

Report on the 161st Session of the IACHR

Annex to Press Release 35/17

Washington, D.C.—The Inter-American Commission on Human Rights (IACHR) held its 161st regular session on March 15-22, 2017. As this was the first session of the year, and pursuant to its Rules of Procedure, the IACHR elected its board of officers on the first day of the session and reassigned certain thematic and country rapporteurships, as announced in [Press Release No. 34/17](#). The IACHR is made up of Francisco Eguiguren Praeli, President; Margarette May Macaulay, First Vice-President; Esmeralda Arosemena de Troitiño, Second Vice-President; and Commissioners José de Jesús Orozco, Paulo Vannuchi, and James Cavallaro. The Executive Secretary is Paulo Abrão, and the Assistant Executive Secretary is Elizabeth Abi-Mershed.

During the session, the IACHR worked on the analysis of petitions, cases, and precautionary measures; held 40 public hearings and 32 working meetings; and met with States, civil society organizations from around the region, and experts, among other activities. Specifically, the IACHR held a productive meeting with the member countries of the Latin American Integration Association (ALADI).

The Commission was concerned to receive information on the existence of alleged reprisals, threats, and stigmatizing statements made against individuals and organizations in Honduras, Nicaragua, and Venezuela for their having participated in hearings and other activities during the IACHR's session. This situation has come up in the past in these same countries, and the fact that it is happening again is disturbing. It is absolutely unacceptable for a State to take any type of action motivated by the participation or activities of individuals or organizations that engage the bodies of the inter-American human rights system, in the exercise of their rights under the Convention. As Article 63 of the IACHR Rules of Procedure establishes, States "shall grant the necessary guarantees to all the persons who attend a hearing or who in the course of a hearing provide information, testimony or evidence of any type to the Commission," and they "may not prosecute the witnesses or experts, or carry out reprisals against them or their family members because of their statements or expert opinions given before the Commission."

On March 20, a consultation was held with experts on pretrial detention, to validate the conclusions and recommendations from its thematic report "Measures to Reduce Pretrial Detention in the Americas," which is being prepared by the Rapporteurship on the Rights of Persons Deprived of Liberty. The consultation was led by Commissioner James Cavallaro, the IACHR Rapporteur on the Rights of Persons Deprived of Liberty, and included the participation of the former United Nations Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Juan Méndez, as well as representatives of academia and civil society from Argentina, Bolivia, the United States, the Netherlands, Italy, Mexico, and Peru. The report discussed during this consultation aims to follow up on

the recommendations for limiting pretrial detention included in the [Report on the Use of Pretrial Detention in the Americas](#)—issued by the IACHR on December 30, 2013—and to provide more detailed standards on specific measures designed to reduce pretrial detention, in line with international human rights standards. The report currently being prepared by the Rapporteurship also emphasizes the application of alternative measures and the incorporation of a special protection approach with respect to women and other individuals and groups at special risk.

The Commission also held a dialogue on “The Rights of Intersex Persons in the Americas,” which included the participation of the President of the IACHR and Rapporteur on the Rights of LGBTI Persons, Francisco Eguiguren Praeli; the Second Vice-President and Rapporteur on the Rights of the Child, Esmeralda Arosemena de Troitiño; the Executive Secretary of the IACHR, Paulo Abrão; intersex persons and activists from Costa Rica, the United States, Chile, and Mexico; civil society organizations from the region; and representatives from the missions of Argentina, Brazil, Canada, Chile, Mexico, Panama, Paraguay, Peru, and Uruguay. During the event, participants stressed the need to end the violations of the human rights of intersex persons and their family members. They emphasized the negative, permanent impact on people’s lives and family relationships when they are forced to undergo “normalizing” surgeries or cosmetic surgeries at an early age and without their consent. The States thanked the Commission for providing the opportunity to hear directly from intersex persons about their demands and needs. The States also expressed their commitment to share best practices—where these exist—and to work within the OAS to draw attention to this situation. The IACHR underscored its commitment to raise visibility about the particular needs of intersex persons. For his part, the Rapporteur on the Rights of LGBTI Persons, Commissioner Eguiguren, expressed concern regarding the discrimination faced by intersex persons because of their bodily diversity, and said there needs to be a better understanding of body variations within health-care systems in the countries of the region.

The Commission also held a meeting with representatives of the labor union movement in the United States, to explore actions involving the work plan of the Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights, in order to address human rights issues related to the U.S. labor and trade union movement. This meeting, held on March 17, was coordinated by Commissioner Paulo Vannuchi, who heads the IACHR Unit on Economic, Social, and Cultural Rights. Participants included representatives of Change to Win; the United Automobile, Aerospace and Agricultural Implement Workers of America (UAW); the United Food and Commercial Workers International Union (UFCW); the American Federation of Teachers (AFT); the Service Employees International Union (SEIU); and the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO).

The IACHR regrets the absence of representatives of the States of Cuba, the United States, and Nicaragua in hearings related to those countries. In this regard, the Inter-American Commission emphasizes that it is important for the States to participate in all the hearings, in good faith and with sufficient substantive information available, in order to make constructive progress toward solutions to human rights problems in the region.

Videos of the hearings are available on the IACHR's YouTube channel. High-resolution photos can be found on the IACHR's Flickr site, and are available for use by interested individuals and organizations.

Approval of the Strategic Plan

During the 161st session, the IACHR approved its [Strategic Plan for 2017-2021](#). To put together the plan, the IACHR held public consultations with civil society organizations, experts, and OAS Member States. This participatory, democratic process made it possible to broaden the regional context, evaluate the plan's proposals, and help generate a more democratic and transparent culture within the institution. The plan is structured around five strategic objectives. The first is to contribute to the development of a more effective and accessible inter-American justice system in order to overcome impunity practices in the region and achieve the integral reparation of victims through decisive measures for strengthening the petition and case system, friendly settlements, and precautionary measures. The second strategic objective seeks to impact precautionary measures and the factors that lead to human rights violations through the coordinated use of IACHR mechanisms and functions to improve the capacity for monitoring and coordinating relevant, timely, and adequate responses. The third strategic objective is to promote democracy, human dignity, equality, justice, and fundamental freedoms by actively contributing to the strengthening of State institutions and public policies with a human rights approach, in accordance with inter-American regulations and standards, and by building the capacities of civil society organizations and networks of social and academic actors in the defense of human rights. The fourth strategic objective aims to promote the universalization of the inter-American human rights system through coordinated initiatives with the Inter-American Court of Human Rights and other international, regional, and subregional human rights agencies and mechanisms. The fifth strategic objective is to guarantee the human resources, infrastructure, technology, and the necessary budget for the fulfillment of the IACHR's mandate and functions, by means of institutional results-based management for efficient, effective, and measurable institutional development.

Public Hearings Held during the Session

Here are summaries of the public hearings that were held:

State of Independence and Autonomy of the Justice System in Mexico

The organizations that requested this hearing talked about the historic opportunity to reform the justice system model in Mexico, given the 98 percent impunity rate in the country, and in this context stressed the importance of guaranteeing the autonomy of the Prosecutor General's Office. They said that under the temporary provisions established in the 2014 constitutional reform, this autonomy comes into question when the last Attorney General automatically becomes the first Prosecutor General for nine years, with no selection process. They emphasized that there can be no autonomy if the selection

process lacks guarantees of transparency, citizen participation, and disclosure and is not designed to identify merit or lacks the tools to do so. The State, for its part, reported that the 2014 constitutional reform establishes a balanced appointment procedure through a system of checks and balances which has been incorporated into the most recent selection processes. It also indicated that to avoid the Attorney General of the Republic from automatically becoming the Prosecutor General, the President of Mexico presented an initiative in November 2016 to amend provisional Article 16 and set up a different appointment procedure, to make the selection process more transparent. The IACHR welcomed the opportunity to address this issue and consulted both parties on opening up channels for civil society participation in this process.

Human Rights Situation of Asylum Seekers and Refugees in Mexico

The civil society organizations that requested this hearing spoke out about the crisis related to refugees and others in need of international protection in the Americas, and said that one manifestation of this is the critical situation faced by asylum seekers and refugees in Mexico. The organizations said this crisis is evident in the 1,000 percent increase in asylum requests from 2012 to 2016, with most of these requests coming from the Northern Triangle of Central America, where the levels of violence are higher than in countries with armed conflicts. This situation has made Mexico a destination country, where people fleeing violence and persecution in their countries generally come up against policies that focus on immigration detention and deportation. The organizations talked about how these measures affect the right to seek and receive asylum, the principle of *non-refoulement*, and other rights of asylum seekers and refugees. In this regard, they indicated that immigration control measures focus on national security and not on human rights, as is the case with the Comprehensive Southern Border Program. The main problems detected by the civil society organizations were the existence of obstacles to accessing the procedure for recognition of refugee status with due process guarantees; the failure to provide training and raise awareness among members of the Mexican Commission for Aid to Refugees (COMAR); the lack of a mechanism to evaluate that procedure; immigration detention; and the lack of integration policies for those who have been recognized as refugees. For its part, the Mexican State recognized that it is dealing with an unprecedented dynamic in which it has seen an increase of 576 percent in the number of people seeking refugee status in the last four years, with 6 of every 10 applicants being given refugee status. The State pointed to the training it has provided to officials, the development of alternatives to immigration detention, and the creation of inter-institutional working groups to ensure a comprehensive approach. It also underscored the participation of the National System for Comprehensive Family Development (DIF) in protecting children and adolescents, and the development of a protocol for action in immigration proceedings. Finally, the State asked for recognition of the shared responsibility of neighboring countries to the north and south to provide a humanitarian response to this crisis. In this context, Commissioner Esmeralda Arosemena de Troitiño, Rapporteur for Mexico and Rapporteur on the Rights of the Child, underscored the importance of prohibiting immigration detention for children and adolescents. She also stressed the need to establish alternatives to immigration detention, in line with the recommendations made by the IACHR in its report [Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico](#). In the same hearing, IACHR Executive Secretary Paulo Abrão called to mind that Mexico was one of the driving forces behind the Brazil

Declaration and Plan of Action, and said it was important for it to set an example with regard to its implementation. During the hearing, the Mexican State pledged to establish a working group on the rights of asylum seekers and refugees, made up of authorities who are involved in the asylum issue and civil society actors. The State and the civil society organizations agreed to define how the IACHR, through its Rapporteurship on the Rights of Migrants, and the Office of the United Nations High Commissioner for Refugees can be part of the working group and follow its efforts.

Right to Truth in Cases Involving Gross Human Rights Violations in Mexico

The participating organizations talked about restrictions in Mexico on access to information and documents that are in the hands of public agencies and are related to gross human rights violations. The organizations drew attention to the difficulties victims have in gaining access to investigation case files; the failure to turn over copies and the practice of turning over completely redacted information; and flaws in forensic investigations that have direct repercussions on victims' right to truth. The speakers stated that there are rules and administrative practices that restrict access to information on human rights violations in historical archives, as the documents containing that information are redacted, allegedly to protect personal data. For its part, the State reported on the General Archive of the Nation (AGN), a decentralized institution that follows guidelines on data protection provided by the National Institute for Transparency, Access to Information, and Personal Data Protection (INAI). Based on these guidelines, documents that contain information on human rights violations have been redacted. Nevertheless, the State reiterated its commitment to transparency and accountability. As an example of that, it pointed to the establishment of the "open file" system (*carpeta abierta*), which parties can access online; under provisions of criminal law, victims should have access to the file and be able to obtain copies of it free of charge.

Special Follow-Up Mechanism to Ayotzinapa Case in Mexico

In the hearing on the [Follow-Up Mechanism to the Ayotzinapa Case](#), convened by the IACHR on its own initiative, the petitioners and family members in attendance said that the Mexican State is still failing to comply with the recommendations of the Inter-Disciplinary Group of Independent Experts (GIEI). They indicated that the result of the internal investigation by the Attorney General's Office (PGR) does not take into account the irregularities raised by the Inter-Disciplinary Group. Regarding the investigation, they brought up the lack of progress related to several lines of investigation, the absence of new charges, and the slow pace of the analysis of expert evidence. In terms of the search, they called for more extensive use of LIDAR technology and of a database of graves in the state of Guerrero. They underscored the importance of the Follow-Up Mechanism and the IACHR's accompaniment. The State indicated that it has collaborated at all times with the Follow-Up Mechanism, and expressed its commitment to the case and to maintaining the Mechanism's mission. It also reported on the status of the investigation, the measures adopted to carry out a coordinated search, the use of LIDAR technology, and the measures taken to attend to the injured. With regard to the internal investigation done by the PGR, the State reported that this will be decided by the judicial branch. The State also asked the petitioners and family members if they would be willing to consider the State's hypothesis of the case,

given the fact that an alternative line of investigation has not been consolidated, to which the representatives indicated that this would mean rejecting the conclusions presented by the Interdisciplinary Group of Independent Experts. For its part, the IACHR questioned the pace of progress and the State's compliance with the Interdisciplinary Group's recommendations. It stressed that the case must be solved as soon as possible and that the State has the capacity and the means to do so.

Protection Mechanism for Human Rights Defenders in Honduras

In this hearing, requested by Honduras, the State talked about progress made in developing a protection mechanism for human rights defenders, and about its comprehensive protection policy developed in response to the judgment handed down in 2013 by the Inter-American Court in the Case of Luna López. The State pointed to the passage of the Law on the Protection of Human Rights Defenders, Journalists, Media Workers, and Justice Operators; the participation of civil society organizations in developing protection-related standards; and the creation of the National Protection Council and the Protection Mechanism Committee. It also explained the various protection mechanisms implemented since February 2017 for human rights defenders. Finally, the State recognized challenges such as the small budget earmarked for this area and the need to strengthen investigations, and reiterated to the IACHR that it is willing to continue providing information. For their part, the participating civil society organizations stressed the urgency of analyzing the structural causes of violence against human rights defenders in the region. They talked about the State's responsibility to create a gender-based investigation protocol; provide training to police on the work of human rights defenders; speed up the response time to threats made against human rights defenders; and put an end to the stigmatization and criminalization of human rights defenders' work. Commissioner Cavallaro and Commissioner Macaulay recognized the efforts Honduras has made and the progress on the mechanism, as well as the State's demonstrated willingness to engage in dialogue. The IACHR Special Rapporteur for Freedom of Expression asked the State for statistical information on the protection mechanism and how it is working in terms of a gender-based perspective.

General Human Rights Situation in Honduras

In this hearing, the participating organizations indicated that the Honduran State has not complied with the recommendations issued by the IACHR in its 2015 country report. They referred to the concentration of power in the executive branch, the militarization of the country, the need to guarantee the independence and impartiality of justice operators, and the recent criminal justice reforms they said run contrary to international standards. The organizations indicated that more than 450 hydroelectric and mining projects have been approved to date, some in territories of indigenous and Afro-descendant peoples without prior consultation. The State indicated that, as part of the process of purging the police forces, it has evaluated 4,933 police officers. In terms of the participation of the military police in citizen security responsibilities, it indicated that in the short term, the criterion for their involvement will be determined by the level of violence in each municipality; in the long term, it will be in accordance with the growth and strengthening of the national police. The State indicated that a permanent presence of the military police will not be required in municipalities where the homicide rate is less than 25 per

100,000 inhabitants. The IACHR reiterated that the armed forces should not participate in citizen security tasks, and said that bringing about changes along these lines will require revising the national budget. With regard to the reform of the Criminal Code, the IACHR called for a dialogue with all parties, one that includes the IACHR and the Office of the High Commissioner in Honduras.

Situation of Environmental Rights Defenders in Panama

The organizations that requested this hearing denounced the current situation of violence experienced by environmental rights defenders in Panama, the systematic pattern of criminalization of environmental protests, and the repression and use of law enforcement by the authorities. The participating organizations pointed to the specific case of Larissa Duarte, an activist who was sued for having opposed the Barro Blanco hydroelectric project, and that of Lila Arriaga, who had to leave the country for her own safety. The hearing also included the testimony of a man who lives on Pedro González Island, who spoke out about the population's loss of lands and the threats and acts of violence directed against those who defend their land. Finally, the petitioners requested an onsite visit to Panama, among other measures. For its part, the Panamanian State noted that it is strengthening its institutions to provide greater protection for the work of human rights defenders while also focusing on sustainable development through the construction of hydroelectric dams. Although it recognized that the right to association is somewhat restrictive in Panama, the State pointed to efforts such as the creation of the Ministry of the Environment; the doubling of the agency's budget; the increase in national park designations; the creation of dialogue processes; and the strengthening of environmental impact assessments, among other steps it has taken. Commissioner Cavallaro requested information on consultation processes related to the Pedro González and Barro Blanco cases, as well as on the current situation of the environmental defender Ligia Arriaga. Commissioner Macaulay, in turn, asked for more details on the dialogue with the indigenous communities that claim they have the right to the lands, as well as on the legal process for issuing land titles, and suggested holding periodic consultations between the State and the affected communities in this regard.

Right to Territory of Amazonian Indigenous Peoples and Communities

This hearing was requested by an ecclesiastical network—Red Eclesial PanAmazónica (REPAM)—and by regional institutions of the Catholic Church, in a joint effort to stand alongside pan-Amazonian communities as they defend their territories and ways of life from violations caused by extractive industries and the development of major infrastructure projects. In his presentation, the Archbishop of Huancayo, Monsignor Pedro Barreto, denounced the effects on native communities and on biodiversity produced by an extractive economic model in the region that “puts money before human need, causing death and destruction.” Four representatives of indigenous communities also participated in the hearing. A representative of the Awajún and Wampís indigenous communities of Peru talked about the dispossession of their territories, the lack of consultation, and the contamination of water used for human consumption as a result of mining companies' operations. Representatives of the Jaminawa Arará indigenous people and of the peasant community of Buriticupú in Brazil reported that the State's demarcation of ancestral territories had come to a standstill, and that their lands had been turned over

without consultation for railroad activities related to the extraction of minerals. In the case of Ecuador, the representative of the indigenous communities of Cascomi and Shwar reported that their homes had been raided and their cultural assets destroyed, and they were enduring violent attacks at the hands of the mining companies. At the close of the hearing, Commissioner Eguiguren stressed the importance of consultations, and indicated that failing to carry them out constitutes an abuse of human rights.

Independence of Justice Operators in Chile

In this hearing, Chile's National Association of Judges (ANM) spoke out against the subordinate nature of the judiciary—a legacy of the colonial era—and said that conditions in Chile were adverse for the independence of judges, the administration of justice, and fundamental rights. The participants discussed how the current model turns over administrative, correctional, and economic control to the Supreme Court, allowing the Supreme Court to remove judges without a trial, interfere with disciplinary powers reserved for the legislature, and pursue disciplinary remedies that have the dual function of disciplining a judge and at the same time overturning the grounds for his or her decisions. The ANM said that it had proposed constitutional reforms to restructure the judiciary. Finally, the association requested that the Chilean State make an immediate commitment to establish a permanent dialogue process with a view to promoting legislative reforms that ensure judicial independence as a condition of due process. For its part, the State recognized the opportunity to improve the system and the importance of eliminating practices that could jeopardize the objectivity of juries, and pledged to pass along the petitioners' interest and demand to create a working group to promote reforms to the judicial system. Along these lines, both Commissioner and IACHR President Eguiguren and Commissioner Vannuchi stressed the relevance of the topic and called for reflection on the judiciary's importance to human rights, as well as for dialogue to examine and reform Chile's Constitution.

Case 12.956 – F.S., Chile

A hearing was held on the merits regarding Case 12.678 – F.S., Chile, with the participation of the alleged victim, F.S.; the organizations Centro de Derechos Reproductivos and Vivo Positivo; and representatives of the State of Chile. During the hearing, the alleged victim offered a statement on the alleged forced sterilization she underwent when she gave birth, because of her condition as an HIV-positive woman. The Commission also heard from an expert witness, Dr. Rafael Mazín, who talked about the criteria to provide proper medical care to pregnant women living with HIV, and stressed that sterilization is an elective surgery that requires informed consent based on extensive information. The State, for its part, recognized that in this case, various actors committed “a series of violations, and did not even comply with the law,” and added that “there is no reason to forcibly sterilize anyone in Chile.” It stated its willingness to resolve the case through a friendly settlement.

Human Rights Situation of the Rapa Nui People in Chile

In this hearing, representatives of the Rapa Nui people in Chile denounced the human rights violations their people have suffered since 1888, when the State of Chile began to violate a treaty (*Acuerdo de*

Voluntades) it had established with the Rapa Nui. The participants denounced the use of violence and police repression by the authorities in response to peaceful demonstrations the population has carried out in recent years. The presentation included the testimony of a 72-year-old resident of Easter Island, Matías Riroroko, who reportedly was criminalized and unjustifiably held in custody by authorities of the Chilean State, under charges that were later recognized as false, for having participated in a peaceful social protest. Participants stated that Mr. Riroroko feared reprisals from the Chilean authorities for his participation in the IACHR hearings. Finally, the participants asked the State to restore the historical heritage of the Rapa Nui; have the *Acuerdo de Voluntades* with the Rapa Nui ratified by the National Congress; ratify the report of the Truth and New Treatment Commission and the Statute on Autonomy of Easter Island; and return exclusive collective ownership of the land to the Rapa Nui people. For its part, the Chilean State indicated its willingness to engage in dialogue, and underscored the progress made in recent years. The Commission took note of the information provided by both parties and expressed its interest in following up on the invitation to carry out a visit to Easter Island.

Human Rights Situation of Female Sex Workers in the Americas

In this hearing, participants reported on the need for legal frameworks to recognize sex work as a lawful activity. This includes, among other things, recognizing the rights of sex workers and guaranteeing them the work-related and union benefits associated with any other type of work; adopting comprehensive public policies to ensure better working conditions; and overturning ambiguous legal frameworks that are used in practice to criminalize female sex workers. The participants also maintained that sex work is dignified work; what is not dignified are the conditions and clandestine nature of the work, which relegates sex workers to a state of limbo in which they lack legal certainty and are subject to institutional violence, criminalization, stigma, discrimination, extortion by law enforcement, closure of properties, withholding of personal documents, and threats and acts of aggression, which tend to go unpunished. They also indicated that in most States in the region, laws designed to prevent, prosecute, and punish human trafficking do not make a clear distinction between that situation and independent sex work. This leads to different types of police, judicial, and administrative interventions that end up criminalizing independent sex workers, reducing the places where they can work, whether on the street or in private settings. The petitioners reported that from 2013 to 2016, 28 killings of sex workers had been documented in Honduras, 27 in El Salvador, and 14 in the Dominican Republic. According to the information the Commission received, these crimes reportedly go unpunished due to the State's failure to act, a situation exacerbated by family members' lack of interest in following up on the investigation, either to keep people from knowing what the victims did or because they lack the economic resources to pursue the case. The petitioners expressed the need for States in the region to recognize sex workers as valuable political actors, consult them on laws regulating sex work, and providing adequate protection so they can cooperate in dismantling networks of human traffickers. Commissioner and Rapporteur on the Rights of Women Margarette May Macaulay said that in order to advance in the protection of the rights of sex workers, sex work should be decriminalized.

Reports of Sexual Violence against Adolescents in Bolivia

The organizations that requested this hearing indicated that Bolivia has the highest rate of sexual violence against girls and female adolescents in Latin America, and that one of every three girls suffers some form of sexual violence before she turns 18. They said the following measures must be adopted in this regard: 1) amend the Criminal Code to make the lack of consent the central element of the crime of rape, eliminating the need to demonstrate that there was intimidation or physical or psychological violence, and bring laws on statutory rape into line with relevant inter-American standards; 2) provide training to police, justice operators, and health personnel to prevent revictimization; 3) facilitate access to justice for girls and female adolescents, and adapt judicial proceedings and the taking of testimony; 4) ensure that there are mechanisms in place to protect and fully restore the rights of victims; and 5) carry out social campaigns to raise awareness of the issue in society. The State, for its part, recognized the scope of the problem and said that legislation is being drafted to change the Criminal Code along the lines referred to by the organizations that requested the hearing. The State representatives also mentioned a series of policies, programs, guidelines, and protocols that have been implemented to prevent and address sexual violence. Commissioner Arosemena de Troitiño deplored the prevalence of this “cruel” crime and expressed concern over the fact that many girls who are victims of sexual violence and are pregnant continue to be institutionalized and are denied the right to an education.

Right of Access to Relevant Information for the Enforceability of Economic, Social, Cultural, and Environmental Rights

In this thematic hearing, the participating organizations reported to the IACHR on the current situation involving access to public information related to economic, social, cultural, and environmental rights (ESCER) in the region. The civil society organizations stressed the need to further develop standards to determine and consolidate State obligations with respect to accessing and producing information, to make it possible to implement, enforce, and access these rights. They indicated that there is a need to engage in robust discussion on the scope and enforceability of these obligations and the production of disaggregated information. The organizations that requested the hearing also referred to shortcomings in this area and identified a regional pattern of obstacles to guaranteeing this right. They cited inadequate legal standards regarding the production of information on economic, social, cultural, and environmental rights; an incorrect application of existing mechanisms by public officials; a lack of training in public agencies; the lack of an effective sanctions regime as well as a regime of incentives to produce ESCER-related information and make it available; a lack of awareness of the right; inadequate quality of the information available; the existence of a culture of secrecy; and fear of reprisals for responding to requests for information, among other factors. The organizations also underscored the importance of access to disaggregated budget information, which they said is key to be able to monitor and evaluate the measures adopted by the States to address economic, social, cultural, and environmental rights to the full extent possible with available resources. The IACHR Rapporteur for Freedom of Expression, Edison Lanza, noted the historical importance of this hearing on the right of access to information as the first to be held jointly by the Office of the Special Rapporteur for Freedom of Expression and the area that will become the Special ESCER Rapporteurship. He also underscored key

issues such as the scope of States' obligations to produce public information and the creation of standards to improve the production and available access to ESCER-related information. Finally, reference was made to the importance of developing human rights-focused public policies on accessing and producing information on this subject.

Right of Access to Information and Transparency in Environmental Management, Licensing, Monitoring, and Oversight of Extractive Activities in the Americas

The participating organizations reported to the IACHR on the various ways in which the right of access to public information is being violated in relation to State environmental management decisions and concessions and monitoring of extractive activities in Nicaragua, Guatemala, and the Dominican Republic. Violating the right of access to information violates other rights such as the right to life, to a healthy environment, to health, to personal integrity, and so on. The organizations indicated that this is a widespread problem in the region, noting that even though there are laws governing this area, the existing mechanisms for accessing information are ineffective. Among other things, they said, the information provided is not understandable or is not provided in the languages of the local communities, or the officials in charge have not received training in this area. Moreover, they said, those who work to defend the environment or the rights of communities are victims of criminalization, and protests against extractive activities are also criminalized.

Situation of the Right to Freedom of Expression in Nicaragua

The organizations expressed their concern over the situation regarding the right to freedom of expression in Nicaragua. According to the hearing participants, in recent years there has been a growing concentration of power in the executive branch, reducing the independence of the other branches of government. The organizations denounced physical attacks, intimidation, harassment, and espionage against journalists and independent media outlets; the subjective placement of official advertising; the violation of the Law on Access to Public Information as a characteristic of an opaque public administration; and the concentration of ownership and control of television and radio stations through a duopoly held by the family of President Ortega and businessman Ángel González. They also referred to repression against human rights defenders and those who oppose projects such as the interoceanic canal, as well as the use of criminal mechanisms against them, and described cases in which journalists and representatives of international organizations have been expelled. The IACHR regretted the State's absence from the hearing, while the Special Rapporteur said that the situation of freedom of expression in Nicaragua is a priority concern.

Human Rights Situation of Intersex People in the Americas

The intersex persons who participated in this *ex officio* hearing reported on the violations and challenges they face in terms of respect for and recognition of their human rights in the States of the region. They emphasized that decisions to operate on their bodies at an early age are made based on stereotypes of what it considered "normal." The aim is to "correct" them cosmetically, even though there is no health

issue involved and no consideration is given to the serious harm that these forced surgeries—carried out without prior, free, and informed consent—could mean to their lives. They also reported on unnecessary hormonal treatments; photographs of their bodies, resulting in serious psychological consequences; and cruel, inhuman, and degrading treatment and torture perpetrated by medical personnel, treatment which in some cases has led to sterility and which has gone unpunished because it follows existing medical protocols. The participants also reported on the importance for intersex individuals to have access to their medical files, and for their family members to receive proper guidance as they grow up. They noted that there are intact intersex bodies that are healthy, and that States should adopt legislative measures that meet their specific needs; protect them from unnecessary medical treatments and interventions; and provide reparation for the harm inflicted on them and their families. Alejandro Aravena, who participated in the hearing, said, “When I was two months old, the doctors decided to remove my phallus because they thought it was too small. This led to a long process of forced feminization, which can be summarized in two words: rape and torture.” The participants informed the IACHR that legal frameworks that protect the best interest of the child are used to justify the interventions. In this regard, the IACHR has established that intersex children and adults should be the only ones to decide whether they wish to change the appearance of their own bodies—in the case of children, when they are old enough or mature enough to make an informed decision for themselves.

Reports of Repression of Protest and of Unionization in Jujuy Province, Argentina

The organizations that requested this hearing denounced the repression experienced by union members in the Argentine province of Jujuy at the hands of the government, which they said is criminalizing protests for decent wages and job security. Participants pointed to the application of rules and regulations that infringe on the rights to free protest and free assembly, and called for assurances that the right to protest will be protected. For its part, the Argentine State indicated that it is on the verge of presenting draft legislation to reform the law on sedition, and underscored its willingness to receive recommendations to the bill. It also rejected the accusations regarding harassment of social role models and reiterated its commitment to the development of a society that respects human rights. Along these lines, the Rapporteur for Freedom of Expression, Edison Lanza, placed his office at the State’s disposal to help work on the regulatory reforms. Finally, Commissioner Vannuchi underscored that the creation of the Rapporteurship on Economic, Social, Cultural, and Environmental Rights is critical for inclusion and for raising union-related issues in the region.

Regulatory Changes in Migration Matters in Argentina

In this hearing, the participating civil society organizations expressed their concern over the adoption by the executive branch of Necessity and Urgency Decree (DNU) No. 70/2017, which amends and represents a setback to Migration Law No. 25.871 of 2004. The 2004 law, which arose out of a friendly settlement agreement in the IACHR case of La Torre, had been approved by Congress and was respectful of human rights. The civil society organizations stressed that migrants are not responsible for Argentina’s security problems; specifically, they noted that “the association of migration with crime is used today in Argentina to raise a false issue and redirect the public agenda toward other matters. That

the national government should publicly associate migrants with crime and use us to try to solve the insecurity problem is a grave error. Migrants currently make up 4.5 percent of the total prison population, and it is offensive and humiliating to us to bear the national blame for crime.” The organizations said that the DNU that was issued is a disproportionate response that the executive branch is using to try to blame migrants for Argentina’s security problems. They said the decree associates migration with crime based on an analysis that uses incomplete data taken out of context. The organizations’ main concerns regarding this new law involve the establishment of an urgent, summary deportation process with a new notification system that makes it highly unlikely the decision can be appealed; the possibility of deporting someone who has committed any type of crime or who is being prosecuted in violation of the principle of presumption of innocence; the need to request free legal assistance in order to receive it, and the fact that it is the General Office of Migration that determines whether this can be provided; and the establishment of a migration control system in which deprivation of liberty is the rule and detention can be extended for 60 days and indefinitely when appeals and trials are involved. All this has a serious impact on the way migration is viewed and encourages xenophobia and the criminalization of migration, with harmful effects on family unity and the best interests of children and adolescents, according to the organizations. For its part, the Argentine State underscored the importance of migration in Argentina and the respect for migrants’ human rights. It talked about the need to reform migration law to prevent abuses in proceedings, address problems that hamper enforcement, and accelerate the timelines for resolving proceedings. The State said that the decree amended the law to include offenses that previously did not cancel a person’s immigration status, such as simple sexual abuse, child labor exploitation, arms trafficking, and most tax-related crimes. The State affirmed that the decree meets the standards of due process established in the IACHR report [Human Mobility: Inter-American Standards](#). Finally, the State asserted that it is not copying other countries’ models and that it is a country open to migration, citing as examples policies it has implemented with respect to the regularization of migration and with respect to migrants from Syria and Haiti. The IACHR mentioned its special concern over the migration issue and requested information on the grounds for the necessity and urgency decreed in the DNU, and on why the situation could not be addressed under the previous law. The IACHR also requested information regarding the situation of immigration detention and the possibility of appealing decisions, as well as the preservation of family unity and compliance with the best interests of children and adolescents.

Justice 2020 Program in Argentina

In the hearing requested by the State of Argentina to introduce its Justice 2020 Program, the authorities informed the IACHR about the comprehensive judicial reform being implemented since 2016, as part of the Alliance for Open Government. They reported that the program has a new online platform that allows citizens and civil society organizations to actively participate in the design, execution, and evaluation of public policies. The State also said that this initiative is part of its efforts related to the 2030 Agenda and the Sustainable Development Goals, and that one of its pillars refers specifically to human rights. With the program’s implementation, the State said, procedural times have been reduced, mechanisms for access to justice diversified, and debate sparked on new legislation. Representing civil society, the Secretary General of the Judicial Employees Union (UEJN) attended the hearing via

teleconference. The representative indicated that this is a program with good intentions and that the union supports its content. He also raised concerns regarding some aspects, such as the appointment of judges in the federal capital who could be associated with the governing political party, once the transfer of jurisdictions between the national State and the City of Buenos Aires has been consolidated. The IACHR highlighted the work of its new section on public policy with a human rights approach, and expressed its willingness to continue the dialogue and to keep track of States' best practices that reflect this approach, as well as the challenges that can arise.

Reports of Criminalization of Human Rights Defenders Who Oppose Hydroelectric Projects in Guatemala

The organizations participating in this hearing claimed that Guatemala had weakened the framework of environmental law to open the country's energy production to privatization, which they said had led to the approval of environmental studies that were highly flawed and done without consultation, in violation of the State's international obligations. The organizations that requested the hearing also denounced the violent evictions faced by communities that opposed the operation of corporations in their territories, as well as the attacks, threats, and constant harassment of the population, particularly directed toward women environmental activists. They indicated that there were patterns of criminalization in the Guatemalan system, carried out through the definition of criminal offenses such as kidnapping or unlawful assembly, which provide no alternatives to pretrial detention; the equivalence drawn between indigenous organizations and organized crime structures; and malicious litigation brought by prosecutors in the Public Prosecutor's Office and attorneys from transnational corporations, among other factors. The civil society organizations spoke out about the case of human rights defender Fausto Sánchez, an indigenous authority who was unjustly held in pretrial detention for more than two years, and the killing of defender Sebastián Alonso during a peaceful demonstration. For its part, the Guatemalan State explained that it was seeking to progressively substitute its energy sources with renewable sources such as hydroelectric power. It also said that it is developing a National Plan on Business and Human Rights, which will include oversight and control of business activities, protection of human rights, and reparation measures. The State pledged to provide the IACHR with a report on these matters within six months. Commissioner James Cavallaro welcomed the creation of the National Plan and asked the State for information on control measures in cases in which prosecutors use the punitive power of the State to intimidate the legitimate work of defending human rights.

Situation of Extra-Urban Transport Workers in Guatemala

The organizations that requested this hearing reported on the serious violence that affects extra-urban transport workers around the country—including killings of bus drivers and their helpers and high levels of extortion of businesspeople in this sector—perpetrated primarily by organized crime and youth gangs, which in some cases are said to operate from inside prisons. They referred to the need to guarantee employment to young people as a measure to correct the problem. The State indicated that it has redoubled its efforts in recent years to reduce the types of incidents reported in the hearing; this

includes making arrests, conducting raids, carrying out home inspections and searches, and breaking up criminal groups. The State also referred to security plans implemented in the transportation sector. The State recognized that the Transportation Law in effect in Guatemala, which dates back to 1946, no longer covers today's demands and needs amending. The IACHR raised the possibility of opportunities for dialogue between the parties, if necessary with the intervention of a member of the Commission.

Reports of Trafficking of Children and Adolescents in Peru

The organizations that requested this hearing underscored how widespread the phenomenon of child trafficking is in Peru, a country of origin, transit, and destination for victims. They mentioned the following aspects: the structural causes, such as poverty and social exclusion; the difficulties in accessing justice for victims; the lack of high-quality, pro bono legal representation; revictimization in legal proceedings; the authorities' lack of capacity; budget cuts; high rates of impunity; the institutionalization of victims; and the weakness of the protection system at the local level. The State agreed with the organizations as to the gravity of the situation, and indicated that it is committed to make progress in preventing and addressing the problem of trafficking for sexual and labor exploitation. It pointed to a series of legislative changes, as well as the creation of a working group across sectors, the operation of specialized police and prosecutorial units, National Anti-Trafficking Plans, and a telephone line set up for complaints. The State also said that it has changed its policy of institutionalizing victims. Commissioner Arosemena de Troitiño expressed her concern over the interpretation of the crime by the courts in a way that reportedly keeps perpetrators from being prosecuted and leaves these crimes unpunished. She also stressed the importance of strengthening the way national systems for comprehensive protection of the rights of children and adolescents operate at the local level.

Human Rights Situation of the Urban Indigenous Community in the Cantagallo Area of Lima, Peru

In this hearing, the participating organizations denounced the lack of recognition of the indigenous community of Shipibo-Konibo, which lives in Cantagallo as an urban indigenous community, and its lack of protection by the Peruvian State. This situation results in a lack of access to the right to health; to basic services such as water, electricity, and sewerage; to intercultural education; and to the right to culturally suitable housing. The organizations referred to the devastating fire that took place in late 2016, which caused the death of a boy, destroyed more than 90 percent of the homes, and left nearly 200 families without shelter. They also reported that the land that had been identified for their relocation had been sold and the respective funds had been used without consulting or informing the community. For its part, the Peruvian State made a presentation in which it pointed out the various activities of support for the families affected by the fire, and presented a detailed proposal to solve the community's housing situation. Commissioner Vannuchi thanked the Peruvian State for its openness and emphasized the human warmth, community strength, and richness of the culture, language, and handicrafts of the Shipibo-Konibo indigenous community of Cantagallo, which he said should be considered a source of national pride. For her part, Commissioner Macaulay reminded the State of its international obligations to consult the indigenous community during the process of conceptualizing and

carrying out projects that affect its members, particularly as regards the housing project announced during the hearing.

Case 12.545 – Isamu Carlos Shibayama and Others, United States

The IACHR held a hearing on the merits related to the internment of citizens of Japanese descent who were detained in Peru and turned over to the United States during the Second World War. During the hearing, the Commission heard testimony from Isamu Carlos Shibayama, who described the process by which he was detained and transferred to the United States, as well as the living conditions in the internment camp where he and his family lived. “We had a 20-foot fence all the way around us with a guard tower in each corner with machine guns and rifles. And we couldn’t go out.” Mr. Shibayama said that despite having sued the United States in the courts, he has yet to receive any compensation for the harm suffered. The Commission also heard testimony from Bekki Shibayama, who described the lack of available information about the decision-making process that led to her family’s internment. “My brother and I and my cousins want to know what happened to my father, my aunts and uncles, my grandfather, and my great-grandparents. We know they suffered, and we want to know why.” The petitioners maintained that the United States is responsible for the arbitrary denial of residency status to Isamu, Kenichi, and Takeshi Shibayama, and the resulting failure to apply the Civil Liberties Act. The Commission regretted that the United States did not send a delegation to the hearing to present the State’s arguments in the case.

Impact of Executive Orders on Human Rights in the United States

In this hearing, which the IACHR convened on its own initiative, the Commission received information about three executive orders issued by the U.S. government: “Border Security and Immigration Enforcement Improvements,” “Protecting the Nation from Foreign Terrorist Entry into the United States,” and “Expediting Environmental Reviews and Approvals for High Priority Infrastructure Projects.” The participating civil society organizations presented detailed information about the negative and discriminatory impact of these orders on various groups, especially migrants and refugees, children and adolescents, and indigenous peoples. Specifically, they denounced the clear discriminatory practice resulting from the executive order designed to prevent terrorism. They also stressed the violation of rights, especially in relation to due process and the right to a fair trial, and asked the State to rescind the orders. The Commission regrets the unprecedented absence of the government of the United States in this hearing, which made it impossible to engage in a democratic exchange on these issues of such concern. The Commission emphasizes that the human rights situation addressed in this hearing must be resolved with urgency.

Policies that Prevent Access to Asylum in the United States

The organizations that requested this hearing talked about the growing difficulties experienced by asylum seekers in the United States. The organizations also pointed to the abuse to which asylum

seekers are subjected and the growing danger and fear along the border between Mexico and the United States, where there are reports of kidnapping, human trafficking, and different forms of violence. They also expressed their concern over the agreement between Mexican and U.S. authorities to keep asylum seekers from crossing the border; violations to due process and the principle of *non-refoulement*; and the ongoing practice of separating families and the prolonged use of immigration detention for asylum seekers. The State did not attend the hearing. The Commission regretted the human rights violations related to this regional refugee crisis, and expressed its disapproval of U.S. practices that prevent the effective exercise of the right to seek asylum on the U.S. border with Mexico.

Human Rights Situation of Afro-Descendants in Cuba

The organizations that requested this hearing talked about the reality of structural discrimination suffered by people of African descent in Cuba. They offered a general overview and examples of the problem of racial discrimination in various spheres of public life. The organizations referred to the State of Cuba's denial that racism exists and the lack of legal mechanisms to report incidents, as well as the fact that Afro-Cubans face invisibility, marginalization, poverty, and labor inequality in their country. The participating organizations also addressed the situation of Afro-Cuban women, including the forms of violence they face. The participants also expressed their dissatisfaction over the lack of access to the media and the Internet, which they consider a violation of their rights to free expression and of their ability to carry out their work as human rights defenders. The Cuban State did not participate in the hearing. The Commissioners reiterated their concern regarding the structural discrimination that was described, and underscored the importance of addressing labor discrimination. Commissioner Macaulay also pointed out the importance of collecting statistics to raise the visibility of human rights concerns and the claims made by people of African descent in Cuba.

Investigation of Attacks on Human Rights Defenders in Colombia

In this hearing requested by Colombia, the State discussed steps it has taken to develop and implement comprehensive public policies related to human rights defenders, based on the pillars of preventing attacks, providing protection, and ensuring that defenders are not prosecuted for doing their work. The State maintained that for the peace process to truly succeed, convincing guarantees must be in place to protect the work of human rights defenders, and it recognized defenders as essential allies, peacebuilders, and active participants in bringing about a political and civilized solution to the armed conflict. For their part, the participating organizations pointed to the continuing stigma, persecution, and violence against human rights defenders in the country despite the signing of the peace agreements. They noted that risk analyses and protection schemes were developed without differentiated, collective approaches adapted to the reality of leaders of African descent, as well as LGBT leaders. They also gave evidence of continued persecution of members of the *Marcha Patriótica* movement, and denounced the State's "denialist" position, which they said does not recognize the continued existence of paramilitary groups; does not, in investigations, take account of the criminal structures behind the violence; and refuses to recognize the systematic nature of the violence. It is important to note that several members of the public were seated in the hearing holding signs that

read, “May peace not cost us our lives!” Finally, Commissioner and Rapporteur Orozco encouraged the Colombian State’s efforts and took note of the public policies and initiatives developed by the State, particularly the review of the provision establishing the crime of making threats. However, Commissioner Orozco expressed his concern regarding the increase in killings, even during the implementation period for the peace agreements. He recognized the continued existence of illegal armed groups that belong to paramilitary structures, as well as the importance that they be dismantled.

Guarantees of Non-Repitition in the Peace Accord in Colombia

In this hearing, on “Guarantees of Non-Repitition in the Peace Accord in Colombia,” the participating organizations referred to the rights of victims and society to ensure that structural measures are established to prevent new crimes from being committed. They said that the factors that undermine the effectiveness of non-repetition guarantees in the peace agreement are the continued existence of paramilitarism and the need for security policy reform with a focus that is more civilian and less militaristic. They also talked about the need to purge public officials who have been compromised by human rights violations, paramilitarism, and corruption. They indicated that the effective dismantling of paramilitarism begins with the State’s recognition of its existence. The State noted that the first guarantee of non-repetition is peace, and said that Colombia currently has its lowest homicide rate in 41 years. It indicated that the presence of the Army in the territories is essential, and referred to the results of the justice and peace process. The Commission reiterated that the fight against impunity is an important measure to ensure non-repetition, and said it will follow the situation in the context of the peace accord.

State Anti-Impunity Obligations and Special Justice for Peace in Colombia

The organizations that participated in this hearing underscored their concerns regarding the Comprehensive System for Truth, Justice, Reparation, and Non-Repitition in Colombia in relation to the fight against impunity in cases involving gross human rights violations and war crimes, as well as their concerns about the rights of victims. Their view was that the principle of victim participation is not in effect throughout the system. They indicated that the legislation that was approved establishing differentiated penalties for agents of the State omits any reference to international human rights law and international criminal law with regard to the command responsibility, and that the concurrent requirements under this statute make it impossible to establish that responsibility. The State stressed that victims are at the center of this process, in a balance between justice and peace. The State maintained that Colombia is making progress through political negotiation to better uphold the rights of victims and ensure that the violence does not happen again. The Commission underscored the importance of observing international standards in domestic laws with regard to the State’s obligation to conduct a serious, impartial, and effective investigation of all cases that involve alleged human rights violations.

Human Rights Situation of LGBTI People in El Salvador

The organizations that participated in this hearing reported troubling statistics related to crimes against LGBT persons, with high degrees of savagery and cruelty that they said show deep-seated anti-LGBT prejudice in Salvadorian society. According to civil society figures, in the last 13 years 600 crimes against LGBTI persons have been reported, and these remain unpunished. The organizations also reported on the vulnerability of those who defend LGBTI rights, pointing to attacks on these defenders and on the premises where they work. They also informed the Commission about the lack of implementation of public policies to protect and recognize the rights of LGBT people in the country, and indicated that the high impunity rates are related to the lack of special training of prosecutors and justice operators to serve the LGBT population. Meanwhile, the State reported on steps that have been taken to advance the protection of LGBT people's rights. These include, among others, a change to the Criminal Code to define the charges of threats and aggravated homicide when these have been motivated by hate based on the victim's sexual orientation or gender identity. In response to that, the participating organizations indicated that this aggravating circumstance has yet to be applied. The President of the IACHR and Rapporteur on the Rights of LGBTI Persons, Francisco Eguiguren Praeli, said that "the fact that LGBT persons are rendered invisible in El Salvador is very troubling," adding that this invisibility is evident "not only with respect to the lack of statistics on these persons, but also with respect to the violations of their rights in a situation of impunity and failure of the judicial system to punish the perpetrators of these crimes and provide redress to the victims and their families."

Reports of Violence against LGBTI People of African Descent in Brazil

The civil society organizations that participated in this hearing stressed the importance of analyzing the intersectionality of the black LGBT population. They noted that black or mixed-race people make up 54 percent of the population in Brazil, and that they are in a vulnerable situation compared with the rest of the population. They said that this vulnerability is accentuated when it comes to the Afro-LGBT population, due to the lack of affirmative action for them and the fact that their human rights are violated in a structural and systemic way in all aspects of their life in society. They also expressed their concern over the high rate of Afro-LGBT people who are killed, noting that these killings are crueler and more violent than killings against the white population. The exclusion is accentuated in the case of trans persons and transvestites, they said. For its part, the State said that it is aware of the multiple and intersectional discrimination endured by this population in Brazil, and it recognizes the need to educate people on the subject. On this point, the IACHR reiterates what it stated in its report [Violence against LGBTI Persons](#), in terms of the need for the OAS Member States to adopt measures to make visible the particular ways in which the intersection of race, socioeconomic status, poverty, sexual orientation, gender identity and expression, and bodily diversity affect LGBTI persons, and particularly how, as a result of these intersections, persons of color and Afro-descendants with non-normative sexualities and identities face an increased risk of violence.

Human Rights Situation of Adolescent Offenders in Brazil

The organizations that requested this hearing talked about the crisis in the socio-educational system for adolescent criminal offenders in Brazil; the systematic and widespread nature of violations of the human rights of incarcerated adolescents; the failure to recognize the exceptional nature of deprivation of liberty; and the excessive use of pretrial detention for longer than the 45 days allowed under the law. The organizations denounced the overcrowding and poor conditions in detention facilities, as well as situations of violence and abuse (including humiliating searches), with offenders locked up for up to 23 hours a day with no access to a proper education. In addition, the organizations expressed their concern over the 61 bills before the legislature that seek to lower the age of criminal responsibility and increase prison sentences. For its part, the State expressed agreement with the facts described and the seriousness of the situation. It laid out some of the measures it is taking to improve the socio-educational system, as well as measures other than deprivation of liberty; to that end, it is strengthening the capacity of the municipalities responsible for implementation of these measures at the community level, providing training to professionals and raising awareness in the judiciary. The State also indicated that it is promoting a process of releasing offenders, noting that 27 percent of adolescent inmates are incarcerated for drug trafficking. The State said it was also following up on the IACHR's precautionary measures and the Court's provisional measures. Commissioners Cavallaro and Arosemena de Troitiño asked to be able to carry out an onsite visit, to which the State agreed.

Reports of Confinement, Mistreatment, and Torture in the Prison System in Brazil

The organizations that requested this hearing attributed the large number of people deprived of liberty in Brazil to official drug policies and the excessive use of pretrial detention. They also expressed their concern over the acts of violence that took place in January of this year, which led to the deaths of at least 130 inmates. The organizations also complained of abuse and torture being practiced in detention centers, and said that complaints made in custody hearings were not being investigated. The State attributed the deaths in 2017 to factions that control the prisons, and underscored measures being taken to address overcrowding; these include the allocation of funds to build prisons, the application of alternative measures, and the implementation of custody hearings. The IACHR expressed its concern regarding State policies of mass incarceration; the improper treatment of complaints made in custody hearings about abuse and torture; and statements by State officials that show a lack of interest with respect to the acts of violence that have taken place this year in Brazilian correctional facilities.

Situation of Environmental Rights Defenders in the Americas

The organizations that requested this hearing talked about the violence faced by environmental rights defenders in the region as a consequence of their work, and offered an overview of their specific situation of vulnerability, based on figures and maps showing where the violence occurs. They presented testimonies of environmental rights organizations that have had their houses and workplaces searched, have been criminally prosecuted, or have been targets of attempts to dissolve their organizations because of their "intervention in public policy." The organizations also pointed to the

increase in violence against women environmental defenders, and the differentiated nature of the gender-based attacks, which are carried out to force women to migrate from rural areas to the cities, leaving territories empty for extractive activities in these areas. In their conclusions, the organizations asked the IACHR to do a report on the situation of those who defend land, territories, the environment, and nature, as well as to develop guidelines for creating indicators on structure, process, and human rights results, among others, in situations involving exploitation of natural resources. Commissioner Cavallaro asked the participants for graphs depicting violence over time, to establish patterns of intensified violence by country, region, or industry. For his part, Commissioner Orozco expressed his alarm over the increase in violence and over the high rate of differentiated attacks and acts of aggression directed toward women environmental defenders, and the resulting need to integrate a gender perspective into protection schemes so as to protect these women more effectively and bring an end to impunity.

Right to Truth and Report of the Commission for Justice and Truth in Venezuela

In this hearing, the State of Venezuela presented the preliminary report of the Commission for Justice and Truth, created to investigate and punish the murders, disappearances, cases of torture, and other human rights violations carried out for political reasons in Venezuela from 1958 to 1998. The State noted that by systematizing the information, the report makes available important evidentiary support for the investigations. The participating organizations stressed that impunity is an issue today. They emphasized that the State had failed to comply with judgments handed down by the Inter-American Court of Human Rights, especially related to the massacres of El Caracazo and El Amparo and the case of the Landaeta brothers, and talked about the impact on the victims. They also considered it necessary for Venezuela to withdraw its denunciation of the American Convention on Human Rights. The Commission welcomed State efforts to recover historical truth and memory, and reiterated the importance of reparations and guarantees of non-repetition for victims.

Reports of Political Persecution in Venezuela

In this hearing, the participating organizations talked about a pattern in Venezuela of increased political persecution of those perceived as political dissidents and those who denounce the State's failure to address the sociopolitical and economic crisis. The organizations said such individuals had been arbitrarily detained in demonstrations and had been identified and criminalized in order to put them out of commission. The organizations reported that there is a "revolving door" in which the State jails large numbers of people for short periods of time, initiating criminal cases that remain pending indefinitely, in contravention of due process. The organizations requested information from the State on investigations underway into cases of alleged torture and cruel, inhuman, and degrading treatment against a number of persons deprived of liberty. The State maintained that there is no policy of repression or political prisoners, only individuals charged with crimes established in national laws. It reiterated that the 2014 demonstrations were not peaceful, and said that those who were detained are accused of acts of violence and obstruction of free movement. The IACHR called on the State to guarantee the safety of

the human rights defenders who participated in the hearings, upon their return to Venezuela, and to ensure that they do not become targets of reprisals for their participation.

Access to Justice in Venezuela

In the hearing “Access to Justice in Venezuela,” the participating organizations referred to the lack of independence of the judiciary and the link between politics and justice. They reported on the lack of public competitions for positions in the judiciary, the large number of justice operators who are in their positions on a provisional basis, and the lack of transparency in the selection of Supreme Court justices. The organizations reported that the justice system is being used to criminalize and persecute opponents and disqualify and remove officials from office, and said the Supreme Court has issued rulings denying the right to public information, citizen control of public affairs, and the right to protest. They referred to Supreme Court decisions declaring economic emergency decrees to be constitutional and laws passed by the National Assembly to be unconstitutional; restricting the National Assembly’s political control; declaring that the National Assembly was in contempt for installing three deputies who were indigenous representatives; and establishing requirements other than those in the Constitution to request a recall referendum. The organizations also reported on the use of official media outlets as a means of harassment. The State maintained that the judiciary is autonomous and independent and that it has guaranteed citizen participation in the election of the members of the Supreme Court. It said that competitions were held in 2016 and that the regularization of the judicial system is contemplated in the National Human Rights Plan. The IACHR underscored its concern over the suspension of the three deputies, which deprives indigenous voters from having a voice in the National Assembly. The Commission called to mind that it is the State’s duty to guarantee the right of access to justice through an independent judiciary, one which guarantee the stability of judges.

Human Rights Situation of Young People in Guyana

In this hearing, youth organizations offered a comprehensive overview of the main challenges faced by adolescents and young people, especially LGBT youth, in the exercise of their rights in Guyana. Specifically, they noted the following: different types of situations involving discrimination against certain groups; school bullying and discrimination in the educational environment, and the resulting dropout problem; barriers in access to health services; the absence of education on sexual and reproductive rights in the schools, as well as the lack of access to information and services related to sexual and reproductive health; a high rate of teen pregnancies and the lack of measures to ensure these adolescents’ rights to education; abuses and excessive use of force by the police in the implementation of citizen security policies; the incarceration of adolescents with adults; and the need for a national public policy for youth that includes their active participation. The State sent a representative from the Permanent Mission of Guyana who could not provide substantive information; he asked the Commission to allow a reasonable time frame for the State to submit a response. The Commissioner requested that the State ratify the Inter-American Convention Against All Forms of Discrimination and Intolerance and the Inter-American Convention Against Racism, Racial Discrimination and Related Forms of Intolerance. The Commission also asked the State to evaluate whether it has a

comprehensive system in place to ensure that young people's rights are being protected, and it expressed interest in visiting Guyana to address the subject covered in the hearing.

Working Meetings

During this session, the IACHR held the following working meetings with the parties on matters that are in different stages of negotiation or implementation of friendly settlement agreements:

- P1415-06 Yamil Saunders and Others, Argentina
- Case 11.411 Hermelindo Santíz Gómez, Sebastián Santíz Gómez, Severiano Santíz Gómez, Mexico
- P1171-09 Ananías Laparra Martinez and Family, Mexico
- Case 13.011 Graciela Ramos Rocha and Family, Argentina
- Case 12.191 María Mamérita Mestanza Chávez, Peru
- P118-12 Isabel Guzmán Errazuriz and Others, Argentina
- P1014-06 Antonio Jacinto Lopez, Mexico
- Case 12.714 Belén Altavista Massacre, Colombia
- Case 11.562 Dixie Miguel Urbina Rosales, Honduras
- P1159-08 A.N. and P 1377-13 Aurora, Costa Rica
- Case 12.904 Chusmiza Usmagama Indigenous Community, Chile
- P-687-11 GBB and CBB, Chile

The Commission notes that in the context of these working meetings, a friendly settlement agreement was signed in Case 12.714, Belén Altavista Massacre regarding Colombia, and another in Case 11.562, Dixie Miguel Urbina Rosales regarding Honduras. The IACHR takes this opportunity to welcome the parties' willingness to engage in dialogue and to resolve the matter in a non-contentious way. In addition, a memorandum of understanding was signed in one case to move the negotiations forward, and in another case the minutes were signed noting agreements on compliance with a friendly settlement agreement in the process of being implemented. Parties worked on defining work plans, both to reach friendly settlements and to implement agreements.

In addition, the Commission held working meetings on the implementation of precautionary measures. The Commission welcomes the active participation of the parties in presenting information during these

working meetings, which are meant to ensure the adequate implementation of these protection measures in serious and urgent situations where there is risk of irreparable harm. The meetings on precautionary measures were as follows:

- PM 409-14 – Ayotzinapa, Mexico
- PM 178/15 – Mainumby, Paraguay
- PM 271/05 – La Oroya, Peru
- PM262/05 – Mascho Piro Indigenous People, Peru
- PM 700/15 – F and Family, Argentina
- PM 35/14 – Prisons in Mendoza, Argentina
- PM 141/10 – Sandra Mosquera Díaz, Colombia
- PM 242/09 – Marcos Romero and Others, Colombia
- PM 658/16 – Erlendy Cuero and Others, Colombia
- PM 51/15 - Wayúu and Other Indigenous Peoples, Colombia
- PM 70/99 – Members of CAVIDA, Colombia
- PM 457/13 – Sandra Antonia Zambrano, Honduras
- PM 112/16 – Relatives of Berta Cáceres and Others, Honduras
- PM 935/04 - Daisy Xiomara Flores and Members of the Cerrito Lindo Community, Honduras
- PM 50/14 – Bajo Aguán, Honduras
- PM 46/14 – Juana Calfunao and Relatives, Chile
- PM 750/16 – Braulio Jatar Alonso, Venezuela
- PM 223/13 – Lorent Saleh, Venezuela
- PM 335/14 – Leopoldo López and Others, Venezuela

Reports Approved on Petitions and Cases

During this session, the IACHR approved the following admissibility reports:

- Report No. 25/17, Petition 86-12, Brisa Liliana de Angulo Losada (Bolivia)
- Report No. 26/17, Petition 1208-08, William Olaya Moreno and Family (Colombia)
- Report No. 27/17, Petition 1653-07, Forced Displacement in Nueva Venecia, Caño El Clarín and Buena Vista (Colombia)
- Report No. 28/17, Petition 1710-07, Alexander Segundo Muentes García and Others (Colombia)
- Report No. 29/17, Petition 424-12, Manuela and Family (El Salvador)
- Report No. 30/17, Petition 1118-11, Maya Community of Q'eqchi' Agua Caliente (Guatemala)

The Commission also made the decision to publish the following reports on the merits:

- Report No. 35/17, Case 12.713, José Rusbel Lara and Others (Colombia)
- Report No. 24/17, Case 12.254, Víctor Saldaño (United States)

The following friendly settlement report was also approved:

- Report No. 36/17, Case 12.854, Ricardo Javier Kaplun (Argentina)

Financial Contributions

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