



Summaries of Public Hearings

Annex to Press Release 148/22 -
184th Period of Sessions

1) Human rights and neurotechnology

The organizations who requested the hearing said that, while neurotechnology entails major progress in scientific development, it poses challenges for the defense of human rights (like the rights to privacy, freedom, and autonomy, the rights to health, equality, and non-discrimination, and rights at stake in the field of business and human rights, for instance). The organizations who requested the hearing noted that neurotechnology has a greater impact on certain vulnerable groups, including persons with disabilities.

Given insufficient regulation in this field, the organizations who requested the hearing asked the IACHR and its Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights to include it in its strategic lines of work and to draft standards that adequately respond to these challenges. The IACHR and its Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights noted the importance of monitoring this field and the significant interest it spurs. They said that protecting human rights in the face of these new challenges requires a holistic focus and a gender perspective, as well as talks with the scientific community and other stakeholders involved in analyzing and coding these issues.

2) Human rights situation of individuals who are deprived of liberty and their families in Ecuador

The organization who requested the hearing expressed its concern about the situation of individuals who are deprived of liberty and face conditions including overcrowded facilities, high incarceration rates, and a high death toll in violence inside prisons. This organization further addressed the situation of inmates' families, who lack access to official information, are forced to pay to keep their relatives safe, and do not obtain reparations when inmates are killed.

The State stressed action taken at the levels of institutions, security, infrastructure, and conditions of detention. The representative of the Office of the United Nations High Commissioner for Human Rights (OHCHR) noted the State obligation to protect the right to life of detainees and the rights to justice, truth, and reparation of the families of individuals killed in massacres.

The IACHR called for closer cooperation with the affected families and civil society. The Commission acknowledged the adoption of a new public policy and ongoing work to reduce overcrowding and stressed its commitment to supporting the State's efforts to comply with IACHR recommendations.

3) Situation of the rights of LGBTIQ+ children and their families in Ecuador

The people who requested the hearing, including the family of a trans girl, provided information about discrimination against trans and intersex children in Ecuador, including challenges to attain recognition of their gender identity. The organizations who requested the hearing noted several challenges faced by diverse families, including the constitutional ban on adoption by LGBT couples and problems encountered by persons in LGBT couples to officially register their children. The State reported on institutional measures adopted to protect the rights of LGBTIQ+ persons and noted efforts to promote registration of the children of persons in LGBT couples.

The IACHR noted the need to act promptly to ensure that legislation and public policies reflect international standards in favor of the rights of LGBTIQ+ children, including their right to a family. The IACHR stressed the importance of implementing Advisory Opinion 24/17 issued by the Inter-American Court of Human Rights.

4) Situation of Afro-descendant persons and Colombia's national population and housing census

The organizations who requested the hearing provided data on the underrecording of black, Afro-Colombian, Raizal, and Palenquera persons in Colombia's 2018 national population and housing census. This underrecording, they noted, makes these individuals and the rights violations they experience invisible. Public policies therefore fail to adequately address the problems these groups have historically faced. The State admitted mistakes in recording information during the 2018 census and reported on action taken to address this situation. The State said that official estimates of the number of black, Afro-Colombian, Raizal, and Palenquera individuals are based on statistical deductions made after the census.

The IACHR stressed how important it is for groups who have historically suffered discrimination to be involved in the design, implementation, and analysis of national statistics. The IACHR acknowledged the measures taken by the State and encouraged the implementation of standards concerning economic, social, cultural, and environmental rights and of tougher policies to fight discrimination.

5) Situation of the right to a nationality of individuals in human mobility contexts in Colombia

The organizations who requested the hearing noted the barriers faced by Colombian citizens of Venezuelan descent to record their Colombian nationality beyond the standard period. They mentioned violations of due process and of the right to a nationality, as well as the differentiated impact this issue has on specific groups including trans persons, persons with disabilities, and children. The State stressed its commitment to protecting the rights of individuals in human mobility contexts. It said that cancellations affected a group of documents that involved fraud and other irregularities, and that the relevant individuals had been given the means to clarify their status and to appeal these cancellations.

The IACHR stressed the applicable standards, particularly the need to prevent statelessness and the rights violations linked to the loss of a nationality. The Commission noted the importance of obtaining accurate details of the affected people and adopting measures to prevent rights violations and to restore the documents that have been cancelled.

6) Situation of the human rights of defenders and judicial officers and of the rule of law in Guatemala

At the event, the organizations who requested the hearing denounced increased criminalization of human rights defenders and judicial officers in Guatemala. They alleged that democracy and the rule of law in the country has been weakened. The State noted the actions it had taken to ensure judicial independence and protect the integrity of human rights defenders. The State stressed that Guatemala is a democratic State where the rule of law prevails.

Finally, the IACHR highlighted the importance of constructive dialogue between the parties and expressed its concern about the 24 judicial officers who have been forced to leave the country. The Commission also asked the Guatemalan government to be allowed to visit the country, in order to monitor compliance with precautionary measures in favor of judicial officers and human rights defenders.

7) Situation of freedom of expression in Venezuela

Venezuelan civil society organizations denounced that the country is immersed in a long-term crisis concerning the exercise of freedom of expression. They provided alarming figures of the criminalization of criticizing the government through the Act Against Hatred, arrests, harassment, rights violations targeting radio stations and printed media, violations of media outlets' right to private property, and

closures of digital civic space through blockades and regulations imposed by the National Telecommunications Commission (CONATEL, by its Spanish acronym).

The Venezuelan Mission that is recognized by the OAS noted the use of criminal law proceedings to repress the dissemination of information and opinions that are critical of the Maduro government, as well as the expropriation of El Nacional newspaper through a libel case.

According to Pedro Vaca, the IACHR's Special Rapporteur for Freedom of Expression, hate speech is confused with the discourse that is specifically protected by freedom of expression and public debate deteriorates when certain individuals are persecuted for their status updates on social media or for making amateur jokes with political content.

8) Gender stereotypes and access to justice in the Americas (*ex officio*)

The organizations and experts who took part in the hearing explained that gender stereotypes discourage women and LGBTI persons who are victims or survivors of violence and discrimination from resorting to the courts. These stereotypes, they said, prevent an impartial assessment of evidence and lead to the adoption of arbitrary and disproportionately harsh criminal sentences. These organizations and experts highlighted the importance of adopting an intersectional gender perspective in the work of judicial officers and of the IACHR, one that takes into consideration the multiple discrimination faced by girls and female adolescents, rural women, and trans persons, among others, when they try to exercise their right to access justice.

The IACHR noted the importance of judicial independence, scrutiny of the use of gender stereotypes by judicial officers, and sociocultural transformation to eradicate gender stereotypes. The IACHR further stressed that stereotypes are not only visible in criminal law proceedings, but also affect access to justice in labor and family law cases, among other legal fields.

9) Situation of human rights and the rule of law in El Salvador

The organizations who requested the hearing questioned the need for the Exceptional Framework and its three extensions as well as their proportionality, and they criticized the suppression of judicial guarantees. These organizations also questioned reform of criminal law and the arrests of more than 41,000 individuals, noting the impact these arrests have on the affected families. These organizations denounced an arbitrary and abusive use of force in police and military raids. They complained of overcrowding,

torture, and other forms of cruel or inhuman treatment in prisons and denounced the deaths of 52 inmates in this context. Finally, the organizations who requested the hearing asked the IACHR to visit the country and assess the situation.

No representatives of the State of El Salvador attended the hearing. The IACHR stressed the importance of international scrutiny and of constructive dialogue about public policies. The IACHR admitted El Salvador's historical challenges in the fight against crime. However, it expressed concern about the indefinite extension of the Exceptional Framework and noted the serious situation of individuals who are deprived of liberty.

10) Situation of trade-union and other labor rights in Cuba (*ex officio*)

The organizations who took part in the hearing expressed their concern about the current general crisis context in Cuba, which has allegedly been made worse by the pandemic and by economic measures taken by the Cuban government. This combination has increased pre-existing inequality—particularly affecting women and vulnerable groups—and difficult access to dignified employment. These organizations noted the challenges posed by the Cuban labor market, particularly the deregulation of employment, the increase in informality, the growing precariousness of non-State employment, and the lack of official data. These organizations further reported precarious working conditions and repression affecting workers in the fields of healthcare, art, and teaching, as well as the lack of trade union freedom, which precludes a defense of workers' rights.

The IACHR and its Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights expressed their solidarity with the Cuban people and their commitment to making the situation of trade-union and other labor rights in Cuba more visible, as well as stressing the importance of a thematic report that is currently being drafted.

11) Case 13,572—Mashco Piro, Yora, and Amahuanca Peoples v. Peru

This petition was filed in favor of the Mashco Piro, Yora, and Amahuanca indigenous peoples, who are in voluntary isolation and initial contact in the Madre de Dios, Cusco, and Ucayali regions. The petition alleges that the Peruvian State has failed to fully protect the integrity of these indigenous peoples' territory, land, and natural resources in a way that seriously endangers these peoples' survival and their physical, spiritual, and cultural integrity.

Daniel Rodríguez Fernández, a deponent proposed by the petitioning party, spoke about the risks and threats faced by the Mashco Piro, Yora, and Amahuanca peoples, the harm done to the principle of no contact, and the consequences of the presence of third parties in their territory. Majed Ulises Velásquez Véliz, a deponent proposed by the Peruvian State, alleged that the Culture Ministry has implemented policies and actions to protect indigenous peoples who are in voluntary isolation and initial contact, in terms of territorial protection, the approval of specific standards, and the creation of indigenous reserves, among other aspects. Velásquez Véliz also spoke about ongoing efforts to reclassify the Madre de Dios territorial reserve.

The IACHR asked deponents and the parties several questions about the process of recognizing and classifying the territories of indigenous peoples who are in voluntary isolation and initial contact, including indigenous reserves and their intangible nature. The IACHR noted that it would continue to assess the merits of this case and would in due course issue the relevant case report.

12) Situation of the human rights of women defenders of sexual and reproductive rights

The organizations who requested the hearing said that women who defend sexual and reproductive rights in the area face risks including smear and stigmatization campaigns, criminalization, physical assault, and even murder attempts and murders. These organizations noted that the COVID-19 pandemic has increased these risks and made access to sexual and reproductive rights even more difficult. They also stressed the need to comprehensively protect the right to defend human rights, with a feminist focus.

The IACHR highlighted the important work done by women who defend sexual and reproductive rights and stressed the fact that women's rights and sexual and reproductive rights are human rights. The Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights noted three major challenges for women's rights, linked to violence, discrimination, and sexual and reproductive autonomy.

13) 10 Precautionary Measures in Favor of Persons Who Are Deprived of Liberty in Nicaragua

On June 24, 2022, a public hearing was held to monitor 10 precautionary measures in favor of persons who were deprived of liberty in Nicaragua. Beneficiaries' representatives told the Commission about the serious conditions in which beneficiaries are being held, particularly the cruel, inhuman, and degrading treatment they are being subjected to, their appalling conditions of detention, and the lack of medical care they endure. Beneficiaries' representatives further said that beneficiaries' families have been subjected to harassment at home and discrimination when they visit their loved ones in penitentiaries. The Commission said it was unfortunate that the State had failed to attend the hearing and to ensure compliance with these precautionary measures. The IACHR also expressed its shock about the situation

of individuals who are deprived of liberty in Nicaragua, and it stressed its commitment to continuing to work for the protection of human rights in the country.

14) Monitoring recommendations made in nine cases with published merits reports and 16 precautionary measures concerning the death penalty and death row in the United States (*ex officio*)

The organizations and experts who took part in the hearing highlighted the existence of several structural problems that hinder compliance with IACHR recommendations. These organizations called for joint efforts to protect the rights of persons deprived of liberty who remain on death row and asked the United States to effectively support implementation of the recommendations the IACHR made in the cases and precautionary measures that were being monitored.

The State stressed progress made concerning the death penalty in the United States, which has meant the death penalty is applied less and less often and subjected to strict scrutiny.

Finally, the IACHR thanked both parties for their openness to discuss an essential issue and noted the progress that has been made in the Americas to eradicate the death penalty. The Commission asked the United States to adopt all measures necessary to ensure effective compliance with IACHR recommendations.

15) Case 13,524—334 Patients at Federico Mora Hospital v. Guatemala

This case concerns the alleged responsibility of the Guatemalan State for violations of the human rights of persons with disabilities admitted into Federico Mora Hospital, given restrictions of their personal liberty, poor conditions at the facility, and alleged abuse and violence against them. At the hearing, the IACHR heard the statement provided by Gerard Quinn, United Nations Special Rapporteur on the Rights of Persons with Disabilities, concerning international standards about the right to live in the community of persons with disabilities. The Commission also heard the account of expert Mauricio Gómez about his visits to Federico Mora Hospital in 2012 and 2013, and about the conditions that prevailed for the persons with disabilities who lived in that hospital.

The petitioners alleged that the hospital lacks adequate conditions in terms of accommodation, safety, and hygiene, that the persons with disabilities admitted into the facility or who live there have been



victims of sexual violence and of an excessive use of force and medication, and that the hospital applies an institutionalization approach that fails to take these individuals' autonomy into consideration.

The State said that the structure of Federico Mora Hospital has changed since 2017 and that policies have been developed to encourage deinstitutionalization. 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 work with persons with disabilities at Francisco Mora Hospital and whether international standards on admission and institutionalization of persons with disabilities were being applied. The IACHR will continue to assess this case and will issue a statement on it in due course.