



Summaries of **Public Hearings**

Annex to Press Release xx/22 -
183rd Period of Sessions

1) BO: Situation of the human rights of indigenous peoples in the context of extractive activities in Bolivia

The parties who requested the hearing reported on the impact of toxic concentrations of mercury on the health, living standards, food, and general environment of indigenous communities in Bolivia. They said the use and import of mercury for mining activities had not been adequately regulated by the State. They highlighted the differential effects on women, children, and adolescents. The State noted the measures it had adopted to prevent the impact of mercury and expressed its willingness to regulate the use of this chemical element and to ensure responsible waste disposal of toxic substances, in keeping with the Minamata Convention on Mercury. The IACHR stressed that it is important for the State to adopt a National Action Plan to control and address the effects of mercury use, in compliance with its international obligations. The IACHR noted that extractive activities need to be conducted in keeping with the United Nations' Sustainable Development Goals. The Commission also stressed the importance of prior consultation and of ensuring the direct participation of women in all processes, as well as of providing adequate cultural reparations for the affected communities.

2) NI: Situation of human rights in the context of impunity in Nicaragua

The organizations who requested the hearing reported persistent judicial persecution and criminalization of civic leaders, human rights defenders, journalists, and opposition activists in Nicaragua in the repression of protests that started in April 2018. Similarly, these organizations provided detailed information about the role of the judiciary in shutting down civic platforms, denying citizens access to justice and generally ensuring structural impunity in the country. No representatives of the State of Nicaragua attended the hearing. The IACHR is sorry that the State of Nicaragua failed to take part in the hearing and urged Nicaraguan authorities to enable dialogue and open up to international scrutiny. The Commission called on international organizations to address human rights violations in Nicaragua by enforcing international law. The IACHR stressed the need to take regional measures to protect democracy, the rule of law and countries' institutions.

3) CO: Case 13,349 – Jorge Luis de la Rosa Mejía and Others (“Missing Persons of San Onofre”) vs. Colombia

This case concerns the alleged forced disappearance in 2001 of Jorge Luis de la Rosa Mejía and Fabio Luis Coley Coronado—investigators who worked for the Technical Investigations Unit at the Colombian Public Prosecutor's Office—and of Aida Cecilia Padilla Mercado and Sadith Elena Mendoza Pérez, at the hands of a paramilitary organization. The families of the two officials denounced a lack of due diligence by the State and the existence of clear ties between paramilitary groups and the authorities. They blamed the State for failing to comply with its obligation to provide protection and care. The families of the two officials argued that investigations had proved unsuccessful and that the missing persons had not been found. The State said that it had issued four convictions and that it had diligently tried and punished the people responsible for these events, as well as diligently looking for the missing persons. The State said there was no link between its own officers and the people responsible for

these forced disappearances. The Commission asked the parties and the individuals who testified at the hearing several questions, including whether the State had adopted a gender perspective in its investigation of the fate of the missing women, and whether the State had provided the people who took part in the hearing with adequate protection. The IACHR will continue to assess this case and will issue a statement on it in due course.

4) UR: Human rights situation of Afro-descendant persons in Uruguay

The organizations who requested the hearing spoke about the poverty affecting Afro-descendant persons in Uruguay; the fact that this population is overrepresented among persons who are deprived of liberty; the insufficient institutional response to instances of racism, discrimination, and racial violence; the failure to incorporate the ethnoracial variable into statistical data collection; and the lack of measures to fight racial profiling and the spread of racially motivated hate speech. These organizations further expressed their concern about the failure to enforce, publicize and discuss the Inter-American Convention Against Racism, Racial Discrimination and Related Forms of Intolerance (ratified by Uruguay), including the failure to mandate a national institution with overseeing compliance with this Convention. The State said that public policies, work plans and affirmative action measures had been adopted in compliance with the Convention. The State noted that an ethnoracial approach had been cross-sectionally integrated into public service and that a new institutional framework had been created to promote and enforce racial equality. The IACHR requested information about the situation of Afro-descendant older persons, children, and women; about differential measures to provide these groups with protection and assistance against racial violence; and about Afro-descendant representation in decision-making positions. The IACHR further stressed the importance of adopting affirmative action measures to fight racial discrimination, in line with the Convention's provisos.

5) BR: Situation of military justice in Brazil

The organizations who requested the hearing expressed their concern about the role of military justice in Brazil. These organizations denounced that military justice violates inter-American standards when it is applied to civilians; that military officers need to be tried for human rights violations committed in security operations; and that military justice is used to punish behavior including "contempt," which could criminalize individual opinion. These organizations added that military justice is a remnant of dictatorship that suggests that military officers are not fully subordinate to civilian power structures. The State said that military justice is part of the judiciary and reports to the Federal Supreme Court, which shows that it is subordinate to civilian authorities. Further, the State said that military justice respects all constitutional safeguards and that its officials are appointed through competitive procedures. The IACHR stressed that having military courts try civilians violates inter-American standards and that all human rights violations need to be tried by the civilian justice system. Finally, the IACHR expressed its interest in holding a meeting with the relevant actors and in conducting a working visit to address this issue in greater depth.

6) PE: Situation of public policies concerning businesses and human rights in Peru (requested by the State)

Organizations representing indigenous peoples noted that the National Action Plan on Businesses and Human Rights had been adopted without prior consultation. These organizations said that their contributions had not been integrated into this policy (particularly regarding the adoption of prior consultation and prior consent, territorial ownership, food sovereignty and indigenous jurisdiction). Further, these organizations denounced deficiencies in State oversight of mining and oil extraction activities, which they blamed for polluting water, land, and air. Finally, social organizations complained about the criminalization and persecution of human rights defenders, and more specifically of environmental rights defenders. Representatives of the State, who requested the hearing, said that the adoption of the National Action Plan on Businesses and Human Rights and the request for this hearing both showed the political will of the State to seek solutions to these problems. The State further noted the openness of the authorities to comments, recommendations, and technical assistance to implement this initiative. The IACHR stressed the right to take part in the design and implementation of public policies, noted the recommendations held in the Commission's own report on business and human rights, and offered the parties its own technical assistance to ensure progress on this initiative.

7) PE: Case 13,641 – Peasant communities and peasant councils in the provinces of Celendín, Hualgayoc-Bambamarca and Cajamarca vs. Peru

This petition was filed in favor of peasant communities and peasant councils in the Cajamarca department. It alleges that, more two decades ago, the Peruvian State granted the firm Yanacocha the right to extract gold to develop the Conga project without prior consultation and without prior and informed consent by the affected communities, when the relevant areas are within the ancestral land of peasant communities and peasant councils. Mr. Manuel Ramos Campos, a member of a peasant council, provided a statement on the effects that the gold extraction project would have on the communities' water provision and noted that the project would endanger these communities' subsistence. Technical expert Francisco Cali Tzay, the United Nations' Special Rapporteur on the Rights of Indigenous Peoples, said that peasant councils are a way in which indigenous peoples organize their life. The State argued that petitioners should first have tried to be identified as indigenous peoples—using the available administrative and legal instruments—so they could be consulted about this mining project. The State further said that peasant councils are alternative forms of social organization active in rural environments. The Commission asked speakers and the parties several questions. The IACHR noted that it would continue to assess the merits of this case and would in due course issue the relevant case report.

8) CB: Situation of the human rights of vulnerable groups in Cuba

The organizations who requested the hearing reported on the situation of vulnerable groups in Cuba, particularly concerning the repression of protests in July 2021. Concerning women, these organizations said that various forms of gender-based violence were being exercised by officers of the State, including political harassment, persecution, and sexual abuse. The situation was allegedly even worse for women who were human rights defenders. Regarding persons with disabilities who took part in the protests, the organizations who requested the hearing alleged that they were subjected to beatings and held in deplorable conditions in detention facilities, and that the State was negligent in terms of granting them access to the healthcare services they needed. These organizations also said that several adolescents remained deprived of liberty for taking part in the protests, and that some of them had been charged with serious crimes, which could lead to them being handed heavy sentences. No representatives of the State of Cuba attended the hearing. The IACHR stressed its profound concern about the situation of human rights and freedom of expression in Cuba. The Commission noted its commitment to monitoring serious allegations of violence and inhuman and degrading treatment of persons who are particularly vulnerable or face particular risks.

9) RE: Human rights situation of Haitians in human mobility contexts in the Americas

The organizations who requested the hearing complained that, due to violence, political instability, discrimination, poverty and socio-environmental disasters, Haitians in human mobility contexts in the Americas face serious rights violations. In particular, these organizations said that Haitians in human mobility contexts in the Americas face rights violations including the following: (i) summary deportations, with no access to asylum proceedings; (ii) alarming levels of violence and structural racial discrimination, including sexual and other gender-based violence; (iii) disappearances and failure to identify remains; (iv) criminalization and detentions in deplorable conditions; and (v) stigmatizing discourse. The Commission expressed its concern about the seriousness of human rights violations in human mobility contexts and condemned ill-treatment targeting Haitians. The IACHR further noted the need for States in the Americas to address the structural factors that trigger displacement and rights violations in all stages of human mobility. The Commission also stressed the need for States to comply with all their obligations as countries of origin, transit, and destination.

10) ES: Situation of judicial independence in El Salvador

The organizations who requested the hearing reported instances of harassment and broader hostility toward the judiciary in El Salvador. These organizations said that the decrees that had shaped reform of the judicial profession and the Constitutional Law on the Office of the Attorney General had been adopted in violation of the country's constitution and of international standards concerning the independence of judicial officers. The organizations who requested the hearing said these reforms had been used to force the hand of the judiciary (for instance, by transferring judges in charge of high-profile cases). The State stressed the importance of the justice system, as a

fundamental element to protect human rights. The State stressed that the judicial reforms mentioned at the hearing were required to make the work of the judiciary more efficient and sought to ensure access to justice and to dignify the work of judicial officers. The Commission stressed its concern about the implementation of these reforms, parts of which violate the principles of judicial independence upheld by the applicable international standards. The IACHR also noted the need to foster trust in the judiciary and expressed its interest in conducting a promotional and working visit to address the issue of judicial independence in El Salvador. The Commission's Special Rapporteur for Freedom of Expression stressed the importance of the institutional environment to enable independent judicial efforts, which suffer in hostile settings.

11) ES: Situation of human rights in the context of Internet surveillance in El Salvador

The organizations who requested the hearing informed the IACHR about various events which they thought reflected a speedy deterioration of the exercise of freedom of expression in El Salvador. These organizations noted that operations using Pegasus malware against at least 35 phones belonging to journalists entailed serious violations of privacy and an attack on freedom of the press, which could also endanger those journalists' sources. The State denied any form of persecution, harassment or stigmatization targeting government critics and said that the Public Prosecutor's Office was conducting the relevant investigations. The organizations who requested the hearing stressed that El Salvador has the world's highest number of journalist "reinfections," which allegedly showed an intent to exercise uninterrupted surveillance targeting the relevant journalists. According to the same sources, El Salvador was also the country with the highest number of confirmed victims of this type of surveillance. The representative of the United Nations stressed the urgent need to improve global and national safeguards to stop the sale of surveillance systems used to control the work of the media and of civil society and to intimidate these sectors. The Commission commended the parties on this dialogue and acknowledged the regional scope of the problem, noting that it entailed a serious attack on democracy. The Commission further stressed its respectful request for permission for its Special Rapporteurship for Freedom of Expression to conduct a visit to El Salvador. Finally, the IACHR once again called for a moratorium on the use of this kind of technology, until adequate legal frameworks have been put in place to protect human rights.

12) HO: Human rights situation of LGBTI persons in Honduras

The organizations who requested the hearing reported the prevalence of violence, discrimination, and social exclusion against lesbian, gay, trans, non-binary, gender-diverse and intersex (LGBTI) persons in Honduras. These organizations expressed their concern about the 2021 constitutional reform that toughened the ban on same-sex marriage and on diverse family structures, and also about the lack of safeguards of the right to gender identity of trans persons. The organizations who requested the hearing denounced a lack of judicial decisions on cases of violence based on prejudice. The State expressed its willingness to take action to safeguard the rights of LGBTI persons, including compliance with the measures the Inter-American Court of Human Rights called for in its decision on the case Vicky Hernández and Family vs. Honduras. Along these lines, the State noted that it had adopted plans to address violence based on prejudice; programs to provide psychological assistance to survivors of

violence; the creation of safe spaces; and other measures to ensure political participation and access to justice for LGBTI persons. The IACHR expressed its concern about violence against LGBTI persons and about pending challenges for their exercise of economic, social, cultural, and environmental rights, including regulations that ban LGBTI persons from giving blood. The Commission acknowledged the State's commitment to safeguarding the rights of LGBTI persons and invited the State to provide relevant technical assistance and training to its own officers.

13) DR: Situation of the human rights of migrant persons and their families in the Dominican Republic

The organizations who requested the hearing denounced restrictions in recognizing citizenship for Dominican persons of Haitian descent and their families, and the consequences this had for these people's exercise of their rights to education and employment and their access to social assistance, among others. These organizations further expressed their concern about the deportation of individuals in human mobility contexts, including pregnant women, children, and adolescents. The State stressed a series of measures adopted to restore the right to a nationality, as well as to grant access to COVID-19 vaccines whatever an individual's migration status. The State also noted that deportations of individuals who were in the country as irregular migrants were conducted in keeping with the law, and that pregnant women were only deported when it was medically safe to do so. The Commission commended the State on its efforts to protect the human rights of to this group. However, the IACHR expressed its concern about the systematic, structural discrimination faced by Dominicans of Haitian descent in the Dominican Republic. The Commission offered its technical assistance mechanism to support the State.

14) VE: Human rights situation of individuals who are deprived of liberty in Venezuela

The organization who requested the hearing expressed its concern about the situation of individuals who were deprived of liberty and faced conditions including overcrowded facilities, shortages of food and drinking water, corruption, and violence. This organization said the State did not regularly provide detainees with either water or adequate food. This had led 70% of all prison inmates to be malnourished, which was one of the main causes of death in this group. Further, this organization noted the specific risks faced by women, who were forced to exchange sexual services for food. The State said detainees, and particularly female detainees, were among the worst-affected groups in the context of Venezuela's crisis. The State also addressed the torture and ill-treatment experienced by individuals who were deprived of liberty for political reasons. Finally, the IACHR expressed its concern about the situation of individuals who were deprived of liberty, which could amount to torture and ill-treatment. Regarding women who were detained, the Commission addressed sexual violence and reminded the State of its duty to provide them with differential protection.

15) PY: Situation of forced evictions and farming policies in Paraguay

The organizations who requested the hearing denounced the impact of forced evictions on the human rights of the affected indigenous peoples and peasant communities. These organizations expressed their concern about the adoption of a law that increases penalties for occupations and violence in eviction contexts, as well as the destruction of crops, homes, schools, and ancestral sites. The organizations who requested the hearing warned that evictions were being conducted with no consideration of title deeds in favor of the indigenous communities who were being evicted. The State said that occupations were contemplated in Paraguay's legal system, with the aim of preserving public order. The State said that it provided legal assistance to members of indigenous peoples and stressed its commitment to protecting economic, social, cultural, and environmental rights. The State said that there were social programs in place that prioritized indigenous communities. The IACHR stressed the need to address the problem of land holdings through dialogue among the State, civil society, and the affected communities.

16) MX: Situation of the right to health of relatives of missing persons in Mexico

The organizations who requested the hearing noted that the disappearance of an individual has a direct impact on the physical and mental health of members of their family. These organizations said they had come across a series of illnesses and disorders that stemmed from victimizing events and got more serious given a lack of State assistance. These organizations said there were 99,120 people missing in Mexico at the time of the hearing, and they questioned the interpretation of the Victims Act to restrict support for their relatives. These organizations proposed the creation of a technical group consisting of health experts to draft clear criteria and guidelines for assistance. The State acknowledged the effects of disappearances on families and noted that families had to be assisted and treated by the National System for Victim Support and the National Healthcare System. The State said that one of the main challenges involved the criteria for revictimizing events and that efforts had been made to make them more flexible and to consider this as a national problem. The State said that, in the context of the COVID-19 pandemic, 26 collective resolutions had been issued, with assistance measures involving 4,000 individuals who were considered victims. The IACHR stressed that most of the people looking for missing relatives were women, and that they faced health problems and other specific effects on their own lives. The IACHR further noted that it was important to identify aspects that enabled a speedy, comprehensive response for victims' relatives.

17) PN: Human rights situation of environmental defenders in Panama

The organizations who requested the hearing reported death threats, harassment, and threats of legal action against environmental defenders in Panama who had complained of agro-industrial activities that allegedly had negative environmental impacts on their land. These organizations also noted that agro-industrial activities were having a differentiated impact on women defenders and girls. They noted that the State was affording these activities environmental impunity, since it was not enforcing the penalties that applied for their violations of environmental laws. The State acknowledged that the environment was essential for human well-being and for the enjoyment of fundamental human rights. It also said that it was strengthening institutions through the adoption of

administrative and legislative measures to ensure access to justice, access to information and citizen participation on environmental issues. The State said it was making changes in the Penal Code to impose penalties for crimes committed against human rights defenders and penalties for public officials for crimes against environmental defenders. The IACHR stressed the crucial role played by environmental defenders and noted the need to implement public policies and mechanisms to ensure they could do their work without threats or intimidation. Finally, the IACHR said the State had an obligation to protect the lives and personal integrity of environmental defenders.

18) AR: Situation of judicial independence in Argentina

The organizations who requested the hearing expressed their concern about the persecution of provincial public prosecutors who had investigated corruption cases and about the complaints filed against these public prosecutors, all with a view to removing them from those investigations. Public prosecutor Cecilia Goyeneche, suspended from her job when she was investigating corruption, spoke at the hearing. The hearing also addressed the case of public prosecutor Fernando Rubio, against whom a complaint had been filed. The organizations who requested the hearing said it was public prosecutors—rather than judges—who were being targeted in these practices. The State stressed its commitment to the independence of the different branches of government. The State said that none of the officials who were mentioned in the hearing had been dismissed, and that certain public prosecutors had only been suspended to ensure accountability. The State noted that these were isolated cases, not nationally widespread practices. The IACHR requested information about action taken at the federal level to protect the work of provincial public prosecutors, and about measures taken to protect these officials from retaliation for their investigations in corruption cases.

19) EC: Case 13,807 – Santiago Efrain Velázquez Coello and Jorge Guillermo Alvear Macías vs. Ecuador

This petition was filed in favor of Santiago Velázquez Coello and Jorge Alvear Macías, former members of the Constitutional Court. The petition alleges that the State of Ecuador dismissed the two men from their positions in retaliation for a decision that favored 50 legislators who were critical of the country's president at the time, Rafael Correa. Mr. Jorge Alvear Macías spoke about the effects the dismissal had had on his own life and that of his family and noted that there was no due process. Richard Villagómez, a constitutional law professor called by the State to testify as an expert, spoke about the legal nature of a writ of amparo and about the independence and impartiality safeguards applied in this case. The State alleged that the petitioners intended the IACHR to act as a fourth court by reviewing the application of constitutional standards. The State noted that independence and impartiality had been safeguarded and that the alleged victims had 11-month mandates as members of the Constitutional Court, rather than four-year mandates as the petitioners claimed. The Commission asked speakers and the parties several questions regarding the safeguards in place at the time of the dismissal, the dismissal process, and the behavior of officers of the State. The IACHR said it would address this case again in due course.

20) EC: Situation of access to education on sexual and reproductive health for children and adolescents in Ecuador

The adolescents who requested the hearing said children and adolescents had little or no access to comprehensive sex education and that whatever little information they obtained was based on myth, prejudice, and stereotypes. They stressed the importance of comprehensive sex education—based on scientific evidence and on good quality, age-appropriate and non-discriminatory data—to prevent sexual violence and adolescent pregnancies, and to protect the rights of children and adolescents to health and to make free, informed, and autonomous decisions concerning their own bodies. The State spoke about the measures it had adopted to promote comprehensive sex education, to prevent and respond to sexual violence in educational contexts, and to comply with the Inter-American Court’s decision in the case *Albarracín et al. vs. Ecuador*. The IACHR welcomed these adolescents’ participation in the hearing and noted the personal and social costs of raising one’s voice on these issues. The Commission requested information about the level of involvement of children and adolescents in the design, implementation and oversight of public policies concerning comprehensive sex education.