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REPORT No. 61/22
PETITION 1287-19
FRIENDLY SETTLEMENT REPORT

ROBERTO MOLINA BARRETO, ZURY MAYTE RÍOS SOSA AND MWR
GUATEMALA

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APRIL 24, 2022

I. SUMMARY AND RELEVANT PROCEEDINGS OF THE FRIENDLY SETTLEMENT PROCESS

1. On May 24, 2019, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "IACHR") received a petition filed by Mrs. Zury Mayté Ríos Sosa, (hereinafter "petitioner", "the petitioners" or the "alleged victim"), alleging the international responsibility of the Republic of Guatemala (hereinafter "State" or "Guatemalan State" or "Guatemala"), for the violation of the human rights enshrined in articles 5 (personal integrity), 8 (judicial guarantees), 9 (principle of legality and non-retroactivity), 11 (protection of honor and dignity), 13 (freedom of expression), 19 (rights of the child), 23 (political rights), 24 (equality before the law) and 25 (guarantees of judicial protection), in conjunction with article 1 (obligation to respect) and 2 (obligation to adopt provisions of domestic law) of the American Convention on Human Rights, (hereinafter "ACHR", "Convention" or "American Convention"), to her, her daughter and Mr. Roberto Molina Barreto's detriment.

2. On May 21, 2021, the petitioners informed the Commission of their interest in initiating a friendly settlement process. On July 6, 2021, the State indicated its willingness to move forward in the negotiation process, so on August 25, 2021, the Commission formally notified the parties the initiation of the procedure, which materialized with the signing of a friendly settlement agreement (FSA) on December 28, 2021.

3. On 15 March 2022, the parties informed the Commission of the establishment of a work schedule for the implementation of the measures set out in the FSA and requested the Commission to approve them.

4. This friendly settlement report, in accordance with Article 49 of the Convention and Article 40.5 of the Commission's Rules of Procedure, contains a summary of the facts claimed in the petition and transcribes the friendly settlement agreement signed on December 28, 2021, by the petitioner party and the Guatemalan State. Likewise, the agreement signed between the parties is approved and it is agreed that this report will be published in the Annual Report of the IACHR to the General Assembly of the Organization of American States.

II. THE ALLEGED FACTS

5. As alleged by the petitioners, on January 19, 2019, general elections were called for the offices of President and Vice President of the Republic, among others, and the political party Valor, through the General Assembly, reportedly designated Mrs. Zury Mayté Ríos Sosa and Mr. Roberto Molina Barreto as its candidates for the Presidency and Vice Presidency of the Republic, respectively. In this sense, the candidates would have had the endorsement of the political party Valor, as well as an important popular support.

6. As indicated by the petitioners, on January 28, 2019, the Office of The Citizen Registry of the Supreme Electoral Tribunal, would have issued a resolution rejecting the registration of Mr. Roberto Molina Barreto and Mrs. Zury Mayté Ríos Sosa, as candidates to participate in the electoral contests for the offices of President and Vice President.

7. Likewise, the petitioners noted that, on February 1, 2019, the Supreme Electoral Tribunal denied the appeal filed against the decision adopted on January 28, 2019, confirming the decision to reject the

¹ Commissioner Stuardo Ralón Orellana, a Guatemalan national, did not participate in the discussion and decision of this case, in accordance with Article 17.2.a) of the IACHR's Rules of Procedure.

registration of the nominated candidates. On the other hand, on February 13, 2019, the Supreme Court of Justice of Guatemala reportedly issued its decision on an appeal for annulment filed, granting a provisional injunction and ordering the registration of the proposed candidacies.

8. As alleged by the petitioners, although the Supreme Electoral Tribunal advanced the registration of the candidates, at the same time it would have filed an appeal against the decision adopted by the aforementioned court on February 13, 2019. Subsequently, without revoking the registration of the candidates for the positions of presidency and vice presidency, on March 12, 2019, the Constitutional Court of Guatemala reportedly revoked the provisional injunction.

9. The petitioners indicated that, on March 20, 2019, the Supreme Court of Justice granted the definitive injunction and ordered the Supreme Electoral Tribunal to definitively register the citizens as candidates. Subsequently, said Tribunal would have challenged again the related ruling before the Constitutional Court, for which, on May 13, 2019, the Constitutional Court would have revoked again the sentence of the Supreme Court of Justice, as well as the registration of the candidates.

10. The petitioners alleged that this decision was based on the application of Article 186(c) of the Political Constitution of the Republic of Guatemala, in conjunction with paragraph (a) of the same legislation, which provides that relatives within the fourth degree of consanguinity and second degree of affinity of a *caudillo* or the "heads of a coup d'état, armed revolution or similar movement, which has altered the constitutional order, nor those who, as a result of such acts, assume the Head of Government" could opt for the position of president or vice president of the Republic.

11. According to the petitioner, the decision adopted in 2019 by both bodies, the Supreme Electoral Tribunal and the Constitutional Court, ignored not only the constitutional history of the aforementioned rule, but also the scope granted to it by the Constitutional Court in 1989, interpreting that the normative provision in question cannot be applied in a timeless manner, or otherwise it would imply politically sanctioning a person for acts of third parties. However, the petitioner alleged that, in 2019, the Constitutional Court departed from its precedent, thereby affecting the human rights of Zury Ríos and her descendants and other relatives, limiting their rights of political participation to run for public office in the Republic of Guatemala.

III. FRIENDLY SETTLEMENT

12. On December 28, 2021, the parties signed a friendly settlement agreement, the text of which establishes the following:

**FRIENDLY SETTLEMENT AGREEMENT
WITHIN PETITION P - 1287 - 2019, ZURY MAYTE RÍOS SOSA AND DAUGHTER,
ROBERTO MOLINA BARRETO BEFORE THE INTER-AMERICAN COMMISSION ON
HUMAN RIGHTS**

Guatemala, on the twenty-eighth (28) day of the month of December of the year two thousand and twenty-one (2021), we appear:

A. **THE STATE OF GUATEMALA**, through the Attorney General of the Nation, **JORGE LUIZ DONADO VIVAR**, fifty-one years of age, married, Guatemalan, lawyer and notary, domiciled in the department of Guatemala, identified with the Personal Identification Document with Unique Identification Code number [...], Extended by the National Registry of Persons of the Republic of Guatemala, Central America, I act in my capacity as ATTORNEY GENERAL OF THE NATION, ON BEHALF OF THE STATE OF GUATEMALA, an extreme that I accredit with the certification of the Governmental Agreement number twenty-five (25) dated eighteen (18) of May of two thousand and eighteen (2018), extended by the Executive Director of Administration of the General Secretariat of the Presidency of the Republic, dated May twenty-three (23) of two thousand and eighteen (2018) and the certification of the act of

inauguration number two script two thousand eighteen (2 – 2018) dated May eighteen (18) of two thousand eighteen (2018), issued by the Secretary General of the Attorney General's Office, dated December twenty-eight (28) of two thousand and twenty-one (2021). Declares that for the granting of this instrument is duly empowered in accordance with the office number DSGP – No. 1533 – 2021 /uvz dated December twenty-two (22) of two thousand and twenty-one (2021), sent to this institution by the General Secretariat of the Presidency of the Republic of Guatemala, Mrs. María Consuelo Ramírez Scaglia.

B. The victims **ZURY MAYTÉ RÍOS SOSA**, fifty-three years old, Guatemalan, married, political scientist, domiciled in the department of Guatemala, who identifies herself with the Personal Identification Document with Unique Identification Code [...], and daughter, who act through the representative lawyers Ángela Margarita Rey Anya and José Estuardo Córdova Guirola, those who are duly accredited within the petition and accredit this end by means of an official letter dated April twenty-seven (27) of the year two thousand and twenty (2020) presented to the Executive Secretary of the Inter-American Commission on Human Rights which is recorded in the file; for this purpose the lawyers may current jointly or separately, indistinctly.

C. The victim **ROBERTO MOLINA BARRETO**, sixty-six years old, Guatemalan, married, lawyer and notary, domiciled in the department of Guatemala, who identifies himself with the Personal Identification Document with the Unique Identification Code number [...], who acts through the representative lawyers Ángela Margarita Rey Anya and José Estuardo Córdova Guirola, who are duly accredited within the petition for merit and accredit this point by means of an official letter dated April twenty-seven (27) of the year two thousand and twenty (2020) presented to the Executive Secretary of the Inter-American Commission on Human Rights which is recorded in the file; for this purpose, lawyers may act jointly or separately, indistinctly.

D. The victims state, through their representatives, that if necessary they will appear personally and not through an intermediary person, to ratify this agreement.

E. With the disposition of the Inter-American Commission on Human Rights – IACHR – the parties agreed to sign a Deed of Commitment of Friendly Settlement within Petition **P – 1287 – 2019 ZURY MAYTÉ RÍOS SOSA E HIJA**, pending before the Commission, taking into account that the friendly settlement is a conventional mechanism (Article 48.1.f. of the American Convention on Human Rights, hereinafter "American Convention" or "Convention"), convenient and appropriate to resolve the present case for the benefit of the conventional rights of **Zury Mayte Ríos Sosa and daughter**.

The parties agree to sign this Friendly Settlement Agreement under the following parameters:

1. BACKGROUND: Mrs. Zury Mayté Ríos Sosa states:

1.1. In 2019, he decided to run for the second time for the presidency of Guatemala with the endorsement of the political party Valor, with significant popular support, however the registration of her candidacy was rejected by the Supreme Electoral Tribunal in February 2019, a decision that was ratified as a result of the appeal to an injunction, by the Constitutional Court on May 13 of the same year, a ruling that was based on the application of article 186 c) of the Political Constitution of the Republic of Guatemala, in relation to paragraph a) of the same regulation, a provision that establishes that relatives within the fourth degree of consanguinity and second degree of affinity of a caudillo or of *"heads of a coup d'état, armed revolution or similar movement, which has altered the constitutional order, nor those who, as a result of such acts, assume the Head of Government"*, will not be able to opt for the position of president or vice president of the Republic.

1.2. It should be clarified that she had participated as a presidential candidate in Guatemala in the electoral process held in 2015, with the endorsement of the Supreme Court of Justice, and the same conformation of the Supreme Electoral Tribunal that heard the nullity of the resolution that annulled the candidacy of Zury Mayté Ríos Sosa then, she was the one who learned of the case in 2019 denying her registration.

1.3. The decision adopted in 2019 by both bodies, the Supreme Electoral Tribunal and the Constitutional Court, ignored not only the constitutional history of the aforementioned norm, but also the scope that the Constitutional Court had granted it in 1989, interpreting that the normative provision in question cannot be applied in a timeless manner, since it would be a matter of attributing to a person facts that are not related to them. However, in 2019, and to the detriment of the petitioner, the Constitutional Court departed from its precedent. In this way, there is an impact on the human rights of Zury Ríos of all his ancestors and other relatives, limiting political participation to oppose public office in the Republic of Guatemala.

2. HUMAN RIGHTS AND POLITICAL PARTICIPATION

2.1. Human rights constitute one of the most important achievements of humanity, being the philosophical current of the iusnaturalism that gave the first introduction of these in society, constituting them in favor of the individual as a limit to state activity. Based on the above, Gregorio Peces Barba has defined them as the *"faculty that the norm attributes of protection to the person in relation to their life, their freedom, equality, their political and social participation, or any other fundamental aspect that affects their integral development as a person, in a community of free men, demanding respect for other men, social groups and the State, and with the possibility of setting in motion the coercive apparatus of the State in case of infringement"*.

2.2. The regulation of human rights arises from the Second World War, with the creation of supranational entities and the adoption and ratification of fundamental human rights treaties. From then on, with the establishment of liberal States, first generation rights emerged, which in a general framework can be: a) civil, linked to the liberal conception of negative freedoms, together with the principle of equality before the law, such as: life, liberty, private property, among others; (b) politicians, rights of participation or collective exercise, such as the right to vote, freedom of printing or assembly.

2.3. In concrete terms, political participation constitutes a human right that allows any person to carry out activities aimed at intervening in the appointment of the rulers of a State, affecting its political life. This prerogative can be exercised directly, when the citizen executes the participatory action, or indirectly if he exercises it through representatives or groups.

2.4. Derived from the above, the American Convention on Human Rights regulates in its article 23 the following: "(...) 1. All citizens should enjoy the following rights and opportunities: (a) to **participate in the conduct of public affairs, directly or through freely elected representatives**; b) to vote and be elected in genuine periodic elections, carried out by universal and equal suffrage and by secret ballot guaranteeing the free expression of the will of the electors, c) to have access under general conditions of equality, to the public functions of their country (...)". (Bold, underlined and italics made by the parties).

2.5. Article 25 of the International Covenant on Civil and Political Rights provides: "(...) All citizens shall enjoy, without any of the distinctions referred to in article 2, and without undue restriction, the following rights and opportunities: (a) To **participate in the conduct of public affairs**, directly or through freely elected representatives (...)". (Bold, underlined and italics made by the parties).

2.6. Therefore, the right to political participation generates the obligation of the State to grant favorable conditions to guarantee citizens the performance of those activities related to the appointment of their rulers or in the formation of state policy.

3. ABOUT THE CONVENTIONALITY CONTROL AND BLOCK OF CONSTITUTIONALITY

3.1. The Conventionality control constitutes a tool for States to guarantee and comply with the observance of human rights in their respective territories, through the verification of the conformity of national norms and practices, with the American Convention on Human Rights and its jurisprudence. The normative source of such control is contemplated in Articles 1.1, 2 and 29 of the American Convention on Human Rights.

3.2. This mechanism generates obligations for the public authorities of each State, and it is appropriate to cite the Case of Gelman Vs. Uruguay. Merits and Reparations, Judgment of February 24, 2011. C Series. No. 2219, which in its leading part established: (...) *When a state is a party to an international treaty such as the American Convention, **all its organs, including its judges, are subject to it, which obliges them to ensure that the effects of the provisions of the Convention are not diminished by the application of norms contrary to its object and purpose**, so that judges and bodies linked to the administration of justice at all levels are in the obligation to exercise ex officio a "control of conventionality" between the internal norms and the American Convention, evidently within the framework of their respective competences and the corresponding procedural regulations and in this task, they must take into account not only the treaty, but also the interpretation that the Inter-American Court has made of it, final interpreter of the American Convention. (...) ". (sic) (Bold, underlined and italics made by the parties).*

3.3. Regarding the block of constitutionality, it is important to bring up the judgment dated July 17, 2012, issued in file 1822 - 2011 of the Constitutional Court that determined the following: "(...) *The constitutionality block refers to those norms **and principles that, although not part of the formal text of the Constitution, have been integrated by other means into the Constitution and that in turn serve as measures to control the constitutionality of laws as such. It constitutes a normative set that contains materially constitutional principles or provisions**, both those expressly contained in the Fundamental Text and those existing outside it, but that develop or complement the catalog of fundamental rights contained in the formal Constitution. Its essential function is to use it as a tool for receiving international law, guaranteeing the coherence of domestic legislation with the external commitments of the State and, at the same time, serving as a complement to the guarantee of Human Rights in the country (...)"*. It is important to add that the block of constitutionality arises from the direct reference to articles 44 and 46 of the Constitution, provisions that allow us to incorporate into our Magna Carta a set of international norms referring to the inherent rights of the person, including all those freedoms and powers that, although they do not appear in their formal text, are contained therein.

3.4. The control of conventionality and the block of constitutionality are intimately related, since, based on international commitments, it is an obligation for the State of Guatemala to fully comply with the provisions of the American Convention on Human Rights and to comply with judgments issued by the Inter-American Court of Human Rights. It is unavoidable the strict observance of International Human Rights Law to any conduct on the part of the public power, which may affect any human right in view of the fact that the fundamental principles of a material nature on which that Right is based are expression of an objective order of values of the international legal community and, hence, the binding character towards all its members, so that its non-observance, generates international responsibility in those who do not comply with observing such principles. In this sense, an insufficient regulation that limits those guarantees cannot be admitted in the internal

legislative development of a State, since this would imply not only the breach of international commitments assumed by the State of Guatemala, but, in the same way, could generate international responsibility arising from that breach.

3.5. THE STATE AS GUARANTOR OF HUMAN RIGHTS

3.5.1. The State of Guatemala organizes itself to protect the human person, constituting a domestic legal system suitable for this purpose and signing international instruments that allow dignifying the human person. Starting from the finalist nature of the Political Constitution of the Republic of Guatemala, which advocates human dignity as its main foundation, it cannot be ignored that the human rights recognized in that text are not the only ones that can be subject to protection and protection by the public authorities but we must add those other rights that are incorporated into our constitutional order via articles 44 and 46 of our Magna Carta.

3.5.2. As a result, political rights, their recognition and guarantee, are based on respect for and consideration of human dignity; therefore, it has the character of fundamental rights. The Inter-American Court of Human Rights in judgment of August six of two thousand and eight, Case Castañeda Gutman v. United Mexican States has affirmed that: "(...) (sic) *"constitutes an end in itself and, at the same time, a fundamental means that democratic societies have to guarantee other human rights (...)"*. These are rights reserved for persons who hold the status of citizens in accordance with the provisions of article 136 of our fundamental norm, a status that in the light of international law means *"holder of the decision-making process in public affairs, as a voter through the vote or as a public servant, that is, to be popularly elected or by appointment or appointment to occupy a public office"*, generating state commitments such as the obligation to guarantee with positive measures that any person who formally holds political rights have the real opportunity to exercise them.

3.5.3. Therefore, these rights oblige the State of Guatemala to generate mechanisms that promote their exercise, which means providing the entire political-electoral structure that allows citizens to participate freely, either directly or indirectly, in the conduct of public affairs; as it is logical to deduce, the obligations that weigh on the State empower it to issue the regulations that will make it possible to guarantee those rights by regulating what refers to the nomination of candidates, their enabling requirements and the procedures for their election, among a variety of issues that are precisely included in the electoral legislation.

3.5.4. The Guatemalan political legal framework, inspired by the republican system of government, has established the electoral system, the conditions and the formalities so that it is possible to exercise the right to vote and be voted, guaranteeing the political participation of citizens under conditions of equality, providing for the corresponding control mechanisms, in order to provide legal certainty and security the decisions of the electoral and constitutional authorities, when deciding on each particular case.

3.5.5. However, the electoral history gives the reason to the petitioner, taking into account the cases of Luis Ernesto Sosa Ávila, Lionel Sisniega – Otero Barrios and Jacobo Arbenz Vilanova.

3.5.6. Therefore, it is the obligation of the State of Guatemala to guarantee the political participation of the petitioner within the general elections, taking into account that it is subject to compliance with the formal requirements established within the Guatemalan electoral legal framework.

4. AGREED COMPREHENSIVE REPARATION MEASURES

4.1. INTERNATIONAL RECOGNITION

4.1.1. The State of Guatemala, through its representative, the Attorney General of the Nation, Jorge Luis Donado Vivar, recognizes the importance of reaching a friendly settlement agreement in the present case, based on respect for the human rights established in the American Convention on Human Rights and the International Covenant on Civil and Political Rights.

4.1.2. In this regard, the State of Guatemala recognizes the human right of political participation of the applicants, which is regulated and protected by the Political Constitution of the Republic of Guatemala, the American Convention on Human Rights and the International Covenant on Civil and Political Rights, therefore the exercise of this universal right may not be limited or restricted for any reason, based on the equal rights that assist men and women to participate in (sic) to get involved in the political life of the Nation, as long as the enabling requirements that must be qualified by the corresponding entities are met, prior to participating in a position of popular election.

4.2. NON-REPETITION MEASURE

4.2.1. The State of Guatemala undertakes to carry out 02 awareness-raising campaigns through the Presidential Commission for Peace and Human Rights, in order to promote equality in the political participation of women in the political life of the State of Guatemala; being this case and other cases that have been known under the control of conventionality the object of study.

4.2.2. The State of Guatemala, through the Presidential Commission for Peace and Human Rights, will promote 02 forums with the different private and public educational institutions in order to promote equality in the political participation of women in the political life of the State of Guatemala; in which these cases will also be analyzed and studied.

5. ECONOMIC REPARATION MEASURE

5.1. The victims of this case renounce the economic compensation generated by the affectation to their conventional rights.

6. COMPLIANCE WITH THE FRIENDLY SETTLEMENT

6.1. Once this agreement has been fulfilled, the International Commission (sic) on Human Rights shall be requested to approve said agreement, in accordance with Article 49 of the American Convention on Human Rights.

6.2. With the signing of this agreement, Roberto Molina Barreto, in accordance with Article 41 of the Rules of Procedure of the Inter-American Commission, withdraws from the litigation of the case and therefore renounces his claims to allege human rights violations to the detriment of the organs of the Inter-American Human Rights System within Petition P – 1287 – 2019 and the universal human rights system.

The parties by mutual agreement request the Commission:

a) That this friendly settlement agreement be approved in a timely manner in accordance with Articles 49 of the American Convention on Human Rights and 41 of the Rules of Procedure of the Inter-American Commission on Human Rights.

- b) To facilitate working or technical meetings to promote the friendly settlement negotiation process, its follow-up and its compliance.
- c) With regard to monitoring compliance with the friendly settlement agreement, the parties undertake to keep the Commission on Human Rights informed of progress and results.

IV. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

13. The IACHR reiterates that in accordance with Articles 48.1.f and 49 of the American Convention, this procedure aims to "reach a friendly settlement of the matter based on respect for the human rights recognized in the Convention." The acceptance to carry out this procedure expresses the good faith of the State to comply with the purposes and objectives of the Convention by virtue of the principle *pacta sunt servanda*, by which States must comply in good faith with the obligations assumed in the treaties.² It also wishes to reiterate that the friendly settlement procedure provided for in the Convention allows for the termination of individual cases in a non-contentious manner, and has demonstrated, in cases involving various countries, to offer an important vehicle for settlement, which can be used by both parties.

14. The Inter-American Commission has closely followed the development of the friendly settlement reached in the present case and appreciates the efforts made by both parties during the negotiation of the agreement to reach this friendly solution that is compatible with the object and purpose of the Convention.

15. The Inter-American Commission values the fourth declaratory clause, specifically in paragraph 4.1.2., which recognizes the human right of political participation of the applicants and the inadmissibility of limits or restrictions thereon in compliance with what is regulated and protected by the Political Constitution of the Republic of Guatemala, the International Covenant on Civil and Political Rights and the American Convention, in particular, in its articles 23 (political rights) and 24 (equality before the law).

16. Given the information submitted by the parties so far and the application for approval jointly submitted by the parties on 15 March 2022, it is appropriate for the Commission to assess compliance with the components contained in this friendly settlement agreement.

17. The Commission notes that the friendly settlement agreement sets out two implementation commitments in clause 4.2. concerning the conduct of two awareness-raising campaigns (point 4.2.1.) and two forums with educational institutions (point 4.2.2.). In this regard, the Commission takes note of the timetable designed by the parties for its execution in which the following deadlines and activities to be carried out were agreed:

No.	Activity	Jul	Ago	Seve n	Oct	Responsible
1	Data collection through the TSE					Gender Unit
2	Design of the methodology of the events to be held					Department of Education and Training in Culture of Peace (DIFOPAZ)
3	Design of the awareness campaign					Strategic Communication Unit
4	Approval of designs					Executive Management
5	First awareness campaign					Strategic Communication Unit
6	Conversation Forum with Students graduating from					Assigned Units

² Vienna Convention on the Law of Treaties, U.N. Doc A/CONF.39/27 (1969), Article 26: "**Pacta sunt servanda**". *Any treaty in force is binding on the parties and must be complied with by them in good faith.*

	the last year in colleges and different faculties in universities				
7	Logistics for the execution of the forum				Assigned Units
8	First Forum (analysis and case studies)				Assigned Units
9	Evaluation of feedback from forum participants for improvement actions for the next event				Department of Education and Training in Culture of Peace (DIFOPAZ)
10	Second Awareness Campaign				Strategic Communication Unit
11	Conversation Forum with Students graduating from the last year of colleges and different faculties in universities				Assigned Units
12	Logistics for the execution of the Forum				Assigned Units
13	Second forum (analysis and case studies)				Assigned Units
14	Evaluation of forum engagement feedback				Department of Education and Training in Culture of Peace (DIFOPAZ)

18. In this regard, in view of the fact that the parties have decided to defer compliance with the FSA after its approval by the Commission, taking into account the information provided by the parties and the agreed timetable, the Commission considers that points 4.2.1. and 4.2.2. of clause 4.2 of the agreement are pending compliance and declares so. Therefore, the Commission considers that clause 4.2. (on non-repetition measures) is pending compliance and declares so.

19. Finally, the IACHR considers that the rest of the content of the agreement is of a declaratory nature, so that it does not correspond to its supervision.

20. The Commission will therefore continue to monitor the implementation of points 4.2.1 (awareness-raising campaigns) and 4.2.2. (academic forums) until full compliance.

V. CONCLUSIONS

1. Based on the foregoing considerations and under the procedure provided for in Articles 48.1.f and 49 of the American Convention, the Commission wishes to reiterate its deep appreciation for the efforts made by the parties and its satisfaction at the achievement of a friendly settlement in the present case, based on respect for human rights. and compatible with the object and purpose of the American Convention.

2. In the light of the considerations and conclusions set out in this report,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

DECIDES:

1. Approve the terms of the agreement signed by the parties on December 28, 2021.

2. Declare pending compliance with points 4.2.1 (awareness-raising campaigns) and 4.2.2 (academic forums) of clause 4.2 (non-repetition measures) of the friendly settlement agreement, in accordance with the analysis contained in this report.

3. Continue to monitor points 4.2.1 (awareness-raising campaigns) and 4.2.2 (academic forums) of clause 4.2 (non-repetition measures) of the friendly settlement agreement, until its full compliance. To this end, to remind the parties of their commitment to report periodically to the IACHR on their compliance.

4. To make this report public and to include it in its Annual Report to the OAS General Assembly.

Approved by the Inter-American Commission on Human Rights on April 24, 2022. (Signed): Julissa Mantilla Falcón, President; Margarete May Macaulay, Second Vice President; Esmeralda E. Arosemena de Troitiño; Joel Hernández García; Carlos Bernal Pulido and Roberta Clarke Members of the Commission.