexico, Elementos mínimos para la realización de ejercicios de caracterización de situaciones de desplazamiento forzado interno, April 2022, p. 6, 7 and 16.

¹²⁶⁸ Ministry of the Interior, Mexico, "Propuesta Gobernación a estados metodología para la atención integral del Desplazamiento Forzado Interno", August 28, 2022. Guía para la prevención, asistencia humanitaria, atención integral y soluciones duraderas del Desplazamiento Forzado Interno por parte de la Unidad de Política Migratoria, Registro e Identidad de Personas (UPMRIP); ACNUR, La Suprema Corte de Justicia de la Nación publica Manual sobre Desplazamiento Interno con la coordinación académica de ACNUR y el CICR, June 27, 2022.

¹²⁶⁹ Closing mission statement of the UN Special Rapporteur on the human rights of internally displaced persons, Ms. Cecilia Jiménez-Damary, September 2022, p. 8 and 9.

women, children and adolescents, indigenous peoples and communities, human rights defenders, journalists.¹²⁷⁰

589. Regarding the situation of **human rights defenders**, the Commission observed that during 2022 the defense of human rights in Mexico continued to be a risky activity. The Commission was informed about the murder of at least thirteen human rights defenders.¹²⁷¹ In terms of criminalization, the IACHR Mexico reported that there are three criminal cases before the FGR against Kenia Hernandez, for the crimes of attacks on general communication routes, and two criminal cases before the Superior Court of Justice of the State of Mexico, for the crimes of robbery with violence.¹²⁷²

590. In addition, the Commission has received information about the existing challenges in the Protection Mechanism. According to civil society organizations, human rights defenders have been removed from the Protection Mechanism, and the consequent withdrawal of their protection measures, under the argument of a decrease in risk.¹²⁷³ At the same time, according to public information, some flaws have been detected in the functioning of the mechanism.

PANAMA

General considerations

591. Concerning **progress**, the IACHR notes positively the adoption of measures to expand public policies on gender equality, such as the creation of the Ministry of Women, the Plan for the Economic Empowerment of Indigenous Women 2022-2025, as well as the actions for employment and labor rights promoted by the National Council for Gender Parity. It also welcomes the progressive increase in the number of courts located in regional areas to expand access to justice for the indigenous population.

592. Regarding **challenges**, the Inter-American Commission is concerned about increased reports of child abuse, sexual crimes, and disappearances against women, children, and adolescents. It also highlights reports of harassment and threats against environmental defenders and the absence of a legal protection framework to combat violence and discrimination against the LGBTI population. Finally, the IACHR highlights the challenges related to humanitarian attention and violence cases due to increased migrants in the Darien jungle.

¹²⁷⁰ Declaración de cierre de misión Relatora Especial de las Naciones Unidas sobre los derechos humanos de los desplazados internos, Sra. Cecilia Jiménez-Damary, septiembre 2022, p. 2 y 5.

¹²⁷¹ IACHR, Press Release No. 114/22, IACHR: high level of violence against human rights defenders in the first four months of 2022 urges States to protect their lives and work, May 25, 2022; IACHR, Press Release No. 244/22, IACHR: Second four-month period of 2022 records persistence of violence against human rights defenders, November 2, 2022. On November 6, María del Carmen Vázquez, a searching mother, was murdered in Abasolo, Guanajuato; on October 27, environmental defender Jesús Manuel García was murdered in Santo Domingo Tehuantepec, Oaxaca; on October 26, environmental defender Filogonio Martínez Merino was murdered in Santiago Jamiltepec, Oaxaca; On October 4, Esmeralda Gallardo, a mother and searcher, was murdered in Puebla, Puebla; in August, Rosario Lilian Rodríguez, a mother and searcher, was murdered in the municipality of Elota, Sinaloa; in July, indigenous human rights defender Crispín Reyes was murdered in the municipality of San Juan Juquila Mixes, Oaxaca. In June, the IACHR condemned the murder of Jesuit priests Javier Campos Morales and Joaquín César Mora Salazar on June 20 inside the community church in Cerocahui, municipality of Urique, Chihuahua. There was also the murder of human rights defender Jesús Bañuelos Acevedo in the municipality of Atitalaquia, Hidalgo. In May, the territorial defender Humberto Valdovinos Fuentes was murdered in the municipality of Pinotepa Nacional, Oaxaca. On April 28, Luis Ortiz Donato, leader of the Citizen Council of Marquelia and defender of the Afro-Mexican people in the state of Guerrero, was murdered; on March 20, Néstor Iván Merino Flores, leader of the Assembly of Indigenous Peoples of Oaxaca (API), was murdered in Oaxaca; and environmental defender José Trinidad Baldenegro was murdered in the municipality of Guadalupe y Calvo, Chihuahua, on March 7.

¹²⁷² Response of the Mexican State to the request for information by the Inter-American Commission on Human Rights, pursued to Article 41 of the American Convention on Human Rights, regarding the criminalization of the indigenous defender Kenia Hernández in Mexico, May 2, 2022, on file at the IACHR.

¹²⁷³ CMDPDDH, Follow-up on compliance with the recommendations of the Report "Situation of Human Rights in Mexico", received October 20, 2022, on file with the IACHR.

593. On November 21, 2022, the State submitted a response to the request for information sent to prepare this chapter.¹²⁷⁴

Specific topics

594. About **democratic institutions**, the IACHR closely followed the political participation of different social sectors in the demonstrations of July 2022 caused by the increase in fuel and food prices, as well as other claims related to the rights of indigenous peoples, transparency in public administration, education policies, and economic inequality in the country. On that occasion, the IACHR [urged](#) the State to preserve the right to peaceful protest and maintain inclusive and effective dialogue to address citizens' legitimate demands. In this regard, the Commission took note of the exchange established between the government and representatives of society in response to the demonstrations¹²⁷⁵ and its continuity in the consecutive months¹²⁷⁶. It considers that channels of political participation and effective communication with the different sectors should be maintained to comply with the agreements reached to address the causes of social mobilization.

595. Likewise, the State reported on measures to promote the political participation of women, including the creation of the Gender Equality Commission by the Plenary of the Electoral Tribunal,¹²⁷⁷ as well as the implementation of gender parity in the nomination for the positions of delegates and traditional authorities (caciques) for the Ngäbe-Buglé Comarca in 2022.¹²⁷⁸ Despite the above, the IACHR notes a decrease in parity representation in the Executive Branch, from 31.3% in 2021 to 18.7% in February 2022, and a low percentage of women's participation in decision-making positions at the municipal level, representing only 11%. Likewise, by 2022 only 16 of the 71 seats in the Legislative Assembly will be occupied by women.¹²⁷⁹

596. Concerning **human rights institutions**, the IACHR learned that the Ministry of Economy and Finance recommended increasing the recommended budget for the Ombudsman's Office from US\$5,812,349 to US\$7,461,750 for the year 2023.¹²⁸⁰ However, the IACHR notes that such a budget allocation would still be disproportionate to the \$6,458,277 cut the previous year and calls on the State to ensure that the Ombudsman's Office has the resources commensurate with the needs that the implementation and sustainability of its functions require. It also notes the work carried out by this institution in monitoring the human rights situation in the context of the demonstrations held this year.¹²⁸¹

597. Regarding **judicial independence and access to justice**, the State reported on the adoption of measures to advance the implementation of the judicial career system, especially the inauguration of an Assessment Center attached to the Higher Institute of the Judiciary that seeks to

¹²⁷⁴ Permanent Mission of Panama to the Organization of American States (OAS), Note PANA-OAS-7-463, November 21, 2022, on file with the IACHR.

¹²⁷⁵ BBC News, [Panama: how it has gone from being an example of prosperity and stability to experiencing massive protests](#), July 21, 2022; Los Angeles Times, [Panama: New dialogue begins after two weeks of protests](#), July 15, 2022; DW, [Panama government calls for dialogue amid growing protests](#), July 10, 2022.

¹²⁷⁶ La Prensa Latina, [Panamá entre nuevas protestas sociales y diálogo extendido](#), August 13, 2022; EFE, [Panamá agota la primera fase del diálogo para solucionar la crisis social](#), September 17, 2022; La Prensa, [Comienza proceso para la segunda fase de la mesa de diálogo](#), December 7, 2022; Telemetro, [Esta tarde definirán parámetros para retomar la mesa única de diálogo](#), December 19, 2022.

¹²⁷⁷ Permanent Mission of Panama to the Organization of American States (OAS), Note PANA-OAS-7-463, November 21, 2022, on file with the IACHR, para. 22.

¹²⁷⁸ Permanent Mission of Panama to the Organization of American States (OAS), Note PANA-OAS-7-463, November 21, 2022, on file with the IACHR, para. 21.

¹²⁷⁹ CEDAW Committee, Concluding Observations on the eighth periodic report of Panama, [CEDAW/C/PAN/CO/8](#), March 1, 2022, para. 29.

¹²⁸⁰ Ombudsman's Office, [Ombudsman's Office Expands Coverage in 2023](#), September 7, 2022; Ombudsman's Office, [Ombudsman's Office Budget Suffers Major Cut for 2022](#), August 30, 2021.

¹²⁸¹ Defensoría del Pueblo (Ombudsman's Office), [Informe preliminar especial sobre la conmoción social en Panamá, August 2022](#), August 2022.

strengthen the competency-based management system for the administration of training and evaluation of justice operators.¹²⁸² On the other hand, the Commission welcomes the progressive increase in the number of courts located in regional areas to provide services to the indigenous population and transfer courts to areas of difficult access to hold hearings of the Adversarial Criminal Justice System.¹²⁸³

598. Concerning **citizen security**, the State reported various measures for the education and training of police forces in human rights, attention to cases of domestic and gender violence, and the care and protection of children. It also reported on actions, training, and programs aimed at the general population on crime and violence prevention, among others.¹²⁸⁴ Notwithstanding the above, the IACHR expresses its concern about the increase in reported sexual crimes,¹²⁸⁵ the disappearances of women and girls in the country,¹²⁸⁶ and offenses related to child abuse.¹²⁸⁷

599. Concerning **women's rights**, the Commission values the measures adopted and implemented in 2022 that seek to advance gender equality. In this regard, the State reported the approval of the Law that created the Ministry of Women, the elevation of the institutional hierarchy of the current National Women's Mechanism, consolidating it as the governing entity of public policies, plans, and programs aimed at the eradication of discrimination against women and the promotion of equal opportunities in the country¹²⁸⁸; the launching of the Plan for the Economic Empowerment of Indigenous Women (2022-2025), which aims to advance their full inclusion, non-discrimination, and effective exercise of their socioeconomic rights based on their protagonism and self-determination;¹²⁸⁹ the progress in the construction of the National Care System, which includes the first Local Care Management Model;¹²⁹⁰ and the actions to promote women's entrepreneurship and employability, wage equality, and women's leadership in public and private entities, promoted by the National Council for Gender Parity.¹²⁹¹

600. Despite the above, the IACHR has learned that between January and October 2022, there were 19 femicides and 15 attempted femicides, and 18 violent deaths of women not classified as femicides, according to the prosecutor's assessment.¹²⁹² In the same period, there were 5,485 reports of rape, commercial sexual exploitation, and other sexual crimes,¹²⁹³ as well as 14,971 reports of domestic violence,¹²⁹⁴ representing an increase of 10% and 7%, respectively, compared year on year. On the other

¹²⁸² Permanent Mission of Panama to the Organization of American States (OAS), Note PANA-OAS-7-463, dated November 21, 2022, on file with the IACHR.

¹²⁸³ Permanent Mission of Panama to the Organization of American States (OAS), Note PANA-OAS-7-463, November 21, 2022, on file with the IACHR.

¹²⁸⁴ Permanent Mission of Panama to the Organization of American States (OAS), Note PANA-OAS-7-463, dated November 21, 2022, on file with the IACHR.

¹²⁸⁵ La Prensa, [Por día se cometen 18 delitos sexuales en el país; aumentan los casos en menores de edad](#), 03 September 2022; Swissinfo, [Embarazos en adolescentes y violencia sexual, el drama que "rebasa" a Panamá](#), March 8, 2022; Eco, [Panamá enfrenta ola de delitos sexuales](#), 26 May 2022.

¹²⁸⁶ Panama America, [Piden que se declaren que se declaran 'urgencia notoria' el tema de las desapariciones de personas en Panamá](#), 11 May 2022; Swissinfo, [Feministas protest en Panamá por casi una veintena de mujeres desaparecidas](#), May 11, 2022; TVN, [Desaparecidas sin rastros: The drama of girls abducted in Panama](#), September 26, 2022.

¹²⁸⁷ TVN, [Casos de maltrato infantil toman auge, la DIJ reporta más de 700 denuncias en lo que va del año](#), April 15, 2022; Crítica, [Depredadores de niños: abusos e incestos en una cultura de silencio](#), April 10, 2022.

¹²⁸⁸ Permanent Mission of Panama to the Organization of American States (OAS), Note PANA-OAS-7-463, November 21, 2022, on file with the IACHR, para. 102; National Assembly, [Bill 811](#), March 2022.

¹²⁸⁹ National Government of the Republic of Panama. [Economic empowerment plan for indigenous women launched](#) on October 18, 2022.

¹²⁹⁰ Permanent Mission of Panama to the Organization of American States (OAS), Note PANA-OAS-7-463, November 21, 2022, on file with the IACHR, para. 82.

¹²⁹¹ Permanent Mission of Panama to the Organization of American States (OAS), Note PANA-OAS-7-463, November 21, 2022, on file with the IACHR, paras. 83 and 101.

¹²⁹² Public Prosecutor's Office of Panama. [Informe estadístico víctimas de femicidio octubre 2022](#), 14 November 2022.

¹²⁹³ Public Prosecutor's Office of Panama. [Informe estadístico de delitos sexuales a nivel nacional octubre 2022](#), November 14, 2022.

¹²⁹⁴ Public Prosecutor's Office of Panama. [Informe estadístico violencia doméstica octubre 2022](#), November 14, 2022.

hand, according to public information, at least 15 women and girls have been reported missing between 2021 and 2022.¹²⁹⁵

601. On the matter of sexual and reproductive rights, the Commission learned that the Public Prosecutor's Office created a dedicated team of prosecutors to investigate allegations of forced sterilization of indigenous women in public hospitals in the Bocas del Toro region.¹²⁹⁶ In turn, the Ombudsman's Office¹²⁹⁷ determined that there were no conclusive elements to prove the practice of forced sterilization on the part of the authorities because, among other reasons, in the two cases identified, there had been informed consent, according to the signature on the medical records¹²⁹⁸. The IACHR takes note of public reports on the reluctance of indigenous women to participate in these investigation processes due to fear, threats, or ignorance, and therefore urges the State to move forward with the investigations with a gender perspective, interculturalism, and centrality of the victims and survivors¹²⁹⁹. Likewise, the IACHR learned that a girl survivor of sexual violence was prevented from accessing a legal termination of pregnancy because the legal deadline for accessing this procedure expired, among other reasons, due to delays caused by various ministerial and health authorities¹³⁰⁰. According to organizations, the case illustrates the situation faced by girls and adolescent survivors of sexual violence who are forced to continue their pregnancies despite their health and life risks.¹³⁰¹

602. Concerning the rights of **children and adolescents**, the Commission congratulates the State of Panama for approving Law 285, which creates the System of Guarantees and Comprehensive Protection of the Rights of Children and Adolescents in the country, and the adoption of its regulations. The IACHR also welcomes the adoption of the new Route for Comprehensive Early Childhood Care, Contigo en la Primera Infancia, which establishes the guidelines for the functioning and operation of the Technical Secretariat for Comprehensive Early Childhood Care.¹³⁰²

603. In addition to the above, during its promotional visit to Panama in November 2022, the IACHR was informed by the State of the initiative to implement software to provide follow-up and appropriate responses to children and adolescents deprived of family care in the framework of the guarantee of the right to live in a family¹³⁰³ and created a multidisciplinary committee to follow up and support the plan to improve residential care entities in the country.¹³⁰⁴

604. On the other hand, the IACHR is concerned that, according to data from the Public Prosecutor's Office, from January to October 2022, 3,758 reports of crimes against the sexual integrity of children and adolescents have been filed¹³⁰⁵. This includes the sexual exploitation of children and

¹²⁹⁵ Swissinfo.ch. [Feministas protestan en Panamá por casi una veintena de mujeres desaparecidas](#), May 11, 2022; France24. [Protestan en Panamá por desaparición de más de quince mujeres](#), 11 de mayo 2022; En Segundos. [La misteriosa desaparición de mujeres que intriga Panamá](#), May 9, 2022; EcoTV Panamá. [Ministerio Público investiga casos de mujeres desaparecidas](#), May 9, 2022

¹²⁹⁶ [Twitter](#). Posted on February 21, 2022, by @PGN_Panamá

¹²⁹⁷ Panama America. [Ombudsman's Office investigates alleged sterilizations without consent in Bocas del Toro](#), February 17, 2022.

¹²⁹⁸ Office of the Ombudsman of the Republic of Panama. [Final Situation Report on Possible Victims of Forced Sterilization in the Community of Charco la Pava, Province of Bocas del Toro](#), April 2022.

¹²⁹⁹ El Siglo. [Ombudsman: "no hemos podido determinar al menos una víctima"](#), February 22, 2022; Panama America. [Unconfirmed alleged forced sterilizations in a commercial area. ¿Por qué callan las mujeres](#), April 19, 2022.

¹³⁰⁰ Connectas. [Pregnant girls: between the sword and the Law](#), 2022; Noticias Caracol. [Panama denies abortion to 8-year-old rape victim: she will undergo a cesarean section](#), March 2, 2022.

¹³⁰¹ Sociedad Panameña de Obstetricia y Ginecología. (Panamanian Society of Obstetrics and Gynecology.) [Posicionamiento sobre embarazo en niñas y adolescentes en Panamá](#), February 23, 2022; Prensa Latina. [Embarazos y esterilización forzada de indígenas estremecen Panamá](#), March 3, 2022.

¹³⁰² UNICEF, Press release, [Presidente Cortizo Cohen reafirma su compromiso con los niños, niñas y adolescentes de Panamá](#), November 24, 2022.

¹³⁰³ IACHR, Notes on the Promotional Visit to the State of Panama, November 14-16, 2022. IACHR Archive.

¹³⁰⁴ IACHR, Notes on the Promotional Visit to the State of Panama, November 14-16, 2022. On file with the IACHR.

¹³⁰⁵ Public Prosecutors' Office, [Informe Estadístico de Delitos Sexuales a Nivel Nacional de Enero a Octubre de 2022](#), 2022.

adolescents in the country, including transnational cases.¹³⁰⁶ Within the framework of operations 'Galaxy' and 'Luz de Esperanza', victims in Costa Rica and Colombia were rescued from sexual exploitation networks.¹³⁰⁷ Likewise, the international child pornography investigation operation 'Luz de Infancia X,' carried out in 9 countries in the region, culminated with raids in Panama for this crime.¹³⁰⁸

605. Regarding the rights of **persons in the context of human mobility**, the most recent figures from the National Migration Service of Panama indicate that, between January and September 2022, a total of 151,585 persons entered the country through the Darien jungle, of which 107,692 were Venezuelan nationals, while 8,613 were Haitian nationals.¹³⁰⁹ In this regard, the IOM highlighted that irregular entries of migrants between January and August 2022 represent an increase of 45%, while irregular entries of migrants of Venezuelan nationality increased by 2,333% compared to the previous year.¹³¹⁰ For its part, UNICEF warned that there is a change in the routes and profiles of people moving through the Darien jungle, generating more points with humanitarian care needs.¹³¹¹ In this context, the IACHR is concerned about the increase in cases of sexual violence against migrant women in the Darien crossing - 89 cases registered between January and May 2022 - as well as complaints about the lack of access to emergency medical care required in these cases.¹³¹²

606. In addition, the Commission notes the Panamanian State's reports on the environmental dimension of large-scale movements in the Darien rainforest natural park. In this regard, official information indicates that, due to the increase in migratory movements, the indigenous region of Guna Yala is experiencing alterations in natural ecosystems, contamination of water resources by waste due to the lack of water treatment plants, logging, and illegal hunting of animals, including endangered species¹³¹³. On the other hand, the IACHR notes the State's work to assist and care for migrants who enter Panama in an irregular situation. In this regard, the Ombudsman's Office, the Ministry of Security, the National Migration Service, the National Border Service (SENAFRONT), and the Ministry of Health met to evaluate the flow of migrants across the Colombian-Panamanian border.¹³¹⁴ Additionally, the Ombudsman's Office will continue working to guarantee the rights of migrants entering Panama, including in the receiving stations for migrants of the National Migration Service.¹³¹⁵

607. Concerning **trafficking in persons**, the Commission takes note of bilateral operations between Panama and Costa Rica promoted by the Public Prosecutor's Office, such as the operation called "Luz de Esperanza" (Light of Hope), through which criminal organizations dedicated to trafficking in persons and child prostitution were dismantled.¹³¹⁶

¹³⁰⁶ UNICEF, Press release, [On recent dismantling of child sexual exploitation network](#), February 4, 2022. See Ministry of Security of Argentina, [Mega-operation against child sexual exploitation](#), December 7, 2022. See also Infobae, [Seis colombianas fueron rescatadas de una red de trata de personas en Panamá](#), August 16, 2022.

¹³⁰⁷ UNICEF, Press release, [On recent dismantling of child sexual exploitation network](#), February 4, 2022. Organismo de Investigación Judicial, [Conferencia Especial Lic Erick Lewis Cibercrimen 20221020 091724 Meeting Recording](#), October 20, 2022. Telemetro, [Fundación Unidos por la Niñez expresses concern and condemns cases of child trafficking](#), February 5, 2022. See also Los Andes, [30 people arrested in Argentina during an international operation against child sex abuse](#), June 30, 2022. See also Infobae, [Seis colombianas fueron rescatadas de una red de trata de personas en Panamá](#), August 16, 2022.

¹³⁰⁸ See Ministry of Security of Argentina, [Megaoperativo contra la explotación sexual infantil](#), December 7, 2022. See also, El Clarín [Luz de Infancia X: 125 allanamientos por pornografía infantil en 9 países y tres detenidos en Argentina](#), December 6, 2022.

¹³⁰⁹ National Migration Service, Panama, [Table N.1 Transit of foreigners through the borders with Colombia by region according to their order of importance: year 2022](#), October 2022, p. 2.

¹³¹⁰ IOM, [Migration Trends in Central America, North America, and the Caribbean](#), September 2022, p. 2.

¹³¹¹ UNICEF, [Situation Report No.2 - August 31, 2022](#), October 4, 2022.

¹³¹² Médicos Sin Fronteras (Doctors Without Borders). [Panamá: denunciamos las condiciones de acogida de los migrantes y la falta de atención a víctimas de violencia sexual](#), May 19, 2022; Doctors Without Borders. [Border between Colombia and Panama: El Darién sigue siendo tan peligroso como antes](#), May 2022.

¹³¹³ Ministry of Environment, Panama, Contamination, and poaching: effects of migration in the Darien National Park, October 29, 2022.

¹³¹⁴ Ombudsman's Office, [Evalúan rutas seguras para la migración irregular por Darién](#), July 5, 2022.

¹³¹⁵ Ombudsman's Office, Panamá, [Defensoría del Pueblo mantendrá asistencia a migrantes en la provincia de Darién](#), November 29, 2022.

¹³¹⁶ Government of Panama, [Trabajo Conjunto para Combatir la Trata de Persona en Panamá](#), February 6, 2022

608. Regarding the rights of **LGBTI persons**, the Commission received information indicating that the disciplinary regulations of the police and firefighters in force sanction the "practice of homosexuality and lesbianism" with penalties that include suspensions, demotions, dismissal, and temporary arrest, in contravention of the principle of equality and non-discrimination.¹³¹⁷ Also, in a public hearing, civil society organizations reported that, in Panama, the LGBTI population is still not recognized as a vulnerable population. In addition, there are no gender identity laws nor protection measures to combat violence and discrimination against LGBTI persons.¹³¹⁸

609. About the rights of **persons of African descent and against racial discrimination**, the IACHR welcomes the drafting of a bill on "Public and State Policy for the inclusion of the history, culture, and contributions of persons of African descent in the educational curriculum," carried out with the support of the Afro-Panamanian social movement. According to public information, the draft bill recognizes persons of African descent as key social actors in forming the Panamanian nation.¹³¹⁹ Notwithstanding the above, the Commission notes that challenges remain in ensuring the rights of the Afro-descendant population. According to a United Nations study, 79.4% of the Afro-descendant population has felt discriminated against throughout their lives, and 61% consider that they do not have access to positions because of racism and sexism.¹³²⁰

610. Regarding the **rights of indigenous peoples**, the State reported on measures to promote gender parity for the nomination of female candidates for traditional government positions in the framework of the regional elections of the Ngäbe-Buglé Territory in 2022.¹³²¹ It also reported that, according to the special right of children of indigenous peoples observed in Law 285 of 2022, indigenous people could register their children in the Civil Registry with the proper names of their respective languages.¹³²² Concerning measures of access to justice and interculturalism, the State reported that several processes are available to the public, in Spanish, sign language, and Kuna language, through which people can present themselves to the Judiciary without having to hire a lawyer and also request free legal assistance in cases of being victims of a crime.¹³²³ It also reported that the Judicial Branch has progressively increased the number of courts in regional areas and has developed training for lawyers and indigenous authorities and that hearings of the Adversarial Criminal System have been held in some indigenous communities related to the crime of domestic violence¹³²⁴. On the other hand, it reported on the project of access to family justice in the Ngäbe-Buglé Territory and the interpretation services in Kuna, Emberá, and Ngäbe languages that were carried out in about 124 hearings in the Adversarial Criminal Justice System in the first quarter of 2022.¹³²⁵ Finally, it reported on the Economic Empowerment Plan for Indigenous Women (2022-2025) for the

¹³¹⁷ Disciplinary Regulations of the National Police. Art 33 "Most serious misconduct" numerals 11 and 12 "practicing lesbianism" and "practicing homosexuality"; General Regulations of the Meritorious Fire Department of the Republic of Panama Art. 156 "Most serious misconduct" numerals 16 and 17 "practicing lesbianism" and "practicing homosexuality."

¹³¹⁸ IACHR, Public Hearing "Impacto de las leyes de criminalización que afectan a las personas LGBTI", 185th period of sessions, October 28, 2022.

¹³¹⁹ Radio Panama. Draft bill on public policy for including Afro-Panamanian contributions arrives at Meduca. October 31, 2022. La Estrella de Panamá. Draft Bill seeks to include in the curriculum the contributions of Afro-descendants. November 2, 2022.

¹³²⁰ La Estrella de Panamá. Informe de la ONU revela que en Panamá el 79.4% de los afrodescendientes han sido discriminados. March 24, 2022.

¹³²¹ Permanent Mission of Panama to the Organization of American States (OAS), Note PANA-OAS-7-463, November 21, 2022, on file with the IACHR, para. 21.

¹³²² Permanent Mission of Panama to the Organization of American States (OAS), Note PANA-OAS-7-463, November 21, 2022, on file with the IACHR, para. 26.

¹³²³ Permanent Mission of Panama to the Organization of American States (OAS), Note PANA-OAS-7-463, November 21, 2022, on file with the IACHR, para. 32.

¹³²⁴ Permanent Mission of Panama to the Organization of American States (OAS), Note PANA-OAS-7-463, November 21, 2022, on file with the IACHR, paras. 34-35.

¹³²⁵ Permanent Mission of Panama to the Organization of American States (OAS), Note PANA-OAS-7-463, November 21, 2022, on file with the IACHR, paras. 40-41.

inclusion of the socioeconomic rights of indigenous women based on their protagonism and self-determination.¹³²⁶

611. On the other hand, the IACHR takes note of the findings published by the Ombudsman's Office in May 2022, in which it noted the violation of human rights, including against the personal integrity of children and adults, as a result of a forced eviction carried out by the national police in October 2021 against members of the Ngäbe people who had been previously displaced by the construction of the Barro Blanco Hydroelectric Project, which had not been duly consulted with the affected communities.¹³²⁷

612. Regarding the rights of **human rights defenders**, in a public hearing held during the 183rd period of sessions of the IACHR, civil society organizations reported on risks to life, acts of harassment, and threats to initiate legal proceedings against environmental defenders due to their work denouncing agro-industrial activities that are causing adverse environmental impacts within indigenous territories. The IACHR recalls the duty to guarantee that environmental defenders can exercise their activities in an environment free of threats or intimidation, as well as to protect their lives and personal integrity and to investigate and punish violations of their rights. In this regard, the State indicated that it is strengthening its institutional framework to guarantee access to justice, access to information, and citizen participation in environmental issues. It also adopts measures to amend the Penal Code to establish penalties for crimes committed against these groups.¹³²⁸

613. In the area of **memory, truth, and justice**, the Commission received information on the insufficient allocation of resources to the Institute of Forensic Medicine and Forensic Sciences to advance in the identification of mortal remains that allegedly correspond to victims who disappeared during the military dictatorship¹³²⁹. In this regard, the Commission recalls that States must ensure that forensic institutions have adequate human, financial, technical, and scientific resources to perform their functions.

614. Regarding the rights of **persons with disabilities**, the IACHR notes that, in the context of the meetings of the National Advisory Council on Disability, the State announced that the 2023 budget would include funds to conduct the Second National Survey on Disability.¹³³⁰ It also highlights the implementation of actions in favor of the cultural rights of persons with disabilities, with the support of the Ministry of Culture.¹³³¹

615. Regarding the **rights of older persons**, the State of Panama reported that, due to an accelerated process of population aging, the Ministry of Social Development is promoting the development of the first phase of a National Care System, which includes the first Local Care Management Model. It also reported the implementation of social programs for older persons living in poverty.¹³³² On the other hand, the IACHR has been informed of the Report of the International Labor Organization that warns about the

¹³²⁶ Permanent Mission of Panama to the Organization of American States (OAS), Note PANA-OAS-7-463, November 21, 2022, on file with the IACHR, par. 101.

¹³²⁷ Ombudsman's Office, *Defensoría del Pueblo acredita vulneración de derechos humanos durante enfrentamiento en Barro Blanco (Ombudsman's Office confirms human rights violations during the confrontation in Barro Blanco)*, May 23, 2022; Letter from Movimiento por la Defensa de los Territorios y Ecosistemas de Bocas del Toro (MODETEAB) and Centro para el Derecho Ambiental Internacional (CIEL) to the IACHR, *Comunidades Indígenas Ngäbe, víctimas de desplazamiento forzado por el Proyecto Hidroeléctrico Barro Blanco, continúan siendo objeto de hostigamiento y violencia por el Estado Panameño (Ngäbe Indigenous Communities, victims of forced displacement due to the Barro Blanco hydroelectric project, continue to be subjected to harassment and violence by the Panamanian State)*, November 7, 2002.

¹³²⁸ IACHR, *Human Rights Situation of Environmental Defenders in Panama*, Public Hearing, 183rd period of sessions, Washington, D.C., March 18, 2022.

¹³²⁹ *El Siglo*, *Desaparecidos por la dictadura siguen sin ser identificados*, June 07, 2022; Panamá América, *Cinco décadas esperando porque el Estado cumpla por la desaparición o asesinato de sus familiares*, July 12, 2022; El País, *Familiares de víctimas de dictadura militar en Panamá exigen justicia*, August 30, 2022.

¹³³⁰ Eco TV Panama, *Carrizo: There will be funds to conduct a disability survey* December 1, 2022.

¹³³¹ La Prensa, *Artistas con discapacidad piden reconocimiento de su talento*, December 5, 2022.

¹³³² Permanent Mission of Panama to the Organization of American States (OAS), Note PANA-OAS-7-463, dated November 21, 2022, on file with the IACHR.

severe effects on the economic sustainability of the Disability, Old Age, and Death subsystem of the Social Security Fund in terms of pensions.¹³³³

PARAGUAY

General considerations

616. Commission noted **progress** in the prevention and punishment of racism and discrimination against people of African descent through the enactment of a law establishing specific mechanisms and procedures. It also reported actions for the prevention of gender-based violence, a reform to the Criminal Code to broaden the concept and subjects of protection against family violence, and the creation of bi-national and tri-national coordination mechanisms for the prevention and combat of trafficking in persons.

617. **Challenges** persist in citizen security, particularly in the northern part of the country; challenges were also present in the context of forced evictions, including violent evictions, affecting indigenous peoples and peasant communities in historical land tenure claims.

618. On November 28, 2022, the State submitted a response to the request for information sent to prepare this chapter.¹³³⁴

Specific topics

619. Regarding **human rights institutions**, the State reported on the implementation of the Third Plan of Action of the Human Rights Network, the institution in charge of coordinating and articulating policies, plans, and programs of the Executive Branch in the area of human rights.¹³³⁵ Likewise, it highlighted the installation and strengthening of a Human Rights Observatory¹³³⁶, as well as the continuity of the SIMORE Plus training¹³³⁷.

620. Concerning **democratic institutions**, in 2022, the national census was carried out¹³³⁸ and the first municipal elections in 2 newly created districts,¹³³⁹ which, according to the Superior Court of Electoral Justice (TSJE), took place normally¹³⁴⁰. Likewise, note was taken of the organization of internal

¹³³³ Prensa Latina, [Informe de OIT ratifica insostenibilidad de programa social en Panamá](#), 20 de septiembre de 2022; Swissinfo, [La OIT alerta sobre fin de las reservas de subsistema de pensiones de Panamá](#), September 20, 2022; En Segundos, [Recomendaciones realizadas por la OIT en su informe actuarial entregado a la CSS](#), September 1, 2022.

¹³³⁴ State of Paraguay, Note No. 1373-2022/MPP/OEA, Report of the Paraguayan State in relation to the request for information in connection with the drafting of Chapter IV-A of the Annual Report of the IACHR, November 28, 2022.

¹³³⁵ This has included training initiatives and the installation of thematic roundtables on persons with disabilities, persons deprived of liberty, and indigenous peoples, among other topics. State of Paraguay, Note No. 1373-2022/MPP/OAS, Report of the Paraguayan State concerning the request for information in the framework of the drafting of Chapter IV-A of the Annual Report of the IACHR, November 28, 2022.

¹³³⁶ State of Paraguay, Note No. 1373-2022/MPP/OAS, Informe del Estado paraguayo en relación con la solicitud de información en el marco de la redacción del Capítulo IV-A del Informe Anual de la CIDH, November 28, 2022 and Gobierno Nacional de Paraguay, [La OHCHR brindará cooperación técnica para instalar un Observatorio de DD. HH.](#), July 29, 2022.

¹³³⁷ State of Paraguay, Note No. 1373-2022/MPP/OEA, Report of the Paraguayan State in relation to the request for information in connection with the drafting of Chapter IV-A of the Annual Report of the IACHR, November 28, 2022.

¹³³⁸ Ultima Hora, [INE claims that 2022 census reached a historic country-wide 97.5%](#), 25 November 2022.

¹³³⁹ Nueva Asunción and Itacuí. See: Congress of Paraguay, Legislative Information System, [Law 6689](#) enacted on July 1, 2021, and [Law 6731](#), enacted on May 7, 2021.

¹³⁴⁰ Supreme Court of Electoral Justice, [High civic engagement at the close of voting day in new districts](#), March 27, 2022.

elections on December 18, 2022,¹³⁴¹ which continued its course¹³⁴² Despite the fire that occurred on September 29 in the central building of the TSJE.¹³⁴³

621. Regarding **citizen security**, the State ratified its commitment to the fight against organized crime¹³⁴⁴ and corruption.¹³⁴⁵

622. Civil society organizations have expressed concern about criminal acts committed by organized crime during 2022.¹³⁴⁶ In addition, the deaths of at least three people were reported in police operations, presumably as a result of the use of public force. These events, under investigation by the Public Prosecutor's Office,¹³⁴⁷ have generated the concern of organizations that demand greater control over the use of weapons in public security operations.¹³⁴⁸

623. In turn, the IACHR highlights the challenge related to the northern part of the country, where the Joint Task Force (FTC) operates¹³⁴⁹ and where, during 2022, at least two attacks attributed to the self-styled "Paraguayan People's Army" (EPP) were reported.¹³⁵⁰ Human rights organizations have demanded that the State take adequate measures to guarantee security in the area, with an intercultural and human rights perspective to protect the indigenous peoples who live there.¹³⁵¹ In this context, three people remain kidnapped in the area, taking note of State actions to achieve their rescue and the demands of their families.

624. On the matter of **access to justice and judicial independence**, the State reported on the continued implementation of the National Plan for Restorative Justice of the Public Prosecutor's Office¹³⁵². It took note of the publication of the Government Plan 2022-2023 of the Judiciary, which prioritizes institutional strengthening, digital justice, and the protection of human rights, among other axes¹³⁵³. On the other hand, the IACHR noted a request for impeachment against the Attorney General of the Nation on various charges, including allegations of impunity and lack of diligence in cases of corruption and

¹³⁴¹ Superior Tribunal of Electoral Justice of Paraguay, TSJE and State institutions prepare for Simultaneous Internal Elections, November 22, 2022.

¹³⁴² TSJE, Ministers of the TSJE ratify compliance with the Electoral Timetable after the disaster, October 2, 2022.

¹³⁴³ El incendio habría sido accidental, según informes preliminares del Ministerio Público Las investigaciones del caso continúan. Sin embargo, las pericias técnicas habrían descartado incendio provocado. See: Ministerio Público -Fiscalía General de la República del Paraguay, conferencia de prensa de 2 de diciembre de 2022 disponible en: <https://fb.watch/hffBpieqUV/>

¹³⁴⁴ Ministry of Foreign Affairs of Paraguay, United Nations Assembly: Head of State ratified Paraguay's commitment against organized crime September 9, 2022.

¹³⁴⁵ Destacan acciones del Estado en el marco del operativo "A Ultranza Py, considerado el más grande contra el lavado de dinero en el país. See: Gobierno de Paraguay, Operativo "A Ultranza Py" suma más de 90 procedimientos contra estructura de tráfico y lavado, March 14, 2022.

¹³⁴⁶ Human Rights Coordinator of Paraguay. Issue of the year: the rise of Organized Crime. In Codehupy (Ed.), Derechos Humanos en Paraguay 2022 (pp. 472-478). Asunción, Paraguay: Codehupy. 2022.

¹³⁴⁷ Ministerio Público de Paraguay, Ciudad del Este: Fiscal ordenó detención de 11 policías supuestamente involucrados en muerte de un joven, quienes serán investigados, November 21, 2022 and ABC, Presunto "Gatillo Fácil en Canindeyú", April 4, 2022.

¹³⁴⁸ Se ha destacado la necesidad, en particular, de regular el uso de las armas eléctricas que fueron adquiridas en 2022 por la Policía para uso del llamado "Grupo Lince". See: Valiente Hugo. Taser o Gatillo Fácil, impunidad En Codehupy (Ed.), Derechos Humanos en Paraguay 2022 (pp. 374). Asunción, Paraguay: Codehupy. 2022.

¹³⁴⁹ In its 2021 Annual Report, the IACHR noted interventions by state security forces in the northern part of the country and observed that, according to statements by the Ministry of the Interior, the FTC would continue to carry out actions against the self-styled "Paraguayan People's Army" (EPP) and, in general, against organized crime. See: IACHR, Annual Report 2021, Chapter IV-A,

¹³⁵⁰ La Nación Paraguay, Atentado contra móvil de la FTC ocurrió en zona donde secuestraron a alambradores, April 27, 2022 and Confirman que cuerpos sin vida hallados corresponden a los dos alambradores desaparecidos, April 2, 2022.

¹³⁵¹ Leguizamón Morra, Dante Ariel, Inversión pública en seguridad en la zona Norte debe ser replanteada. In Codehupy (Ed.), Derechos Humanos en Paraguay 2022 (pp. 330-345). Asunción, Paraguay: Codehupy. 2022.

¹³⁵² State of Paraguay, Note No. 1373-2022/MPP/OAS, Report of the Paraguayan State concerning the request for information in the framework of the drafting of Chapter IV-A of the Annual Report of the IACHR, report of the Public Prosecutor's Office, November 28, 2022.

¹³⁵³ Supreme Court of Justice, Government Plan 2022-2023

smuggling¹³⁵⁴. The impeachment trial was finally archived.¹³⁵⁵ The Ibero-American Association of Public Prosecutor's Offices rejected this process and denounced risks to the autonomy of the Attorney General's Office.¹³⁵⁶

625. The State reported on policies and programs for **indigenous peoples** under the responsibility of the Secretariat of Culture¹³⁵⁷. In addition, the State was informed of the National Population and Housing Census for Indigenous Peoples.¹³⁵⁸

626. On the other hand, the IACHR continued to monitor the situation of land tenure and forced evictions in the country. Organizations expressed concern about forced evictions affecting indigenous peoples and peasant communities, acts of violence in the context of evictions, and the destruction of crops, homes, schools, and ancestral spaces. They warned that the evictions would be carried out without considering the existence of titles in favor of the evicted indigenous communities. The State pointed out that the invasion of properties is typified in the legal system and seeks to safeguard public order and stated that legal assistance is provided to members of indigenous peoples.¹³⁵⁹

627. Regarding **women's rights**, note was taken of the presentation of the results of the National Survey on the Situation of Women in Paraguay¹³⁶⁰. The survey showed that 8 out of 10 Paraguayan women had faced violence at some point.¹³⁶¹ In addition, the State carried out communication and training actions to prevent gender-based violence.¹³⁶² And a reform to the Penal Code was approved to broaden the concept and subjects of protection against domestic violence.¹³⁶³

628. However, according to official information, between January and October 2022, 32 femicides and seven attempted femicides were registered.¹³⁶⁴ Civil society organizations expressed their concern about the reduction in the budget of the Ministry of Women's Affairs, which, for the period 2023, would have decreased by 34%.¹³⁶⁵

629. In the framework of the rights of **LGBTI** persons, information was received on acts of violence due to prejudice, discrimination, lack of recognition of diverse families, and exclusion from state

¹³⁵⁴ The Chamber of Deputies of the National Congress of Paraguay issued an indictment against the Attorney General and announced an extension of the document February 21, 2022.

¹³⁵⁵ Chamber of Deputies of the National Congress of Paraguay, Impeachment of the FGE was referred to the archive August 8, 2022.

¹³⁵⁶ Asociación Ibero Americana de Ministerios Públicos, Declaración de apoyo a la Fiscal General de Paraguay, July 27, 2022.

¹³⁵⁷ Including the International Colloquium for the International Year of Indigenous Languages, talks, accompaniment of technical roundtables, cultural activities, and various training activities. See: State of Paraguay, Note No. 1373-2022/MPP/OAS, Report of the Paraguayan State concerning the request for information in the framework of the drafting of Chapter IV-A of the Annual Report of the IACHR, November 28, 2022.

¹³⁵⁸ Instituto Nacional de Estadística, Censo Indígena, 2022

¹³⁵⁹ IACHR, Thematic Hearing, Situación de desalojos forzosos y políticas agrarias en Paraguay, 183 Period of Sessions, March 17, 2022.

¹³⁶⁰ National Institute of Statistics of Paraguay, Presented the National Survey on the Situation of Women in Paraguay - ENSIMUP, November 25, 2022.

¹³⁶¹ National Institute of Statistics of Paraguay, Presented the National Survey on the Situation of Women in Paraguay - ENSIMUP, November 25, 2022.

¹³⁶² The Ministry of Women launched the #ViolenciaVisible Campaign intending to unite voices to raise awareness and sensitize about the violence women and girls suffer throughout the country. See: Government of Paraguay, National Government launched #ViolenciaVisible Campaign, November 25, 2022.

¹³⁶³ BACN, Ley N° 6934 / MODIFICA EL ARTICULO 229 DE LA LEY N° 1160/1997 'CÓDIGO PENAL', MODIFICADO POR LAS LEYES N°s 3440/2008, 4628/2012 Y 5378/2014, June 2022.

¹³⁶⁴ Government of Paraguay, Observatorio de la Mujer, Actualización de datos sobre Femicidios, Tentativa de Femicidios en el país y Femicidios en el exterior, January to October/2022, November 1, 2022.

¹³⁶⁵ González Vera, Myrian. WOMEN'S RIGHT TO A LIFE FREE OF VIOLENCE Time to measure progress in public policies on gender-based violence, In Codehupy (Ed.), Human Rights in Paraguay 2022 (pp. 88-105). Asunción, Paraguay: Codehupy. 2022.

policies¹³⁶⁶. Likewise, civil society organizations of trans, non-binary, and gender-diverse people reported delays in judicial processes for recognizing their names and identities.¹³⁶⁷ The strengthening of anti-LGBTI rhetoric to obtain political support was also reported.¹³⁶⁸

630. On the other hand, note was taken of the debates surrounding the National Plan for Educational Transformation, particularly on the inclusion or not of the gender perspective.¹³⁶⁹ Meanwhile, in 2022, sexual orientation discrimination against children and adolescents was reported in schools.¹³⁷⁰

631. Regarding the rights of **people of African descent and against racial discrimination**, the Commission welcomes the enactment of Law No. 6940, which establishes mechanisms and procedures to prevent and punish acts of racism and discrimination against people of African descent. This law aims to recognize, value, and dignify the Afro-descendant Paraguayan population and persons of African descent living within the national territory who have historically been victims of racism and discrimination. The Commission appreciates that, shortly after its publication, a working group was set up with State institutions for its regulation, with the participation of representatives of the Afro-descendant community.

632. Despite this progress, civil society organizations and the United Nations Special Rapporteur on Minority Issues questioned the exclusion of the self-identification variable "Afro-descendant" in the 2022 National Census.¹³⁷¹

633. Concerning the rights of **persons in the context of human mobility**, the Commission welcomes the adoption of Migration Law No. 6984/2022, which entered into force on October 18, 2022. The law is based, among others, on equality and non-discrimination, non-refoulement and family reunification, non-criminalization of migration, equal and free access to social services, programs and benefits, education, labor, housing and security, and international cooperation.

634. Concerning **trafficking in persons**, the Commission welcomes the collaboration framework established between the Ministry of Women (MinMujer) and the Ministry of Education and Science (MEC) for the development of materials for the prevention of trafficking in persons translated into Braille for visually impaired persons.¹³⁷² At the same time, the IACHR takes note of the creation of bi-national and tri-national coordination mechanisms to prevent and combat trafficking in persons, among others: i) program for the prevention and prosecution of trafficking in the Triple Border (Paraguay, Brazil,

¹³⁶⁶ Organizations denounced the exclusion of LGBTI people from the National Census. See: Posa Guinea, Rosa, Szoklo. E et al. DISCRIMINATION BY SEXUAL ORIENTATION, IDENTITY, AND GENDER EXPRESSION "No digan tatú con tatú." In Codehupy (Ed.), Human Rights in Paraguay 2022 (pp. 70-84). Asunción, Paraguay: Codehupy. 2022.

¹³⁶⁷ Agencia Presentes, Trans activists denounce the State of Paraguay before the UN for not recognizing their names, September 14, 2022.

¹³⁶⁸ Organizations denounced the exclusion of LGBTI people from the National Census. See: Posa Guinea, Rosa, Szoklo. E, et al. DISCRIMINATION BASED ON SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION «Don't say tatú with tatú». In Codehupy (Ed.), Human Rights in Paraguay 2022 (pp. 70-84). Asunción, Paraguay: Codehupy. 2022.

¹³⁶⁹ ABC, MEC announces new debate and denies gender ideology, October 20, 2022. Since 2017, the IACHR has been monitoring the dissemination and use of materials referring to "gender theory and/or ideology." The IACHR warned, at the time, that the measure, adopted through Resolution No. 29.664, represents a setback for the rights of women, people with diverse sexual orientations and gender identities, and children to receive an education free of stereotypes based on ideas of inferiority or subordination. See: IACHR, Press Release 208/2017, IACHR regrets banning gender teaching in Paraguay, December 15, 2017.

¹³⁷⁰ According to information from civil society, the Human Rights Commission of the Senate issued a statement on a particular case of discrimination against two adolescents whose school enrolment was cancelled, allegedly because of their sexual orientation. The Ministry of Education also provided information on the matter. In: Guinea, Rosa, Szoklo. E, et al. DISCRIMINATION BY SEXUAL ORIENTATION, IDENTITY AND GENDER EXPRESSION "No digan tatú con tatú". In Codehupy (Ed.), Derechos Humanos en Paraguay 2022 (p. 82). Asunción, Paraguay: Codehupy. 2022, citing tweet from the Human Rights Commission of the Chamber of Senators and pronouncement of the Ministry of Education.

¹³⁷¹ United Nations Special Rapporteur on Minority Issues, Dr Fernand de Varennnes, End of Mission Statement after Visit to Paraguay, November 14-25, 2022 and La Nación, INE confirma que retiran la opción para identificar a los afrodescendientes en el censo, September 17, 2022.

¹³⁷² Government of Paraguay, Trafficking prevention material translated into brille presented, August 8, 2022

and Argentina); ¹³⁷³ ii) program for assistance to victims of trafficking between Paraguay and Chile¹³⁷⁴; iii) program "Laboratorio Viviente Proyecto Atlas" between Paraguay and Argentina to fight corruption and trafficking in persons.¹³⁷⁵

635. On the matter of the rights of **children and adolescents**, the Commission welcomes the incorporation of Paraguay into the tripartite cooperation initiative promoted by the IACHR in partnership with the non-governmental organization *Both Ends Believing* for the voluntary implementation of the "Children First" system in order to provide follow-up and appropriate responses to children and adolescents (NNA) deprived of parental care.¹³⁷⁶ In addition, in response to the IACHR's request, it takes note of the State's response on the actions taken to guarantee the right to live in a family, which includes the National Strategy for Comprehensive Care for Early Childhood Kunu'u.¹³⁷⁷

636. On the other hand, the IACHR is concerned that, according to reports from the Public Prosecutor's Office, from January to August 2022, 3,860 punishable acts against children and adolescents were reported, of which 2,380 were cases of sexual violence and 934 abuse.¹³⁷⁸ Likewise, the Commission notes with concern that child labor in the State reaches 8% of the population between 10 and 17 years of age.¹³⁷⁹

637. Finally, the IACHR has received information about adolescents who are reportedly being threatened and intimidated in their educational institutions, in their communities, and in social media by external and internal actors in the educational sphere for publicly expressing their support for the Ministry of Education and Science's Educational Transformation Project (PTE).¹³⁸⁰

PERU

General considerations

638. The Commission has registered **progress** in Peru, including the approval of the National Policy for Afro-Peruvian People; the decision of the Constitutional Court ordering the Government to refrain from collective and indiscriminate expulsions of people in a situation of human mobility, as well as the provision of an economic subsidy to the elderly.

639. However, structural **challenges** to democratic institutions persisted, which, during 2022, resulted in clashes between branches of government, weakening of governance and, finally, an attempt to break the constitutional order that triggered a political and social crisis.

¹³⁷³ Government of Paraguay, [EUROFRONT: Tri-border agencies coordinate mechanisms to combat trafficking in persons and smuggling of migrants](#), July 7, 2022

¹³⁷⁴ The governments of Paraguay, Paraguay, and Chile agreed to cooperate and act to prevent human trafficking on June 16, 2022.

¹³⁷⁵ Government of Paraguay, [Corrupción y trata: reunión con representantes del Ministerio Público de Paraguay en el marco del "Intercambio Binacional del Laboratorio Viviente" del proyecto Atlas](#), June 15, 2022

¹³⁷⁶ Agencia de Información Paraguaya, [New software will streamline information on children and adolescents in alternative care](#), August 9, 2022.

¹³⁷⁷ State of Paraguay, Response to the request for information under Article 41 of the ACHR, Situation of the right of children and adolescents to live in a family. Note No. 677/22/MPP/OEA, June 29, p. 2. On file with the IACHR. See also Ministry of Children and Adolescents, [Se presentó la Estrategia Nacional de Atención Integral a la Primera Infancia Kunu'u, en Encarnación](#), n.d.

¹³⁷⁸ Public Prosecutors' Office - Attorney General's Office (*Fiscalía General*) of the Republic of Paraguay, [Abuso Sexual Infantil: The Public Prosecutor's Office registered 2380 complaints from January to August 2022 and a total of 18460 victims attended since 2016. September 18, 2022 January through August 2022 and a total of 18460 victims served since 2016](#), September 18, 2022.

¹³⁷⁹ Agencia de Información Paraguaya, [Trabajo infantil alcanza a un 8% de la población de 10 a 17 años \(Child labor affects 8% of the population between 10 and 17 years of age\)](#), June 12, 2022.

¹³⁸⁰ Note 1458/2022, Coordinadora por los Derechos de la Infancia y la Adolescencia, October 26, 2022, p. 1 and 2. On file at the IACHR.

640. On November 23, 2022, the State submitted a response to the request for information sent for the preparation of this chapter¹³⁸¹.

Specific topics

641. The State reported on initiatives in the area of **human rights institutions**, including the approval of the National Policy for the Modernization of Public Management to 2030; the Strategic Plan for National Development to 2050 and the holding of meetings for the planning of the National Multisectoral Human Rights Plan¹³⁸². The State indicated that these actions will contribute to the State's efforts against structural discrimination.

642. The IACHR warned of challenges to **democratic institutions** resulting from the confrontation between the branches of government and the repeated use of the constitutional concepts of constitutional impeachment, presidential vacancy due to permanent moral incapacity, and the dissolution of Congress due to the denial of trust to two councils of ministers¹³⁸³, which have the potential to weaken the separation and balance of powers and paralyze the governability of the country, due to their lack of objective definition¹³⁸⁴.

643. In that context of institutional challenges, during 2022 two vacancy motions were filed against the former President of the Republic,¹³⁸⁵ as well as a series of constitutional complaints against him and the former Vice President.¹³⁸⁶ In this context, on December 7, the former president announced, through a message to the nation, his decision to dissolve—in violation of the constitution—the Congress of the Republic and install an emergency government that would act through decree-laws. In addition, he announced a curfew, as well as the reorganization of institutions of the justice system, among other aspects. The national institutions activated internal mechanisms to avoid institutional breakdown and ordered the preliminary detention of the former president for 18 months, within the framework of criminal proceedings against him, which was added to 8 existing investigative files.¹³⁸⁷ The constitutional succession proceeded with the inauguration of Dina Boluarte as President.

644. Regarding citizen security, the State reported the approval of manuals for the actions of the Armed Forces and the National Police¹³⁸⁸, as well as the National Multisectoral Policy on Citizen Security to 2030 with a human rights and gender focus¹³⁸⁹. However, after the events described in the previous

¹³⁸¹ State of Peru, Note No. 7-5-M/235, Report of the Peruvian State in relation to the request for information in the framework of the drafting of Chapter IV-A of the Annual Report of the IACHR, November 23, 2022.

¹³⁸² State of Peru, Note No. 7-5-M/235, Report of the Peruvian State in relation to the request for information in the framework of the drafting of Chapter IV-A of the Annual Report of the IACHR, November 23, 2022.

¹³⁸³ The State submitted information on these figures during the October 2022 visit, as well as by note verbale 7-5-M/162 of August 12, 2022, sent in response to the letter of request for information sent by the IACHR on August 1, 2022, on file with the IACHR. See also: [Press Release 63/2022](#), IACHR reiterates concern over political instability in Peru and its impact on human rights, March 25, 2022 and [Press Release 233/2022](#), Visit to Peru: IACHR observes risks to democratic institutions and calls on institutions to exercise their mandate in accordance with the rule of law and due process, October 19, 2022.

¹³⁸⁴ CIDH, [Comunicado de prensa 233/2022](#), Visita a Perú: CIDH observa riesgos a la institucionalidad democrática y llama a las instituciones a ejercer su mandato con apego a la legalidad y debido proceso, 19 de octubre de 2022.

¹³⁸⁵ CNN, [Los intentos de moción de vacancia contra Pedro Castillo en Perú](#), December 7, 2022.

¹³⁸⁶ State of Peru, note verbale 7-5-M/162 of August 12, 2022, in response to the request for information sent by the IACHR on August 1, 2022, regarding the Use of constitutional figures with the potential to undermine democratic institutionalism and the enforcement of human rights in Peru, on file with the IACHR.

¹³⁸⁷ IACHR, [Press Release 269/2022](#), IACHR condemns decisions contrary to the constitutional order and calls to guarantee governability in Peru, December 8, 2022.

¹³⁸⁸ Specifically, the Manual on Human Rights and International Humanitarian Law of the Armed Forces of Peru; the Joint Manual of Rules of Operational Conduct of the Armed Forces and the Manual of Operational Law of the Armed Forces, all published on February 3, 2022. Likewise, the Directive that establishes "Administrative and Operational Guidelines applicable to police operations for the control, maintenance and reestablishment of public order", according to the information provided by the State for the preparation of this chapter.

¹³⁸⁹ State of Peru, Note No. 7-5-M/235, Report of the Peruvian State in relation to the request for information in the framework of the drafting of Chapter IV-A of the Annual Report of the IACHR, November 23, 2022.

paragraph, in December 2022, citizen protests began in different regions of the country. During the development of these protests, there were challenges in terms of **citizen security**, including various complaints of abuse of force by the police, as well as acts of violence in the context of the demonstrations.¹³⁹⁰ Up to December 31, the Ombudsman's Office reported the death of 28 people, 22 during the demonstrations and 6 due to traffic accidents and events related to blockades. In addition, 392 civilians and 290 police officers were injured.¹³⁹¹

645. Similarly, the Commission condemned restrictions to fundamental rights in the face of protests and acts of violence during a national strike called by the National Freight Haulers' Union on March 28.¹³⁹²

646. In relation to the situation of **access to justice**, the election process of 6 members of the Constitutional Court was monitored; the process culminated on May 10, with complaints about the lack of transparency, debate, and public scrutiny.¹³⁹³

647. In another vein, the State reported on the approval of the Protocol for Prosecutorial Action for the Prevention and Investigation of Crimes against **Human Rights Defenders**¹³⁹⁴. In 2021, the IACHR welcomed the creation of the Intersectoral Mechanism for the Protection of **Human Rights Defenders**.¹³⁹⁵ However, civil society organizations denounced the lack of financial resources for the Mechanism, the lack of follow-up on protection measures, and the lack of attention to the structural causes underlying violence against human rights defenders.¹³⁹⁶ In this regard, the Commission learned of at least four murders in 2022.¹³⁹⁷

648. With respect to **persons in the context of human mobility**, the Commission welcomes the decision of the Constitutional Court of Peru ordering consideration of refraining from preventing the entry or expulsion of persons whose life or freedom would be endangered by being delivered to another territory on account of race, religion, nationality, membership in a particular social group, or political opinions, and the prohibition of collective and indiscriminate expulsions, among other aspects¹³⁹⁸. On the other hand, the State reported on the extension of the deadline for migrants in an irregular situation to

¹³⁹⁰ IACHR, [Press Release 277/2022](#) IACHR and Its Special Rapporteurship for Freedom of Expression Condemn Violence in Peru and Call for Broad, Inclusive Dialogue with an Intercultural Perspective, December 12, 2022; [Press Release 280/2022](#), IACHR Condemns Increase in Violence in Peru and Schedules Technical and Working Visits, December 16, 2022.

¹³⁹¹ Ombudsman's Office of Peru, [Press Release No. 982/OCII/DP/2022](#), December 29, 2022.

¹³⁹² IACHR, [Press Release 72/2022](#) IACHR Condemns Violence and Restrictions of Fundamental Rights linked to Protests in Peru, April 7, 2022.

¹³⁹³ IACHR [[@CIDH](#)] (May 10, 2022). IACHR received complaints about the lack of transparency, debate, and public scrutiny during the election process of 6 members of the Constitutional Court [Tweet] Twitter.

https://twitter.com/CIDH/status/1524833652751880212?s=20&t=6ihN4_Zw9YdUsg-AmcDA4Q and La República, [Congress elected the new members of the Constitutional Tribunal with secrecy and without debate](#) May 11, 2022.

¹³⁹⁴ State of Peru, Note No. 7-5-M/235, Report of the Peruvian State in relation to the request for information in the framework of the drafting of Chapter IV-A of the Annual Report of the IACHR, November 23, 2022.

¹³⁹⁵ IACHR, Press Release No. 111/21, [The IACHR Welcomes the Creation of the Intersectoral Mechanism for the Protection of Human Rights Defenders in Peru](#), May 3, 2021.

¹³⁹⁶ FIDH, Peru: [Desamparo de las personas defensoras de derechos humanos](#), August 26, 2022; Coordinadora Nacional de Derechos Humanos, [Demandamos cambios urgentes en políticas de protección](#), July 14, 2022.

¹³⁹⁷ IACHR, Press Release No. 114/22, [CIDH: elevada violencia contra personas defensoras en el primer cuatrimestre de 2022 urge que los Estados protejan la vida y labor](#), May 2022 y IACHR, Press Release No. 224/22, [CIDH: El segundo cuatrimestre de 2022 registra la persistencia de la violencia contra personas defensoras](#), November 2022. In December was assassinated [Wilca Ampichi López](#) indigenous environmental defender and head of the native community of San Juan de Pachitea in Puerto Inca, Huanuco. Also reported were the murders of [Ulises Rumiche](#), leader of the Nomatsigenga people, Sonomoro; [Juan Julio Fernandez Hanco](#), environmental defender; and the indigenous defender [Genaro Comisario Bitap](#), in Datem de Marañon, Loreto.

¹³⁹⁸ Constitutional Tribunal, Peru, [Plenary Judgment 266/2022, Exp. N. 000688-2020-PHC/TC](#), July 12, 2022, paras. 81, 84, and 111.

submit their application to obtain the Temporary Permit to Stay Card, which allows migrants to have regular migratory status and access to the health, education, and tax systems.¹³⁹⁹

649. However, information was received regarding the approval of a bill proposing the modification of Legislative Decree 1350, Migration Law. The proposal would limit the ability of migrants to enter into leasing and lodging contracts, which could result in a wave of evictions that would leave thousands of people homeless.¹⁴⁰⁰

650. On the other hand, the Ombudsman's Office warned about the increase in discriminatory and xenophobic speeches by public officials against people in a situation of human mobility, particularly affecting Venezuelan people in the country¹⁴⁰¹. In addition, in relation to the situation of migrant women, civil society organizations have denounced that the migration regularization programs implemented exclude access to health care. This has a specific impact on the health and sexual and reproductive health of Venezuelan refugee women, limiting their access to primary health services, even when they have been survivors of gender-based violence.¹⁴⁰²

651. The State reported on the approval of the Intersectoral Protocol for the Prevention, Detention, Care and Reintegration of Persons Affected by the Crime of Trafficking in Persons.¹⁴⁰³

652. Regarding the **human rights of women**, Peru registered the greatest increase in the region in terms of gender parity in the economic, political, and social spheres¹⁴⁰⁴. The State reported on the approval of the guidelines for the implementation, monitoring and evaluation of the National Strategy for the Prevention of Gender Violence¹⁴⁰⁵ and the creation of the Registry of Programs for the preferential inclusion of women victims of all forms or contexts of violence¹⁴⁰⁶. However, the Commission is extremely concerned about the sustained increase in gender-based violence,¹⁴⁰⁷ and particularly about reports of sexual violence committed by public officials, or with their acquiescence, in official or government-controlled facilities, such as schools, military installations and detention centers¹⁴⁰⁸.

653. According to official figures, in the period from January to October 2022 there have been 9,638 reports of missing women, mostly girls and adolescents, of which 49% have been located; 117 femicides have been reported, in 19 of which the victims were reported missing¹⁴⁰⁹; and 112,889 cases of physical, sexual, psychological, and economic violence against women have been reported at the Women's

¹³⁹⁹ Government of de Perú, [Amplían vigencia del Carné de Permiso Temporal de Permanencia – CPP a dos años](#), 8 de julio de 2022.

¹⁴⁰⁰ Organización de las Naciones Unidas, [Mandatos del Relator Especial sobre una vivienda adecuada como elemento integrante del derecho a un nivel de vida adecuado y del Relator Especial sobre los derechos humanos de los migrantes](#), OL PER 6/2022, November 23, 2022, p. 1 y 5.

¹⁴⁰¹ Ombudsman's Office, Peru, [Annex of the Ombudsman's Office of Peru for the Fourth Cycle of the Universal Periodic Review](#), September 28, 2022, p.5.

¹⁴⁰² International Amnesty, [Desprotegidas: Violencia basada en género contra mujeres refugiadas venezolanas en Colombia y Perú](#), July 2022, p.31-34.

¹⁴⁰³ Approved by Ministerial Resolution. R.M 174-2022-MIMP of August 05, 2022.

¹⁴⁰⁴ World Economic Forum. [Global Gap Report 2022](#), p. 10, 20.

¹⁴⁰⁵ Approved by Ministerial Resolution No. 064-2022-MIMP of February 24, 2022.

¹⁴⁰⁶ Approved by Ministerial Resolution N° 051-2022-TR. Date: March 7, 2022.

¹⁴⁰⁷ See: IACHR. [Annual Report 2021. Chapter IV.A. PERU](#), para. 815; IACHR (Costa Rican Legal Information System), [Press Release No. 035/2022 IACHR Calls on Peru to Avoid Public Discourse that Invisibilizes and Perpetuates Violence against Women](#), February 18, 2022.

¹⁴⁰⁸ Infobae. [Denuncia de violación a joven en el Pentagonito genera indignación de diversas entidades](#), October 11, 2022; Periódico Gestión. [Congresista Freddy Díaz fue suspendido por 120 días tras acusación de abuso sexual](#), September 2022; Defensoría del Pueblo. [Press Note n. 705/OCII/DP/2022](#), October 6, 2022; [Press Note n. 724/OCII/DP/2022](#), October 2022; [Press Note n. 554/OCII/DP/2022](#), August 27, 2022; [Press Note n. 452/OCII/DP/2022](#), July 2022; [Press Note n. 263/OCII/DP/2022](#), May 2022; [Press Note n. 118/OCII/DP/2022](#), February 25, 2022.

¹⁴⁰⁹ Ombudsman's Office. [Women located do not represent even half of the total number of reports of disappearances](#), November 15, 2022.

Emergency Center¹⁴¹⁰. In addition, in the first half of 2022, 201 reports of trafficking in women have been registered, mostly for the purpose of sexual exploitation¹⁴¹¹. Along these lines, there were reports of sexual exploitation of girls and adolescents in the Huacho Prison¹⁴¹². On the other hand, it condemns the acts of torture and deprivation of liberty of women, including elderly women, committed by the peasant patrol of Carhuacocha, in the district of Chilia¹⁴¹³. In this regard, it is noted that the Attorney General's Office opened an ex officio investigation for the alleged crime against freedom¹⁴¹⁴. Likewise, high pregnancy rates persist in girls and adolescents, who are the majority among victims of sexual violence¹⁴¹⁵. In 2022, at least 1,485 births were registered in girls between 10 and 14 years old, and 46,047 in adolescents between 15 and 19 years old¹⁴¹⁶.

654. The State reported on the approval of the guidelines for the implementation, monitoring and evaluation of the National Strategy for the Prevention of Gender Violence¹⁴¹⁷ and the creation of the Registry of Programs for the preferential inclusion of women victims of all forms or contexts of violence¹⁴¹⁸. However, the advance of legislative measures that hinder access to reproductive health services and comprehensive sexual education, with impacts also on the rights of LGBTI people, is a matter of concern. Among them, the publication of Law 31498 on educational reforms, which puts at risk the provision of comprehensive sexual education to children and adolescents in schools;¹⁴¹⁹ the archiving of Bill 954/2021 that sought to decriminalize the termination of pregnancy in cases of rape;¹⁴²⁰ and the advancement of Bill 1520/2021 that could limit access to therapeutic abortion, which is permitted under Peruvian law¹⁴²¹. In addition, concern is shared regarding Bill 1229/2021 which proposes to change the name of the Ministry of Women and Vulnerable Populations to "Ministry of the Family and Vulnerable Populations".¹⁴²²

655. On the human rights of **LGBTI persons**, the State reported on trainings for public officials and human rights defenders; initiatives to strengthen the political leadership of LGBTI persons and the publication of informational brochures on the guarantee of their rights¹⁴²³. The National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI) ordered private companies to issue apologies to trans persons for discrimination based on their gender identity and expression¹⁴²⁴. The Government of Callao declared that the prevention of discrimination based on sexual orientation and gender

¹⁴¹⁰ Ministry of Women and Vulnerable Populations. [Estadísticas de atención a la violencia](#), accessed December 1, 2022.

¹⁴¹¹ National Institute of Statistics and Informatics, [Press Release No. 158](#), September 22, 2022.

¹⁴¹² National Penitentiary Institute, [INPE takes action against alleged cases of sexual exploitation in Huacho prison](#), October 23, 2022.

¹⁴¹³ Ombudsman's Office. [Defensoría del Pueblo exige a ronda campesina del distrito de Chilia, en Pataz, liberar a mujeres acusadas de brujería](#), July 9, 2022; INFOBAE. [La Libertad: Ronderos kidnap, torture and whip women accused of being 'sorcerers'](#), July 14, 2022;

¹⁴¹⁴ Public Prosecutor's Office. Published on July 12, 2022. *Seven women and one man were released after being held by the peasant patrols of the district of Chilia, in La Libertad. The Public Prosecutor's Office of Pataz will continue with the ex officio investigation for the alleged crime against freedom, to the detriment of these people.* (Twitter), Available at:

<https://twitter.com/FiscaliaPeru/status/1546834475119788038?s=20&t=jqY5nogFmNyyNhWj2LQCVg>

¹⁴¹⁵ Ombudsman's Office. [Ombudsman's Office: public policies that protect and promote the rights of girls and adolescent women are urgently needed](#), October 11, 2022;

¹⁴¹⁶ Ministerio de Salud. [Sistema de Registro del Certificado de Nacido Vivo en Línea](#). Consulted on December 1, 2022.

¹⁴¹⁷ Approved by Ministerial Resolution No. 064-2022-MIMP of February 24, 2022.

¹⁴¹⁸ Approved by Ministerial Resolution N° 051-2022-TR. Date: March 7, 2022.

¹⁴¹⁹ Official Gazette of Peru. [Law N. 31498](#), published on June 23, 2022; Gaceta Constitucional y Procesal Constitucional. [Amparo lawsuit filed against law that allows parents to intervene in the formation of educational resources](#), July 14, 2022.

¹⁴²⁰ El Destape. [Peruvian Congress rejected decriminalizing abortion in cases of rape](#), November 17, 2022.

¹⁴²¹ Ombudsman's Office, [Informe Jurídico Especializado N°001-2022-DP/ANA Análisis del Proyecto de Ley N°1520/2021-CR](#), July 21, 2022; Infobae. [Comisión de la Mujer aprobó proyecto de ley que pretende anular el aborto terapéutico atentando contra los derechos de niñas y adolescentes](#), June 14, 2022.

¹⁴²² Ver: Naciones Unidas. [Pronunciamiento ante el dictamen de Proyecto de Ley que propone el cambio de denominación de la Mujer y Poblaciones Vulnerables](#), July 2022.

¹⁴²³ State of Peru, Note No. 7-5-M/235, Report of the Peruvian State in relation to the request for information in the framework of the drafting of Chapter IV-A of the Annual Report of the IACHR, November 23, 2022.

¹⁴²⁴ INDECOPI, [Indecopi orders Tottus to apologize to woman who was discriminated against because of her sexual identity](#), January 26, 2022.

identity and the defense of the rights of LGBTI persons are a matter of regional interest¹⁴²⁵, while the Ministry of Women approved the Guidelines for the attention of LGBTI persons affected by sexual violence¹⁴²⁶, which was highlighted by the State in its response to the request for information for this chapter. In terms of violence, the Public Prosecutor's Office published a report on Criminological characteristics of LGBT persons between 2012 and 2021¹⁴²⁷. Additionally, the challenges faced by people who make up diverse families to achieve recognition of their family ties were monitored, particularly in the absence of recognition of their marital ties.¹⁴²⁸

656. Regarding the rights of **indigenous peoples**, the State reported on training for public officials and civil society, as well as progress in training and political participation¹⁴²⁹.

657. On the rights of **persons of African descent and against racial discrimination**, the Commission appreciates the publication of the Supreme Decree approving the National Policy for Afro-Peruvian People (PNPA) to 2030¹⁴³⁰, which is mandatory for all public administration entities and could benefit more than 800,000 Afro-Peruvian people. According to the Ministry of Culture, the PNPA establishes actions to improve the quality of life of the Afro-Peruvian people and promotes the exercise of their economic, social, political, and cultural rights, through the identification of 43 public services to be provided by 12 institutions¹⁴³¹. Likewise, it welcomes the installation of a system to identify and report any type of ethnic-racial discrimination, through the Guidance Service on the Face of Ethnic-Racial Discrimination (ORIENTA), under the responsibility of the Vice-Ministry of Interculturality and the Directorate of Cultural Diversity and Elimination of Racial Discrimination (DEDR)¹⁴³². The State also reported on the adoption of a Ministerial Directive "for the adoption of measures to prevent situations that put indigenous or native people and Afro-Peruvian people at risk"¹⁴³³.

658. Regarding **persons deprived of their liberty**, the State reported on the approval of the Directive on Comprehensive Care and Specialized Prison Treatment for Persons Deprived of Liberty and Specially Protected Persons Outside the Prison¹⁴³⁴. A bill was presented by the Ministry of Justice and Human Rights that would amend the Criminal Implementation Code to create the prison benefit of humanitarian probation. In particular, the project is aimed at benefiting elderly, disabled or chronically ill persons, whose sentences do not exceed 12 years of detention¹⁴³⁵.

659. The IACHR is also concerned about the overcrowding faced by detainees in Peru. In this regard, according to the most updated data from the National Penitentiary Institute (INPE), as of October

¹⁴²⁵ Regional Government of Callao, Regional Ordinance No. 004-2022, May 25, 2022.

¹⁴²⁶ Government of Peru, Executive Direction Resolution No. 133-2022-MIMP-AURORA-DE, June 8, 2022.

¹⁴²⁷ Public Prosecutor's Office, Criminological characteristics of the intentional deaths of LGBT persons in Peru 2012 - 2021, March 21, 2022.

¹⁴²⁸ Agencia Presentes, Perú 2022: descienden crímenes de odio pero se profundiza discriminación a LGBT+, December 2022.

¹⁴²⁹ State of Peru, Note No. 7-5-M/235, Report of the Peruvian State in relation to the request for information in the framework of the drafting of Chapter IV-A of the Annual Report of the IACHR, November 23, 2022.

¹⁴³⁰ Ministry of Culture, Supreme Decree N° 005-2022-MC (Published in El Peruano), June 2, 2022.

¹⁴³¹ Ministry of Culture, Government approved the National Policy that will benefit more than 800,000 Afro-Peruvians, June 3, 2022.

¹⁴³² Ministerio de Cultura, Ministerio de Cultura: Conoce como reportar actos de discriminación étnico-racial en la plataforma Alerta contra el Racismo, August 20, 2022.

¹⁴³³ State of Peru, Note No. 7-5-M/235, Report of the Peruvian State in relation to the request for information in the framework of the drafting of Chapter IV-A of the Annual Report of the IACHR, November 23, 2022.

¹⁴³⁴ State of Peru, Note No. 7-5-M/235, Report of the Peruvian State in relation to the request for information in the framework of the drafting of Chapter IV-A of the Annual Report of the IACHR, November 23, 2022.

¹⁴³⁵ Comunicado del Ministerio de Justicia y Derechos Humanos. Cuenta de Twitter del Ministerio de Justicia y Derechos Humanos de Perú (@MinjusDH_Peru). Publication of June 26, 2022.

2022, the total prison population was 90,293 people, while the official housing capacity is 41,018 people. These figures indicate that prison occupancy is 220%, and the overcrowding rate is 120%¹⁴³⁶.

660. In addition to the above, the Commission condemns the acts of violence that occurred in Peruvian prisons during 2022, which resulted in at least two deaths and 34 injuries. In particular, according to INPE data, on February 22, there was an altercation between inmates at the Lurigancho Penitentiary Establishment located in Lima, which resulted in 34 people injured¹⁴³⁷. Likewise, on June 18, in the same establishment, a person housed in the "psychiatric ward" was allegedly murdered by another person deprived of liberty¹⁴³⁸. In addition, on October 26, acts of intra-prison violence took place in the Trujillo Men's Prison located in the northern region of Chiclayo, resulting in the death of a person deprived of liberty¹⁴³⁹.

661. On the matter of the rights of **children and adolescents**, the State reported on the creation of the Permanent Multisectoral Commission to follow up on the implementation of the National Multisectoral Policy for Children and Adolescents to 2030¹⁴⁴⁰. The Commission welcomes the initiative of the Ministry of Women and Vulnerable Populations which, through the National Comprehensive Family Welfare Program, is implementing the adaptation and remodeling of all residential care centers nationwide¹⁴⁴¹.

662. On the other hand, the cases of sexual violence against children and adolescents and cases of pregnancy are of concern. According to data from the Ministry of Women, between January and May 2022, the Women's Emergency Centers nationwide attended 10,787 cases, of which 70.1% corresponded to children and adolescents, 57% of which were due to sexual violence.¹⁴⁴² According to official figures up to the first half of December 2022, 47,532 pregnancies of girls and adolescents up to 19 years of age were reported in Peru.¹⁴⁴³

663. With regard to **Memory, Truth and Justice**, the State reported on the start of construction of the Sanctuary of Memory of La Hoyada in the department of Ayacucho and meetings for the reparation of women victims of forced sterilization¹⁴⁴⁴. The IACHR welcomed the declaration of the El Ojo que Lloro Memorial in Lima as Cultural Heritage of the Nation and recognized the ceremony for the dignified delivery of the mortal remains of 79 people who disappeared in Accomarca, Ayacucho, during the period of violence from 1980-2000¹⁴⁴⁵. It was learned that, through the efforts of civil society organizations, a box was located with the potential mortal remains of victims of the La Cantuta case, disappeared for 29 years¹⁴⁴⁶.

¹⁴³⁶ Instituto Nacional Penitenciario - Sistema de Información de Estadísticas Penitenciarias (SIEP), Población Penal – Situación Actual de la Capacidad de Albergue y Sobrepoblación, October 2022.

¹⁴³⁷ INPE, Comunicado No. 01-2022 - INPE reports on brawl in Lurigancho prison, February 22, 2022.

¹⁴³⁸ INPE, Comunicado No. 11-2022 - INPE reports on security actions at Lurigancho prison, June 20, 2022.

¹⁴³⁹ INPE, Comunicado No. 21-2022 – INPE informa sobre acciones realizadas en el penal Varones Trujillo, October 27, 2022.

¹⁴⁴⁰ State of Peru, Note No. 7-5-M/235, Report of the Peruvian State in relation to the request for information in the framework of the drafting of Chapter IV-A of the Annual Report of the IACHR, November 23, 2022.

¹⁴⁴¹ Ministerio de la Mujer y Poblaciones Vulnerables, MIMP: Inabif inicia el remozado y mantenimiento de sus Centros de Acogida Residencial, November 18, 2022.

¹⁴⁴² Ministerio de la Mujer y Poblaciones Vulnerables, Ministra Diana Miloslavich informó sobre acciones de prevención y atención a casos de violencia contra la mujer e integrantes de la familia, July 11, 2022. See also United Nations in Peru, Ante los casos de abuso sexual contra niñas, niños y adolescentes, April 21, 2022.

¹⁴⁴³ UNFPA Se debe visibilizar el embarazo y la maternidad adolescentes para construir un mejor futuro para las niñas y adolescentes del Perú, September 2022. Ver también MINSa, Sistema de Registro del Certificado de Nacido Vivo en línea, 2022.

¹⁴⁴⁴ State of Peru, Note No. 7-5-M/235, Report of the Peruvian State in relation to the request for information in the framework of the drafting of Chapter IV-A of the Annual Report of the IACHR, November 23, 2022.

¹⁴⁴⁵ IACHR, Pronunciamento en Twitter: #Perú #IACHR recognizes the ceremony of dignified delivery of the mortal remains of 79 people disappeared in Accomarca, Ayacucho, in the period of violence from 1980-2000 and values the accompaniment to relatives during the search process., May 22, 2022.

¹⁴⁴⁶ La República, Hallan restos de estudiantes de La Cantuta en Londres, 8 de julio de 2022; La República, Caso La Cantuta: solo se habría analizado una muestra de restos de Cieneguilla, July 2022.

664. On the other hand, the Commission expressed concern about the decision of the Constitutional Court of Peru that reinstated the humanitarian pardon of former Peruvian President Alberto Fujimori and ordered his release after having been convicted of crimes against humanity¹⁴⁴⁷. In this regard, the Inter-American Court issued resolutions determining that the State should refrain from implementing the judgment issued by the Constitutional Court because the conditions established in the Resolution for the supervision of compliance with judgments of May 30, 2018, regarding the Barrios Alto and La Cantuta cases¹⁴⁴⁸ were not met. The IACHR notes that, as of the date of preparation of this report, the decision of the Constitutional Court has not been executed.¹⁴⁴⁹ Likewise, information was received regarding possible revictimizing practices in the Manta case, the only one in the country in which military personnel are tried exclusively for sexual violations during the period of political violence that took place between 1980 and 2000.¹⁴⁵⁰

665. In relation to the rights of **older persons**, the State reported on the approval of the Guidelines that Establish the Quality Standards for the Provision of Services in Residential Care Centers for Older Persons¹⁴⁵¹. Likewise, the IACHR appreciates the Peruvian State's announcement to increase the budget of the Ministry of Women and Vulnerable Populations, which, among other lines of intervention, is intended to provide older persons with access to specialized services, among others¹⁴⁵². In relation to the right to food, the Commission notes that public information indicates that the implementation of the food voucher introduced in Peru during 2022. According to what was reported, more than one million people would have had access to this voucher, being relevant that this economic subsidy was given exceptionally and only once to 4.2 million elderly people in a situation of economic vulnerability to face the rise in food prices.¹⁴⁵³

666. In relation to the **rights of persons with disabilities**, the State reported on the adoption of provisions for the strengthening of educational services for students with hearing disabilities in alternative basic education centers. It also reported on measures to guarantee the political rights of persons with disabilities, including a protocol for action by the National Office of Electoral Processes (ONPE).¹⁴⁵⁴

DOMINICAN REPUBLIC

General considerations

667. With respect to **progress**, the Commission takes note of the actions to improve the capacity to combat corruption. It also takes note of the decrease in crime in the country, as well as the reduction of the judicial backlog in the Supreme Court of Justice (SCJ). It also welcomes the continued implementation of measures for the regularization of the migration status of Venezuelan nationals and the adoption of the

¹⁴⁴⁷ IACHR, [Press Release 54/2022](#) IACHR expresses its deep concern over the decision of the Constitutional Court of Peru ordering the release of Alberto Fujimori, March 18, 2022.

¹⁴⁴⁸ IACHR Court. Barrios Altos Case and La Cantuta Case v. Peru. Request for Provisional Measures. Resolution of the Inter-American Court of Human Rights of March 30, 2022, operative paragraph 1; I/A Court H.R., Case of Barrios Altos and Case of La Cantuta v. Peru. Barrios Altos Case and La Cantuta Case v. Peru. Request for Provisional Measures and Supervision of Compliance with Judgment. Resolution of the Inter-American Court of Human Rights of April 7, 2022, operative paragraph 2.

¹⁴⁴⁹ CNN, [Fujimori to remain in prison, is it definitive?](#), April 26, 2022; La República, [Alberto Fujimori: Cancillería respalda orden de la Corte IDH para no implementar sentencia de indulto \(Alberto Fujimori: Foreign Ministry backs IACHR Court's order not to implement pardon sentence\)](#), April 8, 2022.

¹⁴⁵⁰ Andina, [Caso Manta: piden a sala penal garantizar trato digno a denunciantes](#), March 2022; La República, [Caso Manta: a 3 años de iniciado el segundo juicio, sobrevivientes aún esperan justicia](#), March 2022.

¹⁴⁵¹ State of Peru, Note No. 7-5-M/235, Report of the Peruvian State in relation to the request for information in the framework of the drafting of Chapter IV-A of the Annual Report of the IACHR, November 23, 2022.

¹⁴⁵² Andina, [Presupuesto del sector Mujer y Poblaciones Vulnerables tiene un incremento de 10.5%](#), September 19, 2022.

¹⁴⁵³ El Comercio, [Bono Alimentario: Más de un millón de personas cobraron subsidio en menos de dos semanas](#), November 2022.

¹⁴⁵⁴ State of Peru, Note No. 7-5-M/235, Report of the Peruvian State in relation to the request for information in the framework of the drafting of Chapter IV-A of the Annual Report of the IACHR, November 23, 2022.

National Policy for the Prevention of Early Unions and Teenage Pregnancy. Finally, the IACHR takes note of the actions aimed at protecting the human rights of older persons.

668. Among the **challenges**, the IACHR warns about the challenges in the exercise of the human rights of Haitians and Dominicans of Haitian descent, particularly in terms of their detention and expulsion, access to civil registry and identity documents. On the other hand, the Commission notes with concern the difficulties faced by LGBTI persons in accessing formal employment, social security, and specialized health services, as well as reports of disappearances and homicides. It is also concerned about reports of prison overcrowding and the excessive use of pretrial detention. Finally, it expresses concern about the persistence of sexual violence against children and adolescents, early unions, and early motherhood in the country.

669. The State did not respond to the request for information for the preparation of this chapter.

Specific topics

670. With regards to **democratic institutions**, the IACHR notes that the Capacity to Combat Corruption Index (CCC) indicates that the Dominican Republic continued a two-year upward trajectory,¹⁴⁵⁵ moving from tenth place in 2021 to fifth place in 2022, which implies an 18% improvement since 2021.¹⁴⁵⁶ Likewise, the Commission takes note of the actions to implement the administrative career path for the entry of new persons to positions in the Public Administration¹⁴⁵⁷. In addition, it notes the creation of Government Integrity Commissions, which aim to create a culture of transparency in public entities¹⁴⁵⁸.

671. On the matter of **citizen security**, the IACHR takes note of the actions to advance in the reduction of criminality, as well as the implementation of the police reform. Regarding the reduction of crime, official information indicates that violent acts and crime in general have been reduced as a result of the implementation of the Integral Strategy for Citizen Security "Mi País Seguro" (My Safe Country)¹⁴⁵⁹. In addition, in the framework of the implementation of the aforementioned strategy, the Ministry of Interior and Police announced the creation of the Municipal Directorates of Citizen Security and Prevention, which would have a preventive role. Additionally, the Commission takes note of the presentation of technological tools, such as the Municipality in your Hands platform and the Integrated Municipal Financial Management System (SIGEF Municipal), which are aimed at producing advances in administration, accountability and timely information to citizens.¹⁴⁶⁰

672. Regarding the police reform,¹⁴⁶¹ the IACHR takes note of the approval of Decree 371-22 of July 8, 2022, which: i) establishes a transition process for the Police Education Institute (IPE), ii) creates the

¹⁴⁵⁵ Americas Society / Council of the Americas, The Capacity to Combat Corruption Index (CCC). Assessing Latin America's Capacity to Detect, Punish and Prevent Corruption, 2022, p. 3.

¹⁴⁵⁶ Americas Society / Council of the Americas, The Capacity to Fight Corruption Index (CCC). Evaluating Latin America's Capacity to Detect, Punish and Prevent Corruption, 2022, p. 16. Presidency of the Dominican Republic, Dominican Republic, "Sigue creciendo la capacidad de la República Dominicana en la lucha contra la corrupción." June 22, 2022.

¹⁴⁵⁷ Public Administration, Dominican Republic, "Ministro Castillo Lugo recalca que, a partir de 2023, no se permitirá el ingreso de nuevo personal a cargos de carrera administrativa, sin que participen en concursos", September 29, 2022. Public Administration, Dominican Republic, "Titular del MAP propone pacto para erradicar "clientelismo político"", June 15, 2022. See also: IACHR, Corruption and Human Rights: Inter-American Standards, OEA/Ser.L/V/II. Doc. 236 December 6, 2019, para. 503.

¹⁴⁵⁸ Public Administration, Dominican Republic, "Presidente Abinader encabeza 4.ª Asamblea Electoral para conformación de 70 nuevas Comisiones de Integridad Gubernamental", October 25, 2022. See also: IACHR, Corruption and Human Rights: Inter-American Standards, OEA/Ser.L/V/II. Doc. 236 December 6, 2019, párr. 493.

¹⁴⁵⁹ Presidency of the Dominican Republic, Dominican Republic, "Estrategia "Mi País Seguro" solidifica la seguridad ciudadana: hechos por violencia social siguen en baja", August 4, 2022.

¹⁴⁶⁰ Ministerio de Interior y Policía, República Dominicana, "Interior y Policía anuncia creación de Direcciones Municipales de Seguridad Ciudadana y Prevención", July 19, 2022.

¹⁴⁶¹ IACHR, Annual Report, Chapter IV.A "Human Rights Development in the Region." 2021, para. 835.

Board of Directors for the management of the IPE transition, and iii) creates the IPE Academic Committee that will ensure that the educational strategies are in line with the transformation process.¹⁴⁶²

673. On the matter of **access to justice**, the Commission continued to observe the State's actions aimed at reducing judicial delays. In this regard, official information indicates that the Supreme Court of Justice (SCJ) eradicated 100% of the judicial delay in the Second and Third Chambers, the Plenary and Joint Chambers of the high court.¹⁴⁶³ In particular, the IACHR notes that, by March 2022, there had been a 70% reduction in judicial delays in the SCJ's complete dockets pending hearing and ruling. In addition, the cases filed prior to 2021 in the Second and Third Chambers have been resolved by 100%.¹⁴⁶⁴ Additionally, the SCJ is working to incorporate the necessary technology to the judicial activity to optimize its operation, make it more transparent, auditable, and oriented to accountability.¹⁴⁶⁵

674. With respect to the rights of **persons in human mobility**, the Commission welcomes the State's actions to continue implementing the Plan for the Normalization of Venezuelan Persons (PNV). According to information from the United Nations, more than 40,000 Venezuelan persons have registered to regularize their migratory status since the beginning of the PNV¹⁴⁶⁶. In addition, as of September 2022, more than 21,000 had received work visas, while others continued in one of the three stages of the plan.¹⁴⁶⁷ Additionally, it notes the launch of the Refugee and Migrant Response Plan (RMRP), which would prioritize integration opportunities and access to basic services for the affected population, as well as prevention of gender-based violence risks and support for entrepreneurship, employment and livelihood initiatives during 2022.¹⁴⁶⁸

675. On the other hand, the IACHR has continued to observe with concern the situation of Haitian nationals and Dominicans of Haitian descent in the Dominican Republic. In particular, the effects of Constitutional Court Ruling No. 168-13, immigration detention and expulsion. Regarding the consequences of Judgment No. 168-13, the State informed the IACHR that, in relation to Group A of Law No. 169-14,¹⁴⁶⁹ UNHCR is collaborating with the Central Electoral Board (JCE) with the objective of finding technical solutions to the causes identified in the field, following up on the files and definitively closing this category. Regarding Group B of the referred Law,¹⁴⁷⁰ he pointed out that the Ministry of Interior and Police (MIP) started the process to grant the naturalization certificate, which is expected to be concluded in the next few months. In addition, the JCE, the MIP, and the General Directorate of Migration (DGM) are advancing in granting documents to guarantee the stay in the country of the persons in this group. For their part, civil society organizations denounced before the IACHR, within the framework of the 183rd period of sessions, that approximately more than 35,000 persons previously registered in the Dominican civil registry have not regained access to their identity documents.¹⁴⁷¹

¹⁴⁶² Presidency of the Dominican Republic, Dominican Republic, [Decree 371-22](#), July 8, 2022. Ministerio de Interior y Policía, Dominican Republic, ["Reforma policial avanza, presidente dispone transformar IPE"](#), July 12, 2022.

¹⁴⁶³ Judicial Branch, Dominican Republic, ["President of the SCJ qualifies as "unprecedented achievement" the eradication of judicial delays in the Second and Third Chambers, the Plenary and the Assembly Chambers of the high court"](#), January 7, 2022.

¹⁴⁶⁴ Judicial Branch, Dominican Republic, ["Suprema Corte de Justicia presenta avances con la implementación de su Plan Anti Mora Judicial"](#), April 27, 2022.

¹⁴⁶⁵ Poder Judicial, Dominican Republic, ["Presidente de la SCJ califica como "logro sin precedentes" erradicación de mora judicial en Segunda y Tercera Sala, el Pleno y Salas Reunidas del alto tribunal"](#), January 7, 2022.

¹⁴⁶⁶ UN, ["Thousands of Venezuelans have regularized their migration status in the Dominican Republic."](#) April 28, 2022. R4V, ["Nearly 40% of Venezuelans in the Dominican Republic are one step closer to regular status"](#), May 3, 2022.

¹⁴⁶⁷ UN, ["Regular status: license to dream for Venezuelan migrants in the Dominican Republic"](#), October 13, 2022.

¹⁴⁶⁸ IOM, ["R4V Platform launches 2022 response plan for Venezuelan nationals in Dominican Republic"](#), March 12, 2022.

¹⁴⁶⁹ Group A corresponds to those descendants of foreigners in an irregular migratory situation who in the past were registered in the Dominican Civil Registry despite the fact that, in principle, they were not entitled to do so. IACHR, [Annual Report 2019, Chapter V Dominican Republic](#), para. 14.

¹⁴⁷⁰ Group B is categorized as those descendants of persons in irregular migratory status, who were born in the country and were not registered in the Civil Registry, but who have resided all their lives in the Dominican Republic. IACHR, [Annual Report 2019, Ch. V Dominican Republic](#), para. 14.

¹⁴⁷¹ IACHR, [Public Hearing "Human Rights Situation of Migrants and their Families in the Dominican Republic"](#), 183rd regular session, March 17, 2022.

676. Regarding the detention of Haitian nationals and Dominicans of Haitian descent, in its response to the request for information sent by the Inter-American Commission on this particular matter, the State reported that, in the exercise of its sovereignty, it exercises immigration controls on foreign persons who do not reside in the country in accordance with the provisions of the Migration Law, respecting their human rights during such procedures. From this account, up to December 24, 2022, the Statistics Department of the DGM had counted a total of 120,900 foreign persons deported for being in an irregular migratory situation in the country; of these, 120,812 persons would be Haitians. He also emphasized that no national of the Dominican Republic is deported. He added that deportations of foreigners in an irregular migratory situation are carried out after individual verification of the existence of any of the migratory statuses recognized in Dominican legislation¹⁴⁷².

677. Regarding the deportation of Haitian migrants, publicly available official information indicates that, as of November 2022, a total of 108,436 persons were not admitted, repatriated, or deported to Haiti, compared to 44,082 persons returned during 2021¹⁴⁷³. According to press reports, the Support Group for Returnees and Refugees (GARR)-a Haitian organization-accounted for a total of 14,800 Haitians returned in October alone. GARR also pointed out that the documents of Haitian migrants are not being verified, so that some would be expelled, even if they are not in an irregular situation¹⁴⁷⁴. In addition, data compiled by OBMICA indicates that, as of September 2022, more than 800 attempts to expel Dominican nationals were recorded¹⁴⁷⁵. Additionally, the Commission received information on the obstacles faced by migrant women in accessing health care services, including deportation operations in health centers, even of pregnant women when it is medically safe¹⁴⁷⁶.

678. For their part, civil society organizations denounced that the State is arbitrarily detaining these people despite having documentation, as part of the implementation of mass deportation processes. In addition, they warned about their criminalization, based on skin color, family origin and documentation problems as a result of sentence No.168-13,¹⁴⁷⁷ and highlighted the alleged use of phenotypic profile, by the General Directorate of Migration (DGM), as the main criterion to presume that a person is a Haitian migrant in an irregular situation¹⁴⁷⁸. In addition, they expressed concern about inhumane treatment and human rights violations during refoulement and removal procedures¹⁴⁷⁹.

679. Regarding the protection of the rights of **LGBTI persons**, the IACHR learned of the publication of a report that highlights the situation of discrimination that LGBTI persons experience in the

¹⁴⁷² Dominican Republic, Response to the request for information CIDH/SE/Art. 41/12-2022/353 - Expulsion of Haitian persons and Dominican persons of Haitian descent from the Dominican Republic, January 27, 2023, p. 1 and 8.

¹⁴⁷³ Homero Figueroa [@HomeroFigueroaG] (November 9, 2022). *60,204 Haitian nationals have been repatriated to their country in the period from August to October, for a total of 108,436 for the entire year.* [Tweet]. Twitter. https://twitter.com/HomeroFigueroaG/status/1590521623178006529?s=20&t=5cT2_wx-K19d-cnSuTXSKg.

¹⁴⁷⁴ GARR, "Le GARR demande que les violations graves et systématiques des droits des migrants haïtiens, par les autorités dominicaines, cessent", November 19, 2022. France 24, "République dominicaine : une "chasse" aux migrants Haïtiens, expulsés "dans des voitures en forme de cage"", November 18, 2022.

¹⁴⁷⁵ OBMICA, "Positioning of Dominicans by Right", September 2022.

¹⁴⁷⁶ IACHR. Public hearing on the human rights situation of migrants and their families in the Dominican Republic. 183rd Regular Session, March 17, 2022. See also: The coordinator of development organizations, Jenny Morón: <<Dominican women live institutionalized violence>>, March 3, 2022.

¹⁴⁷⁷ OBMICA, "Positioning of Dominicans by Right", September 2022. Trato Digno, POSITIONING OF THE TRATO DIGNO PROJECT The Dominican government's migration policy in brief: Disproportionate, ineffective and unsustainable migration operations, November 22, 2022.

¹⁴⁷⁸ Centro Montalvo, "Denuncia detenciones arbitrarias de personas dominicanas de ascendencia haitiana durante procesos de de deportación masiva de inmigrantes" [Denounces arbitrary detentions of Dominicans of Haitian descent during mass deportation processes of immigrants], June 16, 2022. Reconoci.do [@reconoci_do] (15 June 2022). *We denounce that the DGM is arbitrarily detaining Dominicans of Haitian descent during processes of mass deportation of immigrants.* [Tweet]. Twitter. https://twitter.com/reconoci_do/status/1537118341487280130. Reconoci.do

¹⁴⁷⁹ GARR, "Le GARR dénonce une campagne de persécutions dirigée vers les migrants haïtiens en République Dominicaine". May 27, 2022.

Dominican Republic. Particularly, in terms of their DESCA, including labor, social security and access to health¹⁴⁸⁰. This report highlights difficulties in access to formal employment faced by LGBTI people and, in particular, trans and intersex people. This situation leaves them with less access to the contributory security regime, so that a significant percentage of these people are not entitled to pensions. It also reported the lack of medical and specialized health services for women with non-normative sexual orientations¹⁴⁸¹. The report also warned about violence against LGBTI students, people who are forced to live on the streets and generalized shortages, as well as the absence of statistical and disaggregated data to guide public policies for the care of this population¹⁴⁸².

680. The IACHR also learned of acts of violence against LGBTI persons. Civil society organizations reported disappearances of LGBTI people and homicides of gay men during the year¹⁴⁸³. According to data compiled by civil society, as of October there were 10 reported homicides against gay men and the murder of a trans woman¹⁴⁸⁴. According to sources cited by the press, stigma, fear and secrecy regarding non-normative gender orientations and identities often negatively influences official investigations into murders and disappearances¹⁴⁸⁵.

681. With regards to **persons deprived of liberty**, the Commission expresses its concern about the conditions of detention faced by this population. According to data from the most recent report of the National Public Defense Office, these conditions are mainly caused by the overcrowding that characterizes most of the prisons in the country and is linked to the excessive use of pretrial detention. In particular, regarding overcrowding, the report indicates that "the 19 centers that belong to the traditional model¹⁴⁸⁶ are totally overcrowded". In this regard, the IACHR warns that the excessive use of pretrial detention is one of the main causes of overcrowding. In this regard, according to the data reported, the rate of application of this precautionary measure is 59%. Specifically, 59.5% of all women in prison (736) and 59.3% of all men deprived of liberty (26,579) are subject to this measure¹⁴⁸⁷.

682. On the other hand, according to the same data, incarcerated persons in the Dominican Republic reportedly face: i) lack of effective separation by gender in at least three prisons¹⁴⁸⁸; ii) shortage of drinking water in some establishments; iii) lack of medical assistance; iv) lack of supplies or medicines; v) lack of mattresses, at least in 18 of the 19 centers of the traditional model¹⁴⁸⁹.

683. Regarding **trafficking in persons**, the Commission takes note of the implementation of programs and activities to combat the crime, such as the "Use and Abuse of Technology" Program, which is a tool against recruitment in cyberspace¹⁴⁹⁰; Operation "Cattleya," which promotes the investigation and

¹⁴⁸⁰ UNDP, *Being LGBTI in the Caribbean: Dominican Republic 2022*, September 14, 2022.

¹⁴⁸¹ Diario Libre, *Dominicanos LGBTI se van de país porque RD no reconoce las uniones de parejas del mismo sexo*, October 18, 2022; UNDP, *Ser LGBTI en el Caribe: Dominican Republic 2022*, September 14, 2022.

¹⁴⁸² Diario Libre, *Dominicanos LGBTI se van de país porque RD no reconoce las uniones de parejas del mismo sexo*, October 18, 2022; UNDP, *Ser LGBTI en el Caribe: Dominican Republic 2022*, September 14, 2022.

¹⁴⁸³ CDN, *LGBT murders, a dangerous trend*, November 4, 2022.

¹⁴⁸⁴ Transsa, *Press Release*: Civil society organizations warn about possible modus operandi to murder and disappear LGBTI people, November 7, 2021.

¹⁴⁸⁵ Acento, *Alertan posibles modus operandi para asesinar y desaparecer a personas LGBTI*, November 7, 2022; Diario Libre, *Los estigmas que obstaculizan las investigaciones de desaparecidos*, November 14, 2022.

¹⁴⁸⁶ Two prison systems coexist in the Dominican Republic: i) the "traditional model", whose administration and security is in charge of the police and the military; and ii) the "new model", in charge of a civilian body specialized in penitentiary treatment, management and security. In this regard, see: Oficina Nacional de Defensa Pública, Gobierno de República Dominicana, *Informe de las condiciones de detención y de prisión 2021*, May 2022.

¹⁴⁸⁷ National Public Defense Office, Government of the Dominican Republic, *Report on Detention and Prison Conditions 2021*, May 2022, pp. 244-245.

¹⁴⁸⁸ In particular, in Salcedo, Nagua and Samaná.

¹⁴⁸⁹ National Public Defense Office, Government of the Dominican Republic, *Informe de las condiciones de detención y de prisión 2021*, May 2022, pp. 244-247 and 254.

¹⁴⁹⁰ Government of Dominican Republic, *Dominican Government affirms institutions work hard to confront human trafficking*, July 28, 2022.

dismantling of transnational networks dedicated to trafficking in persons¹⁴⁹¹, and the Anti-Trafficking in Persons Training Program aimed at professionalizing the National Police¹⁴⁹². Likewise, the Commission takes note of the actions taken by the Public Prosecutor's Office and civil society organizations for a new law on smuggling of migrants and trafficking in persons that contemplates new methods of recruitment used by traffickers and smugglers through social networks¹⁴⁹³.

684. With regard to the rights of **children and adolescents**, the Commission welcomes the actions taken by the State to implement the National Policy for the Prevention of Early Unions and Teenage Pregnancy, and the enactment of Law No. 1-21 prohibiting child marriage in the Dominican territory.¹⁴⁹⁴ However, the IACHR identifies that sexual violence, particularly in adolescents,¹⁴⁹⁵ early unions and adolescent motherhood continue to be important challenges for the country¹⁴⁹⁶. According to UNICEF reports in the Dominican Republic, 65% of adolescent girls between the ages of 15 and 17 have suffered sexual violence at some point in their lives;¹⁴⁹⁷ and more than 20% of young women between the ages of 15 and 19 become pregnant as adolescents in the country¹⁴⁹⁸.

685. Regarding the **rights of people of African descent and against racial discrimination**, the IACHR continues to monitor racial discrimination against people of Haitian origin in a situation of human mobility and their descendants. During 2022, civil society organizations pointed out the persistence of discriminatory administrative practices, for example, in civil registries¹⁴⁹⁹, which could include implicit racial bias¹⁵⁰⁰. In this regard, the United Nations High Commissioner for Human Rights requested the authorities of the Dominican Republic to redouble their efforts to prevent xenophobia, discrimination and related intolerance based on national, racial, or ethnic origin or immigration status¹⁵⁰¹.

686. Regarding the situation of **women's rights**, the Commission takes note of the start of implementation, in 2022, of the laboratory for analysis of regulatory and political frameworks by the Ministry of Women, to incorporate the gender perspective and build proposals based on equality¹⁵⁰²; as well as the Plan for Mainstreaming the Gender Approach in the National Health System 2022-2030, which

¹⁴⁹¹ Government of Dominican Republic, Public Prosecutor's Office has in process the operation Cattleya against the crime of trafficking in persons for sexual exploitation, August 4, 2022.

¹⁴⁹² Government of the Dominican Republic, Policemen are trained to confront Human Trafficking and Smuggling, September 12, 2022.

¹⁴⁹³ Government of Dominican Republic, Yani Berenice highlights initiatives to provide the Dominican Republic with a new Law on Human Trafficking, September 15, 2022; Participación Ciudadana, Ministerio Público and civil society organizations advocate for a law on Smuggling of Migrants and Human Trafficking in the Dominican Republic, September 15, 2022.

¹⁴⁹⁴ UNFPA, Ministry of Women and international panelists discuss actions for the prevention of adolescent pregnancy, September 26, 2022. See also UNFPA, MSP inicia jornada nacional de prevención del embarazo en adolescentes, September 29, 2022.

¹⁴⁹⁵ UNICEF, In Dominican Republic, 65% of adolescent girls between 15 and 17 years of age have suffered sexual violence at some point in their lives, October 11, 2022.

¹⁴⁹⁶ UNFPA, Ministry of Women and international panelists discuss actions for the prevention of adolescent pregnancy, September 26, 2022. See also UNFPA, MSP inicia jornada nacional de prevención del embarazo en adolescentes, September 29, 2022.

¹⁴⁹⁷ UNICEF, Press Release, UNICEF: "In Dominican Republic, 65% of adolescent girls aged 15-17 have experienced sexual violence at some point in their lives." October 11, 2022.

¹⁴⁹⁸ Farmamundi, Young people in the Dominican Republic learn about their sexual and reproductive rights, to live free of gender-based violence, May 26, 2022.

¹⁴⁹⁹ In particular, the organizations pointed to the suspension of the carnet for "border inhabitants", authorized by resolution DGM 09-2021 of the General Directorate of Migration; Listn Diario, Suspended, for now, delivery of carnet for "border inhabitants", February 10, 2022.

¹⁵⁰⁰ Coalición Protección social para los inmigrantes haitianos y sus descendientes en la República Dominicana. Inputs for the preparation of the report of the United Nations High Commissioner for Human Rights under Human Rights Council resolution 47/21, September 2022.

¹⁵⁰¹ OHCHR, Statement by the United Nations High Commissioner for Human Rights, Volker Türk, on the deportation of Haitians from the Dominican Republic, November 10, 2022.

¹⁵⁰² Government of the Dominican Republic, Ministry of Women presented IGUALAB laboratory of regulations for equality in the Dominican State, October 21, 2022.

aims to reduce gender gaps in health¹⁵⁰³. On the other hand, it is noted with concern the available public data that register, between January and October 2022, a total of 55 feminicides¹⁵⁰⁴.

687. In relation to the rights of **older persons**, the IACHR notes that the State announced a series of actions taken through its National Council for the Elderly (CONAPE). In relation to the right to housing, the State reported the implementation of a plan to rehabilitate, adapt and modernize day homes to make the services they offer more efficient in order to guarantee an adequate quality of life for older persons receiving assistance¹⁵⁰⁵. Regarding the right to care, it reported the start of a pilot program for certification in standards of care for older persons aimed at caregivers in the provinces of Azua and Santo Domingo¹⁵⁰⁶. Regarding the right to integrity and to a life free of violence, the State reiterated that CONAPE seeks to amend the Law on the Protection of Older Persons, which guarantees the right to an active, productive and participatory life, with respect for their dignity and freedom, as well as their family and community life, recreation, culture, inclusion and equity, but which does not have a regime of consequences or sanctions for its violation.¹⁵⁰⁷

SAINT KITTS AND NEVIS

General Considerations

688. As it concerns **progress**, the State has begun implementing several pieces of legislation with the aim of fighting corruption. The Commission also highlights the decrease in criminal activity and the State's plans to review and revise its security measures, the implementation of the National Policy and Action Plan on Gender Equality as well as the amendments to the Law on Domestic Violence. It also takes note of a rehabilitation programme at the State's prison and the active involvement with persons with disabilities to better understand their needs. The IACHR welcomes the decision of the Eastern Caribbean Supreme Court which declared the prohibition of consensual sexual relations between same sex adults unconstitutional.

689. In relation to **challenges**, the State has yet to establish a national human rights institution in accordance with the Paris Principles. The Commission also highlights the gaps in existing legislation which particularly affect women and that the State continues to retain the death penalty as the punishment for the crime of murder and there has been no progress in its elimination from the State's laws.

690. The State did not respond to a request for information for the preparation of this chapter.

Specific Issues

691. With respect to **democratic institutional**ity, the IACHR notes that in keeping with the country's constitution, the Federal General Elections were held on August 05, 2022, and the St. Kitts and Nevis Labour Party (SKNLP) claimed 6 of the 11 directly elected parliamentary seats¹⁵⁰⁸. The Commission

¹⁵⁰³ Vice Ministry of Multilateral Foreign Policy of the Dominican Republic. Response of the Dominican State to communication 353-22/CIDH/SE/MPCT-Art. 41 of August 11, 2022, in reference to the Penal Code Reform Project, September 23, 2022, p. 8. On file with the IACHR; PAHO, [Ministerio de Salud con apoyo de OPS pone en vigencia II Plan de Transversalización del Enfoque de Género](#), March 20, 2022.

¹⁵⁰⁴ Prensa Latina, [Dominican Republic registered 55 femicides in 2022](#), October 25, 2022.

¹⁵⁰⁵ Presidency of the Dominican Republic, [Consejo Nacional de la Persona Envejeciente invests more than 25 million pesos in day care homes in the country](#), October 21, 2022.

¹⁵⁰⁶ Presidency of the Dominican Republic, [CONAPE to initiate care communities project in Santo Domingo and Azua provinces](#), October 18, 2022.

¹⁵⁰⁷ Presidency of the Dominican Republic, [Executive Director of CONAPE proposes to modify Law 352-98 on the protection of the elderly](#), June 17, 2022.

¹⁵⁰⁸ St. Kitts and Nevis Information Service, [Hon. Dr. Terrance Michael Drew Officially Sworn in as St. Kitts And Nevis' Fourth Prime Minister](#), August 6, 2022.

also highlights the observation of the general elections by the OAS and CARICOM, and the post electoral preliminary statements by these organizations on the peaceful and responsible participation of citizens and residents of St. Kitts and Nevis¹⁵⁰⁹. The OAS Electoral Observation Mission recommended: (i) strengthening both the technical and human capacity of the Electoral Office in order to increase its efficiency and agility in the organization and implementation of electoral processes; and (ii) either amending the National Assembly Elections Act or developing regulations to clearly establish the rules, procedures and criteria to be followed in defining constituency and polling division boundaries.¹⁵¹⁰

692. Additionally, the State has signaled its intention to place emphasis on integrity in public life. The Government has placed on its 2022 agenda, the implementation of the Integrity in Public Life Act, the Freedom of Information Act and a new Anti-Corruption Act.¹⁵¹¹ According to official information, proposed Anti-Corruption Act envisions the appointment of a Special Prosecutor to investigate and prosecute criminal acts of corruption throughout the Civil Service, Statutory Boards and Government-Owned Companies, subject to the constitutional powers of the Director of Public Prosecution¹⁵¹². Additionally, discussions are being advanced with regards to the status of the Nevis Island Administration (NIA) and establishing specific goals with respect to Constitutional reform.¹⁵¹³ The State has recognized that transparency, accountability, and good governance are critical to maintaining public trust and confidence and that it will actively seek opportunities to strengthen and build bonds of trust with the citizenry and to be responsive to their needs and aspirations.¹⁵¹⁴

693. With respect to **human rights institutions**, the IACHR highlights the lack of progress in establishing a national human rights institution in accordance with the Paris Principles. It is important to point out that the State has an Ombudsman's Office that is affiliated with the Caribbean Ombudsman Association.¹⁵¹⁵ Also, in 2016, the State's Ministry of Foreign Affairs implemented a national reporting and monitoring structure which assists in the State's human rights reporting to international and regional bodies and ensuring that the government is taking the required steps to fulfil its human rights commitments.¹⁵¹⁶

694. The Commission also notes the State's partnership with the UN and three other Eastern Caribbean countries to pilot a project aimed at reducing poverty and inequalities, increasing youth employment, and enhancing social protection systems for households. The regional program entitled "Resilient Caribbean: Engaging and Training Youth, Strengthening Integrated Social Protection Sector Delivery Joint Programme" was launched on October 4, 2022, and is designed to help accelerate progress to achieve the Sustainable Development Goals (SDGs) 2030.¹⁵¹⁷ Additionally, the State plans to revamp the Poverty Alleviation Program (PAP) and the Alternative Pathways Lifestyle Program (APLP), with the former

¹⁵⁰⁹ OAS, Press Release E-043/22 – [OAS Electoral Mission Congratulates People of St Kitts and Nevis on their Participation in the General Elections](#), August 6, 2022; CARICOM, [Preliminary Statement – Caricom Observation Mission to St. Kitts and Nevis Elections, 5 August 2022](#), August 6, 2022.

¹⁵¹⁰ OAS, [Preliminary Report of the OAS Electoral Observation Mission for the General Elections of August 5, 2022 in Saint Kitts and Nevis](#), August 15, 2022.

¹⁵¹¹ St. Kitts and Nevis Information Service, [The Government of St. Kitts and Nevis is Committed to Eradicating Corruption](#), October 8, 2022; St. Kitts and Nevis Information Service, [St. Kitts and Nevis' Attorney General Promises to Swiftly Operationalize Integrity in Public Life Act, Freedom of Information Act and to Draft New Anti-Corruption Legislation](#), September 24, 2022.

¹⁵¹² St. Kitts and Nevis Information Service, [The Government of St. Kitts and Nevis is Committed to Eradicating Corruption](#), October 8, 2022.

¹⁵¹³ Nevis Pages, [St. Kitts and Nevis' Attorney General Promises to Swiftly Operationalize Integrity in Public Life Act, Freedom of Information Act and to Draft New Anti-Corruption Legislation](#), September 24, 2022.

¹⁵¹⁴ St. Kitts and Nevis Information Service, [St. Kitts and Nevis Government Pledges to Root Out Public Sector Corruption](#), October 26, 2022.

¹⁵¹⁵ Caribbean Ombudsman Association, CAROA Members, 2022.

¹⁵¹⁶ United Nations, Compilation on Saint Kitts and Nevis, Report of the Office of the United Nations High Commissioner for Human Rights, October 29, 2020.

¹⁵¹⁷ St. Kitts and Nevis Information Service, [St. Kitts and Nevis Participates in UN Pilot Program to Reduce Poverty, Increase Employment and Social Protection](#), October 4, 2022.

serving as a social safety net to the most vulnerable and improve their standard of living and the latter providing skills training to empower at-risk young men and women¹⁵¹⁸.

695. Regarding **citizen security**, according to official data, for the period January 1 to June 25, 2022, 697 incidences of crime were reported¹⁵¹⁹. This represents a 2% reduction in crimes over the corresponding period in 2021 for which there were 714 incidents reported¹⁵²⁰. Additionally, the Government has stated its intention to rethink the concept of security by implementing effective methods for crime prevention and detection and by utilizing modern technology to strengthen the security apparatus¹⁵²¹.

696. As it relates to **access to justice**, the Commission notes that according to official information, the new District 'A' Magistrates' Court Complex was set to become operational on August 22, 2022, in order to address the backlog of cases¹⁵²².

697. Regarding the rights of **women**, the Commission takes note of the implementation of the National Policy and Action Plan on Gender Equality which seeks to mainstream the gender perspective in the Federal Government and promote gender equality, particularly in the workplace¹⁵²³. The IACHR also overserves the increase in the representation of women in the Federal Parliament¹⁵²⁴. Additionally, the Commission welcomes the approved amendments to the law on domestic violence in November 2022 to facilitate women's access to available judicial remedies as well as the training and awareness-raising measures for the general population about this form of violence.

698. The State has also engaged a private reception center to provide short-term accommodation to women victims of gender violence and children under five years old.¹⁵²⁵ Further, according to official information, in the in the first half of 2022, 195 cases of domestic violence involving female victims were reported, a figure that exceeds those registered annually before the year 2020¹⁵²⁶. The IACHR also express its concern regarding the gaps in the legislation to prohibit and punish all forms of discrimination and violence against women. These gaps include the lack of a comprehensive definition of discrimination, rape and indecent assault, the absence of measures which ensure access to justice for victims, the failure to criminalize marital rape and the lack of specific laws to address sexual harassment.¹⁵²⁷

699. In connection with the rights of **children**, the State has partnered with the Organization of the Eastern Caribbean States (OECS) Education Development Management Unit to strengthen the delivery

¹⁵¹⁸ St. Kitts and Nevis Information Service, Government's Strengthening of the PAP And 'PEACE' Programs Will Benefit and Empower the Most Vulnerable in our Society, October 26, 2022.

¹⁵¹⁹ St. Kitts and Nevis Information Service, St. Kitts and Nevis Records Additional 2 Percent Reduction in Incidences of Crime, June 30, 2022.

¹⁵²⁰ St. Kitts and Nevis Information Service, St. Kitts and Nevis Records Additional 2 Percent Reduction in Incidences of Crime, June 30, 2022.

¹⁵²¹ St. Kitts and Nevis Information Service, Government of St. Kitts and Nevis to Improve the National Security Infrastructure to Advance the Country's Development Agenda, October 25, 2022.

¹⁵²² St. Kitts and Nevis Information Service, Two District 'A' Magistrates' Courts Relocated to the Former "Glencove" Building at Fortlands, Basseterre, August 21, 2022.

¹⁵²³ CEDAW Committee, Experts of the Committee on the Elimination of Discrimination against Women Commend Saint Kitts and Nevis on Adopted Policies, Ask about Women in Agriculture and Human Trafficking, CEDAW/C/KNA/RQ/5-9, October 5, 2022, para. 28, 68, 75; United Nations, Experts of the Committee on the Elimination of Discrimination against Women Commend Saint Kitts and Nevis on Adopted Policies, Ask about women in agriculture and human trafficking, October 13, 2022

¹⁵²⁴ United Nations. Experts of the Committee on the Elimination of Discrimination against Women Commend Saint Kitts and Nevis on Adopted Policies, Ask about women in agriculture and human trafficking, October 13, 2022; Government of St. Kitts & Nevis, St Kitts and Nevis' new session of Parliament opens with record number of female MPs, October 26, 2022.

¹⁵²⁵ CEDAW Committee, Responses to the list of issues and questions relating to the combined fifth to ninth periodic reports of Saint Kitts and Nevis, CEDAW/C/KNA/RQ/5-9, October 5, 2022, para 49.

¹⁵²⁶ Government of St. Kitts & Nevis. Domestic Violence (amendment) bill, 2022, successfully passes in national assembly, November 4, 2022

¹⁵²⁷ United Nations. Experts of the Committee on the Elimination of Discrimination against Women Commend Saint Kitts and Nevis on Adopted Policies, Ask about women in agriculture and human trafficking, October 13, 2022

of education and learning resources. 'Pearl Project' will seek to increase the quality of teaching and learning in the OECS region, especially in light of the negative impacts of the COVID-19 pandemic on the education sector¹⁵²⁸. Likewise, the IACHR welcomes the initiative of the first Joint Assembly of the Youth Parliaments of Barbados and Saint Kitts and Nevis, with the aim of promoting regional integration for the implementation of policies and programs for young people.¹⁵²⁹

700. Further, the State has also commenced reviews of key reforms to legislation which affect children. During September 6-7, 2022, the State held consultations with various stakeholders across child protection and juvenile justice systems. These discussions focused on the function of the Probation and Child Welfare Board in the context of the Probation and Child Welfare Board Act, the Children (Care and Adoption) Act and the Child Justice Act¹⁵³⁰. The State viewed these consultations as being essential in helping to establish clearly defined roles for the Ministry of Social Development and Gender Affairs and the Probation and Child Welfare Board and noted that the brainstorming and subsequent recommendations of the stakeholder group will push forward important changes¹⁵³¹.

701. Regarding the rights of **persons deprived of liberty**, the IACHR takes note of the rehabilitation programmes developed by the State. The Commission welcomes the State's commitment to promoting the human rights of persons deprived of liberty, with officials at Her Majesty's Prison having acknowledged that all inmates are to be treated with dignity and valued¹⁵³². To this end, the State has established a rehabilitation programme aimed at creating an opportunity for inmates to make a seamless reintegration into society.¹⁵³³ This included classes at the secondary and tertiary level, counselling, conflict resolution and so on. According to public information, the Government announced plans to construct a new prison that is a modern, humane and meets international standards.¹⁵³⁴

702. With respect to **persons with disabilities**, the Commission notes of the commitment by the State to improve the situation of persons impacted by a disability. On November 1, 2022, the Junior Minister for Social Development and Disabilities met with members of the St. Kitts and Nevis Association of Persons with Disabilities and the St. Kitts Society for the Blind, as well as parent and guardians and other advocates¹⁵³⁵. The urgent need for housing designed to accommodate persons with disabilities, education, and skills training for young persons with disabilities in order integrate them into the mainstream workforce, and a National Disabilities Act or Policy were among the pressing concerns¹⁵³⁶.

703. With regards to **people in the context of human mobility**, the IACHR notes that Saint Kitts and Nevis, with the other member States to the Executing Agency of the Caribbean Crime and Security Community (CARICOM-IMPACS), would be working together with the International Organization for Migration (IOM) to develop legislation to combat the smuggling of migrants that responds to regional and national needs. This, due to the increase in the number of migrants who are smuggled in that region¹⁵³⁷.

¹⁵²⁸ St. Kitts and Nevis Information Service, Ministry of Education Together with the OECS Commission Working to Enhance Education Sector via Pearl Project, September 30, 2022.

¹⁵²⁹ St. Kitts and Nevis Information Service, St. Kitts and Antigua and Barbuda Youth Parliament Associations Hold Historic Joint Youth Assembly, November 25, 2022.

¹⁵³⁰ St. Kitts and Nevis Information Service, Review of Child Protection and Juvenile Justice System Gets Underway in St. Kitts And Nevis, September 6, 2022.

¹⁵³¹ St. Kitts and Nevis Information Service, Child Protection and Juvenile Justice Stakeholders Energized Following Consultation Workshop, September 8, 2022.

¹⁵³² St. Kitts and Nevis Information Service, Prisoners are to be Treated with Respect and Humaneness, Say HMP Officials, April 14, 2022.

¹⁵³³ St. Kitts and Nevis Information Service, Prison Rehabilitation Programme in St. Kitts and Nevis Reaps Success; Prison Population Reduced Significantly, April 14, 2022.

¹⁵³⁴ Associate Times, PM Timothy Harris outlines details of prison project, denies all speculations, June 30, 2022.

¹⁵³⁵ St. Kitts and Nevis Information Service, Differently Abled Individuals Applaud Government for Commitment to Improving Their Lives, November 2, 2022.

¹⁵³⁶ St. Kitts and Nevis Information Service, Differently Abled Individuals Applaud Government for Commitment to Improving Their Lives, November 2, 2022.

¹⁵³⁷ OIM, CARICOM government representatives met to draft regional legislation against migrant smuggling, April 27, 2022.

704. In terms of **forced internal displacement**, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) noted that the increase in the frequency and severity of climate hazards in the Eastern Caribbean has caused, in addition to serious damage to infrastructure in Saint Kitts and Nevis, population displacement¹⁵³⁸.

705. Regarding the rights of **LGBTI persons**, the Commission took note of the August 29, 2022 decision of the Eastern Caribbean Supreme Court¹⁵³⁹ which held that the crime known as “sodomy”, mentioned in Section 56 of the Crimes Against Personnas violates the rights to privacy and freedom of expression and, therefore, is null and void, to the extent that it criminalizes acts that constitute consensual sexual conduct carried out in private by adults.

706. In relation to the **death penalty**, there remains a lack of progress with removing the State’s mandatory death penalty, despite the fact that no executions have been carried out since 2008.¹⁵⁴⁰ Currently, there is no person awaiting execution and no new death sentences have been imposed by the courts.¹⁵⁴¹

SAINT VINCENT AND THE GRENADINES

General Considerations

707. With respect to **progress**, the Commission highlights the State’s expanded emphasis on vocational education for youth, the efforts in removing illegal firearms from society and the steps taken to integrate a gender approach into policies and measures. The State has also implemented measures geared towards reducing the recidivism of inmates in the prison system. The IACHR welcomes the State’s plans to build a new facility for elderly persons.

708. In relation to **challenges**, the Commission acknowledges that the State has yet to establish a formal national human rights institution in accordance with the Paris Principles. The IACHR is also concerned about the increase in cases of violence against women and that corporal punishment continues to be legally enforceable. The State continues to condemn consensual same-sex adult sexual intimacy through legal prohibition, to uphold the death penalty and that there has been no headway in repealing this type of sentence from the State’s statutes.

709. The State did not respond to the request for information submitted to it for preparation of this chapter.

Specific Issues

710. Regarding **democratic institutional**ity, the IACHR takes note that that according to the Rule of Law Index, issued by the World Justice Project, the State placed 7th out of 32 countries of the region of Latin America and the Caribbean; and 41st out of 139 countries worldwide¹⁵⁴². This represents a decline from the State’s previous position of 5th in the region and 38th globally in 2021. This global ranking is based on the State’s adherence to the universal principles of accountability, absence of corruption, compliance with the law, open government, and civil justice, among other factors.

¹⁵³⁸ OCHA, Country Profile Saint Kitts & Nevis as of May 2022, July 13, 2022.

¹⁵³⁹ Eastern Caribbean Supreme Court, Jamal Jeffers et al v The Attorney General of St. Christopher And Nevis, June 10, 2022; CIDH, The IACHR welcomes the decision declaring the criminalization of consensual sexual activity between LGBTI persons in Saint Kitts and Nevis unconstitutional, September 6, 2022

¹⁵⁴⁰ Cornell Law School, Cornell Center on the Death Penalty Worldwide Database – Saint Kitts and Nevis, November 2021.

¹⁵⁴¹ World Coalition Against the Death Penalty, Saint Kitts and Nevis, August 30, 2021.

¹⁵⁴² World Justice Project, WJP Rule of Law Index – St. Vincent and the Grenadines, 2022.

711. As it relates to **human rights institutions**, the Commission notes that on March 23, 2022, the United Nations Human Rights Council adopted the outcome of the Universal Periodic Review of St. Vincent and the Grenadines¹⁵⁴³. The State supported 81 of the 156 recommendations put forth by the Council and the other 75 were noted. To this end, the Commission notes that while the State possesses a National Human Rights Monitoring and Reporting Mechanism¹⁵⁴⁴, it encourages the State to fulfil its commitment to establish a national human rights institution in accordance with the Paris Principles¹⁵⁴⁵.

712. In the area of **citizen security**, according to official information, the State recorded 42 homicides in 2022, surpassing the State's highest ever recorded total of 40 homicides.¹⁵⁴⁶ As such, the homicide rate for 2022 was 40.25 per 100,000 inhabitants which is significantly high.¹⁵⁴⁷ Further, according to official information, the Royal St. Vincent and the Grenadines Police Force removed 35 firearms and 407 rounds of ammunition off the street for the year; this resulted in the arrest of 15 persons for firearm related offenses.¹⁵⁴⁸

713. Regarding the rights of **women**, the Commission takes note of the regional and international cooperation project to integrate the gender approach into policies, programs, and services for economic empowerment and the prevention of gender violence, with a focus on women, people with disabilities and LGBTI people.¹⁵⁴⁹ On the other hand, the IACHR observes the protests conducted by students and staff of two Vincentian secondary schools against gender violence, in response to recent cases of violence against women in the country.¹⁵⁵⁰

714. Concerning the rights of **children**, according to public information, since the opening of the Sexual Offenses Unit in 2018, 60% of the reported cases of sexual abuse have involved girls.¹⁵⁵¹ Additionally, the IACHR is concerned that the State has not taken action to prohibit corporal punishment against children. According to organization XXX It is still allowed in the family, school, alternative care, and juvenile criminal justice settings.¹⁵⁵² On the other hand, the IACHR also takes note that the State has increased its emphasis on promoting technical training and vocational education.¹⁵⁵³ As the State's industrial sector is expanding, the Prime Minister has encouraged the nation's youth to seek to advance their skills through Caribbean Vocational Qualifications. The Prime Minister believes this will allow them to take advantage of the opportunities available in the sector such as carpentry, masonry, plumbing, etc.¹⁵⁵⁴

715. Concerning **persons deprived of liberty**, the Commission recognizes the initiatives of the State geared towards reducing recidivism¹⁵⁵⁵. The State launched the Skills for Youth Employment Program at Her Majesty's Prisons where fourteen inmates will participate in a 10-week foundational programme

¹⁵⁴³ United Nations, Human Rights Council Adopts Outcomes of Universal Periodic Review of Saint Vincent and the Grenadines, Papua New Guinea, Tajikistan and Tanzania, March 23, 2022.

¹⁵⁴⁴ United Nations, Report of the Working Group on the Universal Periodic Review – Saint Vincent and the Grenadines, A/HRC/49/10, January 6, 2022, para. 6.

¹⁵⁴⁵ United Nations, Report of the Working Group on the Universal Periodic Review – Saint Vincent and the Grenadines, A/HRC/49/10, January 6, 2022, para 42.

¹⁵⁴⁶ St. Vincent Times, No 'Magic Bullet' to halt criminal activities says St Vincent PM, December 27, 2022.

¹⁵⁴⁷ The World Bank, Population, total – Saint Vincent and the Grenadines, 2021. <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=VC>

¹⁵⁴⁸ Royal St. Vincent and the Grenadines Police Force, Commissioner of Police 2022 Christmas Message, December 22, 2022.

¹⁵⁴⁹ St. Vincent Times, Cuso International launches 'gender equality' project in SVG, other islands, November 3, 2022

¹⁵⁵⁰ ONE News., Vincentian youth protest violence against women, May 20, 2022.

¹⁵⁵¹ Searchlight, "El 60% de las denuncias por delitos sexuales afectan a menores", January 14, 2022.

¹⁵⁵² End Violence Against Children, Progress towards prohibiting all corporal punishment, Latin America and the Caribbean, November 2022, p. 3.

¹⁵⁵³ St. Vincent Times, SVG Govt to place greater emphasis on technical, vocational education, August 30, 2022; One News St. Vincent, PM Gonsalves Urges Youth to get CVQ Certified as Construction Booms in the Country, August 29, 2022.

¹⁵⁵⁴ One News St. Vincent, PM Gonsalves Urges Youth to get CVQ Certified as Construction Booms in the Country, August 29, 2022.

¹⁵⁵⁵ St. Vincent Times, Skills for Youth Employment Program has been launched in SVG prisons, September 1, 2022.

and upon completion of their sentence, they will acquire a National Vocational Qualification (NVQ) level 1 certificate in carpentry and joinery¹⁵⁵⁶. The State contends that this initiative not only serves as a form of rehabilitation for the inmates from prison but will also give them the opportunity to gain employment in and outside of Saint Vincent and the Grenadines.¹⁵⁵⁷

716. Regarding **internally displaced persons**, the Commission notes that, according to the most recent figures from the Internal Displacement Monitoring Centre (IDMC), a total of 23,000 new displacements related to natural disasters occurred in Saint Vincent and the Grenadines by the end of 2021. In particular, the IDMC noted that smaller-scale disasters should not be ignored due to their impacts on local communities, particularly in Latin America and the Caribbean¹⁵⁵⁸.

717. In addition, the IACHR notes that, on March 31, 2022, the Government announced the closure of the last collective shelters after the eruption of *La Soufrière* volcano on April 9, 2021¹⁵⁵⁹. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) said that falling ash and extensive landslides, compounded by damage from Hurricane Elsa in June 2021, forced people to reside in emergency shelters during prolonged periods of displacement. Therefore, recovery from the eruption remains an ongoing process with the removal of debris and ash.¹⁵⁶⁰

718. In relation to the rights of **older persons**, according to public information, State authorities indicated the construction of a new center for the elderly that will be better equipped and configured to adapt to the standards for the care of this population. Likewise, the Commission takes note of the debate among parliamentary representatives that it is necessary to expand State care for the protection of the elderly and that the “Home Help for the Elderly” program should be subject to adjustments and improvements¹⁵⁶¹.

719. Regarding the rights of **LGBTI persons**, the IACHR continues to be concerned about the fact that the Penal Code includes the crimes of “sodomy” and “indecent practices between people of the same sex,” which are punishable by up to ten years in prison. The IACHR reiterates that this type of legislation fosters a social climate of exclusion against LGBTI persons and, in addition to being discriminatory, has the effect of limiting the access of these persons to other human rights¹⁵⁶².

720. Regarding the **death penalty**, despite there being no executions since 1995, the IACHR remains concerned with the State’s lack of progress in abolishing the death penalty¹⁵⁶³. While no new death sentences have been imposed in recent years, at least one individual remains on death row¹⁵⁶⁴. The IACHR stresses that the death penalty is a violation of the right to life and that states must take steps to abolish it.

¹⁵⁵⁶ St. Vincent Times, [Skills for Youth Employment Program has been launched in SVG prisons](#), September 1, 2022.

¹⁵⁵⁷ St. Vincent Times, [Skills for Youth Employment Program has been launched in SVG prisons](#), September 1, 2022.

¹⁵⁵⁸ IDMC, [Global Report on Internal Displacement 2022](#), April 2022, p. 164 and 75.

¹⁵⁵⁹ IFRC, [Saint Vincent and the Grenadines and surrounding countries: La Soufrière Volcanic Eruption Emergency Appeal N°. MDRVC005 - Operations Update 12 months](#), July 7, 2022; IFRC, [St. Vincent and the Grenadines: Recovery efforts continue to be crucial one year after the La Soufrière eruption](#), March 8, 2022.

¹⁵⁶⁰ OCHA, [Saint Vincent & The Grenadines: Country Profile \(as of May 2022\)](#), September 20, 2022.

¹⁵⁶¹ Searchlight, [Leacock wants more help for the elderly](#), March 25, 2022.

¹⁵⁶² Penal Code, Section 146 (sodomy); IACHR, [Violence against lesbian, gay, bisexual, trans, and intersex people in America](#). OEA/Ser.L/V/II.rev.1, Doc. 36, November 12, 2015, paras. 55-95.

¹⁵⁶³ Cornell Law School, [Cornell Center on the Death Penalty Worldwide Database – Saint Vincent and the Grenadines](#), November 2021.

¹⁵⁶⁴ World Coalition Against the Death Penalty, [Saint Vincent and the Grenadines](#), August 30, 2021.

SAINT LUCIA

General Considerations

721. With respect to **progress**, the IACHR highlights the legislation advanced to address corruption, the measures implemented to address the ongoing crime situation, the passing of the Domestic Violence Act, the steps taken to improve standards for children in State care, and the establishment of prison rehabilitation programs and the State's increased focus on the situational needs of persons with disabilities and elderly protection.

722. In relation to **challenges**, the Commission observes the lack of a national human rights institution, the sustained increase in crime and violence against women, the denial of education to children due to their hairstyles, the increase in prisoner recidivism, the continued prohibition on consensual same-sex adult sexual relations and the retention of the death penalty.

723. The State did not respond to the request for information for the drafting of this chapter.

Specific Issues

724. Regarding **democratic institutional**ity, the IACHR notes the State's efforts to fight corruption with the introduction of the Special Prosecutor Act. On August 10, 2022, the House of Assembly supported the introduction of the Special Prosecutor Act¹⁵⁶⁵ which provides the appointment of an attorney-at-law by the Judicial and Legal Services Commission to serve as Special Prosecutor to receive complaints and investigate credible reports of corrupt conduct by public officials. The Special Prosecutor can initiate both civil and criminal cases where there have been acts of malfeasance and/or misappropriation of state resources for personal gain.¹⁵⁶⁶ Upon implementation of this Act, citizens can discreetly and safely report corrupt conduct by any public official to an office dedicated to receiving and investigating complaints¹⁵⁶⁷.

725. Concerning **human rights institutions**, the Commission recalls that although the State maintains an Office of the Ombudsman which is member of the Caribbean Ombudsman Association,¹⁵⁶⁸ it has not been recognized as a national human rights institution. The Government has established the National Coordinating Committee for Human Rights as a catalyst to establishing the national human rights institution,¹⁵⁶⁹ and this continues to oversee and report on the national human rights situation.

726. Additionally, on November 28, 2022, the State introduced a Bill into Parliament on the project dubbed 'Safety Nets for Vulnerable Populations Affected by Coronavirus'. According to the Ministry of Equity, Social Justice and Empowerment, this project serves as a direct response to Saint Lucia's socio-economic realities, providing social assistance or temporary relief to targeted individuals and utilizes new and existing social protection services to help individuals and families cope with crises and shocks, improve livelihood opportunities, invest in human capacity, and protect the aging population¹⁵⁷⁰.

727. In the area of **citizen security**, the Commission observes that the State recorded 76 homicides for the year, a minor increase from the 74 recorded homicides in 2021¹⁵⁷¹. This homicide rate of 42.3 per 100,000 inhabitants for the year 2022¹⁵⁷² has primarily been due to the increase in gun violence

¹⁵⁶⁵ Government of Saint Lucia, [Pierre Administration Enacts Special Prosecutor Law](#), August 10, 2022.

¹⁵⁶⁶ Government of Saint Lucia, [Pierre Administration Enacts Special Prosecutor Law](#), August 10, 2022.

¹⁵⁶⁷ Government of Saint Lucia, [Pierre Administration Enacts Special Prosecutor Law](#), August 10, 2022.

¹⁵⁶⁸ Caribbean Ombudsman Association, [Members](#) – St. Lucia, August 31, 2022.

¹⁵⁶⁹ United Nations Human Rights Council, [Report of the Working Group on the Universal Periodic Review – Saint Lucia](#), A/HRC/47/9, April 14, 2021.

¹⁵⁷⁰ Government of Saint Lucia, [Vulnerable and at-risk groups to benefit from "Safety Net" project](#), November 28, 2022.

¹⁵⁷¹ Crisis24, [Saint Lucia Country Report – Delinquency](#), 2022.

¹⁵⁷² The World Bank, [Population, total](#) – St. Lucia, 2021.

among criminal gangs¹⁵⁷³. On June 24, 2022, the Royal Saint Lucia Police Force (RSLPF) established a Gang Investigations Unit, with the main purpose of restricting the influence of the criminal gangs and stopping their illicit activities¹⁵⁷⁴. Further, according to public information, the House of Representatives debated and approved the Firearms (Amendment) Act, which will enhance the deliberation process for the issuance of firearms licenses through the establishment of a Board.¹⁵⁷⁵

728. On November 27, the State indicated the measures taken to address criminal activity¹⁵⁷⁶ and its plans to curb the increase in crime. Some of the measures implemented include the recruitment of new special police constables, providing the State's customs department with improved equipment for the detection of guns at the ports of entry and allowing the operational independence to the Police Commissioner and High Command of the Police.¹⁵⁷⁷ According to official information, the State will implement additional measures such as (i) increasing police training in modern techniques of crime detection including human rights; (ii) intensifying efforts to detect and eliminate corruption among members of the Police Force and other law enforcement agencies; (iii) installing cameras at strategic locations around the island; and (iv) providing the police with new crime-fighting devices and special training.¹⁵⁷⁸

729. Additionally, the State has made efforts at addressing issues of violence through education and public awareness via its ongoing Advocacy Campaign Against Crime and Violence¹⁵⁷⁹. A public sensitization campaign has been developed to educate the public on the dangers of gun violence which will include, among other things, the use of personal narratives of gun violence victims, as well as social media engagement to target the State's primary and secondary schools.¹⁵⁸⁰

730. As it relates to **access to justice**, on September 19, 2022, the State announced that it has begun the transition from the Privy Council to the Caribbean Court of Justice (CCJ) as the jurisdiction's final Court of Appeal¹⁵⁸¹. A committee has been established to facilitate this process and it has launched a public education campaign to inform the public of Saint Lucia's intention to join the jurisdiction of the CCJ¹⁵⁸². Further, the draft legislation to amend the Saint Lucia's Constitution to provide for appeals to the CCJ will be circulated for public comment.¹⁵⁸³ Additionally, on November 27, 2022, the Prime Minister indicated that a new Halls of Justice will be constructed and that the Swift Justice Project will be operationalized to reduce the backlog of cases to inspire confidence in the State's judicial system¹⁵⁸⁴.

731. In relation to the rights of **women**, the Commission welcomes the approval of the Law on Domestic Violence in March 2022, which broadens its definition to include economic, psychological, and

¹⁵⁷³The Voice, Homicide Rate Climbs as Gun Play Continues to Torment Saint Lucians, August 29, 2022, <https://thevoiceslu.com/2022/08/homicide-rate-climbs-as-gun-play-continues-to-torment-saint-lucians/>

¹⁵⁷⁴Royal Saint Lucia Police Force, Royal Saint Lucia Police Force Establishes Gang Investigations UnitRoyal Saint Lucia Police Force Establishes Gang Investigations Unit, June 24, 2022.

¹⁵⁷⁵Loop St. Lucia News, Gov't to Establish Firearms Licensing BoardGov't to Establish Firearms Licensing Board, July 27, 2022.

¹⁵⁷⁶St. Lucia Times, Three In Police Custody After Seizure of Illegal Gun, Ammunition, November 19, 2022; The Voice, Gun Violence Claims Four More This Week, September 3, 2022;

¹⁵⁷⁷Government of Saint Lucia, Prime Minister delivers statement on crime, November 28, 2022.

¹⁵⁷⁸Government of Saint Lucia, Prime Minister delivers statement on crime, November 28, 2022.

¹⁵⁷⁹Ministry of Equity, Social Justice and Empowerment, Ministry of Equity to commemorate International Day of Non-Violence, September 30, 2022.

¹⁵⁸⁰Ministry of Equity, Social Justice and Empowerment, Ministry of Equity to commemorate International Day of Non-Violence, September 30, 2022.

¹⁵⁸¹Government of Saint Lucia, Saint Lucia to Join the Jurisdiction of the Caribbean Court of Justice, September 19, 2022.

¹⁵⁸²Government of Saint Lucia, Saint Lucia to Join the Jurisdiction of the Caribbean Court of Justice, September 19, 2022.

¹⁵⁸³Government of Saint Lucia, Saint Lucia to Join the Jurisdiction of the Caribbean Court of Justice, September 19, 2022.

¹⁵⁸⁴Government of Saint Lucia, Prime Minister delivers statement on crime, November 28, 2022.

sexual violence, harassment and cyberbullying, and other violent practices¹⁵⁸⁵. In addition, the law extends its protections to same-sex couple relationships. In this regard, the Commission takes note of the training and certification processes of law enforcement officers for the implementation of said law¹⁵⁸⁶. Likewise, the Commission appreciates the appointment of the first woman to hold the position of Police Commissioner¹⁵⁸⁷. Along the same lines, the IACHR takes note of the Government's efforts to promote progress towards gender equality at the national and regional levels through the allocation of financial, human, and material resources to the Caribbean countries¹⁵⁸⁸. On the other hand, the Commission takes note of official public statements that warn of the unprecedented increase in violence against women, especially in the family sphere¹⁵⁸⁹.

732. Regarding the rights of **children**, the Commission notes with concern that children and adolescents are being denied access to education because of their appearance, particularly related to their hairstyle. In this regard, the Ministry of Education indicated that it would be reviewing the positions of said schools in relation to their appearance codes¹⁵⁹⁰. Additionally, the IACHR is concerned that the State has not taken action to prohibit corporal punishment against children and adolescents; still allowed in the family, school, alternative care, and juvenile criminal justice settings¹⁵⁹¹.

733. The Commission also takes note of the State's intent to meet its obligations to children in its care. In July 2022, an assessment tour of the Boys Training Centre (BTC) was carried out in relation to discussions on the ongoing rehabilitation and re-integration processes of BTC wards and the overall needs of the Centre¹⁵⁹². Nonetheless, the IACHR urges State to develop a strategy in keeping with the Inter-American human rights standards to de-institutionalize young children who are living in residential institutions, implementing appropriate measures for the care of children that respect their rights¹⁵⁹³.

734. With respect to **persons deprived of liberty**, the IACHR notes the ongoing review into the operations of the Bordelais Correctional Facility (BCF), the introduction of rehabilitation programs in the prison¹⁵⁹⁴. This review of BCF, the sole prison in the State, is set to assess not only the management of the facility but also the manner in which the institution is being operated, as well as any infrastructural work to be addressed and necessary security measures to be implemented. The Commission observes this review against the backdrop of the high rate of the recidivism currently in the State. According to public information, 47 inmates returned to the prison between the period of March 26, 2022, and July 30, 2022.¹⁵⁹⁵ However, the IACHR appreciates that the BCF has introduced various sports, workshops, and technical training as part of its ongoing programme to rehabilitate inmates and build their capacities for different industries¹⁵⁹⁶.

¹⁵⁸⁵ Outright International, St. Lucia "Breaks The Bias" With New LGBTIQ-Inclusive Domestic Violence Act, March 8, 2022; Loop Caribbean News, Domestic Violence Bill in St Lucia receives support on all fronts, March 8, 2022

¹⁵⁸⁶ Government of Saint Lucia, Police trained implementation of Domestic Violence Act, September 15, 2022.

¹⁵⁸⁷ Government of Saint Lucia, Prime Minister announces historic appointment of female Police Commissioner, October 18, 2022.

¹⁵⁸⁸ Government of Saint Lucia. Minister calls on regional governments to commit to gender equality, August 19, 2022; Government of Saint Lucia, GCTF-affiliated event deemed a success, August 31, 2022.

¹⁵⁸⁹ Government of Saint Lucia. Government prepares for Sixteen Days of Activism against Gender-based Violence, October 26, 2022.

¹⁵⁹⁰ Government of Saint Lucia, Ministry to Education to review existing grooming positions at schools on the island, September 6, 2022. Caribbean National Weekly, "St Lucia Teachers' Union warns grooming issue has serious implications for education", September 19, 2022.

¹⁵⁹¹ End Violence Against Children, Progress towards prohibiting all corporal punishment, Latin America and the Caribbean, November 2022, p. 3.

¹⁵⁹² Government of Saint Lucia, USAID Officials Get First-Hand Assessment of BTC, August 23, 2022.

¹⁵⁹³ IACHR, The Right of Girls and Boys to a Family, Alternative Care, Ending Institutionalization in the Americas, OEA/Ser.L/V/II. Doc.54/13, October 17, 2013, para. 317.

¹⁵⁹⁴ Loop St. Lucia News, Major Changes at Bordelais Correctional Facility coming – Poyotte, August 26, 2022.

¹⁵⁹⁵ Tempo Networks, No Halfway Houses Under Consideration For Inmates, But BCF Structural Changes On The Table – St. Lucia Times News, September 14, 2022.

¹⁵⁹⁶ St. Lucia Times, BCF Engaged In Inmate Rehabilitation Programmes, October 20, 2022.

735. Concerning the rights of **older persons**, the IACHR appreciates that Saint Lucia has begun a process to review its policy for the protection of the elderly to guarantee their community integration, affordable housing, and the financial burdens of the people in charge of caring for the elderly people in their family environments¹⁵⁹⁷. Likewise, the State announced the creation of the “adopt an elderly person” program, which, according to public information, would seek to rekindle the national commitment to improve the situation of the elderly and promote social cooperation¹⁵⁹⁸.

736. With respect **persons with disabilities**, the Commission takes note of a recently concluded study of situational needs of persons living with disabilities in Saint Lucia and the revision of the National Social Protection Policy to include more support for citizens with disabilities. According to official information, Saint Lucia, along with three other CARICOM States, participated in a study to assess the situation of persons living with disabilities¹⁵⁹⁹. Following this, the Ministry of Equity, Social Justice and Empowerment convened a series of sensitization sessions during the period June 27, 2022, to July 1, 2022, to focus on the preliminary findings of the study and to allow researchers propose short, medium and long-term solutions for improvement in the quality of lives of persons living with disabilities¹⁶⁰⁰.

737. With regard to **people in the context of human mobility**, Saint Lucia, alongside other Executing Agency of the Caribbean Community Implementing Agency for Crime and Security (CARICOM IMPACS) members, will be working together with the International Organization for Migration (IOM) to develop legislation to combat the smuggling of migrants that responds to regional and national needs.¹⁶⁰¹ In addition, the IACHR takes note of the implementation of a workshop on border control management after a disaster by the States of the Eastern Caribbean Organization (OECS). The workshop aimed to strengthen knowledge and understanding among border officials and support agencies by addressing the principles of free movement of the Organization’s membership. Capacity shortages were also addressed in dealing with the large movement of OECS nationals, and other citizens after a disaster.¹⁶⁰²

738. Regarding the rights of **LGBTI persons**, Saint Lucia promulgated the Intrafamily Violence Law, No. 11 of 2022 in March 2022. Among other things, it explicitly protects against discrimination against public officials or other persons who provide services to victims of domestic violence, based on gender, gender identity and sexual orientation. This makes it the first independent Anglophone Caribbean country to do so under domestic violence legislation.¹⁶⁰³ The IACHR also remains concerned about the fact that the Penal Code continues to classify the crimes of “sodomy” and “serious indecent assault,” which has a stigmatizing effect on this population and, in addition to being discriminatory, limits the exercise of various other human rights, places them under at risk of acts of violence and foster a climate of social exclusion.¹⁶⁰⁴

739. Regarding the **death penalty**, the Commission notes that no progress has been made towards its abolition in Saint Lucia, despite the fact that no executions have been carried out since 1995¹⁶⁰⁵ and no one is currently on death row as of the drafting of this report.¹⁶⁰⁶ The IACHR recognizes that this punishment violates the right to life and urges the State to take actions to abolish it.

¹⁵⁹⁷ Government of Saint Lucia, [Government prioritizes care for the elderly](#), September 12, 2022.

¹⁵⁹⁸ Loop St. Lucia News, [Adopt an Older Person programme coming soon in St Lucia](#), September 27, 2022

¹⁵⁹⁹ Government of Saint Lucia, [National sensitization sessions underway for disability assessment in Saint Lucia](#), June 27, 2022.

¹⁶⁰⁰ Government of Saint Lucia, [National Social Protection Policy focuses on the differently-abled](#), September 8, 2022.

¹⁶⁰¹ IOM, [CARICOM government representatives gather to draft regional counter-smuggling of migrants' legislation](#), April 27, 2022.

¹⁶⁰² Government of Saint Lucia, [OECS holds Cross Border Management Workshop](#), October 7, 2022.

¹⁶⁰³ St. Lucia, Domestic Violence Act, No. 11 of 2022, Section 5 (1) (2); Outright International, [St. Lucia "Breaks The Bias" With New LGBTIQ-Inclusive Domestic Violence Act](#), March 8th 2022

¹⁶⁰⁴ Penal Code, Section 132 "gross indecency" and Subsection 133 (Sodomy); IACHR, [Violence against lesbian, gay, bisexual, trans, and intersex people in America](#). OEA/Ser.L/V/II.rev.1, Doc. 36, November 12, 2015, paras. 55-95.

¹⁶⁰⁵ World Coalition Against the Death Penalty, [Saint Lucia](#), August 30, 2021.

¹⁶⁰⁶ World Coalition Against the Death Penalty, [Saint Lucia](#), August 30, 2021.

SURINAME

Overview

740. In terms of **progress**, the IACHR highlights the presentation of draft National Human Rights Institute Bill, the ruling of the Constitutional Court regarding electoral arrangements and the establishment of an Elections Policy Committee. Moreover, the IACHR welcomes the commitment by the State to ensure public safety, the implementation of training regarding the preparation of a national migration strategy in conjunction with the IOM and the installation of a committee concerning the establishment of an amber alert for the protection of children.

741. As for **challenges**, the Commission notes with concern the prevalence of corporal punishment and information regarding suicidal behavior among young persons. The IACHR also expresses concern over incidents of internal displacement within the State as a result of severe flooding. Lastly, the Commission calls attention to the challenges faced by older persons in accessing the pension system in Suriname.

742. The State did not respond to a request for information for the preparation of this chapter.

Specific issues

743. In relation to **democratic institutional**ity, the Commission notes the decision of the Constitutional Court¹⁶⁰⁷ delivered in August 2022 on case No. 2 in which the Court examined whether the Electoral Regulations, specifically articles 9 and 24, were contrary to Articles 8 and 55 of the Constitution of Suriname¹⁶⁰⁸; articles 1, 23 and 24 of the American Convention on Human Rights¹⁶⁰⁹ and articles 25 (b) and 26 of the International Covenant on Civil and Political Rights (ICCPR)¹⁶¹⁰. Articles 9 and 24 of the Electoral Regulations provide for the distribution of the 51 seats of National Assembly over the different districts of Suriname under a system of proportional representation¹⁶¹¹. The claimant asserted that these articles of the Electoral Regulations under the current proportional electoral system led to inequality and jeopardized the fundamental democratic rights of every voter, as there was a disproportionate distribution of electoral representatives based on population figures from 1987.

744. In its decision, the Constitutional Court took into consideration the views of experts, the President, the chairman of the National Assembly, political organizations¹⁶¹² and the increased population growth from 1987 – 2020 in the various districts of Suriname¹⁶¹³. Additionally, the Court considered the observations of the OAS Electoral Observation Missions of the 2010 and 2020 elections which previously highlighted significant voter inequality between the constituencies in Suriname. In its observations of the 2010 election, the OAS noted that 153,848 registered voters in Paramaribo could elect 17 members of the National Assembly, while in Coronie 1,886 voters could elect 2 members of the National Assembly. Therefore, a seat in Paramaribo represented about 9,000 votes, while in Coronie the same seat was equivalent to 950 votes. The OAS Mission recommended that these imbalances be addressed to ensure a

¹⁶⁰⁷ Constitutional Court of Suriname, [Case No. 2 – Decision regarding electoral arrangements](#), August 5, 2022.

¹⁶⁰⁸ [Constitution of the Republic of Suriname, 1987](#), Article 8: “1. All who are within the territory of Suriname shall have an equal claim to protection of person and property. 2. No one shall be discriminated against on grounds of birth, sex, race, language, religion, education, political opinion, economic position, or any other status”; Article 55: “1. The National Assembly represents the people of the Republic of Suriname and shall express the sovereign will of the nation. 2. The National Assembly is the highest institution of State.”

¹⁶⁰⁹ OAS, [American Convention on Human Rights](#), November 22, 1969, articles 1, 23 and 24.

¹⁶¹⁰ UN General Assembly, [International Covenant on Civil and Political Rights](#), December 16, 1966, articles 25 (b) and 26.

¹⁶¹¹ National Assembly of Suriname, [Electoral Regulations](#), September 29, 1987, articles 9 and 24.

¹⁶¹² Constitutional Court of Suriname, [Case No. 2 – Decision regarding electoral arrangements](#), August 5, 2022, pg. 5.

¹⁶¹³ Constitutional Court of Suriname, [Case No. 2 – Decision regarding electoral arrangements](#), August 5, 2022, pg. 12.

balanced representation of residents by district, while ensuring that all regions of the country have equal access to parliament and political representation¹⁶¹⁴.

745. Ultimately, the Constitutional Court held that the current electoral system does not comply with a fair electoral system, especially when it comes to the equality of votes. The Court noted that the growth of the population in certain districts in recent years has led to inequality of voting weight in the different districts. It concluded that the outcome of the elections does not express the sovereign will of the people, with not every vote having the same weight in the allocation of the seats of the National Assembly. Consequently, the Court ruled that articles 9 and 24 of the Electoral Regulations were contrary to the principle of equality and of an equal right to vote as contained in article 8 of the Constitution of Suriname, articles 23 (1) (b) and 24 of the American Convention on Human Rights and articles 25 (b) and 26 of the ICCPR.

746. The IACHR notes that in response, the State has committed to ensure that the recommendations stemming from the review of the Constitutional Court are implemented either by amending existing legislation or if necessary, by adopting new legislation and that the fundamental human freedoms and rights of participating individuals in electoral processes are respected and guaranteed¹⁶¹⁵. Additionally, the Commission takes note of the establishment of the 2025 Elections Policy Committee tasked with organizing successful elections in 2025. The Committee consists of independent experts and representatives of the Government.¹⁶¹⁶

747. On the issue of **human rights institutions**, the Commission observes that the State does not yet have a national human rights institution. In this regard, the IACHR notes the steps taken by the State to establish a National Human Rights Institute (NHRI), including the drafting of a Bill to create and govern the Institute¹⁶¹⁷. According to the State, this NHRI will ensure the protection, promotion of human rights within the national legal order. At a media launch for the Institute in December 2022, it was stressed that it must adhere to the Paris Principles and guarantee the safeguarding of human rights in Suriname¹⁶¹⁸. In this regard, the IACHR has stressed the importance of having an independent body to promote and protect human rights at the national level and welcomes the move taken by the State for the establishment of the NHRI.

748. Regarding **citizen security**, according to publicly available information, the State decided to enhance surveillance initiatives in order to reduce crime under the Crime Control Plan of the Suriname Police Force. This plan includes the execution of routine road checks with the support of the National Army. In addition, it was decided that neighborhood watch officers and security companies will also be involved to restore the sense of security among citizens.¹⁶¹⁹

749. In relation to the **rights of children**, the IACHR expresses concern that according to a report by UNICEF, more than 80% of children between the ages of 1 and 14 in Suriname are subject to forms of violent discipline in the family¹⁶²⁰. Additionally, the Commission notes the complete lack of regulations that expressly prohibit this form of violence in the family or educational sphere¹⁶²¹.

¹⁶¹⁴ Constitutional Court of Suriname, Case No. 2 – Decision regarding electoral arrangements, August 5, 2022, pg. 11.

¹⁶¹⁵ Cabinet of the President of Suriname, Review of the Constitutional Court on the current electoral system to strengthen democracy, August 5, 2022.

¹⁶¹⁶ Ministry of Internal Affairs, 2025 Elections Policy Committee installed, March 1, 2022.

¹⁶¹⁷ Ministry of Justice and Police, Commission Presents Draft Law National Human Rights Institute, November 7, 2022.

¹⁶¹⁸ STVS Suriname, National Human Rights Institute must guarantee human rights, December 15, 2022; ATV-Networks Suriname, Launch of the National Human Rights Institute, December 14, 2022.

¹⁶¹⁹ Suriname Herald, President expresses serious concern over rising and escalating crime, September 9, 2022; Even more effort needed to guarantee public safety, September 30, 2022.

¹⁶²⁰ UNICEF, Statistical profile of violence against children in Latin America and the Caribbean, May 2022, pp. 5.

¹⁶²¹ UNICEF, Statistical profile of violence against children in Latin America and the Caribbean, May 2022, pp. 11.

750. Moreover, the IACHR notes with the concern the results of research conducted by the Ministry of Labor, Employment & Youth Affairs regarding suicidal behavior of young people between the ages of 16 to 25 years in Suriname. According to official information, of the 2,551 young people who participated in the survey, 36.2% admitted to once having thoughts about taking their own life. Of that figure, 62% actually devised a plan to commit suicide¹⁶²². The Commission welcomes the commitment by the State to take targeted actions to support young persons with suicidal behavior. It is noted that the Ministry of Labor, in consultation with all stakeholders, will develop a plan to immediately focus on preventing the number of suicides and suicide attempts among young people¹⁶²³.

751. Furthermore, in March 2022, the State installed the Amber Alert System Committee to establish a system to enable more efficient intervention in case of missing children. This Amber Alert system, once operationalized, will allow for the timely interventions in the event of missing children. The Amber Alert System Committee is tasked with formulating and implementing policy on establishing the system, appointing a national Amber Alert coordinator, and setting up a National Advisory Group¹⁶²⁴.

752. With respect to **people in the context of human mobility**, the Commission observes that the State, in conjunction with the International Organization for Migration (IOM), organized a training for government actors in preparation for the drafting of national migration strategy. A National Migration Strategy seeks to define the government's vision, goals, priorities, and areas of action at the national level and aims to ensure orderly migration. The development of this strategy is crucial, as according to the State, Suriname faces unique migratory flows and challenges. In addition, it is noted that the State would be taking steps to improve migration management and recognize the potential benefits of migration for national development¹⁶²⁵.

753. Regarding **internal forced displacement**, according to the National Disaster Coordination Center (NCCR), around 2,000 people were directly affected a 1,466 people were displaced by heavy rains that have caused severe flooding in some areas of the country¹⁶²⁶. Consequently, the President declared a disaster zone on May 25, 2022, in at least six districts of the country. In this framework, displaced persons were relocated with relatives in their village or in higher areas¹⁶²⁷.

754. In relation to the rights of **older persons**, the IACHR observes the complex situation regarding the access of the elderly to the pension system in Suriname. Since the State achieved its independence in 1975, there is a group of elderly people who could not accede to a pension since the contribution system does not consider their previous time of residence before the founding of the Republic. Given this worrying situation that could leave a sector of the elderly population in a situation of vulnerability, the Commission appreciates that the State has been promoting a study to analyze some type of compensation, the results of which will be released in 2023.¹⁶²⁸

¹⁶²² Ministry of Labor, Employment & Youth Affairs, Results of research into suicidal behavior among young people between 16 and 25 years of age necessitate rapid action from all stakeholders, September 12, 2022.

¹⁶²³ Ministry of Labor, Employment & Youth Affairs, Results of research into suicidal behavior among young people between 16 and 25 years of age necessitate rapid action from all stakeholders, September 12, 2022.

¹⁶²⁴ Suriname Herald, Amber Alert System Suriname Commission installed, March 15, 2022.

¹⁶²⁵ Ministry of Foreign Affairs, National strategy should lead to orderly migration, August 2, 2022.

¹⁶²⁶ PAHO, Sit Rep #1 Suriname Floods 2022 - 24 May 2022, June 3, 2022.

¹⁶²⁷ Caribbean Disaster Emergency Management Agency (CDEMA), Suriname Flooding - Situation Report No. 1, June 7, 2022.

¹⁶²⁸ Het Parool, Cabinet is looking at compensation for Surinamese elderly due to unjustified state pension gap, November 11, 2022.

TRINIDAD AND TOBAGO

General considerations

755. In terms of **progress**, the Commission notes the work of the Integrity Commission in ensuring public transparency and the introduction of anti-corruption legislation into the Parliament. The IACHR also takes note of the launch of the Primero Child Protection Information Management System and the National Children's Registry. The Commission also highlights the introduction of initiatives to protect older persons from abuse.

756. Regarding **challenges**, the IACHR notes with concern the high prevalence of illegal firearms, incidents of shootings involving police officers resulting in civilian deaths and complaints against members of the police force. The Commission is also concerned about the increase in complaints of domestic violence. It also notes the incidents of abuse of children in the care of the State. The Commission highlights the continued interception, detention and deportation of migrants and refugees by State authorities. Finally, the IACHR notes the lack of progress made in eliminating the death penalty from the State's laws.

757. The State did not respond to the request made in relation to the preparation of this chapter.

Specific issues

758. In relation to **democratic institutional**ity, in January 2022, the Government introduced the Whistleblower Protection Bill that has the objective of combatting corruption and other wrongdoings by encouraging and facilitating disclosures of improper conduct in the public and private sector¹⁶²⁹. This Bill provides for the protection of persons making those disclosures from any detrimental action and the regulation of the investigation of said disclosures of improper conduct¹⁶³⁰. The Commission takes note of the call by the Trinidad and Tobago Transparency Institute for the unanimous passage of this legislation which it states is important in protecting whistleblowers from job loss, discrimination, intimidation, or any other consequences they could suffer for revealing information about corrupt practices¹⁶³¹.

759. Regarding **human rights institutions**, the Commission notes that Trinidad and Tobago has an Office of the Ombudsman, which is a member of the Caribbean Ombudsman Association¹⁶³², the Commonwealth Forum of National Human Rights Institutions¹⁶³³, and the International Ombudsman Institute¹⁶³⁴. The Commission also notes that the Integrity Commission of Trinidad and Tobago is a member of the Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies¹⁶³⁵. Regarding the Integrity Commission, the IACHR notes the Integrity Commission's renewed focus on ensuring the filing of the Declarations of Income, Assets and Liabilities of public officials. According to the Integrity Commission, in 2022, 2,772 *ex parte* applications were filed in the Court for outstanding Declarations of Income and 521 Court orders were served on officials for non-compliance with these *ex parte* applications¹⁶³⁶.

760. Regarding **citizen security**, according to publicly available information provided by the Strategic Services Agency, there are presently approximately 12,000 illegal firearms in Trinidad and

¹⁶²⁹ Parliament of the Republic of Trinidad and Tobago, [The Whistleblower Protection Bill](#), January 14, 2022.

¹⁶³⁰ Parliament of the Republic of Trinidad and Tobago, [The Whistleblower Protection Bill](#), January 14, 2022, sections 12, 13, 19.

¹⁶³¹ Trinidad and Tobago Transparency Institute, [A second chance to get it right](#), February 4, 2022.

¹⁶³² Caribbean Ombudsman Association, [Members](#), 2022.

¹⁶³³ Commonwealth Forum of National Human Rights Institutions, [Trinidad and Tobago](#), 2022.

¹⁶³⁴ International Ombudsman Institute, [Members](#), 2022.

¹⁶³⁵ Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies, [Members](#), 2022.

¹⁶³⁶ Integrity Commission of Trinidad and Tobago, [New Year Message](#), December 30, 2022.

Tobago¹⁶³⁷ and 87% homicides in the State are as a result of firearms. For the year 2022, there were approximately 600 murders recorded in Trinidad and Tobago, as compared to 451 murders recorded in 2021, which represents a 33% increase¹⁶³⁸. The Commission highlights that, to reduce the proliferation of illegal firearms, the State has taken steps to seize and destroy illegal firearms and weapons, with 7000 weapons carded for destruction according to official information¹⁶³⁹.

761. Moreover, the IACHR notes that for the period January to May 2022, there were 10 cases of police involved shootings resulting in civilian deaths under investigation by the Police Complaints Authority¹⁶⁴⁰. Additionally, in the first three months of 2022 there were 162 complaints lodged against police officers according to the Trinidad and Tobago Police Service (TTPS) Police Complaints Division.

762. Relating to **access to justice**, in July 2022, the Privy Council, the State's highest Court of Appeal, ruled that sections of the Bail Act 1994 ("the Bail Act") were unconstitutional. These provisions of the Bail Act allowed for the automatic remand into custody of individuals charged with murder. The Privy Council, agreeing with the below Court of Appeal, ruled that the provisions of the Act were unconstitutional as they provided an arbitrary and potentially unfair prohibition of bail for all persons charged with murder without taking into consideration the specific circumstances of each case¹⁶⁴¹. The Court agreed that these provisions derogated from the fundamental rights and freedoms enshrined in sections 4 and 5 of the Constitution including, the right not to be deprived of liberty except by due process of law, the right not to be deprived of reasonable bail without just cause and the right not to be subject to arbitrary detention, among others¹⁶⁴². As a result of this judgment, persons on remand charged with murder can now access bail pending trial¹⁶⁴³.

763. In relation to the rights of **children**, in 2021, the Commission noted the State's establishment of an independent team to investigate reports of abuse in children's institutions¹⁶⁴⁴. On April 29, 2022, this investigation team published a report entitled "Safeguarding Children in Community Residences and Child Support Centers in Trinidad and Tobago"¹⁶⁴⁵, which found that there was a failure to safeguard children in residential care institutions in Trinidad and Tobago. The report detailed instances of abuse, neglect, deplorable living conditions and the operation of unlicensed homes. Additionally, the report noted that the childcare system was poorly structured and inadequately monitored. Following the publication of the report, the State informed that a task force will be established to develop recommendations to prevent instances of abuse at children's homes¹⁶⁴⁶.

764. On June 21, 2022, under Article 18 of its Statute, the IACHR requested information from the State on the situation of children in residential community residences. Particularly, the IACHR requested details regarding actions planned to investigate the allegations of abuse in residential care institutions, actions planned to provide comprehensive reparations to the victims of the abuse, among other issues¹⁶⁴⁷.

¹⁶³⁷ Trinidad and Tobago Express, 12,000 illegal firearms in T&T, July 13, 2022.

¹⁶³⁸ Trinidad and Tobago Guardian, 2022 T&T's deadliest year, January 1, 2023; Trinidad and Tobago Newsday, Broken record, broken families – a review as Trinidad and Tobago reaches 600 murders in 2022, December 31, 2022; Trinidad and Tobago Express, 601 dead – 2022 a bloody year of infamy, December 31, 2022.

¹⁶³⁹ Ministry of National Security of Trinidad and Tobago, The destruction of over 7000 weapons, September 26, 2022.

¹⁶⁴⁰ Trinidad and Tobago Express, 106 police killings under probe by PCA, May 1, 2022.

¹⁶⁴¹ Attorney General of Trinidad and Tobago (Appellant) v Akili Charles (Respondent) No 2 (Trinidad and Tobago) [2022] UKPC 31, July 28, 2022, para. 72.

¹⁶⁴² Attorney General of Trinidad and Tobago (Appellant) v Akili Charles (Respondent) No 2 (Trinidad and Tobago) [2022] UKPC 31, July 28, 2022, 68-70.

¹⁶⁴³ Trinidad and Tobago Express, Accused in 2015 killing granted bail of \$4m, July 29, 2022; Trinidad and Tobago Newsday, Bail for Guayaguayare man accused of killing teen, September 24, 2022.

¹⁶⁴⁴ IACHR, Annual Report 2021: Chapter IV.A. section on Trinidad and Tobago, p. 645, para. 893.

¹⁶⁴⁵ Government of Trinidad and Tobago, Safeguarding Children in Community Residences and Child Support Centers in Trinidad and Tobago, December 14, 2021.

¹⁶⁴⁶ Trinidad and Tobago Newsday, Webster-Roy: Task Force to look at abuse in children's homes, April 29, 2022.

¹⁶⁴⁷ IACHR, Trinidad and Tobago – the situation of children in residential community residences, Article 18 of American Declaration, June 21, 2022, IACHR Archive.

On August 3, 2022, the State's response informed that all allegations of abuse at Children's Homes and Child Support Centers are investigated by the Children's Authority and by the TTPS in accordance with established procedures and the Laws of the State. Regarding reparations to victims of abuse, the State informed that victims are provided with immediate attention at health facilities and psychological support from psychologists¹⁶⁴⁸.

765. In addition, the Children's Authority in collaboration with UNICEF and the UN Spotlight Initiative launched the Primero Child Protection Information Management System (CPIMS) to boost the child protection system in Trinidad and Tobago. The System streamlines the processing of cases, including registration, assessments and referrals and will allow case workers to act more effectively in safeguarding children who have faced abuse and neglect¹⁶⁴⁹. Moreover, the Commission welcomes the launch of the National Children's Registry (NCR) that will provide a common platform for information to be updated directly and will generate various reports which will be used to further enhance national policies and strategies. The NCR will provide early warning to key stakeholders of children in difficult situations prompting timely response and service delivery¹⁶⁵⁰.

766. Regarding the rights of **women**, there was a 79% increase in complaints of domestic violence in the last two years in Trinidad and Tobago, compared to the period 2018-2020, according to official data¹⁶⁵¹. At the same time, note is taken of the low incidence of reports by women victims of this violence¹⁶⁵². Also, the Commission observed with concern reports of cases of trafficking in women and girls for the purpose of sexual exploitation, particularly of Venezuelan migrants¹⁶⁵³. Finally, the Commission received information on the lack of access of adolescents to comprehensive sexual education and sexual and reproductive health services¹⁶⁵⁴.

767. Relating to **persons deprived of liberty**, in April 2022, the University of the West Indies St. Augustine, together with the Delegation of the European Union to Trinidad and Tobago, launched a project entitled "Addressing Human Rights Abuses of Remand Prisoners with Special Emphasis on Domestic Violence Murder Cases". The objective of this project is to bring about positive change to the law and legal policy in prison remand conditions in Trinidad and Tobago, ensuring that they align with international human rights standards¹⁶⁵⁵. The IACHR highlights that in order to achieve this objective, the project intends to undertake strategic litigation, research and data collection to address human rights abuses inherent in the remand system, including broader issues of gender inequities which underlie it¹⁶⁵⁶.

768. In relation to **people in the context of human mobility**, the Commission takes note of the extension, until December 31, 2022, of work permits to Venezuelan migrants living in Trinidad and

¹⁶⁴⁸ Ministry of Gender and Child Affairs of Trinidad and Tobago, Response of the Trinidad and Tobago State to IACHR request for information regarding situation of children in residential community residences, August 3, 2022, IACHR Archive.

¹⁶⁴⁹ UNICEF Eastern Caribbean, [New Child Protection System Launched in Trinidad and Tobago](#), June 27, 2022.

¹⁶⁵⁰ Ministry of Gender and Child Affairs, [Official Launch of the National Children's Registry](#), October 28, 2022.

¹⁶⁵¹ LoopNews. TTPS records an increase in domestic violence reports, May 25, 2022.

¹⁶⁵² LoopNews. Domestic violence No.1 crime committed in T&T, June 22, 2022.

¹⁶⁵³ Human Rights with Dr. Corp. Annex to the request for a hearing on violence against women and girls in Trinidad and Tobago, for the 184th Regular Period of Sessions of the IACHR, April 19, 2022, p. 2. In the IACHR file; Trinidad and Tobago Guardian, Cops rescue 4 women, 1 man held against their will at Cunupia apartment, July 18th, 2022

¹⁶⁵⁴ IACHR. Public hearing about The Caribbean: Sexual and reproductive rights of adolescents. 185 Period of Sessions, October 26, 2022; International Planned Parenthood Federation. Americas and the Caribbean Region & Center for Reproductive Rights. Annex to the Request for a Hearing: "Sexual and reproductive rights of adolescents in the Caribbean", for the 185th Period of Sessions of the IACHR, s/f.

¹⁶⁵⁵ University of the West Indies St. Augustine, [The UWI & Cropper Foundation launch project tackling the abuse of Remand Prisoners](#), April 14, 2022; Delegation of the European Union to Trinidad and Tobago, [Addressing Human Rights Abuses of Remand Prisoners with Special Emphasis on Domestic Violence Murder Cases](#), March 30, 2022.

¹⁶⁵⁶ University of the West Indies St. Augustine, [The UWI & Cropper Foundation launch project tackling the abuse of Remand Prisoners](#), April 14, 2022; Delegation of the European Union to Trinidad and Tobago, [Addressing Human Rights Abuses of Remand Prisoners with Special Emphasis on Domestic Violence Murder Cases](#), March 30, 2022.

Tobago¹⁶⁵⁷ and which were part of the registration process implemented in 2021¹⁶⁵⁸. However, the IACHR remains concerned about the increase in interceptions of migrants and refugees at sea by the Trinidad and Tobago Coast Guard (TTCG). According to figures presented by the State to the Commission, a total of 186 people were intercepted by the TTCG for unauthorized entry into the country during 2022. Additionally, between 2016 and March 2022, the Trinidad and Tobago Police Service charged 2,672 people with illegal entry. Also, 1,644 persons were repatriated to their country of origin, while 12,221 persons who presented themselves at legal ports of entry were denied from entering the country due to a lack of proper documentation or being on the watch list.¹⁶⁵⁹

769. For its part, the Interagency Coordination Platform for Refugees and Migrants from Venezuela (R4V) has indicated that, in Trinidad and Tobago, authorities periodically detain and deport Venezuelan migrants in an irregular migratory situation. The R4V also noted that, due to the absence of legislation on refugee status and access to the asylum procedures, these persons would be deported without any assessment on the possibility of international protection needs¹⁶⁶⁰. The Platform adds that access to asylum, regularization and documentation remains restricted in the country.¹⁶⁶¹

770. Finally, the R4V also highlighted that when parents are deported from Trinidad and Tobago, some children and adolescents who remain in the country are left in the care of family or friends, while those unaccompanied and separated may not have options for placement in foster homes or children's homes. In addition, these migrant children still cannot enroll in public schools. Moreover, this vulnerable population also faces challenges in accessing nutrition services. All these factors combined increase their vulnerability to exploitation, abuse, and harm¹⁶⁶².

771. Regarding the rights of **persons with disabilities**, the State expressed its commitment to adapt internal regulations and public policies to the standards of the United Nations International Convention on the Rights of Persons with Disabilities. In this regard, the Commission notes that the State intends to provide deaf awareness sessions to frontline staff, prepare an easy read version of its National Policy on Persons with Disabilities and lastly, review its Disability Assistance Grant¹⁶⁶³.

772. In relation to the rights of **older persons**, in 2022, Trinidad and Tobago began the inspection process of a residence for the elderly that did not comply with the standards of institutions that provide this type of service. The Commission values that the State has adopted measures for the relocation of the elderly residents in said center, as well as the review of their state of health¹⁶⁶⁴. Likewise, the IACHR notes the support provided to CSO's by the to establish day care centers for the elderly. These centers seek to guarantee that older persons enjoy quality support services while the persons in charge of their care are able to perform other activities, for example, going to work¹⁶⁶⁵.

773. With respect to the **death penalty**, in May 2022, the Privy Council ruled that the death penalty, though deemed cruel and unusual internationally, was not unconstitutional in Trinidad and Tobago. The Court ruled that the burden to reform and update the law rest on Parliament, as the democratic organ

¹⁶⁵⁷ Ministry of National Security, Trinidad and Tobago, [Press Release – The Immigration Registration Card Exemption has been extended for Venezuelan Citizens in Trinidad and Tobago who have already re-registered](#), April 8, 2022.

¹⁶⁵⁸ CIDH, [Annual Report 2021, Chap. IV.A](#), para. 929.

¹⁶⁵⁹ State of Trinidad and Tobago, Note No. 84, in response to the IACHR's Letter of request for information, Note No. CIDH/SE/Art.18/02-2022/239, Art.18, May 4, 2022, IACHR Archive.

¹⁶⁶⁰ RV4, [RMNA 2022 – Refugee and Migrant Needs Analysis](#), October 12, 2022, p. 190.

¹⁶⁶¹ RV4, [RMNA 2022 - Refugee and Migrant Needs Analysis](#), October 12, 2022, p. 178.

¹⁶⁶² RV4, [RMNA 2022 - Refugee and Migrant Needs Analysis](#), October 12, 2022, p. 179, 188 and 190.

¹⁶⁶³ Ministry of Social Development and Family Services, [Social Development commemorates World Down Syndrome Day!](#), March 21, 2022.

¹⁶⁶⁴ Tobago House of Assembly, [Residents of Home Relocated](#), July 26, 2022.

¹⁶⁶⁵ Trinidad and Tobago Newsday, [WAVES Foundation aims to establish elderly day care in Tobago](#), August 27, 2022.

of government¹⁶⁶⁶ and, therefore, no progress has been made in eliminating the death penalty from the statutes.

URUGUAY

General considerations

774. The Commission highlights the continuity of a solid human rights institutional framework. It also welcomes relevant **progress** such as the adoption of various judicial and administrative measures aimed at preventing impunity for serious human rights violations committed during the civil-military dictatorship; facilitating the social reintegration of persons deprived of liberty; and improving the protection of the rights of transgender persons and older persons.

775. On the other hand, the Commission notes the existence of worrisome **challenges** such as the situation of institutionalized persons with disabilities, particularly children and adolescents, as well as the challenges in the protection of the rights of children and adolescents and women in contexts of domestic violence. At the same time, it warns of the persistence of structural discrimination against persons of African descent and indigenous people, and of the challenges in the exercise of economic, social, and cultural rights by historically discriminated groups.

776. The State did not respond to the request for information sent for the preparation of this chapter.

Specific topics

777. With regard to **human rights institutions**, the signing of the Declaration of Commitment on Technical Cooperation and the creation of the Mechanism of Points of Contact between the IACHR and National Institutions by the National Human Rights Institution and Ombudsman's Office of Uruguay (INDDHH)¹⁶⁶⁷ stands out. Likewise, in September 2022, the new Board of Directors of the INDDHH took office for the period 2022-2027¹⁶⁶⁸, whose selection and appointment process was followed by this Commission, calling to guarantee the exercise of its mandate with guarantees of independence and pluralism¹⁶⁶⁹. In this regard, the Commission takes note of the comments made by various civil society organizations on the lack of transparency and irregularities committed in the selection process, which led to the filing of an appeal for annulment before the Contentious Administrative Court¹⁶⁷⁰.

778. In terms of **democratic institutions**, in March 2022, a referendum was held on the repeal of 135 articles of the "Law of Urgent Consideration", with a majority of votes against, which implies the continuation of the validity of these¹⁶⁷¹. In this regard, the Commission takes up the concerns of civil society organizations regarding the impact that this Law has on human rights, such as the extension of the maximum

¹⁶⁶⁶ *Jay Chandler (Appellant) v The State (Respondent) (No 2) (Trinidad and Tobago) [2022] UKPC 19*, May 16, 2022.

¹⁶⁶⁷ IACHR. Press Release 628/22. [IACHR holds IV Dialogue with National Human Rights Institutions of the region](#), December 6, 2022.

¹⁶⁶⁸ Oriental Republic of Uruguay. Press Release [The new Board of Directors of the INDDHH takes office on Thursday, September 1st](#), August 29, 2022.

¹⁶⁶⁹ IACHR. [Publication of August 11, 2022. The #IACHR continues the process of selection and appointment of members of the Board of Directors of the National Human Rights Institution and Ombudsman's Office, for the period 2022-2027](#) (Twitter). In a similar vein, see: United Nations Uruguay. [Press release](#), August 9, 2022.

¹⁶⁷⁰ Cotidiano MUJER. [Organizaciones Sociales en Defensa de la INDDHH ante la asunción del nuevo Consejo Directivo](#), September 1, 2022; Agesor. [El parlamento puso en riesgo la INDDHH](#), August 20, 2022; La Diaria. [Organizaciones sociales presentaron recurso de nulidad por proceso de selección de integrantes de la INDDHH](#), August 2022.

¹⁶⁷¹ Infobae, Uruguay: "No" won and the 135 articles of Lacalle Pou's Law of Urgent Consideration will be kept, March 28, 2022; Electoral Court, [Results of the Referendum against 135 articles of Law 19.889](#).

term of imprisonment for adolescents in conflict with criminal law, as well as possible limitations to the exercise of the strike, among others¹⁶⁷².

779. In terms of **citizen security**, there has been an increase in homicides compared to the previous year. According to data from the national observatory on violence and crime of the Ministry of the Interior, during the first 6 months of 2022, 188 homicides were registered, while in the same period in 2021, 135 were registered¹⁶⁷³.

780. On the matter of **Memory, Truth and Justice**, the decisions adopted by the Supreme Court of Justice, in specific cases, reaffirming the constitutionality of Law 18.831/2011 by reestablishing the punitive pretension of the State and prohibiting the statute of limitations for crimes of State terrorism until 1985¹⁶⁷⁴. Also, they highlight the efforts to conceptualize a memorial in homage to the political prisoners deprived of liberty between 1968 and 1985¹⁶⁷⁵.

781. On the other hand, there is concern about the bill that would make it possible to establish ex officio house arrest for persons over 70 who have been charged with or convicted of crimes that consist of serious human rights violations¹⁶⁷⁶. In this regard, note is taken of the communication from the Ministry of Foreign Affairs, addressed to the Legislative Branch, in which it recalls the judgment of the Inter-American Court in the *Gelman v. Uruguay* case, and warns of the possible non-compliance with international obligations in the event of approval of the draft bill that suppresses the effects of sentences for those convicted of crimes of this nature¹⁶⁷⁷. In addition, it warns of the United Nations Working Group on Enforced or Involuntary Disappearances on the lack of full compliance with the reparation measures ordered by the Inter-American Court in the *Gelman* case and in the *Maidanik et al.* case, and other challenges related to full reparation to the victims¹⁶⁷⁸.

782. On the matter of **persons deprived of liberty**, the inauguration of a pre-release sector, located on the premises of Unit 4, which operates under an open regime to facilitate reintegration into society, is a positive development. Similarly, the creation of the Labor Dignity Plan, through Law No. 19,996, which establishes a system of social security contributions so that detainees can manufacture products and sell them outside the establishments, is also valued¹⁶⁷⁹.

783. At the same time, concern is expressed about the prison situation and deaths in custody. According to the Parliamentary Commissioner for Prisons, of the total of 86 deaths registered in 2021, 52% were violent¹⁶⁸⁰. In addition, it indicates that prisons would be characterized by: a) 128% occupancy by mid-

¹⁶⁷² The Commission noted these concerns in its 2020 Annual Report, Chapter IV.A, para. 723, and 2021 Annual Report, Chapter IV.A, para. 943.

¹⁶⁷³ Ministry of Interior. Statistics and strategic analysis division. Homicides from January 1 to June 30 (2021-2022), s/f

¹⁶⁷⁴ La Diaria. SCJ ruled in favor of constitutionality of caducidad interpretative law, May 11, 2022; El Observador. New Supreme Court majority ratifies that caducidad interpretative law is constitutional, June 8, 2022; La Diaria. Caso Roslik: SCJ rechazó inconstitucionalidad y da luz verde para la imputación de siete militares, August 23, 2022.

¹⁶⁷⁵ Crysol, Las mujeres construimos historia defendiendo la vida (Women build history defending life), June 11, 2022; Municipality of Montevideo. Se presentó propuesta ganadora para memorial en homenaje a expresas políticas (Winning proposal was presented for a memorial in tribute to former political prisoners), August 23, 2022.

¹⁶⁷⁶ Caras y Caretas. Proyecto de ley del Partido Nacional beneficia a represores, July 14, 2022; La Diaria. National Party proposal on house arrest also benefits imprisoned repressors in Domingo Arena, July 14, 2022.

¹⁶⁷⁷ The Observer. Cancillería advierte sobre las consecuencias de aprobar proyecto de Cabildo Abierto sobre prisión domiciliaria, May 5, 2022.

¹⁶⁷⁸ Grupo de Trabajo de Naciones Unidas sobre Desapariciones Forzadas o Involuntarias. Observaciones preliminares del Grupo de Trabajo de las Naciones Unidas sobre Desapariciones Forzadas o Involuntarias al concluir la visita oficial a la República Oriental de Uruguay (7 al 14 de julio de 2022), July 14, 2022.

¹⁶⁷⁹ Parlamento del Uruguay. Project 2021 Annual Report – Situation of the prison system and alternative measures, 2022, p. 75.

¹⁶⁸⁰ Parliament of Uruguay. Project 2021 Annual Report – Situation of the prison system and alternative measures, 2022, p. 57.

April 2022¹⁶⁸¹; b) technical weakness of personnel; c) absence of technological security elements; d) lack of resources, and f) effort and exhaustion of the civil servants in the prison system¹⁶⁸².

784. Likewise, and in relation to the rights of **persons with disabilities**, the findings of the National Mechanism for the Prevention of Torture (MNP), in its 8th Annual Report, on the situation of involuntary hospitalization of adults in the Medical Occupational and Psychosocial Rehabilitation Center (CEREMOS) and the Vilardebó Hospital, are a matter of concern. In this regard, the extremely precarious conditions in which the people in these institutions find themselves, whose average hospitalization period is 22 years at CEREMOS and 11 months at Vilardebó¹⁶⁸³. In addition, there were cases of people who remained in these centers even though they were psychiatrically discharged¹⁶⁸⁴.

785. Of particular concern is the situation of **children and adolescents** in mental health care centers and centers for minors in conflict with the law¹⁶⁸⁵. According to reports by the INDDHH, the Ombudsman's Office and the United Nations Committee against Torture, situations of emotional neglect, humiliating or threatening treatment, physical violence and the inappropriate use of restraint measures persist in these centers¹⁶⁸⁶. According to information from the NPM, it has been documented that children and adolescents remain in acute care centers beyond medical discharge and in the same conditions as those in extreme situations¹⁶⁸⁷. In addition, in one of these care centers there have been reports of mistreatment and other violations of the rights of children and adolescents, including possible cases of sexual violence.¹⁶⁸⁸ In addition to the above, the high number of registered cases of child sexual exploitation in 2022 is a cause for concern. According to public information, the Uruguayan Institute for Children and Adolescents (INAU) registered 529 cases of exploitation between January and November, 35 cases more than those registered in the same period of 2021.¹⁶⁸⁹

786. On the other hand, note is taken of the bill on co-responsibility in parenting, which seeks to regulate the family relationships of children and adolescents. In this regard, according to information provided by civil society, no informed and participatory process for children and adolescents has been carried out during legislative development; likewise, there is concern that the proposal affects the proper assessment of the best interests of children and adolescents¹⁶⁹⁰. The IACHR has pointed out that legislative initiatives that seek to establish co-parental responsibility in the upbringing of children must be in accordance with the rights of the American Convention and the normative framework of children's human rights.¹⁶⁹¹ On the other hand, note is taken of the campaign implemented in 2022 to encourage adoptions of

¹⁶⁸¹ Parliament of Uruguay. Project 2021 Annual Report – Situation of the prison system and alternative measures, 2022, p. 42.

¹⁶⁸² Parlamento del Uruguay. Presentación de Informe 2021 del Comisionado Parlamentario, April 28, 2022.

¹⁶⁸³ INDDHH. VIII Annual Report of the National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - Uruguay 2021, May 2022, p. 79.

¹⁶⁸⁴ INDDHH. VIII Informe Anual del Mecanismo Nacional de Prevención de la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes - Uruguay 2021, May 2022, p. 86-89.

¹⁶⁸⁵ IACHR. Request for information to the State of Uruguay. Ref: Situación de personas institucionalizadas en espacios de atención a la salud mental en Uruguay, October 2022. On file with the IACHR.

¹⁶⁸⁶ INDDHH and Ombudsman's Office, NPM welcomes the observations made to Uruguay by the UN Committee against Torture, May 13, 2022.

¹⁶⁸⁷ INDDHH. Remaining despite discharge. Girls, boys and adolescents in acute episode psychiatric clinics with medical discharge, December 2021, p. 6.

¹⁶⁸⁸ INDDHH. Monitoreo Sistema de Protección Especializado Niñas, Niños y Adolescentes. Informe sobre el Centro Carpei de atención en salud mental de Maldonado, August 16, 2022, p. 4.

¹⁶⁸⁹ El País. Este año hubo 529 casos de explotación sexual infantil y es la cifra más alta registrada, December 7, 2022; Carve 850. Presidente del INAU: "Esperábamos un incremento mayor de casos de explotación sexual de menores porque tenemos un fenómeno instalado en Uruguay", December 8, 2022

¹⁶⁹⁰ UNDC Uruguay. Una ley innecesaria, 2022, p. 2. On file with the IACHR.

¹⁶⁹¹ IACHR. Publication of August 15, 2022. The #IACHR accompanies legislative initiatives in the region that seek to establish parental co-responsibility in the upbringing of children. Initiatives must be in accordance with the rights of the American Convention and the normative framework of #Children's #HumanRights (Twitter).

children over 5 years of age, in order to provide follow-up and appropriate responses to children and adolescents deprived of parental care.¹⁶⁹²

787. Its terms of **women's rights**, the persistence of gender violence has been noted. According to data from the Ministry of the Interior, as of October there were 33,350 complaints of domestic violence and related crimes; in addition, 42 homicides of women were recorded, 67% of which were committed for gender reasons, especially in the context of domestic violence¹⁶⁹³. On the other hand, the filing of 299 cases by the Montevideo Criminal Prosecutor's Office for Sexual Crimes, Domestic Violence and Gender Violence, in a period of two weeks,¹⁶⁹⁴ which could hinder justice for the victims, is noted with concern. In this regard, note is taken of the disciplinary process followed against the incumbent prosecutor, as well as the sanctions imposed, including removal from office¹⁶⁹⁵.

788. The Committee also takes note of information received by the United Nations Human Rights Committee regarding the lack of allocation of the necessary budget for the effective implementation of the Law on Gender-Based Violence against Women; the lack of specific training for judicial operators, police, health and social assistance personnel to address violence against women; and the obstacles to access to voluntary termination of pregnancy, such as the invocation of conscientious objection and the requirement for migrant women to have lived in the country for one year in order to access the service¹⁶⁹⁶.

789. Regarding the rights of **LGBTI persons**, the efforts of the Montevideo Municipality to compile data on the life experiences of non-binary persons in order to obtain inputs for the articulation and design of departmental public policies that improve the quality of life of these persons¹⁶⁹⁷ are positively noted. Also noteworthy is the first conviction for the murder of a trans woman, in accordance with the law on gender-based violence and the criminal code¹⁶⁹⁸.

790. On the other hand, note was taken of the deficiencies in the implementation of the Integral Law for Trans Persons, particularly the provisions regarding access to work and education. In this regard, activists, and defenders of the rights of LGBTI persons denounced that the trans labor quota in the public administration is still not complied with; that discrimination persists in the workplace, noting that at least 7 out of 10 people have suffered situations of violence, harassment, or discrimination in the workplace; and that the quota of educational scholarships has not been fulfilled.¹⁶⁹⁹

791. In relation to the rights of **indigenous peoples**, there have been calls from civil society and political sectors for the ratification of ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries. Together with Suriname, Uruguay is the only country in South America that has not ratified this convention.¹⁷⁰⁰

¹⁶⁹² Presidencia. [Uruguay promueve adopción de niños de entre 5 y 10 años mediante campaña audiovisual](#). October 18, 2022.

¹⁶⁹³ Ministry of the Interior. [Ministry of Interior accountable on domestic and gender-based violence. Complete Statistics in pdf](#). December 13, 2022.

¹⁶⁹⁴ Office of the Attorney General of the Nation. [Response to the request for access to information, file 2022-33-1-00699](#). June 15, 2022.

¹⁶⁹⁵ La Diaria. [Sumario con separación del cargo para el fiscal Raúl Iglesias por el archivo de más de 200 causas de delitos sexuales](#). 20 de junio 2022; El Observador. [Separan del cargo al fiscal Iglesias por archivo de casos](#). June 20, 2022

¹⁶⁹⁶ Comité de Derechos Humanos de Naciones Unidas. [Observaciones finales sobre el sexto informe periódico del Uruguay](#). CCPR/C/URY/CO/6, October 3, 2022, para. 14 and 16.

¹⁶⁹⁷ Municipality of Montevideo. [First survey of non-binary people in Montevideo](#). June 28, 2022.

¹⁶⁹⁸ Swissinfo.ch. [Justicia uruguaya dicta primera sentencia de su historia por transfemicidio](#), March 7, 2022

¹⁶⁹⁹ La Diaria. [Tres años de ley trans: referentes analizaron avances logrados y los obstáculos que persisten en la implementación](#). September 14, 2022.

¹⁷⁰⁰ El Observador. [Indígenas el dilema que plantea un convenio que le da superpoderes a una población vulnerable](#), 21 de noviembre 2022; La Diaria. [Nuevo directorio de la INDDHH realizó advertencias ante eventual ratificación de convenio internacional sobre pueblos indígenas](#), October 18, 2022; Prensa Latina. [Piden firma uruguaya a convenio de OIT sobre derechos indígenas](#), September 9, 2022.

792. On the rights of **people of African descent and the fight against racial discrimination**, civil society organizations have denounced cases of discrimination and racial hate speech against people of African descent in the area of health care,¹⁷⁰¹ as well as in other spheres against public officials, athletes, artists, among others¹⁷⁰². Similarly, in its observations on the sixth periodic report of Uruguay, the United Nations Human Rights Committee highlighted the persistent structural discrimination against people of African descent and indigenous people - particularly women and girls - in the areas of education, labor, health, and public life, which is reflected in terms of poverty and social exclusion¹⁷⁰³. In addition to the above, in a thematic session on the matter, civil society reported on the lack of implementation, dissemination and discussion of the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance, as well as the failure to designate a national institution responsible for monitoring compliance with this treaty¹⁷⁰⁴.

793. In relation to the rights of **older persons**, note is taken of the efforts of the Ministry of Health to raise awareness of age discrimination - ageism - and to make visible the value of the elderly in society,¹⁷⁰⁵ including the presentation of the "Guide to frailty in older adults: practical criteria and screening instruments at the first level of care", a document aimed at health personnel to facilitate the timely detection of frailty and improve the quality of care for the elderly¹⁷⁰⁶.

794. In relation to the rights of **persons in the context of human mobility**, it is noted with concern that, as a consequence of the COVID-19 pandemic, waiting times in procedures for the recognition of refugee status have increased. In some cases, asylum seekers have had to wait more than two years for the resolution of their procedures¹⁷⁰⁷. In addition, due to the lack of documents and employment, refugees and asylum seekers had limited access to decent housing. As a result, transitional or temporary housing ended up becoming places of long-term residence, despite not having adequate space to accommodate families¹⁷⁰⁸.

¹⁷⁰¹ Montevideo Portal. [Afro community denounced omission of assistance and mistreatment at Rivera Hospital](#). February 8, 2022.

¹⁷⁰² The daily Carnival. [Chabela Ramírez denounced a racist act](#). March 2, 2022. El Observador. [Police intelligence investigates racist banners hung on a balcony in Pocitos](#) June 1, 2022. Prensa Latina. [Afro-descendant prosecutor in Uruguay denounces racist attack](#). December 5, 2022.

¹⁷⁰³ United Nations Human Rights Committee. [Concluding observations on the sixth periodic report of Uruguay](#). CCPR/C/URY/CO/6, October 3, 2022, paras. 6 and 12.

¹⁷⁰⁴ IACHR. Audiencia pública sobre la [situación de los derechos humanos de las personas afrodescendientes en Uruguay](#). 183 Period of Sessions, March 14, 2022.

¹⁷⁰⁵ Ministry of Public Health. [An aging society and ageism](#), November 4, 2022.

¹⁷⁰⁶ Ministerio de Salud Pública. [En el marco del mes del adulto mayor se presentó la guía de fragilidad](#), October 27, 2022.

¹⁷⁰⁷ UNHCR et al. [Estudio sociodemográfico sobre personas solicitantes de asilo, refugiadas y otras personas de interés del ACNUR en diez departamentos uruguayos](#), March 2022, p.59.

¹⁷⁰⁸ ACNUR y otros. [Estudio sociodemográfico sobre personas solicitantes de asilo, refugiadas y otras personas de interés del ACNUR en diez departamentos uruguayos](#), March 2022, p. 122-123.