

## CHAPTER I

### ACTIVITIES OF THE IACHR IN 2017

#### A. Strategic Plan 2017-2021

1. On March 22, 2017, the Inter-American Commission on Human Rights (IACHR) approved its Strategic Plan for the 2017-2021 period (Plan 21 or Strategic Plan 21). Strategic Plan 21 is the main instrument for institutional management that sets forth the priorities that the IACHR will implement to successfully carry out its mission and to address present and future challenges for responding to and protecting human rights in the Americas.

2. In more than one year of preparing its Strategic Plan, the Commission organized public consultations, four of them regional – workshops, meetings, a questionnaire, and interviews, among other activities – in a participatory process that received contributions from 536 persons and 343 institutions or agencies. The first consultation phase began with a questionnaire that was made available to civil society and the member states in November 2015, in order for them to send their initial contributions for the preparation of the plan. A total of 49 responses were received with inputs on the effects, impacts, advances, and opportunities for improvement with respect to the previous Strategic Plan. The consultation also allowed for the identification of challenges and definition of priorities and issues to be addressed by the IACHR in its new Plan. Based on these inputs, the IACHR developed a Concept Note with the main lines for discussion of the Strategic Plan, which served as a basis to receive comments and suggestions from the member states through meetings held in July 2016. During the second phase, the Commission expanded the participation channels and mechanisms to receive specific proposals for the design and elaboration of the Strategic Plan and to discuss its first draft. Between December 2016 and March 2017, various workshops were conducted with experts, civil society, international agencies, the IACHR Executive Secretariat team and Commissioners. Inputs for the Plan were also received in workshops conducted during the 159th and 160th Periods of Sessions. The first version of the Strategic Plan was submitted to four Regional Participatory Consultations with civil society, social movements and academics. These were held in North America (Washington, D.C.), Mesoamerica (Tegucigalpa, Honduras), South America (Lima, Peru) and the Caribbean (Kingston, Jamaica) both on site and on-line. During these consultations, the challenges and trends in human rights in the region for the next five years were analyzed, and comments and specific proposals based on the draft Plan were received. The first version was also discussed in February 2017 in Washington, D.C. with groups of member states, specifically CARICOM, ALADI, SICA and North America, all of the consultations were conducted with the presence of the IACHR President, its Executive Secretary and other Commissioners. The IACHR received comments and suggestions from the States through direct consultations in February and in writing through March 2017. The third phase of discussion and approval required the IACHR to review the results and information collected, expand the analysis of the regional context, evaluate the proposals made in regard to the Plan, and construct a strategic response. This proposed Strategic Plan was discussed and approved during the 161st Ordinary Period of Sessions of the IACHR, which was held March 15-22, 2017 in Washington, D.C.

3. The IACHR is grateful for the input, suggestions, and comments from civil society, academia, experts, and representatives of the states in this process. The result of the dialogue led the Commission to identify the relevant issues and proposals for addressing the human rights challenges of the current context. In a process of continuous learning the IACHR considered the accomplishments, lessons learned, and challenges in implementing its first Strategic Plan, which covered the period 2011-2016.

4. The IACHR strategically defined its works for the coming years by articulating its mandates, functions, and mechanisms. For the period 2017-2021, the Inter-American Commission prioritized a series of issues and populations, some of which have been worked on through its rapporteurships. Among the populations that will be accorded priority, the following were identified: indigenous peoples; women;

migrants, refugees, stateless persons, victims of human trafficking, and internally displaced persons; Afro-descendants; children and indigenous peoples; human rights defenders; persons deprived of liberty; lesbian, gay, bisexual, trans, and intersex persons; persons with disabilities; and older persons. The Plan includes three priority thematic areas: right to freedom of expression; economic, social, cultural, and environmental rights; and the right to memory, truth, and justice.

5. In addition, the Strategic Plan has six cross-cutting lines: democratic institutional framework; judicial independence and independence of the prosecutorial authority and access to justice; institutional framework for human rights; security and violence; development and human rights; and gender equality and diversity.

6. The Plan has five strategic objectives and 21 work programs. The first objective seeks to strengthen the system of petitions and cases, friendly settlements, and precautionary measures, with the aim of contributing to more effective, timely, and accessible inter-American justice to overcome the practices of impunity in the region and to attain integral reparation for victims.

7. The second objective seeks to bolster preventive measures and have an impact on the factors that give rise to human rights violations based on the coordinated use of the mechanisms and the capacity for monitoring and coordinating timely and appropriate responses.

8. The third objective seeks to promote democracy, human dignity, equality, justice, and fundamental freedoms based on making an active contribution to the strengthening of institutional frameworks and public policies with a human-rights focus in the states, in keeping with inter-American provisions and standards; and also based on building the capacities for action of the organizations and networks of social and academic actors in the defense of human rights.

9. The fourth objective is intended to give impetus to the universalization of the inter-American human rights system through coordinated initiatives with the Inter-American Court of Human Rights and other relevant actors. In the context of this objective a Joint Action Mechanism to Contribute to the Protection of Human Rights Defenders in the Americas will be put in place with the Office of the United Nations High Commissioner for Human Rights (OHCHR).

10. The fifth objective seeks to ensure the availability of all human resources, infrastructure, technology, and budget necessary for the full implementation of the mandate and functions of the Inter-American Commission on Human Rights through results-based institutional management for efficient, effective, and measurable institutional development to strengthen the institutional role with a view to attaining a positive impact on respect for human rights in the region. Each of these strategic objectives has four specific programs to structure the actions needed to achieve the expected results.

11. The Plan also contains a Special Program 21, which is cross-cutting and seeks to substantially improve monitoring of the recommendations of the IACHR to improve the effectiveness of the inter-American system to achieve a transformative impact that reaches all persons in the Americas.

12. The 21 programs for attaining the strategic objectives have four logical lines: strategic measures associated with improving current practices; strategic measures aimed at making a new contribution or reformulating an area of action; measures that contribute to overcoming structural challenges in the area of human rights; and measures for improving and expanding the conditions of access for users of the IACHR.

13. Action plans were drawn up for each strategic objective of Plan 21 with the design of projects for implementing them, and for seeking supplemental resources that provide guidance for the changes sought to be adopted or constructed to improve operations and achieve expected results. The strategic plan uses the principles of results-based management with a view to the continuous improvement of the institution.

14. In order to implement mechanisms of accountability for the gains made and to analyze the challenges in their implementation, the IACHR prepared the Plan for Monitoring and Comprehensive Follow-up of the Strategic Plan. This comprehensive plan supports the implementation of the Strategic Plan and of the Action Plans to achieve the expected results. An improved analysis of the Commission's strategic environment, as well as the information generated, will be the basis for adjusting the strategy and implementing it on an ongoing basis. The evaluation and active mitigation of the multifaceted risks that affect the results and programs, with the record of lessons learned, will also be part of the periodic analysis of the IACHR. Therefore, throughout the cycle of the Plan a process of continuous evaluation and learning will be put in place for which the IACHR will continue maintaining constructive channels of dialogue with the actors of the system to make progress in promoting and protecting human rights in the hemisphere.

15. Plan 21 institutionalizes the IACHR's culture of strategic planning, begun with the previous strategic plan, and in so doing is strengthening the organization in order to optimize the use of resources, promote better coordination of its actions, optimize its levels of efficiency, and account for the results obtained.

16. The programs and actions associated with each of the strategic objectives have immediate, short-term, and medium-term effects and transformations that will contribute to attaining the vision and ultimate purpose of the Plan, which is to enhance the effectiveness of the inter-American human rights system and, therefore, better enjoyment and protection of human rights in the Americas. Some results and changes find expression in this Annual Report.

17. In this report the Executive Secretariat of the IACHR describes the gains made during 2017 and in the first months implementing the Strategic Plan.

## **B. Reorganization of the Executive Secretariat**

18. In the course of 2017, the IACHR promoted changes to the administrative structure of its Executive Secretariat based on Program 17 of the Strategic Plan 2017-2021. The new structure was formally instituted on July 26, 2017, by publication of Executive Order 17-06 of the Secretary General of the OAS. The Strategic Plan established a "review of the administrative structure that reflects a more comprehensive and horizontal design." The new administrative structure is divided into three major areas: an Office of the Assistant Executive Secretary for the System of Cases, Petitions, and Precautionary Measures; an Office of the Assistant Executive Secretary for Monitoring, Promotion, and Technical Cooperation in Human Rights; and the Office of the Executive Secretary.

19. The Office of the Assistant Executive Secretary for the System of Cases, Petitions, and Precautionary Measures is in charge of analyzing individual complaints for reparation and protection in the system of cases and precautionary measures. The main innovations of the new structure in this area are: integrating the previous group of precautionary measures to the team working on the case system, and strengthening it as a section of precautionary measures; creating a unit on initial processing; strengthening the friendly settlement section; and the exclusivity of the two Offices of Assistant Executive Secretary to the petition, cases and precautionary system, which reflects the priority given to the case system in the Strategic Plan, and to reducing the procedural backlog.

20. The Office of the Assistant Executive Secretary for Monitoring, Promotion, and Technical Cooperation in Human Rights will integrate the activities for monitoring countries and the cross-cutting lines of the Strategic Plan. The new structure creates a section dedicated to follow-up on recommendations, in keeping with the Special Program for Follow-up on the Recommendations of the IACHR. In addition, the already-established sections of Technical Cooperation and Public Policies and the Section on Promotion and Training are kept in this area.

21. The Office of the Executive Secretary performs the functions of coordination, advisory services, and administration by means of a chief of staff to the Executive Secretary, who is responsible for all

actions involved in coordinating the internal work, the policy on transparency and access to information, the press and communication office, and special projects, including the Rapid and Integrated Response Coordination Unit. The Office of Specialized Advisory Services is responsible for relations with other international organizations interinstitutional mechanisms, academia, civil society, special projects and with the political organs of the OAS. The Office of Administration, Planning and Finances has been strengthened with a Center for Attention to Users.

22. The new organizational structure of the Executive Secretariat incorporates elements of results-based management and modernizes operations by providing for a more horizontal and flexible organizational structure, in a move from five departments and five levels of authority to a structure with two Offices of Assistant Executive Secretary and three levels of authority. In addition, the process answers to a historical need to endow the Executive Secretariat with a more solid institutional structure. The new administrative structure, along with the doubling of the budget from the Regular Fund, are major initiatives for shoring up the institutional stability of the IACHR.

### **C. Activities of the IACHR in relation to the political organs of the OAS**

23. One of the functions of the IACHR is to provide advisory services on human rights to the states; and it does so, among other ways, through the relationship of the IACHR with the political organs of the OAS: the General Assembly (GA) and the Permanent Council (CP) and its committees, in particular the Committee on Juridical and Political Affairs (CAJP) and the Committee on Administrative and Budgetary Affairs (CAAP). The IACHR supports the political organs of the OAS to promote minimum human rights standards in resolution, declarations, treaties, conventions, and other inter-American instruments. It also maintains relations with other areas of the OAS.

24. During 2017, the IACHR was represented continuously in meetings of the Permanent Council, the Committee on Juridical and Political Affairs, and the Committee on Administrative and Budgetary Affairs. The Commission also answered invitations to present information on the implementation of resolutions with the participation of commissioners, the Executive Secretary, and human rights specialists from the Executive Secretariat.

25. In addition, the IACHR, through its Executive Secretariat, made presentations to the political organs pursuant to the following resolutions of the General Assembly:

AG/RES. 2887 (XLVI-O/16), "Promotion and Protection of Human Rights", xv. Against torture and other cruel, inhuman, or degrading treatment, January 26.

AG/RES. 2891 (XLVI-O/16), "Plan of Action for the Decade for People of African Descent in the Americas (2016-2025)," February 9.

AG/RES. 2887 (XLVI-O/16), "Promotion and Protection of Human Rights," Recognition and promotion of the rights of Persons of African Descent in the Americas, February 9.

AG/RES. 2887 (XLVI-O/16), "Promotion and Protection of Human Rights," ii. Promotion and protection of human rights in business, April 6.

26. In the context of drawing up the Strategic Plan 2017-2021, the IACHR held a workshop on February 3 to compile the contributions of OAS member states. In addition, a workshop was held with the observer states on April 24, and with the caucus of CARICOM ambassadors on April 27.

27. During 2017 eight meetings were held to review portfolios of petitions, cases, and precautionary measures with the following states: Chile, March 17; Venezuela, March 21; Mexico, May 15; Peru, June 15; Ecuador (July 11 and 12); and Argentina (July 13 and 14). In addition, with the first steps in the implementation of Resolution 1/16 aimed at addressing and reducing the procedural backlog, meetings were

held with the State of Brazil, on November 30, and December 1; and with the State of Ecuador, on December 6 and 7. Additionally, there were meetings with the delegations of Canada (September 14); the Dominican Republic (September 20, October 13, and November 8); Paraguay (October 4); and Colombia (November 13).

28. As part of the strengthening of the relations with states and civil society, the President of the IACHR held protocolary meetings with the ambassadors of Argentina, Brazil, Canada, Chile, Mexico, and the United States, and with the directors of two civil society organizations, DPLF and CEJIL.

29. On April 27, 2017, the President of the IACHR, presented the IACHR's 2016 Annual Report to the Permanent Council. That presentation was in the presence of the President of the Inter-American Court of Human Rights, Judge Roberto F. Caldas; the Vice President, Judge Eduardo Ferrer Mac-Gregor Poisot, and the Executive Secretary of the Court, Pablo Saavedra.

30. From June 1 to 9, the Executive Secretary of the IACHR, Paulo Abrao, in order to present the Commission's Strategic Plan and to discuss the possibilities of financial support for its activities, visited the following countries: Finland, Norway, Sweden, Belgium, Germany, and the Netherlands.

31. In the work of preparing the resolutions that were approved at the General Assembly in Cancún he attended the negotiations in the CAJP and the Permanent Council regarding the following human rights related resolutions:

AG/RES. 2908 (XLVII-O/17)	Promotion and Protection of Human Rights
AG/RES. 2913 (XLVII-O/17)	Plan of Action on the American Declaration on the Rights of Indigenous Peoples (2017-2021)
AG/RES. 2912 (XLVII-O/17)	Financing of the 2018 Program-Budget of the Organization.

32. In the context of the General Assembly the IACHR held bilateral meetings with the ministers of foreign affairs or heads of delegation; with the delegations of the member states and observer countries; it met with civil society organizations; and it made a presentation in the fourth plenary session of the General Assembly.

33. In addition, the President of the IACHR met with the delegations of Argentina, Bolivia, Brazil, Chile, Colombia, the Dominican Republic, Panama, Paraguay, Sweden, Switzerland, and Uruguay. The full delegation of the IACHR attended a breakfast, invited by the Minister of Foreign Affairs of Mexico. The President of the IACHR also met with the following civil society organizations: Heartland Alliance for Human Needs and Human Rights; RedTraSex; and the regional delegation of the Red Cross. The First Vice President of the IACHR, and Rapporteur of the Rights of Women made a presentation in the "Panel on Opportunities and Challenges for Women Leadership in the Americas." The Second Vice President of the IACHR and Rapporteur for the Rights of Children made a presentation in the "Panel on Rule of Law, Human Rights, and Democracy."

34. In the context of the General Assembly elections were held to fill the positions opening up in the organs, agencies, and entities of the OAS. The following were elected as members of the Inter-American Commission on Human Rights: Joel Hernández García, of Mexican nationality, with 28 votes; Flávia Cristina Piovesan, Brazilian, with 21 votes; and Antonia Urrejola Noguera, Chilean, with 19 votes.

35. The Assembly approved two resolutions of particular interest to the IACHR. The first of these, AG/RES. 2908 (XLVII-O/17), referenced in the introductory section of this report, recommends that the Inter-American Commission continue paying special attention to the activities related to the safety of journalists and fighting impunity in crimes against journalists; continue the dialogue on good practices in prison policies; undertake a study on inter-American standards on business and human rights based on an analysis of the conventions, case-law, and reports issued in the inter-American system; and continue paying special attention to the activities related to protecting and promoting the rights of LGBTI persons. The second is AG/RES. 2912 (XLVII-O/17) "Financing of the 2018 Program-Budget of the Organization," by which the

Committee on Administrative and Budgetary Affairs is asked, considering existing resources, to double the resources coming from the Regular Fund that are earmarked to the organs of the inter-American human rights system, i.e. the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, over a period of three years, without an increase in quotas. The options should be based on a detailed and clear plan of activities that show the capacity of the Commission and the Court to absorb an increase in resources and to attain the results expected.

36. The Executive Secretariat monitored the debates in the CAAP, in the Working Group on Strategic Vision, and in the Permanent Council with respect to the preparatory meetings for the Special General Assembly on the Budget of the OAS, which was held on October 31. The states approved a doubling of the allocation to the organs of the inter-American human rights system for 2018 and measures for 2019. The IACHR celebrates this approval as it will make possible greater protection and access to the system of protection of human rights for the populations of the hemisphere.

37. On December 5, 2017, the Commission and the Ministry of Foreign Affairs of the Republic of Paraguay signed a Memorandum of Understanding for exchange of experiences and reciprocal technical cooperation for carrying out projects and joint activities on human rights and in support of the System for Monitoring International Recommendations on Human Rights of Paraguay. This tool facilitates the systematization of international recommendations on human rights made to Paraguay and allows for public access to up-to-date information on the actions taken by the State institutions related to complying with and implementing them.

#### **D. Periods of sessions of the IACHR held in 2017**

38. During 2017, the IACHR held six periods of sessions:

<b>Period of sessions</b>	<b>Date</b>	<b>Place</b>
161 <sup>st</sup> Period of Sessions	March 15 to 22	Washington, D.C.
162 <sup>nd</sup> Special Period of Sessions	May 22 to 26	Buenos Aires
163 <sup>rd</sup> Period of Sessions	July 3 to 7	Lima
164 <sup>th</sup> Special Period of Sessions	September 4 to 8	Mexico City
165 <sup>th</sup> Special Period of Sessions	October 23 to 27	Montevideo
166 <sup>th</sup> Special Period of Sessions	November 30 to December 7	Washington, D.C.

##### **1. 161<sup>st</sup> Regular Period of Sessions (Washington, D.C.)**

39. The IACHR held its 161<sup>st</sup> Regular Period of Sessions from March 15 to 22, 2017, at its headquarters. As it was the first period of sessions of the year, the Inter-American Commission elected its officers as follows: Francisco Eguiguren Praeli, President; Margarette May Macaulay, First Vice President; and Esmeralda Arosemena de Troitiño, Second Vice President. Also present were Commissioners José de Jesús Orozco Henríquez, Paulo Vannuchi, James L. Cavallaro, and Enrique Gil Botero.

40. During the sessions the Inter-American Commission analyzed petitions, cases, and precautionary measures and held 40 public hearings and 32 working meetings, as well as meetings with states, civil society organizations, and experts, among other activities. A productive meeting was held with the representatives of the member states of the Latin American Integration Association (ALADI).

41. At the public hearings the IACHR received information on various issues, some of them from a regional or subregional perspective, and others with respect to the following countries: Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, El Salvador, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Panama, Peru, the United States, and Venezuela. There were also two hearings on cases in the merits phase in which arguments and evidence were received from the parties. Of the 40 hearings held, four were at the request of the states of Argentina, Colombia, Honduras, and Venezuela; 31 at the request of civil society organizations; and five were convened at the initiative of the IACHR. The Inter-American Commission highly values the

participation of the states in the hearings, in good faith, and with adequate substantive information, so as to move forward constructively towards solutions for the human rights problems the region is facing. Unfortunately, during the 161<sup>st</sup> Period of Sessions, the hearings on Cuba, Nicaragua, and the United States were held without the presence of state representatives.

42. During the 161<sup>st</sup> Regular Period of Sessions the IACHR adopted its Strategic Plan 2017-2021. In drawing up the Strategic Plan the Inter-American Commission engaged in public consultations with civil society organizations, experts, and member states of the OAS. This participatory and democratic process made it possible to expand the analysis of the regional context, evaluate the proposals in the Plan, and contribute to bringing about a more democratic culture and transparency in the institution.

43. In these sessions the IACHR continued its study of alternatives for overcoming the procedural backlog. To that end, it engaged in dialogues to implement measures to respond in a timely and effective manner to the victims and the states. The Strategic Plan indicates that the IACHR will continue treating this as a key priority.

44. In the context of the regular period of sessions a consultation was held with experts on pretrial detention to validate the conclusions and recommendations of the “Report on Measures aimed at Reducing the use of Pretrial Detention in the Americas.” That study emphasizes the use of alternative measures and incorporating a special approach to protection for women and other groups at special risk.

45. A dialogue was carried out on “Rights of Intersex Persons in the Americas” in which the participants highlighted the need to put an end to the violations of the human rights of intersex persons and their family members. The negative and permanent impacts that forced and cosmetic surgery for “normalization” at an early age and without the consent of the person has on their lives and their family relationships were highlighted.

46. The Inter-American Commission continued the process of selecting the Special Rapporteur for Economic, Social, Cultural and Environmental Rights.

47. The sessions also provided the framework for a meeting with representatives of the trade union movement in the United States to explore actions on the human rights of the labor and union movement in that country for the work plan of the Office of the Special Rapporteur on Economic, Social, Cultural, and Environmental Rights.

48. Finally, the IACHR signed cooperation agreements with the Federal Office of Criminal Public Defense of Brazil and with the National Human Rights Institute of Chile, respectively. Each of those institutions committed, pursuant to the agreements, to seek to work more closely with the Inter-American Commission, in particular through professional visitors from both institutions who will be received at the Executive Secretariat, among other promotion and training activities.

## **2. 162nd Special Period of Sessions (Buenos Aires, Argentina)**

49. The IACHR held its 162<sup>nd</sup> Special Period of Sessions in Buenos Aires, Argentina, from May 22 to 26, 2017, at the invitation of the Argentine State.

50. During its stay in Argentina, the plenary of the IACHR and the delegation of its Executive Secretariat had a guided visit to the Espacio de la Memoria (Space of Memory), in the building that was the base of the Navy Mechanical School (ESMA: Escuela Mecánica de la Armada) during the Argentine civil-military dictatorship. The Inter-American Commission values the fact that the Argentine State recovered that space and that it has dedicated it to keeping alive the memory of the crimes against humanity that were perpetrated there, just as it values those persons and organizations working to bring justice to all those responsible for these grave violations, and reparations for the surviving victims and family members of all the victims of the dictatorship.

51. During the sessions the IACHR analyzed, the various draft thematic reports and requests for precautionary measures. In addition, it reviewed and approved 21 reports on admissibility, four reports on the merits, and one decision on publication, among other tasks.

52. Eighteen hearings were held on situations of human rights in Brazil, Chile, Paraguay, Peru, and Uruguay, as well as two regional hearings on the Southern Cone. Unfortunately, the State of Uruguay did not participate in two of the three hearings to which it was convened, one of them on judicial independence, the other on judicial officers and human rights defenders in the transitional justice process in Uruguay.

53. At the sessions held in Buenos Aires it was decided to create three new units on the following thematic areas: the rights of persons with disabilities; memory, truth, and justice; and rights of older persons, in keeping with what is set forth in its Strategic Plan 2017-2021. In addition, on occasion of the incorporation of Commissioner Luis Ernesto Vargas Silva, a Colombian national, the IACHR agreed on some changes in the distribution of its thematic and country rapporteurships, as reported in [press release 66/17](#).

54. The Inter-American Commission selected the finalists in the competitive hiring process for the position of Special Rapporteur on Economic, Social, Cultural and Environmental Rights, as reported in [press release 65/17](#), which marked the beginning of the public consultation phase on the candidacies with a view to completing the selection during the 163<sup>rd</sup> Regular Period of Sessions in Lima, Peru.

55. Among the academic and promotional activities, mention should be made of the seminar carried out May 23 and 24 at the Law School of the Universidad de Buenos Aires (UBA), with massive attendance and participation of students, academics, human rights defenders, and the general public. On May 19, immediately before the sessions, the IACHR held the Fifth National Seminar on the Friendly Settlement Mechanism in Argentina. The Inter-American Commission also participated in the fourth period of sessions the Working Group for the analysis of the National Reports provided for in the Protocol of San Salvador, and in a public conference on migration and human rights. Finally, cooperation agreements were signed with the Office of Criminal Public Defense of Chile, the Supreme Court of Justice of Mendoza, and the Office of Public Defense of the Autonomous City of Buenos Aires, respectively.

### **3. 163<sup>rd</sup> Special Period of Sessions (Lima, Peru)**

56. The IACHR held its 163<sup>rd</sup> Special Period of Sessions in Peru July 3 to 7, at the invitation of the Peruvian State.

57. During the sessions the Inter-American Commission analyzed draft thematic reports; evaluated requests for precautionary measures; and reviewed and approved reports on petitions and cases. In all, 13 working meetings were held: two on friendly settlement; five on follow-up to agreements and recommendations; and six on precautionary measures. In addition, 16 hearings were held on the human rights situation in Argentina, Colombia, Ecuador, Mexico, and Venezuela; and there were two regional hearings. The Inter-American Commission regrets that the State of Ecuador did not participate in the two hearings to which it was convened.

58. The IACHR selected Soledad García Muñoz as the first person to serve as Special Rapporteur on Economic, Social, Cultural and Environmental Rights for a period of three years, renewable once, as indicated in [press release 90/17](#).

59. The Commission also decided to renew the term of Edison Lanza as Special Rapporteur for Freedom of Expression for a new three-year period, in keeping with Article 15 of its Rules of Procedure.

60. Pursuant to its mandate to promote human rights in the region, the Commission held two academic events: a seminar on inter-American standards on equality and non-discrimination, co-sponsored by the Pontificia Universidad Católica del Perú, the Universidad Ruiz de Montoya, and the Universidad Nacional Mayor de San Marcos, and the forum "Current challenges and trends in human rights for groups in situations of special vulnerability." The Commission was pleased to see the broad participation of students,

academics, human rights defenders, and the general public in these activities, which is a sign of the enormous interest on the part of Peruvian society in deepening knowledge of the promotion and defense of human rights.

61. The special sessions in Lima also offered the context for the Inter-American Commission to meet with various United Nations offices in Peru: the United Nations Children's Fund (UNICEF); the United Nations Population Fund (UNFPA); the Office of the United Nations Commissioner for Human Rights (OHCHR); the International Labor Organization (ILO); the International Organization for Migration (IOM); the World Health Organization (WHO); the Joint United Nations Program on HIV/AIDS (UNAIDS); and the United Nations Development Program (UNDP). The IACHR also met with more than 60 civil society organizations from the region in Peru.

#### **4. 164<sup>th</sup> Special Period of Sessions (Mexico City)**

62. The IACHR held its 164<sup>th</sup> Special Period of Sessions in Mexico City, from September 4 to 8, 2017, at the invitation of the Mexican State.

63. During the sessions in Mexico City, the Inter-American Commission analyzed draft thematic reports and requests for precautionary measures, and adopted 24 reports on admissibility and six merits reports. Fifteen working meetings were held, seven on friendly settlement and eight on precautionary measures. In addition, the IACHR adopted the resolution "Human rights and the struggle against impunity and corruption," following its onsite visit to Guatemala in August, and what it said in [press release 127/17](#). It also discussed and updated its monitoring of the human rights situation in Venezuela in the context of preparing the report on that country.

64. The Inter-American Commission held 13 hearings on human rights situations in Cuba, El Salvador, Honduras, Costa Rica, Nicaragua, Guatemala, Haiti, the Dominican Republic, and the United States, as well as four regional hearings, on justice systems, migrants, refugees and stateless persons, and the right to food. The Commission regrets that the states of Cuba, Haiti, and Nicaragua have not participated in the hearings to which they were convened, which limits the opportunities for constructive dialogue on the human rights situation in each of those countries. In the context of the sessions the IACHR also held meetings with more than 50 civil society organizations of the region and Mexico. In the context of cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), its regional office was represented in the public hearings. The IACHR also held bilateral meetings with United Nations agencies in Mexico, the International Committee of the Red Cross, and Doctors without Borders.

65. The Special Rapporteur on Economic, Social, Cultural and Environmental Rights, Soledad García Muñoz, participated for the first time in sessions of the Inter-American Commission after assuming her position on August 15, 2017. The incorporation of the Special Rapporteur to the Executive Secretariat of the IACHR represents a major step for strengthening and deepening its work of defense and protection of economic, social, cultural and environmental rights.

66. In the context of the sessions, the Inter-American Commission held a seminar on inter-American standards on equality, non-discrimination, justice, and human rights at the Legal Research Institute (Instituto de Investigaciones Jurídicas) of the Universidad Nacional Autónoma de México (UNAM). The seminar included two simultaneous panels that addressed inter-American standards on the rights of LGBTI persons, women, Afro-descendants, and migrants, as well as inter-American standards on democratic institutional arrangements, access to justice, and pretrial detention. In addition, the Report on Measures aimed at Reducing the Use of Pretrial Detention was launched and the Report on Violence against lesbian, gay, bisexual, trans and intersex persons in the Americas was presented.

#### **5. 165<sup>th</sup> Special Period of Sessions (Montevideo, Uruguay)**

67. The Inter-American Commission on Human Rights (IACHR) held its 165<sup>th</sup> Regular Period of Sessions in Montevideo, from October 23 to 27, 2017, at the invitation of the Uruguayan State. It was a

historical event, given that it was the first time since it was established that the Inter-American Commission had held a session in Uruguay.

68. During the sessions the Commission analyzed draft thematic and country reports, adopted decisions on the Annual Report corresponding to 2017, and analyzed requests for precautionary measures. The Commission held 13 working meetings on precautionary measures and six on petitions and cases in different stages of negotiation and implementation of friendly settlement agreements. In addition, 28 public hearings and meetings were held on Argentina, Brazil, Bolivia, Colombia, Ecuador, Jamaica, Mexico, Panama, Paraguay, Peru, Uruguay, and Venezuela, and on regional and subregional issues. The IACHR regrets the absence of representatives from the states of Ecuador and Jamaica at the hearings to which they were convened.

69. The IACHR continued the discussion on the human rights situation in Venezuela in the context of drawing up a report on that country. A hearing was held requested by the State of Venezuela in which information was received from state authorities and civil society organizations on the situation of the right to education in Venezuela. At the initiative of the IACHR two other hearings were held on Venezuela in which the situation of democratic institutional arrangements, violence, citizen security, and freedom of expression were analyzed.

70. On October 25, 2017, the Inter-American Commission and the Office of the United Nations High Commissioner for Human Rights launched a plan of joint actions to contribute to the protection of human rights defenders in the region. The President of the IACHR; the IACHR Rapporteur for human rights defenders; the United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein; and the Representative of the High Commissioner for South America, Amerigo Incalcaterra, were in charge of the event for launching the plan. In addition, the IACHR and the OHCHR held a meeting with civil society organizations from throughout the region where they heard concerns and received information on various human rights situations.

71. In the context of cooperation with the United Nations, the adviser on prevention and victim assistance of the United Nations Office on Drugs and Crime (UNODC), Ivonne Pineda Castro, participated in the hearing on the situation of human rights of the victims of human trafficking and smuggling from Latin America and the Caribbean.

72. During its stay in Montevideo, the IACHR engaged in regional consultations to receive suggestions on the priority lines of action for the work plans of its thematic units on Memory, Truth and Justice and on the Rights of Older Persons. These units were created in March 2017 with the adoption of the Strategic Plan of the IACHR, and in May 2017 the Inter-American Commission designated Commissioner Paulo Vannuchi as the commissioner in charge of both.

73. In the area of promotional activities, a course was held during the sessions geared to civil society organizations in which 40 organizations from throughout the region participated. The course was co-organized by the IACHR and the organization Robert F. Kennedy Human Rights, the Inter-American Institute of Human Rights, the Bernard and Audre Rapoport Center for Human Rights and Justice at the University of Texas Law School, and the Washington College of Law of American University.

## **6. 166<sup>th</sup> Special Period of Sessions (Washington, D.C.)**

74. The Inter-American Commission held a special period of sessions from November 30 to December 7, 2017.

75. The sessions provided a framework for holding the Forum of the Inter-American Human Rights System, on December 4 and 5, 2017. It was a historic event, as it was the first time that the IACHR and the Inter-American Court of Human Rights have jointly organized an event of their own to generate and promote debate and discussion on the present and future of human rights in the region; the effectiveness of the system; and compliance with the recommendations of the IACHR and the judgments of the I/A Court HR

by the member states. The relevant issues on the inter-American human rights agenda taken up during the Forum include gender, health, discrimination and diversity; corruption and human rights; new paradigms for understanding drugs and human rights; the rights of refugees and stateless persons; missing persons; the rights of human rights defenders in relation to access to information on and transparency in extractive industries and the situation in the Northern Triangle countries; sexual and reproductive rights from an economic, social, cultural and environmental rights perspective; gains and setbacks in protecting the rights of LGBTI persons; poverty and human rights; criminal due process; challenges to the implementation of the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance; and autonomy for prosecutorial agencies in fighting impunity.

76. Among the activities there were part of the Forum, the Inter-American Commission launched its report on “Measures Aimed at Reducing the Use of Pretrial Detention in the Americas,” which follows up on the report published in December 2013, examining the main gains and challenges since then; other measures aimed at reducing the use of pretrial detention; and the situation of women and other persons who belong to groups in a special situation of risk. The report launched in the Forum includes a “Practical Guide to Reduce Pretrial Detention,” which is intended for use by the competent authorities.

77. Also in the context of the Forum, the IACHR launched its “Report on Poverty and Human Rights in the Americas.” In that report the Inter-American Commission seeks to contribute to efforts to reduce and eradicate poverty in the region, to which end it adopts recommendations aimed at improving and strengthening the legislation, policies, and actions of the states. The first report of the IACHR on this issue was presented by the Special Rapporteur on Economic, Social, Cultural and Environmental Rights, Soledad García Muñoz.

78. On December 5, 2017, the Inter-American Commission signed a Memorandum of Understanding with the Paraguayan State to exchange experiences and reciprocal technical cooperation to carrying out projects and joint activities on human rights and to support the formation of the Inter-American System for Monitoring the Recommendations of the IACHR (Inter-American SIMORE). The Paraguayan State was represented by the Vice Minister of Foreign Affairs for implementation of the Inter-American SIMORE, Federico González. In its Strategic Plan 2017-2021 the IACHR proposed to carry out a special crosscutting program to enable it to have coordinated monitoring of the recommendations made through all its mechanisms. The first step for attaining that objective will be to establish the public data base of recommendations of the IACHR in the Inter-American SIMORE.

79. On December 4, the IACHR signed a cooperation agreement for two years with the University of Colorado Law School (Boulder), represented by Dean James Anaya. The agreement includes an exchange with students in the Law School’s Master’s in Human Rights program; who will devote their second year of study to fellowship experience at the Executive Secretariat of the IACHR.

80. On December 6, 2017, the Permanent Council of the OAS held a special meeting on “Violence against Women in the Americas.”, First Vice President of the IACHR and Rapporteur on the Rights of Women, made a presentation on that occasion, which also included the presence of Ana María Choquehuanca, President of the Inter-American Commission of Women, and Anselm Hannis, representative of the Pan American Health Organization.

81. The public hearings during the 166<sup>th</sup> Special Period of Sessions referred to human rights issues in Canada and the United States. With respect to Canada, information was received referring to complaints of sexual discrimination in the Indian Act; measures to prevent human rights violations by Canadian extractive companies in Latin America; monitoring and implementation of international human rights obligations; and follow-up on the recommendations of the report on asylum-seekers in Canada, adopted in 2000 by the IACHR. Regarding the United States, the parties requesting hearings and the State addressed the following issues: economic, social, cultural and environmental rights in Puerto Rico; labor rights in the automobile industry; the rights to association, peaceful assembly, and freedom of expression; and reports of impunity in cases of extrajudicial executions.

82. During the special period of sessions the IACHR held various meetings with authorities of and actors in the inter-American system. These include the meeting with representatives of the member states of the Latin American Integration Association (ALADI) and the meeting with OAS Secretary General Luis Almagro.

83. The special period of sessions held in December 2017 was the last with the participation of Commissioners José de Jesús Orozco, Paulo Vannuchi, and James Cavallaro, as their respective terms come to a close at the end of this year. Accordingly, the Permanent Council held a special session in which it recognized and expressed gratitude for the important contribution made by each of them to the protection of human rights in the inter-American system.

## **E. Activities of the Inter-American Commission in connection with the Inter-American Court**

84. In 2017, the Commission continued to exercise its mandates under the Convention and its Rules of Procedure vis-à-vis the Inter-American Court. Below is a detailed breakdown of the IACHR's activities before the Court, in the following order: (i) Submission of contentious cases; (ii) requests for provisional measures; (iii) requests for advisory opinions; (iv) appearances and participation in the public and private hearings; (v) submission of written observations on the states' reports in cases under supervision of compliance with; and (vi) submission of written observations on the states' reports on the implementation of provisional measures.

### **1. Submission of contentious cases**

85. Pursuant to Article 51 of the American Convention and Article 45 of its Rules of Procedure, the IACHR referred 18 cases to the jurisdiction of the Inter-American Court in 2017.

#### **a. Case of María Eugenia Villaseñor v. Guatemala (March 15, 2017)**

86. This case is related to a prolonged series of threats, acts of aggression, harassment, and intimidation to which María Eugenia Villaseñor was subjected in her capacity as judge in Guatemala. The victim was involved in several judicial proceedings between 1991 and 2012, some of which had a national and international impact. One of cases Judge Villaseñor heard was that of Myrna Mack Chang, which was decided by the Inter-American Court. Over the years in question, Judge Villaseñor reported through different channels that she had been the victim of: (i) House searches; (ii) death threats by phone, text message, and even from unknown persons outside her home; (iii) an attempt to kidnap her daughter and one of the police officers guarding her home, the beating of her sister, and the death of her niece after she was hit by a car; (iv) theft of her personal information; (v) attempts to break into her car, and destruction of tires and a telephone line; and (vi) statements and communications from unidentified persons denigrating her work as a judge. The Commission concluded that the above acts occurred in a context of insecurity for judges in Guatemala, particularly in relation to the hearing of cases of human rights violations committed by State agents.

87. The complaints and information the State had regarding Judge Villaseñor's situation were not duly investigated with a view to identifying sources of risk, helping to eradicate them, and singling out those responsible and imposing appropriate sanctions. The Commission considered that this situation had been exacerbated when one takes into account Ms. Villaseñor's participation as a judge, in the performance of a public function, in various proceedings related to human rights violations or crimes against property allegedly committed by State agents, including military personnel and police officers. In this context, there is a situation of complete impunity with respect to the facts reported.

88. In addition, despite the existence of precautionary measures granted by the IACHR between 1994 and 2013, the Commission took note, in its report on the merits, of a series of shortcomings in the implementation of the protective measures that may have contributed to the continuing risk Ms. Villaseñor

faced in the performance of her functions. The Commission underscored the various resolutions issued by the Human Rights Ombudsman in reference to the shortcomings of the protection measures implemented by the State and the ongoing situation of risk suffered by the victim.

89. Consequently, the IACHR determined the international responsibility of the State of Guatemala for violation of the rights to a fair trial and judicial protection, as well as for violation of the right to personal integrity, all in connection with the principle of judicial independence.

**b. Case of María Laura Órdenes Guerra et al. v. Chile (May 17, 2017)**

90. This case has to do with the international responsibility of the State for violation of the rights to a fair trial and judicial protection as a result of application of the principle of prescription to civil suits for reparations related to crimes against humanity. The victims in the instant case are seven groups of individuals who filed civil claims for reparations after the disappearance and/or murder of their family members by the State in 1973 and 1974, during the military dictatorship. In these cases, the aforementioned civil claims were rejected on appeal on statute of limitations grounds established in the Civil Code. The Commission found that the existence of an administrative program for reparation does not exclude victims of grave human rights violations from opting to seek reparation in the courts. After weighing the principles at stake, the Commission determined that as the crimes in question were crimes against humanity, denial of the right of the victims to seek reparation based on the argument of legal certainty that underpins the concept of prescription was disproportionate.

**c. Case of Walter Munárriz Escobar v. Peru (June 9, 2017)**

91. This case is related to the forced disappearance of Walter Munárriz Escobar on March 20, 1999, after he was detained at the “Los Manolos” hotel by police officers and taken to the Lircay police station, where he was taken into custody. Although the Peruvian State argued that Walter Munárriz Escobar had been released, the Commission concluded that there is no documentary evidence of any kind of such release; that the testimonies submitted by the State, and which constitute the only evidence of the alleged release of Walter Munárriz Escobar do not meet minimum standards of credibility; that there are many circumstantial elements, which, taken together, demonstrate that in general, the actions of the police with respect to Walter Munárriz were irregular and arbitrary; and, that there are statements indicating beatings, insults, and other abuses Mr. Munárriz suffered while in State custody. Based on the foregoing, the Commission concluded that the Peruvian State had failed to prove the release of Walter Munárriz Escobar and therefore it was unable to refute the participation of State agents in his disappearance. The Commission likewise indicated that State authorities denied that Walter Munárriz Escobar was still in custody and refrained from providing information regarding his fate or whereabouts.

92. The Commission further concluded that as of the date the report on the merits was adopted, more than 17 years had passed since the forced disappearance and yet the case remained unsolved. The Commission considered that the State had engaged in excessive delay in the investigation that is not justified by the complexity of the matter, but rather is due to a lack of urgency and diligence on its part. The Commission also concluded that the State had failed in its duty to adopt provisions of domestic law related to the classification of the crime of forced disappearance of persons.

93. Lastly, the Commission established the violation of the right to mental and moral integrity of the family of Walter Munárriz Escobar.

**d. Case of Tulio Álvarez v. Venezuela (July 5, 2017)**

94. This case has to do with the violation of the right to freedom of expression, political rights, and freedom of movement of attorney and columnist Tulio Álvarez as a result of his prosecution for the crime of “ongoing aggravated defamation” in a case brought against him by a former congressman and president of the National Assembly of Venezuela, for which he was sentenced to two years and three months in prison, as well as the additional penalty of disqualification from holding public office. During the case, he was also

subject to a precautionary measure barring him from traveling outside the country. The case further involves the violation of the right to presumption of innocence and other due process guarantees during the trial against Mr. Álvarez. In practice, this has had a punitive and chilling effect on his freedom of expression, with consequences for his career.

95. The IACHR concluded that the State of Venezuela had violated Tulio Álvarez's right to a fair trial and judicial protection, as well as his right to freedom of expression, freedom of movement, and political rights, in connection with its general obligation to respect rights and its duty to adopt provisions of domestic law.

**e. Case of Oscar Muelles Flores v. Peru (July 13, 2017)**

96. This case is related to the violation of the right to effective judicial protection as a result of the failure, for 24 years, to execute a legal judgment handed down in favor of Mr. Muelle Flores, in the context of an *amparo* appeal, that ordered his reinstatement into the pension system established under Decree Law 20530. The Commission determined that the Peruvian State bore international responsibility, first because its authorities had failed to execute the legal judgment issued in favor of Mr. Muelle and, secondly, because of the ineffectiveness of the judicial mechanisms subsequently activated to achieve such compliance. The Commission concluded that the instant case is framed within a structural problem already known to the bodies of the inter-American system and to the Office of the Ombudsman in connection with the failure to comply with judgments, particularly those having to do with pension rights. The Commission likewise noted that the facts of this case amounted to a violation of the right to a reasonable time [for executing domestic judgments] and the right to private property inasmuch as the pensions leveled in accordance with the Decree became the property of Mr. Muelle by means of the judgment in his favor, but he has not been able to assert that right.

**f. Case of Eduardo Benjamín Colindres v. El Salvador (September 8, 2017)**

97. This is a case about the dismissals of Eduardo Benjamín Colindres from his position as justice on the Supreme Electoral Court by the Legislative Assembly, the second occurring on March 17, 1998. The Commission determined that this second dismissal violated several due process guarantees and the principle of legality. Such violations were examined in light of the principle of judicial independence, taking into account the position held by the victim. The IACHR concluded that the Legislative Assembly lacked the authority to remove Judge Colindres from office and that the State had not previously adopted regulations governing the applicable procedures for dismissing members of the tribunal to which he belonged. Accordingly, the Commission determined that there had been a violation of the right to a competent judge. The IACHR also believed the guarantee of impartiality had been violated inasmuch as the deputies from the party to which Judge Colindres belonged, who were in the Legislative Assembly and were therefore part of the disciplinary body, had the intention of punishing him for the way he had acted in cases involving that party, having had a vested interest in the outcome of those cases.

98. The Commission also declared a violation of the right to reasoned decisions and to the principle of legality. On this point it indicated that the State had not adopted legislative measures to create a disciplinary regime for judges of the Supreme Electoral Court, which meant that at the time of the events, there were no applicable disciplinary grounds or penalties in place. The Commission likewise indicated that the punitive decision was based on abstract and ambiguous justifications that were unsupported by regulatory provisions establishing them as cause for disciplinary action. Regarding the right to a hearing and the right of defense, the IACHR indicated that the opportunities and predictability of the procedure for Judge Colindres to prepare a defense were seriously impaired. In addition to other irregularities, the Commission considers that the time given to Judge Colindres—just three months to prepare a defense—was excessively short and lacked predictability as there were no regulations to govern it. The Commission further stated that since the possibility to appeal the Legislative Assembly's decision was not regulated, the State had violated Judge Colindres' right to appeal. The Commission likewise concluded that the right to judicial protection and the guarantee of a reasonable timeframe were violated. Lastly, the Commission determined

that as a result of the arbitrary nature of Judge Colindres' dismissal for all the reasons cited above, the State had also violated the right of access to public service under equal conditions.

**g. Case of The National Association of Discharged and Retired Employees of SUNAT (ANCEJUB-SUNAT) v. Peru (September 15, 2017)**

99. This case has to do with the violation of the right to judicial protection for the failure to execute an October 1993 judgment handed down by the Supreme Court of Justice of Peru, which recognized the pension rights of the members of the *Asociación Nacional de Cesantes y Jubilados de la Superintendencia Nacional de Administración Tributaria* [National Association of Discharged and Retired Employees of SUNAT] (ANCEJUB-SUNAT). The Commission believed it had been demonstrated that the Peruvian Judiciary, in executing the judgment, had failed to take the measures necessary to resolve essential aspects of the implementation of a legal judgment issued in favor of a group of retirees, such as: The authority responsible for implementation; the beneficiaries of the judgment; and the property implications thereof in connection with the amount of the pensions, as well as the amounts never collected over all those years. The Commission added that, more than 23 years since the first legal ruling in favor of the members of the ANCEJUB-SUNAT, the State was still violating their right to effective judicial protection given its failure to execute the non-appealable judgment in their favor, and because of how ineffective the legal mechanisms activated subsequently for complying with the ruling were. In addition, the Commission deemed that the more than 23 year lapse without the October 1993 Supreme Court judgment being executed exceeded a reasonable period of time. Lastly, the IACHR concluded that the State had violated the victims' right to property inasmuch as they were not able to fully enjoy the property consequences on their pensions per the October 1993 judgment.

**h. Case of Carlos Escaleras Mejía and Family v. Honduras (September 22, 2017)**

100. This case is related to the international responsibility of the State in connection with the death of environmental activist Carlos Escaleras Mejía on October 18, 1997, and the partial impunity that persists in this situation. The Commission concluded that the State had not offered an effective judicial response to the death of Mr. Escaleras Mejía, insofar as the police, prosecutors, and judicial authorities failed to take minimum initial measures, in keeping with inter-American standards for these types of cases. The Commission further concluded that the State had failed to collect proof or undertake serious and exhaustive basic lines of investigation to effectively respond to evidence that linked at least three state authorities [to the incident] from the very outset. In addition, the IACHR confirmed that not all potential suspects had been investigated and that during the investigation, serious threats arose of possible reprisals and pressure on individuals involved in the investigation; despite this, these threats were never investigated. At the same time, the Commission concluded that the 17 years that had elapsed since the death of Carlos Escaleras Mejía constituted a failure to comply with the guarantee of a reasonable timeframe. The Commission indicated that all of these factors were part of a more widespread situation of high levels of impunity in cases of crimes committed against environmental defenders.

101. Furthermore, the Commission established that the lack of a serious and diligent investigation into multiple pieces of evidence indicating that state agents had been involved in the death of the victim makes it possible to assign probative value to such evidence. The Commission thus deemed that enough elements exist to attribute responsibility to the State for this act. Finally, the Commission established the international responsibility of the State for violation of political rights and the freedom of association.

**i. Case of Gabriel Oscar Jenkins v. Argentina (September 22, 2017)**

102. This is a case about the arbitrary deprivation of liberty of Gabriel Oscar Jenkins from June 8, 1994 until November 13, 1997, in the context of a case known as "Padilla Echeverry et al."—that was being heard by the Sixth Oral Tribunal of the Federal Criminal Court—for the crimes of illegal drug trafficking and conspiracy; he was ultimately acquitted of these charges. The Commission determined that the arbitrary nature of the pretrial detention was evident inasmuch as such detention was automatic and because, in the particular case of Mr. Jenkins, it was based on evidence of guilt and did not pursue any procedural end related

to him individually in the respective decisions. The Commission likewise found that no review had ever been done of Mr. Jenkins' pretrial detention or the need to continue it while he was in custody. This lack of review was said to be a result of the fact that pretrial detention was automatic and that release was legally barred under Article 10 of Law 24.390 for the crime for which he was being prosecuted. Consequently, the IACHR determined that the three year and five month pretrial detention was excessive and constituted anticipation of the sentence. The Commission added that the legal appeals filed did not make a prompt and effective review possible of either the grounds for or the length of the pretrial detention. The Commission also concluded that the different treatment established under Article 10 of Law 24.390 and its application to the instant case was incompatible with the right to equality before the law. Lastly, the IACHR concluded that the tort action filed by Mr. Jenkins lasted an unreasonable amount of time.

**j. Case of Jorge Rosadio Villavicencio v. Peru (September 22, 2017)**

103. This case has to do with different due process violations committed in three proceedings—administrative, disciplinary, criminal and military/criminal—pursued against Jorge Rosadio Villavicencio for his actions in an intelligence operation in which he had to infiltrate drug trafficking organizations in the area of Sion in Peru in an effort to capture drug traffickers.

104. The Commission deemed that, in the framework of the administrative disciplinary proceeding, the State had failed in its duty to provide advance and detailed communication on the facts and grounds for the charges against the victim. It further considered that the State had violated the victim's right to defense since he had public defender whom he shared with his accuser and later, his legal counsel was the military judge in charge of the case in the military courts. In addition, the victim was not allowed to appear at the hearing before the Investigative Council, the body tasked with deciding whether or not to recommend his retirement. The IACHR also concluded that the disciplinary jurisdiction had violated the right to presumption of innocence inasmuch as its decision to retire the victim took as relevant proof in its analysis the fact that he had been charged in both the military and regular courts. Finally, the IACHR concluded that the decision of the General Command of the Army and the recommendation to retire the victim lacked adequate grounds and violated the principle of legality since they did not refer to the way in which the victim's conduct had been subject to a disciplinary proceeding.

105. As to the military criminal jurisdiction, the Commission concluded that the State had violated the victim's right to appear before an independent and impartial judge since the proceeding was presided by the person who had acted as the victim's defense attorney in the administrative disciplinary proceeding. It further deemed that the State had failed in its duty to communicate the charges to the victim in advance and in detail. Lastly, the Commission concluded that the right to defense had been violated insofar as on September 16, 1997, the Supreme Council of Military Justice overturned the judgment against the victim, while on September 15, 1997, after a reexamination of the facts, a new judgment for the crime of disobedience was handed down despite the fact that this crime had not been included in either the indictment issued by the military prosecutor or in the final report from the military judge. As to the regular criminal justice system, the IACHR determined that the State had violated the right to sufficient justification in connection with the longer prison sentence imposed on the victim given that he had first been sentenced to six years in prison on April 17, 1996, but then on June 19, 1997, after ruling on the motion for nullity, the court lengthened the victim's prison sentence from 6 years to 15 years without providing sufficient justification for doing so.

106. The IACHR further concluded that the State had violated the principle of *non bis in idem* in that two convictions were handed down that imposed similar punishments (in the military criminal and regular criminal justice systems) based on the same facts. Specifically, the crime of "disobedience" in the military criminal jurisdiction was based in part on the fact that the facts fit in to the illicit drug trafficking crime tried in the regular courts. In addition, with regard to the correlation between the disciplinary proceeding and the military criminal and regular criminal courts, the IACHR concluded that the State had conflated criminal conduct with disciplinary offenses, which constituted another violation of the aforementioned principle.

107. Moreover, the IACHR deemed that Mr. Rosado Villavicencio's right to personal liberty had been violated because no individualized justification had been made with regard to the prosecutorial ends sought with his pretrial detention and because such detention had been based on evidence of guilt and the seriousness of the crime. In addition, the IACHR concluded that the length of the victim's pretrial detention—more than three years and six months—was excessive, and that no periodic reviews had been done with regard to the need to continue it, thereby also violating the presumption of innocence. Finally, the right to an effective remedy to challenge the deprivation of liberty was violated.

**k. Case of Perrone and Preckel v. Argentina (October 19, 2017)**

108. This case is related to the violation of the rights to a fair trial and judicial protection in the administrative and judicial claims pursued by Elba Clotilde Perrone and Juan José Preckel in an effort to request payment of the earnings and social benefits they had not received from the state agency where they worked as a result of having been arbitrarily detained by state agents during the military dictatorship in 1976. The Commission considered that the more than 12 years the administrative and judicial proceedings lasted exceeded what could be considered a reasonable amount of time. The IACHR likewise concluded that the judicial and administrative authorities had violated the right to sufficient and appropriate justification. The Commission further deemed that in violating those due process guarantees, the administrative and judicial proceedings also brought about a violation of the right to legal protection.

**l. Case of Eduardo Rico v. Argentina (November 10, 2017)**

109. This case has to do with the dismissal of Eduardo Rico from his position as a judge in Labor Court No. 6 of the Judicial Department of San Isidro in Argentina, as well as his disqualification from holding another position in the Judiciary after having allegedly committed disciplinary offenses, by the Jury for Prosecution. The Commission considered that the State had violated the right to appeal in connection with its obligation to respect rights and the duty to adopt provisions of domestic law, bearing in mind that Law 8085 stipulated that decisions of the Jury for Prosecution could not be appealed, meaning that the victim was unable to have the facts established, the evidence used, or the disciplinary grounds applied reviewed.

110. The IACHR further concluded that the State had violated both the right to have well-reasoned decisions and the principle of legality, taking into account that the Jury for Prosecution applied vague and overly broad grounds and was empowered to use "political discretion." The Commission indicated that the decision, by means of individual votes and without a common basis, undermined Mr. Rico's ability to ascertain clearly and with any certainty the facts the Jury had considered valid and the reasons for which those were part of the disciplinary grounds deemed proven, bearing in mind that each member of the Jury had provided 476 responses and that the decision contained a total of 4,284 responses. The IACHR also found that the State had violated Eduardo Rico's political rights inasmuch as he was dismissed from his position during a process in which violations of due process and the principle of legality had been committed. Lastly, the IACHR determined that the State had violated Mr. Rico's right to judicial protection, taking into account that he had filed an appeal for annulment and a special federal appeal of the decision to dismiss; however, the judicial bodies failed to conduct a substantive analysis regarding the existence of due process violations in the dismissal proceedings for either appeal.

**m. Case of Alejandro Yovanny Gómez Virula v. Guatemala (November 17, 2017)**

111. This case is related to the disappearance and subsequent murder of Alejandro Yovanny Gómez Virula in March 1995. The Commission concluded that the State of Guatemala was responsible for the violation of Mr. Gomez's rights to life, personal integrity, and personal freedom because it had failed to engage in any search measure whatsoever when it was apprised of the victim's disappearance. The IACHR believed that, until the moment Mr. Gómez's body was discovered, the State was bound to adopt immediate and diligent measures to search for and protect the victim; this did not occur. The Commission likewise determined that the State had violated Mr. Gómez Virula's right to freedom of association since, despite there being significant evidence that his disappearance and murder could have been linked to his activities as a labor leader, Guatemala did not conduct any type of investigation.

112. The IACHR also considered that from the early stages of the investigation into Mr. Gómez's death, the State had failed to comply with its duty to investigate with due diligence. The Commission found the lack of urgency and diligence on the part of the authorities especially serious insofar as there was practically no investigation done. The Commission also concluded that, bearing in mind how ambiguous the information was as to whether or not the investigation had been formally archived, the more than 21 years elapsed since the disappearance and subsequent death of Mr. Gómez had been reported constituted an excessive amount of time that has not been justified by the State. Lastly, the IACHR concluded that the State had violated the right to physical and moral integrity of the family members of Mr. Gómez.

**n. Case of Hugo Humberto Ruiz Fuentes v. Guatemala (November 30, 2017)**

113. This case has to do with a series of due process violations committed in the context of the criminal prosecution of the Hugo Humberto Ruiz Fuentes for the crime of kidnapping, which ended with him being convicted and sentenced to death; it is also related to the torture committed against him when he was arrested and his extrajudicial killing after escaping from prison in 2005. The Commission determined that, during the prosecution, the State had violated the victim's right to effective means for preparing a defense and the right of the defense to bring witnesses or experts to shed light on the facts, taking into account that the defense was unable to present certain exonerating evidence due to a formality and that the judicial authorities did not offer the opportunity to remedy this, thereby failing to act as guarantors of strict compliance with due process in a death penalty case.

114. The IACHR further determined that the State had violated the victim's right to appeal and to judicial protection insofar as the Chamber of Appeals had rejected the special appeal filed by the victim, indicating that it had been unable to assign probative value to the evidence, in breach of inter-American standards, which require a comprehensive review that does not exclude facts or an evaluation of the evidence.

115. The Commission likewise concluded that the State had violated the victim's right to life, both by imposing the death penalty in a proceeding that did not respect due process, and by expanding the conducts punishable by death, in breach of Article 4(2) of the American Convention, when it sentenced Mr. Ruiz Fuentes to death for an act – kidnapping not followed by death – that was not considered punishable by death at the time the Guatemalan State ratified the Convention. The Commission also concluded that the State had subjected the victim to cruel, inhuman, and degrading treatment by forcing him to spend more than six years and five months awaiting execution of his punishment, effectively letting him languish on “death row.”

116. In addition, the IACHR determined that state agents had committed acts of torture against the victim when he was arrested in an effort to secure a confession from him and that, to date, and despite the reports, the State of Guatemala has not conducted an investigation into the incident, in violation of Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture and Articles 8(1) and 25(1) of the American Convention.

117. Lastly, the IACHR determined that enough evidence exists to conclude that after escaping from prison in 2005, the victim was executed extrajudicially, meaning the State violated the right to life set forth in Article 4(1) of the Convention. It further concluded that the criminal investigation into the death of the victim was neither diligent nor effective in shedding light on the facts in a reasonable timeframe.

**o. Case of Roberto Girón and Pedro Castillo v. Guatemala (November 30, 2017)**

118. This case has to do with a series of due process violations committed in the context of the prosecution of the victims for the crimes of rape and murder, which ended in them being sentenced to death and executed by firing squad on live television.

119. The Commission concluded that the State had violated the victims' rights to the time and means required for their defense and to assistance by defense counsel provided by the State because in at least three proceedings of key importance during the process, the victims had no defense attorney, which had an impact when taking into account that the victims gave confessions in one of those proceedings. Moreover, the public defenders later assigned to the case were law students without sufficient experience or training to handle death penalty cases. The IACHR further concluded that the method of using a firing squad to execute the death sentence was not compatible with the right to personal integrity and the ban on torture because it is not designed to cause the least amount of physical suffering possible, as required by international law. This was made evident by the fact that one of the victims survived the initial volley of bullets, thus forcing a member of the firing squad to approach him and finish him off.

120. The IACHR also noted that the executions had been televised in order to expose the victims to public scorn and that this, as a whole, violated Articles 1 and 6 of the Inter-American Convention to Prevent and Punish Torture as well as the right to personal integrity enshrined in the American Convention. Lastly, the IACHR determined that the State had violated the right to life by imposing the death penalty after a prosecution in which the right to an adequate technical defense had been violated.

**p. Case of Martínez Coronado v. Guatemala (November 30, 2017)**

121. This case is related to a series of due process violations committed in the framework of the prosecution of the victim for the crime of murder, which ended in a sentence of death by lethal injection. The Commission concluded that the characterization of the victim as a "danger to society" in order to substantiate criminal liability ran counter to the principle of legality since as a construct it calls for prediction and speculation and provides for a definition of perpetrator in criminal law that is not compatible with the American Convention. The Commission also deemed that the joint defense of the victim and his co-defendant violated the right to adequate means for preparing a defense and to be assisted by defense counsel provided by the State. Finally, the IACHR declared the violation of the right to life given that the death sentence was executed despite the aforementioned violations of due process.

**q. Case of Robert Ignacio Díaz Loreto, David Octavio Díaz Loreto, Octavio Ignacio Díaz Álvarez and Family v. Venezuela (December 6, 2017)**

122. This is a case having to do with the international responsibility of the State of Venezuela for the extrajudicial killings of brothers Robert Ignacio and David Octavio Díaz Loreto, as well as their father Octavio Ignacio Díaz Álvarez, on January 6, 2003 by police officers from the *Cuerpo de Seguridad y Orden Público del estado Aragua* [Aragua State Law Enforcement and Security Force] (CSOPEA) in Venezuela. The Commission examined two existing versions of the facts: The police version, according to which this had been a case of two clashes begun when a group of police officers identified the victims out in public as the alleged perpetrators of a crime reported earlier that day; this version holds that when Robert Ignacio Díaz Loreto ended up wounded, the police took him to a hospital and then continued in pursuit of his father and brother, which led to a second clash. For their part, the version of several witnesses and of the family indicated that the three victims had been executed extrajudicially at two different moments: The first being when Robert Ignacio Díaz Loreto was removed from his home by a group of police officers; he was wounded in the process and then arrested in that condition and deliberately moved through the area without being taken immediately to the hospital, where he was ultimately admitted without vital signs. And the second, when Robert's brother David Octavio Díaz Loreto and his father Octavio Díaz went off in search of him, assisted and driven by a neighbor, and were intercepted by police officers who shot them and transferred them to another hospital, both of them also dead on arrival.

123. In light of the foregoing, the IACHR determined that because there were two radically different versions of the facts, and because more than 14 years had passed without any definitive judicial fact-finding in the case, the Venezuelan State had failed to comply with the burden to offer a satisfactory explanation for the lethal use of force such that this force would have been justified under the principles of legitimate ends, strict need, and proportionality. The IACHR therefore considered that, in keeping with inter-

American jurisprudence in this area, the absence of such an explanation necessarily compels presumption of the illegitimate use of lethal force.

124. The above notwithstanding, the Commission examined the information available and the two existing versions in the light of such principles. The IACHR was thus able to establish the existence of several statements from relatives and eye- or hearsay witnesses that are consistent with different aspects of the account of what happened to the three victims and the circumstances in which they were executed by CSOPEA officers. The Commission also identified similarities in connection with the context and *modus operandi* of extrajudicial executions in Venezuela known to the inter-American system in other cases. In addition, the IACHR determined that even accepting the police version, the death of the three family members occurred in the framework of a police operation that put the right to life at risk, not only because it pursued aims that violated the Convention in the terms examined, but also because no threat to individuals existed when the operation began, which is the only scenario under which use of such force may be justified.

125. The case is also related to violations of the right to a fair trial and judicial protection in the context of the investigation and criminal prosecutions pursued in this case. The Commission determined that the Venezuelan State failed to fulfill its duty to investigate with the required due diligence, among other reasons, by conducting an investigation whose core hypothesis was verification of the version of the clashes, without taking into account reports of the possible illegal use of force by the police officers involved in the operation. The IACHR found that the State did not follow a line of investigation related to the potential link between the incidents and the context of extrajudicial executions in Venezuela, most notably in the state of Aragua, which was known to the State and specifically to senior authorities like the Office of the Attorney General of the Republic. The Commission also established that the Venezuelan State had failed in its obligation to investigate in a reasonable time period.

126. Lastly, the Commission determined that the psychological and moral integrity of the family members had been impacted due to the pain and suffering inherent to the circumstances in which the three victims lost their lives, as well as to the lack of a response vis-à-vis the justice-related actions undertaken, specifically in a context in which there have also been reports of threats and harassment against them because of their pursuit of justice.

**r. Case of Juan Francisco Arrom Suhurt, Anuncio Martí Méndez and relatives v. Paraguay (December 12, 2017)**

127. The case relates the forced disappearance and torture of Juan Francisco Arrom Suhurt and Anuncio Martí Méndez, leaders of the Patria Libre political movement, from January 17 to January 30, 2002. Messrs. Arrom and Martí denounced that they were detained by State agents who interrogated them constantly about their political activities and who pressured them to declare themselves guilty of the kidnapping of Mrs. María Edith Bordón de Debernardi (who had been kidnapped in previous days and for which a high sum of money was demanded for her release). The petitioners reported that their relatives undertook their search until they found their whereabouts. On December 1, 2003, Mr. Arrom and Mr. Martí obtained refugee status in Brazil. In addition, in the judicial process investigating the abduction of Mrs. María Edith Bordón, Messrs. Arrom and Martí were declared in absentia for not appearing at the same.

128. The Commission concluded that the State of Paraguay is responsible for the violation of Articles 3, 4.1, 5.1 and 5.2, 7, 8.1 and 8.2 and 25.1 of the American Convention on Human Rights, in relation to the obligations established in Article 1.1 of the same instrument. The Commission also concluded that the State is responsible for the violation of Articles 1 a) and 1 b) of the Inter-American Convention on Forced Disappearance of Persons and Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish the Torture.

129. First, the Commission found that the State violated Articles 8 and 25.1 of the American Convention and Article 1b of the Inter-American Convention on Forced Disappearance of Persons because the authorities did not act with due diligence when they learned of the possible disappearance of Messrs. Arrom and Martí, not in the course of the investigation; They did not initiate the investigation ex officio and violated

the principle of presumption of innocence of the victims when issuing state propaganda that qualified them as responsible for a kidnapping without a firm conviction.

130. Second, the Commission determined that the State violated Articles 5.1 and 5.2 of the American Convention and Articles 1 and 6 of the Inter-American Convention to Prevent and Punish Torture, since there are multiple elements that point to the direct participation of agents of the State, elements that were not investigated diligently, reason why, it found accredited this participation and, consequently, fulfilled the elements of the torture. Likewise, based on the same basis and taking into account the indications of State participation in the disappearance that were not investigated in due form, the Commission concluded that the State violated Articles 3, 4.1, 5.1, 5.2 and 7 of the American Convention.

131. Finally, the Commission considered that the State violated Article 5.1 of the Convention to the detriment of relatives of Juan Francisco Arrom Suhurt and Anuncio Martí Méndez, indicated in the merits report. All violations of articles of the American Convention were declared in relation to article 1.1 of the same instrument.

## **2. Requests for provisional measures**

### **a. Matter of the Criminal Institute of Plácido de Sá Carvalho regarding Brazil**

132. On January 23, 2017, the Inter-American Commission asked the Court for provisional measures in favor of the persons deprived of liberty in the Criminal Institute of Plácido de Sá Carvalho, as well as of any individual in that institution, for purposes of protecting their lives and personal integrity.

133. The request for provisional measures is based on the situation of extreme and urgent risk of irreparable harm to the rights to life and personal integrity in the aforementioned prison. The information provided to the IACHR indicated that in recent years, individuals have died in that prison in a context of serious overcrowding, lack of adequate and timely medical care, and exposure to extremely unhealthy conditions, causing grave consequences for the inmates there. In addition, the critically high levels of overcrowding consistently give way to risk of exposure to violence due to increasing tensions between inmates and the insufficient security staff. According to information furnished to the IACHR, the Criminal Institute currently houses 3,454 people, while it has capacity for just over 1,500 individuals.

134. Specifically, the Commission was informed that 2016 had seen a disproportionate increase in the number of deaths at the prison, with the figures doubling compared to 2015 and 2014 numbers. This situation persists—in the first few days of 2017 alone, four more deaths were reported. Based on the information available, each of the deaths was allegedly the result of ailments caused by the inhuman conditions of detention the inmates of the Criminal Institute of Plácido de Sá Carvalho are living in, added to the lack of adequate and timely medical care.

135. The main risk factors identified by the Commission include: (i) Critical overcrowding; (ii) lack of access to medical care and alarmingly unhealthy conditions; (iii) the spread of disease; (iv) lack of effective control by prison authorities; (v) deficiencies in the infrastructure and electrical wiring at the facility; and (vi) lack of minimum conditions such as food and potable water, etc. The IACHR considered that these conditions pose imminent risk to the life and integrity of the proposed beneficiaries that have, in some cases, already materialized and have led to an alarming increase in the number of deaths at the prison as a direct result of this situation. All of the foregoing in a context in which, despite a number of attempts at bringing legal action and at monitoring, State authorities have not provided an effective response to the situation vis-à-vis its international obligations. The State has also not provided a response to the precautionary measures issued by the Commission.

136. In light of the situation described above, and bearing in mind the State's failure to adopt appropriate measures in order to remedy such conditions in the framework of the precautionary measures issued by the IACHR, the Commission considered immediate activation of the provisional measures mechanism by the Inter-American Court necessary.

137. On February 13, 2017, the Inter-American Court granted provisional measures, which remain in effect as of the date of adoption of this report.

**b. Matter of the Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua**

138. On June 16, 2017 the Inter-American Commission asked the Court to extend the provisional measures in this matter in order to protect the life, personal and territorial integrity, and cultural identity of the members of the Esperanza Río Wawa community.

139. The request stemmed from the grave events that occurred in the Esperanza Río Wawa community, consisting of the presence of armed men who allegedly fired at members of the community, including children, as well as the incursion of approximately 200 “settlers,” which allegedly led to the displacement of 20 indigenous families. All of this in the context of the Miskitu indigenous people’s ongoing claim to their territorial lands and remediation processes taking place in that area.

140. On September 1, 2016 the Court granted provisional measures to “protect and guarantee the right to life, personal and territorial integrity, and cultural identity” in favor of the members of the Miskitu indigenous peoples who live in the communities of Klisnak, Wisconsin, Wiwimak, San Jerónimo, and Francia Sirpi, and of the individuals who were allegedly forced to abandon those communities and wish to return.” On November 23, 2016 the Court, at the request of the Commission, decided to extend the provisional measures to include the members of the Miskitu indigenous people who live in the community of Esperanza Río Coco, as well as the individuals who were allegedly forced to abandon such community and wish to return.

141. On June 30, 2017, the President of the Inter-American Court, by means of a resolution, granted the new request for extension filed by the IACHR. On August 22, 2017, the Court certified the resolution and the provisional measures remain in effect as of the date of adoption of this report.

**c. Matter of the Members of the Choréachi Indigenous Community regarding Mexico**

142. On March 18, 2017 the Inter-American Commission requested provisional measures from the Court in favor of the members of the Choréachi indigenous community, located in the Tarahumara Mountains in the state of Chihuahua, Mexico, for purposes of protecting their life and personal integrity. This request for provisional measures was based on the situation of extreme and urgent risk of irreparable harm to the rights to life and personal integrity of the proposed beneficiaries. According to the information received by the Commission, to date, and particularly since 2013, the Choréachi community has been the target of serious aggression, harassment, and threats in the context of a legal territorial dispute with another community; there are further allegations of the presence of criminal bands with interests in use of the land and ties to drug trafficking.

143. The situation of risk persisted despite the adoption of precautionary measures by the IACHR. And while the Mexican State had expressed its willingness to implement protection measures in favor the community, the Commission received no consistent information that would enable it to confirm effective compliance with the precautionary measures. Accordingly, given the worsening risk and lack of effective measures implemented by the State, the Commission believed immediate activation of the provisional measures mechanism by the Inter-American Court was necessary as this situation met the requirements set forth under Article 63(2) of the American Convention.

144. On March 25, 2017 the Inter-American Court granted the provisional measures, which remain in effect as of the date of adoption of this report.

**d. Matter of Milagro Sala regarding Argentina**

145. On November 3, 2017 the Inter-American Commission asked the Court to adopt provisional measures in favor of Milagro Sala in order to protect her life and personal integrity in the context of her imprisonment.

146. The Inter-American Commission granted precautionary measures to Milagro Sala via Resolution 23/17 as it considered that the matter met the requirements of gravity, urgency, and risk of irreparable harm set forth in Article 25 of its Rules of Procedure. Nevertheless, according to information received by the Commission, the measures subsequently adopted by the State failed to comply with the precautionary measures and exacerbated the situation of risk for Ms. Sala, to wit: First, the first instance judges agreed to house arrest with a special security regime just for her; thereafter, the Appeals and Oversight Chamber revoked those decisions and ordered Ms. Sala to return to the Alto Comedero prison; and finally, a judge ordered Ms. Sala's return to prison because she had refused to be transferred to a medical facility for tests. The Commission deemed that, based on the information furnished by the representatives, the measures adopted by the State authorities with respect to the detention of Ms. Sala typify ongoing actions by the State that are exacerbating the situation of harassment and stigmatization and that could put her life and personal integrity in serious danger, especially in light of the most recent legal decisions, bearing in mind the delicate state of health of the beneficiary, who recently inflicted new injury on herself due to anguish over being held in prison. In view hereof, the Commission considered immediate activation of the provisional measures mechanism by the Inter-American Court necessary as this situation met the requirements established under Article 63(2) of the American Convention.

147. On November 23, 2017 the Inter-American Court granted the provisional measures, which remain in place as of the date of adoption of this report.

**3. Requests for advisory opinions****a. Advisory Opinion No. 26 on Democracy and Human Rights in the Context of Impeachments**

148. On October 13, 2017, the Inter-American Commission submitted a request to the Inter-American Court for an advisory opinion. The aim of the request was to allow the Inter-American Court to delve into the inextricable relationship between democracy and human rights, specifically in cases in which there is a change in a nation's president under circumstances that call into question the legitimacy of such change or the principle of separation of powers, including the impeachment of a democratically elected president in conditions that raise considerable doubts about the safeguards of due process.

149. A process of States' democratization has been consolidated on the American continent, which has, as a result, strengthened institutions and mechanisms for protecting individuals' human rights under the rule of law and democracies with greater guarantees of stability. This has allowed a tradition of military coup d'états and takeovers by force that took place decades ago to be overcome.

150. However, in recent years, situations like the ones referred to in the previous paragraph have arisen in the hemisphere, which the Commission has monitored closely through its multiple mechanisms. In such context, the Commission has sounded the alarm and expressed its concerns about the danger that such situations may entail for the full exercise of human rights in a democratic state, both collectively with respect to society as a whole, as well as individually to the detriment of specific persons.

151. The Commission considers that these situations raise the alarm about potential situations of perversion of impeachment proceedings and the subsequent risk that such proceedings can be used arbitrarily in order to conceal a parliamentary coup. These risks underscore the importance of the Honorable Court issuing a general ruling, unrelated to specific cases, about the concrete implications, both from a collective and individual perspective, that impeachments of a democratically elected president may have

under conditions that give rise to considerable doubts about the guarantees of due process, in light of the American Convention on Human Rights and other applicable inter-American instruments.

152. In the opinion of the Commission, the principle of separation of powers—common to different systems of political organization—under scenarios such as those submitted to the Inter-American Court for its interpretation, may be affected by the legislative branch’s potentially arbitrary use of impeachment against the executive branch through improper judicialization of essentially political matters. At the same time, this principle may be affected by a potentially arbitrary use of judicial oversight of these proceedings when there is a politicization of the judicial branch. Potential corruption in any of the branches of government makes these situations even more complex. In both scenarios, democratic institutions are jeopardized and full respect for human rights faces significant risk.

153. For this reason, one of the main purposes of this request for an advisory opinion is to obtain an interpretation by the Court that elucidates the manner in which the American Convention on Human Rights and the set of rights that it protects, as well as the Charter of the Organization of American States, the American Declaration of the Rights and Duties of Man, and the IACHR Statutes, read together with the Inter-American Democratic Charter, offer the necessary balance between the principle of separation of powers and the full exercise of rights that protect both persons subject to impeachment proceedings, as well as society in general.

154. The Commission substantiates its request for an advisory opinion, referring, firstly, to a general and preliminary conceptualization of the construct of impeachment proceedings against a democratically elected president. Secondly, the IACHR refers to existing developments in the Honorable Court’s jurisprudence regarding the issues at hand in order to show the importance of developing and deepening standards in this respect and how the issues raised in this request are novel and different with respect to said jurisprudence. Thirdly, the Commission shares with the Court some petitions currently under its consideration in order to demonstrate that this request transcends these petitions and seeks a ruling of a general scope with an impact on the States of the region. Fourthly, and lastly, the Commission poses specific questions to the Inter-American Court.

155. On November 21, 2017 the Inter-American Court notified all member states of the Organization of American States (OAS), the IACHR, the OAS Permanent Council, and the Secretary General of the Organization of this request. The deadline set by the Court for submitting written observations on the request is February 26, 2018.

#### **4. Appearances and participation in public and private hearings, and on-site investigative procedures**

156. From February 6 to 17, 2017 the IACHR participated in the hearings that took place during the 117<sup>th</sup> regular period of sessions of the Inter-American Court, held in San Jose, Costa Rica. During that session four public hearings were held in the following cases: Lagos del Campo v. Peru; Amrhein et al. v. Costa Rica (hearing on preliminary exceptions); Ortiz Hernández v. Venezuela; and San Miguel Sosa et al. v. Venezuela. The IACHR delegation was also present at the private hearing to supervise compliance with the judgment in the case of López Lone et al. v. Honduras.

157. From March 20 to 28, 2017 the IACHR participated in the hearings that took place during the 57<sup>th</sup> special period of sessions of the Court, held in Guatemala. During that session, two public hearings were held in the following cases: Xucurú Indigenous People and its Members v. Brazil and Pacheco León v. Honduras. A public hearing was also held in connection with the request for an advisory opinion No. 23 presented by the State of Colombia with regard to the protection of human rights and the impact of large infrastructure projects on the marine environment of the greater Caribbean region.

158. The IACHR delegation was also present at two private supervision hearings in connection with Las Dos Erres Massacre v. Guatemala and 14 other cases to address the structural problem of impunity;

it further joined in on the visit to indigenous communities to supervise compliance with the judgments in the cases of the Río Negro Massacres and the Plan de Sánchez Massacre v. Guatemala.

159. From May 15 to 26, 2017 the IACHR participated in the hearings that took place during the 118<sup>th</sup> regular period of sessions of the Court, held in Costa Rica. During that session, three public hearings were held in the following cases: Vladimir Herzog v. Brazil, Omeara Carrascal et al. v. Colombia, and Ramírez Brothers v. Guatemala. In addition, two public hearings to supervise provisional measures were held on matters having to do with certain penitentiaries in Venezuela and Brazil.

160. The IACHR delegation also participated in the public hearing on the request for an advisory opinion No. 24 submitted by the State of Costa Rica with respect to the interpretation of different rights of the American Convention related to the protection of gender identity and sexual orientation and the compatibility of domestic legislation in this area.

161. From August 21 to September 1, the Commission participated in the hearings that took place during the 119<sup>th</sup> regular period of sessions of the Court, held in Costa Rica. During that session, two public hearings were held on the following cases: Carvajal Carvajal et al. v. Colombia and Amrhein et al. v. Costa Rica. A public hearing to supervise compliance in the case of Fontevecchia and D'Amico v. Argentina was also held.

162. The IACHR also participated in the public hearing on the request for an advisory opinion No. 25 submitted by the State of Ecuador regarding the construct of asylum in its different forms and the legality of it being recognized as a human right of all persons pursuant to the principle of equality and non-discrimination.

163. From October 16 to 20, 2017 the Commission participated in the hearings that took place during the 58<sup>th</sup> special period of sessions of the Court, held in Panama. During that session, three public hearings were held on the following cases: V.R.P and V.P.C v. Nicaragua, Villamizar Durán et al. v. Colombia, and Poblete Vilches et al. v. Chile. The IACHR also took part in a private hearing to supervise compliance in the case of Vélez Loor v. Panama.

164. From November 13 to 24, 2017 the Commission participated in the hearings that took place during the 120<sup>th</sup> regular session of the Court, held in Costa Rica. During that session, a public hearing was held on the case of Selvas Gómez et al. v. Mexico. The IACHR also took part in a private hearing to follow up on provisional measures in the matter of the Community of Paz de San José de Apartadó regarding Colombia.

#### **5. Submission of written observations on the states' reports in cases under supervision of compliance with judgments**

165. Pursuant to the mandate established under Article 57 of the American Convention, as well as the provisions of Article 69 of the Court's Rules of Procedure, in carrying out its role in defense of inter-American public order, in 2017 the IACHR continued to submit information and prepare briefs with observations on the states' reports on compliance with judgments. In the performance of this function, the Inter-American Commission submitted 126 briefs with observations to the Inter-American Court.

#### **6. Submission of written observations on the states' reports on implementation of provisional measures**

166. Pursuant to the mandate established under Article 63(2) of the American Convention, as well as the provisions of Article 27(7) of the Court's Rules of Procedure, in carrying out its role in defense of inter-American public order, in 2017 the IACHR continued to submit information and prepare briefs with observations on the states' reports on implementation of the provisional measures in force. In the performance of this function, the IACHR submitted 37 briefs with observations to the Inter-American Court.

## **F. Activities of the IACHR with Other Regional and Universal Human Rights Bodies, National Human Right Institutions, and Civil Society<sup>1</sup>**

167. Through its Strategic Plan 2017-2021 the IACHR reaffirmed the priority of continuing to strengthen the strategy of institutional communication and coordination and fostering external relations with intergovernmental bodies, including the United Nations, and regional human rights bodies, such as the African Commission and Court, the Arab Committee on Human Rights, the European Court, and ASEAN. In addition, priority has been assigned to strengthening relations with national human rights institutions and civil society. Next is a presentation of the activities carried out and agreements signed during the year.

### **1. Activities**

168. On January 26 the Secretariat of the IACHR held a dialogue with the Department of Political Affairs of the United Nations with the aim of sharing information and coordination actions in the region. The meeting also included various departments of the OAS.

169. On February 1 and 2, the International Committee of the Red Cross gave a course to the staff of the IACHR on forced disappearance of persons framed as “Working for analysis and exchange on the issue of protection and assistance for missing persons and their family members.”

170. On February 13, 14, and 15, staff of the Secretariat attended a consultation of experts organized by the United Nations Independent Expert on human rights and international solidarity in Geneva to prepare a resolution on this particular issue for the Human Rights Council. During that visit meetings were held with the new representative of the Americas Section in the Office of the United Nations High Commissioner for Human Rights in order to share information and coordinate actions in the region, and with members of the Secretariat who support the special procedures. In addition, a meeting was held with the UN High Commissioner for Refugees to coordinate actions on human mobility. During that visit a meeting was held with the Secretariat that supports the universal periodic review to share criteria for the contribution of information by the IACHR.

171. On February 22, the Executive Secretary received the United Nations Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz, who that day began an official visit to the United States to address the issue of extractive industries and indigenous peoples.

172. The IACHR received a visit from the Representative of the Office of the UN High Commissioner for Human Rights for South America, Amerigo Incalcaterra, and the person designated as the focal point for coordinating with the inter-American system, Paula Berruti, during the 162<sup>nd</sup> Period of Sessions, held in Washington, D.C. in February 2017.

173. On March 27, the Executive Secretary received Diego Beltrand, Regional Director of IOM for South America, to coordinate possible joint actions and projects.

174. During the 163<sup>rd</sup> Special Period of Sessions of the IACHR, held in Argentina from April 22 to 26, the IACHR received the visit of the Representative for South America of the UN High Commissioner for Human Rights, Amerigo Incalcaterra, to share perspectives on the region and to hold a working meeting on the work plan of the mechanism of joint actions for the protection of human rights defenders. The IACHR also held a working luncheon with the various UN agencies with offices in Argentina.

175. On June 8 and 9, a working meeting was held in Lima, Peru, on international human rights standards on indigenous peoples in voluntary isolation and in initial contact in the Amazon region and in the Gran Chaco; various perspectives were discussed for review and proposals for action, along with the United

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<sup>1</sup> Note that the summary of the activities developed by the Commission with the Inter-American Court of Human Rights is developed in Chapter II, section F of this Annual Report.

Nations Special Rapporteur on indigenous peoples, Victoria Tauli, and the Regional Representative for South America of the United Nations High Commissioner for Human Rights, Amerigo Incalcaterra.

176. On June 13 and 14, Executive Secretariat staff participated in a consultation of experts on the draft guidelines on the effective application of the right to participation in the conduct of public affairs, organized by the Office of the UN High Commissioner for Human Rights and the Economic Commission for Latin America and the Caribbean, in Santiago, Chile.

177. During the 163<sup>rd</sup> Special Period of Sessions of the IACHR, held in Lima, Peru, from July 3 to 7, the Inter-American Commission held meetings with different United Nations offices in Peru: the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the International Labor Organization (ILO), the International Organization for Migration (IOM), the World Health Organization (WHO), the Joint United Nations Program on HIV/AIDS (UNAIDS), and the United Nations Development Program (UNDP). The IACHR also held meetings with more than 60 civil society organizations from the region and from Peru. The IACHR also received a visit from two members of the Secretariat of the Office of the UN High Commissioner for Human Rights, who attended the hearings held on that occasion.

178. From July 31 to August 4, the IACHR made an onsite visit to Guatemala. In the final press release on occasion of that visit, the IACHR recognized the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Guatemala and the important joint visit to the Petén. The IACHR also values the support of UNICEF during the visit, as well as the important information provided.

179. During the 164<sup>th</sup> Special Period of Sessions, held in Mexico City from September 4 to 8, the IACHR held bilateral meetings with United Nations agencies in Mexico, the International Committee of the Red Cross, and Doctors without Borders. In addition, in the exercise of its powers as indicated in its Rules of Procedure, and in keeping with the Strategic Plan, the IACHR received Alberto Brunori, Regional Representative for Central America of the United Nations High Commissioner for Human Rights, who participated in the public hearings, for the first time, in the context of cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR). The IACHR also held a meeting with the Representative for Mexico of the Office of the High Commissioner for Human Rights, a representative of UN Women, the Representative for Mexico of the UNHCR, and the representative of the IOM.

180. The week of October 16 to 20, Executive Secretariat staff participated in a workshop for public servants from South America on implementation and monitoring of recommendations of the United Nations treaty bodies, in Santiago, Chile.

181. On October 21, the IACHR engaged in a public consultation on the Thematic Unit on Memory, Truth, and Justice with the aim of receiving suggestions on the priority lines of action with a view to drawing up a work plan for the Unit. In that consultation the IACHR received the contribution of Juan Pablo Bohoslavsky, United Nations Independent Expert on debt and human rights; the consultation also included the participation of the Red Cross and Luciano Hazan, a member of the Working Group on Enforced Disappearances.

182. In the context of the 165<sup>th</sup> Period of Sessions of the IACHR, held in Montevideo, Uruguay, October 23 to 27, the IACHR received the United Nations High Commissioner for Human Rights Zeid Ra'ad Al Hussein. In this context, both organs launched the Mechanism of Joint Actions for Contributing to the Protection of Human Rights Defenders. The IACHR and the UN Office for Human Rights are now cooperating extensively on emblematic human rights cases and situations of special concern. The mechanism of joint actions intensifies this work in support of human rights defenders, drawing on their national, regional, and international capacities and tapping into their complementary strengths and creating more solid ties among their staff members. Among the specific actions planned, the IACHR and the UN Office for Human Rights will study the measures that the countries of the region have implemented to protect human rights defenders and will draw up a manual of good practices to contribute to their protection. In addition, the IACHR and the Office of the High Commissioner held a three-hour meeting with civil society organizations from throughout

the region where they heard concerns and received information on various human rights situations, in a highly productive meeting that also evidences the close collaboration between the inter-American system and the universal system for the protection of human rights.

183. During this period of sessions, the advisor for prevention and victim assistance of the United Nations Office on Drugs and Crime (UNODC), Ivonne Pineda Castro, participated in the hearing on the situation of human rights of the victims of human trafficking and smuggling of persons from Latin America and the Caribbean. At the hearing the expert made a presentation of the Global Report on Trafficking in Persons and the results of the latest meeting of the Working Group on Trafficking in Persons of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention on Transnational Organized Crime

184. On November 7, the IACHR received, at its headquarters, Dubravka Šimonovic, United Nations Special Rapporteur on violence against women, its causes and consequences.

185. On November 13 and 14 staff of the Executive Secretariat participated in the thematic discussions organized by the UN High Commissioner for Refugees in Geneva in connection with the Global Compact on Refugees.

186. During the week of November 13 to 17, the IACHR received, at its headquarters, the United Nations consultant who is preparing a report/assessment on the situation of human rights defenders in the Americas, in the context of the Mechanism of Joint Actions.

187. In the context of the Forum of the Inter-American Human Rights System, held on December 4 and 5 in Washington, D.C., the IACHR and the regional representatives of the United Nations High Commissioner for Human Rights for South America and Central America, Amerigo Incalcaterra and Alberto Brunori, held a joint event on corruption and human rights. In addition, they held a public consultation with civil society on the joint action mechanism for protecting human rights defenders.

## **2. Press releases, joint declarations of the IACHR and United Nations Special Rapporteurs, Working Groups, and Independent Experts**

188. On some occasions joint press releases are issued with the special procedures of the United Nations Human Rights Council, and the national and regional offices of the United Nations High Commissioner for Human Rights. The press releases put out this year include the following:

189. On February 17, the Inter-American Commission on Human Rights (IACHR), its Office of the Special Rapporteur for Freedom of Expression, and the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Honduras expressed their concern over the adoption of reforms to the Criminal Code of Honduras that may have a negative impact on the legitimate exercise and enjoyment of fundamental guarantees and human rights, and the protection and promotion of freedom of expression in Honduras.

190. On February 28, the Office of the Special Rapporteur for Freedom of Expression and the United Nations Educational, Scientific, and Cultural Organization (UNESCO), issued a joint press release in which they are pleased to invite judges and judicial officers from the Ibero-American countries to participate in the on-line course “International legal framework on freedom of expression, access to public information, and protection of journalists.” The course, which has trained more than 3,000 persons since it was first held in 2014, is an initiative of the Office of the Special Rapporteur for Freedom of Expression, UNESCO, and the Knight Center for Journalism in the Americas at the University of Texas in Austin.

191. On March 7, a joint declaration was issued on freedom of expression and “fake news,” disinformation, and propaganda. The declaration was signed by the Special Rapporteur for Freedom of Expression of the IACHR, Edison Lanza, together with the United Nations Rapporteur for Freedom of Opinion and Expression, David Kaye, the Representative of the Organization for Security and Cooperation in Europe

(OSCE), Dunja Mijatović, and the Rapporteur of the African Commission of Human and Peoples' Rights, Faith Pansy Tlakula.

192. On March 23, the Office in Mexico of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), and the Office in Mexico of the United Nations High Commissioner for Human Rights (OHCHR) expressed their shock and repudiation in response to the assassination of well-known journalist Miroslava Breach Velducea in Chihuahua, Mexico.

193. On March 27, the Regional Office for South America of the United Nations High Commissioner for Human Rights (OHCHR) and the Rapporteurship on the Rights of Human Rights Defenders of the Inter-American Commission on Human Rights (IACHR) received with concern the news of the assassinations of Waldomiro Costa Pereira, an activist with the Movimento dos Trabalhadores Rurais Sem Terra (MST), in Parauapebas, Pará, and of Cacique Antonio Mig Claudino, of the Serrinha Indigenous Land, in northern Rio Grande do Sul, on March 20.

194. On April 26, David Kaye, the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur for Freedom of Expression of the IACHR rejecting official censorship and the closing off of information outlets in Venezuela, as well as the detention, attacks on, and stigmatization of journalists and media workers who cover the protests in that country.

195. On May 16, anticipating the International Day against Homophobia, Transphobia and Biphobia, celebrated May 17, a group of international and United Nations experts in human rights urged the states and others interested to provide effective protection to trans and gender-diverse children and adolescents from discrimination, exclusion, violence, and stigma, and to foster family environments propitious for trans and gender-diverse persons. The press release was signed by the Committee on the Rights of the Child; the United Nations Committee against Torture; the following United Nations independent experts – Mr. Philip Alston Special Rapporteur on extreme poverty and human rights, Ms. Koumbou Boly Barry, Special Rapporteur on the right to education, Mr. Vitit Muntarbohn, independent expert on protection from violence and discrimination on grounds of sexual orientation or gender identity, Dainius Pūras, Special Rapporteur on the right of every person to enjoy the highest possible level of physical and mental health, Mr. Dubravka Šimonović, Special Rapporteur on violence against women, its causes and consequences; the Working Group on discrimination against women in law and in practice; the African Commission on Human and Peoples' Rights (ACHPR); Mr. Lawrence Murugu Mute, President of the Committee for the Prevention of Torture in Africa; Mr. Nils Muižnieks, Commissioner for Human Rights of the Council of Europe; and the IACHR.

196. On May 18, David Kaye, United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur for Freedom of Expression of the IACHR expressed their dismay over the assassination of Mexican journalist and writer Javier Valdez Cárdenas, founder and editor of the Sinaloa-based weekly *Ríodoce*, with a long and recognized record in journalism and valiant work investigating drug trafficking and organized crime in Mexico.

197. On May 26, the Inter-American Commission on Human Rights (IACHR) and the Regional Office for South America of the United Nations High Commissioner for Human Rights (OHCHR) condemned the excessive use of force by the Military Police to repress protests and demonstrations in Brazil. They also condemn police violence in security operations in the urban space and the context of the land conflict.

198. On June 20, on occasion of the World Refugee Day, the Inter-American Commission on Human Rights (IACHR) and the United Nations High Commissioner for Refugees (UNHCR) recognized the valor and sacrifices of 65.6 million persons who as of yearend 2016 had been forced to flee their homes in search of protection internationally, through a joint declaration in which several recommendations were made to the states to address the situation and ensure protection for all persons who need it, so as to respond to the refugee crisis.

199. On June 30, Special Rapporteur on human rights and the environment designated by the Human Rights Council, John Knox, the Special Rapporteur on the situation of human rights defenders, Michel Forst, and the Special Rapporteur on Human Rights Defenders of the IACHR, condemned attacks and assassinations of defenders of the environment in Guatemala.

200. On July 10, 2017, in anticipation of the meeting of the 2017 High-level Political Forum on Sustainable Development, the Committee on the Elimination of Discrimination against Women (CEDAW Committee); the UN Special Rapporteur on violence against women; the UN Working Group on the question of discrimination against women in law and in practice; the Rapporteurship of the Rights of Women of the Inter-American Commission on Human Rights (IACHR) all requested a human rights-based approach in the review of Sustainable Development Goal 5, in keeping with the international and regional instruments on gender equality, violence against women, and the work of their respective supervisory mechanisms.

201. On September 21, 2017, the Inter-American Commission on Human Rights (IACHR) and the Regional Office for South America of the United Nations High Commissioner for Human Rights (OHCHR) expressed their concern in response to information received on a possible massacre of indigenous persons in voluntary isolation known as “*flecheiros*,” near the upper course of the Jandiatuba river, in the indigenous territory of Vale do Javari, in the far west of the state of Amazonas (Brazil). They reminded the states that all have a special obligation of protection and respect for the rights of the communities in voluntary isolation and initial contact in light of their unique situation of vulnerability.

202. On October 13, 2017, the Office for South America of the United Nations High Commissioner for Human Rights (OHCHR) and the Inter-American Commission on Human Rights (IACHR) expressed profound concern over the approval by the Brazilian Congress of a proposed law (PL 44/2016) that amended the Military Criminal Code so that intentional homicides of civilians committed by agents of the Armed Forces are to be tried by military courts. In response, they consistently emphasized that the military jurisdiction is not the competent jurisdiction for investigating or for prosecuting and punishing the perpetrators of alleged human rights violations.

203. On October 25, 2017, the Inter-American Commission on Human Rights (IACHR) and the UN High Commissioner for Human Rights issued a joint press release in which they announced the launch of a Joint Action Mechanism to Contribute to the Protection of Human Rights Defenders in the Americas at a public ceremony in Montevideo, in the context of the 165<sup>th</sup> Regular Period of Sessions of the IACHR. The joint actions mechanism intensifies the work of both organizations in favor of human rights defenders, drawing on their national, regional, and international capacities, and their complementary strengths, and creating more solid connections among their officers.

204. On October 27, 2017, the Inter-American Commission on Human Rights (IACHR) and the UN Special Rapporteur on the human rights of internally displaced persons saluted the decisions aimed at protecting internally displaced persons adopted by the Chamber for Constitutional Matters of the Supreme Court of Justice of El Salvador on October 6 and 13, 2017. The IACHR and the Special Rapporteur urged the State of El Salvador to recognize and adopt measures to prevent displacement as well as to guarantee the human rights of those who have been forcibly displaced from their homes.

205. On November 7, 2017, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Inter-American Commission on Human Rights (IACHR), in a joint declaration, urged the State of Honduras to comply with its obligation to ensure a prompt, exhaustive, independent, and impartial investigation of the attacks on human rights defenders and to ensure that the perpetrators are brought before the justice system and duly punished in keeping with the seriousness of the crime, as recommended by the Human Rights Committee in its observations on Honduras in July 2017. According to international human rights standards, the obligation to investigate implies the duty of the State to establish responsibilities and punish the direct perpetrators and masterminds of such acts.

206. On November 17, the IACHR and the UN Special Rapporteur on the human rights of internally displaced persons saluted the recommendation of the CNDH to protect the internally displaced in Mexico.

207. On November 22, on the International Day for the Elimination of Violence against Women, the United Nations Special Rapporteur on violence against women, its causes and consequences, the Committee on the Elimination of Discrimination against Women (CEDAW), the Working Group on discrimination against women in law and in practice, the Special Rapporteur on Women's Rights in Africa of the African Commission on Human and Peoples' Rights, the Rapporteur on the Rights of Women of the Inter-American Commission on Human Rights, the Committee of Experts of the Follow-up Mechanism of the Convention of Belém do Pará (MESECVI), and the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), as key international and regional experts on the rights of women, called for intensifying efforts to implement international and regional instruments on gender violence against women, through national action plans that are updated and strengthened, in line with the new recommendation No. 35 of CEDAW on gender violence against women.

### **3. Reports for the Universal Periodic Review**

208. During 2017, the IACHR provided information on Canada, Colombia, Cuba, and Guatemala.

### **4. Civil society**

209. On March 27 and 28, the Executive Secretariat held a workshop for 20 indigenous leaders who are members of the Pan-Amazon Ecclesial Network, as one of the first activities for implementing a cooperation agreement.

210. On May 3, the Executive Secretary presented the Strategic Plan to a coalition of civil society organizations in order to agree on a work plan to be developed in an organized manner with the inter-American system with the participation of more than 40 human rights organizations, coordinated by the Center for Justice and International Law (CEJIL).

211. Following up on the previous conference, the Executive Secretary and the petitions and cases team of the Executive Secretariat held a meeting with civil society organizations in order to follow up on the actions carried out to implement the Strategic Plan.

212. In the context of the 165<sup>th</sup> Period of Sessions of the IACHR a workshop was held together with the International Land Coalition on defenders of the land and the environment that included the presence of a former commissioner of the African Commission on Human and Peoples' Rights, and with civil society organizations from the Americas, Africa, and Asia.

213. In addition, during each period of sessions the IACHR held a meeting with inter-American civil society organizations, in addition to dozens of bilateral meetings.

### **5. Agreements signed in 2017**

214. In early 2017, the IACHR approved Guidelines on Associated Personnel at the IACHR (or visiting professionals) to strengthen the presence of professionals from state institutions, universities, and other institutions at the Commission. It also approved a model Institutional Agreement with which it has prioritized entering into institutional agreements for sending professionals to the IACHR.

215. During 2017, the following agreements were signed with:

<b>Institution</b>	<b>Date</b>	<b>General Objective</b>
Universidad Nacional Autónoma de México (UNAM)	January 2017	Institutional cooperation with participation of a fellow at the IACHR.
Universidad Iberoamericana de San Ignacio de Loyola	February 2017	Cooperation in carrying out projects and joint research, along with exchange of material and human resources.
Federal Office of Public Defense of Brazil	March 2017	Financing and technical support to give impetus to education and professional training.
National Institute of Human Rights of Chile	March 2017	Cooperation in carrying out projects and joint research, along with sharing material and human resources.
Office of Criminal Public Defense of Chile	April 2017	Institutional cooperation with participation of associated personnel.
Supreme Court of Mendoza	April 2017	Cooperation in developing projects and joint research, along with exchange of material and human resources.
Public Defender Service of Buenos Aires	April 2017	Cooperation in developing projects and joint research, along with exchange of material and human resources.
Office of Human Rights Ombudsperson of Oaxaca	September 2017	Institutional cooperation in developing projects and joint research, along with exchange of material and human resources, as well as participation of associated personnel.
Universidad de Diego Portales	September 2017	Institutional cooperation with interns, fellows of the IACHR, as well as the participation of associated personnel.
University of Texas	September 2017	Institutional cooperation establishing participation of a fellow at the IACHR.
University of Colorado	December	Program of academic cooperation and fellows at the IACHR.